

Adoption: 22 November 2024
Publication: 14 February 2025

Public
GrecoRC5(2024)13

FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

COMPLIANCE REPORT

BOSNIA AND HERZEGOVINA



Adopted by GRECO
at its 98th Plenary meeting (Strasbourg, 18-22 November 2024)



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

I. INTRODUCTION

1. The fifth GRECO evaluation round concerns “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”.
2. This Compliance Report assesses the measures taken by the authorities of Bosnia and Herzegovina to implement the recommendations made in the [Fifth Round Evaluation Report on Bosnia and Herzegovina](#) which was adopted by GRECO at its 92nd plenary meeting (28 November – 2 December 2022) and made public on 9 March 2023, following authorisation by Bosnia and Herzegovina.
3. As required by GRECO’s Rules of Procedure,¹ the authorities of Bosnia and Herzegovina submitted a Situation Report containing information on measures taken to implement the recommendations in the Evaluation Report. That report was received on 28 June 2024 and served as a basis for this Compliance Report.
4. GRECO selected Romania (in respect of top executive functions in central governments) and Austria (in respect of law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Sorin TĂNASE, on behalf of Romania, and Ms Brigitte ROM, on behalf of Austria. They were assisted by GRECO’s Secretariat in drawing up this report.
5. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and gives an overall appraisal of the level of the member’s compliance with these recommendations. The implementation of any outstanding recommendations (partly or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after this Compliance Report is adopted.

II. ANALYSIS

6. GRECO addressed 25 recommendations to Bosnia and Herzegovina in its Evaluation Report. Compliance with these recommendations is dealt with below.

Preventing corruption and promoting integrity in central governments (top executive functions)

7. As a backdrop to this report, the authorities point to the Law on Preventing Conflict of Interest in the Institutions of Bosnia and Herzegovina (hereinafter “the Law on Conflict of Interest” or “the Law”), which was adopted by the Parliamentary Assembly of Bosnia and Herzegovina (BiH) on 8 March 2024.² This Law entered into force on the eighth day following its publication in the Official Gazette of BiH and became applicable six months after its entry into force, on 23 September 2024. The objectives of the Law are to prevent

¹ The compliance procedure for the Fifth Evaluation Round is governed by GRECO’s Rules of Procedure as amended. See Rule 31 revised bis and Rule 32 revised bis.

² Official Gazette of BiH no. 18/24, published on 15 March 2024.

conflicts of interest and private influences on decision-making as well as to strengthen integrity, objectivity, independence, impartiality and transparency in the performance of public duties, and generally to prevent and fight corruption, and strengthen the public trust in institutions of BiH.

8. The Law on Conflict of Interest is applicable to public office holders in BiH institutions. Under Article 4 (a) of the Law, this includes an elected or appointed person, the head of a BiH institution and any person whose selection or appointment must be approved by the BiH Parliamentary Assembly, the BiH Presidency and the BiH Council of Ministers. It also includes heads of office or advisers to an elected or appointed person in a BiH institution. This means that the Law covers all persons with top executive functions (PTEFs) identified as such in the Fifth Round Evaluation Report on Bosnia and Herzegovina, namely the members of the Presidency of BiH, the Chair of the Council of Ministers, Ministers and Deputy Ministers, as well as their Heads of Office and advisers, who are considered public officials.
9. The authorities further submit that the Law defines the notion of conflict of interest and regulates incompatibilities, the prohibition of performing other public offices and other employments, as well as incompatibilities in relation to private companies. It also obliges public officials to regularly submit a declaration on assets and financial interests. The Law also establishes a Commission for Deciding on Conflict of Interest (hereinafter “the Commission”), composed of seven members appointed by the Parliamentary Assembly of BiH, based on their competence, reputation and expertise, for a non-renewable term of five years. In the appointment procedure, the Parliamentary Assembly of BiH has to ensure that the composition of the Commission reflects the equal representation of Bosniaks, Croats and Serbs. Public office holders, member of a political party or persons who have been a member of a political party, a member of BiH Parliament, BiH Council of Ministers, government at any level of authority in BiH, municipal assembly or city council, city or municipal mayor five years prior to applying for the position as Commission member, may not be appointed as Commission members. The Secretariat of the Commission is ensured by the Agency for Prevention of Corruption and Coordination of the Fight against Corruption (APIK). Members of the Commission were appointed by the Parliamentary Assembly of BiH in October 2024 and the Commission held its constituent session on 14 November 2024.
10. Lastly, the Law lays down the procedure to be followed by the Commission, which has to decide on whether an action by or a situation involving a public official constitutes a violation of the Law and sets out sanctions that the Commission may impose on public officials in case of such violation. In case there is grounds for suspicion that a public official has committed a criminal offence, the Commission has to inform the relevant prosecutor’s office within eight days.

Recommendation i

11. *GRECO recommended laying down rules requiring that integrity checks take place prior to the appointment of Heads of Office of members of the BiH Presidency, the Chair of the Council of Ministers, and Ministers/Deputy Ministers in order to identify and manage possible risks of conflicts of interest.*

12. The authorities of Bosnia and Herzegovina state that integrity checks for the Chair of the Council of Ministers, Ministers and Deputy Ministers are provided for in Articles 9 to 11 of the Law on the Council of Ministers of Bosnia and Herzegovina. A person may not be nominated for the positions of Chair of the Council of Ministers, Minister or Deputy Minister if the Central Election Commission of BiH determines that s/she does not meet certain requirements set forth in this Law (Article 10c). Before nominating a person for the position of Chair of the Council of Ministers/ Minister or Deputy Minister, the Presidency of Bosnia and Herzegovina/ the Chair of the Council of Ministers has to request that this person submits various information (Article 10d), including his/her previous functions, employment and responsibilities, financial assets and interests. The State Investigation and Protection Agency (SIPA) is to verify the veracity of the information and submits a final report to the competent nominating authority. The Election Commission assesses, in accordance with Article 10c, whether the person concerned is eligible for nomination and forwards its confirmation on eligibility to the competent nominating authority. A person may not be nominated for the positions of Chair of the Council of Ministers, Minister or Deputy Minister if the Election Commission determines that s/he does not meet the requirements referred to in Article 10c of this Law.
13. As for the Heads of Office of members of the BiH Presidency, who are appointed directly by each member of the BiH Presidency, the authorities refer to the adoption of the Law on Conflict of Interest (see above), which is applicable to all PTEFs covered by this evaluation. This Law contains provisions on issues related to possible conflicts of interest, how to identify and manage them, as well as on other integrity-related issues. The Law also provides for the implementation of appropriate checks and the application of effective, proportionate and dissuasive sanctions in case of violation of the Law. In accordance with Article 16 of the Law, public officials are obliged to submit an asset declaration for themselves and their close relatives, no later than 30 days after taking office.
14. GRECO notes that the authorities now say that integrity checks for the Chair of the Council of Ministers, Ministers and Deputy Ministers are provided for in the Law on the Council of Ministers of Bosnia and Herzegovina. In particular, the person proposed to be nominated has to submit a declaration detailing his/her interests and the Central Election Commission is to assess whether s/he is eligible and does not fall under any incompatibilities. This part of the recommendation has thus been implemented satisfactorily.
15. GRECO further notes that under the new Law on Conflict of Interest, all PTEFs are obliged to submit a declaration of assets no later than 30 days after taking office. However, GRECO observes that, for PTEFs other than the members of the Council of Ministers, there is no formalised check upon appointment, including unambiguous integrity criteria (pertaining notably to potential conflicts of interest linked to their interests and/or those of their dependents, liabilities, secondary activities, links with lobbyists or third parties seeking to influence decision-making, etc.). Therefore, GRECO considers that the

recommendation has not been implemented with respect to the Heads of Office of members of the BiH Presidency.

16. GRECO concludes that recommendation i has been partly implemented.

Recommendation ii

17. *GRECO recommended that (i) advisers to the members of the Presidency, Heads of Office of the Chair of the Council of Ministers, of Ministers and of Deputy Ministers, and advisers to the Chair of the Council of Ministers, to Ministers and to Deputy Ministers undergo integrity checks as part of their recruitment in order to avoid and manage conflicts of interests; (ii) the names and area of competence of all such Heads of Office and advisers be made public and easily accessible.*

18. In relation to the first part of the recommendation, the authorities refer again to the Law on Conflict of Interest, adopted in March 2024 (see under recommendation i). As for the second part of the recommendation, the authorities indicate that the names and area of competence of a number of Heads of Office and advisers are public and easily accessible on the websites of the relevant ministries. This includes notably the Heads of Cabinets and advisers in Cabinets of the Members of the BiH Presidency,³ as well as Heads of Cabinet and advisers in the Office of the Minister of Defence,⁴ of the Minister of Communications and Transport,⁵ of the Minister of Civil Affairs,⁶ of the Minister of Foreign Affairs,⁷ of the Minister of Foreign Trade and Economic Relations⁸ and of the Minister of Human Rights and Refugees.⁹

19. GRECO notes that the Law on Conflict of Interest, adopted in March 2024, does not foresee integrity checks for public officials, in the meaning of the first part of the recommendation. Integrity vetting as construed by GRECO is about possible conflicts of interest linked to a person's individual circumstances and should enable the competent authorities to gauge the vulnerability to corruption of public officials upon recruitment. In the absence of such a procedure, GRECO considers that further measures should be taken in order to implement the first part of the recommendation. Concerning the second part of the recommendation, GRECO notes with satisfaction that the names and area of competence of some Heads of Office and advisers are made public online, which is a positive feature. However, the information available does not cover all nine ministries and is not always comprehensive, as the area of competence is sometimes missing. Therefore, GRECO cannot conclude that this part of the recommendation has been more than partly complied with. GRECO encourages the authorities to continue their efforts towards increasing transparency in this respect.

20. GRECO concludes that recommendation ii has been partly implemented.

³ <http://www.predsjednistvobih.ba/kab/default.aspx?id=60337&langTag=en-US>

⁴ http://www.mod.gov.ba/MO_BiH/Struktura/ministar_odbrane/kabinet/default.aspx?id=21764

⁵ <http://www.mkt.gov.ba/Content/Read/sef-kabineta-ministra?lang=en>

⁶ <http://www.mcp.gov.ba/Content/Read/kabinet-ministra?lang=en>

⁷ https://mvp.gov.ba/ministarstvo/ministar/pitajte_ministra/default.aspx?id=7406

⁸ <http://www.mvteo.gov.ba/Content/Read/kabinet-ministra-kontakti?lang=bs>

⁹ <https://mhrr.gov.ba/pdf/default.aspx?id=6441&langTag=bs-BA>

Recommendation iii

21. *GRECO recommended that an operational corruption prevention action plan covering the Presidency and the Council of Ministers be adopted and made public. Such an action plan should be based on a risk assessment specifically targeting persons with top executive functions and include particular steps to mitigate risks identified in respect of them.*
22. The authorities report that the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption (APIK) has launched the process of drafting the Strategy for the Fight Against Corruption for 2024-2028 and the Action Plan for the Implementation of the Strategy for the Fight Against Corruption for 2024-2028, based on a participatory approach. A Working Group was formed for that purpose, including representatives of 38 different institutions and bodies at all levels of government in Bosnia and Herzegovina, as well as contribution and participation of civil society. The Working Group held a total of four sessions. After the Working Group agreed on the final draft of the Strategy and Action Plan, an e-consultation was carried out, all the opinions of competent institutions were obtained, and the draft was submitted to the Council of Ministers of BiH, which adopted the Strategy for the Fight against Corruption 2024-2028 and the Action Plan for the Implementation of the Strategy on 18 June 2024.
23. The authorities state that the adoption of the Strategy and Action Plan is aligned with the 14 key priorities that Bosnia and Herzegovina needs to fulfil to become a member of the European Union and which include the fight against corruption. The Strategy and Action Plan consist of five interconnected components: general principles, vision, strategic goals and programs, and corresponding activities that should contribute to the realisation of the vision and set goals. The general objective of the Strategy is to establish priorities in the field of corruption prevention and anti-corruption efforts, principles and mechanisms of joint action of all institutions in BiH, as well as all parts of society in this field, and to create or improve conditions for reducing the actual and perceived level of corruption and promote positive social values such as integrity, accountability, and transparency. The three main strategic goals are: strengthening the system of prevention and coordination mechanisms; strengthening mechanisms for detecting and proving corrupt criminal acts and prosecuting perpetrators; and strengthening inter-institutional, regional, and international cooperation.
24. Furthermore, the Strategy obliges all institutions of BiH to adopt their own anti-corruption plans (activity 3.1.3.), containing standardised and specific measures defined through the Action Plan. Specific measures contained in those action plans are directed to all employees in institutions, including PTEFs. In the period prior to the adoption of the Strategy, the General Secretariat of the Council of Ministers of BiH adopted an Action Plan for the Fight Against Corruption in the General Secretariat of the Council of Ministers of BiH for the year 2022. In addition, an Action Plan for the Fight Against Corruption of the Presidency of BiH for the year 2023 was also adopted. Following the adoption of the Strategy, these institutions, together with all nine ministries, are obliged to adopt new anti-corruption plans, for the period covered by the Strategy (2024-2028).

25. The authorities stress that various ministries in the Council of Ministers of BiH¹⁰ have adopted integrity plans, in cooperation with APIK. These plans are published and continuously implemented. The Cabinet of the Chair of the Council of Ministers of BiH and the General Secretariat of the Council of Ministers of BiH have also adopted their own integrity plans. Integrity plans contain an assessment of all risks of corruption and list all measures which are applied in the area of professionalism, ethics, integrity and corruption risks. Specific activities, clearly identified officials and deadlines, along with indicators of successful implementation, are systematically included in these plans with the purpose of strengthening integrity and reducing the risk of corruption and other forms of unprofessional behaviour. Integrity plans are based on the results of self-assessment of possible risks of corruption within each institution, as well as other irregularities such as unethical and unprofessional behaviour of employees.
26. GRECO welcomes the adoption in June 2024 of the Strategy for the Fight against Corruption 2024-2028 and the accompanying Action Plan for Implementation. It also takes note of the adoption of an Action Plan for the Fight Against Corruption in the General Secretariat of the Council of Ministers of BiH for 2022, of an Action Plan for the Fight Against Corruption of the BiH Presidency for the year 2023. These documents aim to strengthen corruption prevention and co-ordination in this area and list a series of activities to be implemented in a given timeframe. GRECO also notes that several ministries have developed integrity plans, which is a positive practice. However, as indicated in the Evaluation Report, these plans do not look into risks faced specifically by PTEFs across the government in a holistic manner (paragraph 53) and not all ministries have adopted such plans.
27. Whilst GRECO regrets that the anti-corruption policy remains fragmented, as the authorities have chosen to further develop various documents rather than a specific one focusing on PTEFs, it nevertheless acknowledges that the two Action Plans for the Fight Against Corruption of the General Secretariat of the Council of Ministers and of the Presidency contain specific measures to mitigate corruption risks with respect to PTEFs. Following the adoption of the new Strategy, new anti-corruption plans will now have to be developed by each institution. GRECO recalls that such action plans should be based on a risk assessment specifically targeting PTEFs. It encourages the authorities to ensure that the measures deriving from the Strategy and the relevant Action Plans are effectively implemented and contribute to the establishment of a durable corruption prevention framework at state-level, covering all PTEFs.
28. GRECO concludes that recommendation iii has been partly implemented.

Recommendation iv

29. *GRECO recommended (i) that a code of conduct for persons with top executive functions be adopted and made public in order to provide clear guidance regarding conflicts of interest and other integrity related matters (such as gifts, contacts with third parties,*

¹⁰ Ministry of Security, Ministry of Justice, Ministry of Finance and Treasury, Ministry of Defense, Ministry of Communications and Transport, Ministry of Civil Affairs, Ministry of Human Rights and Refugees.

ancillary activities, the handling of confidential information and post-employment restrictions), and (ii) that proper monitoring and enforcement of such a code be ensured.

30. The authorities indicate that all issues related to the behaviour of PTEFs are regulated by the Law on Conflict of Interest adopted and published in March 2024, in order to provide them with clear instructions regarding conflicts of interest and other issues related to integrity. The Law contains the following elements: Article 5 - Conduct of public officials (Obligations and responsibilities); Article 6 - Other positions and incompatibilities; Article 7 - Incompatibilities regarding private company; Article 8 - Obligation of public officials to resign; Article 9 - Prohibited activities of public officials in the event of a conflict of interest; Article 11 - Jobs of public officials in non-governmental, non-profit organisations; Article 13 - Restrictions after termination of public office; Article 14 - Prohibited activities of public officials, including the use of confidential or other privileged information and the prohibition of accepting gifts; Article 15 - Accepting gifts.
31. With regard to part (ii) of the recommendation, the authorities report that the Commission for Deciding on Conflict of Interest is competent to monitor the application of the Law on Conflict of Interest. The Law sets out the procedure for determining violations of the various provisions contained therein (Chapter VII) as well as the sanctions that the Commission may impose on public officials for violation of the Law (Chapter VIII).
32. GRECO notes that the authorities have not adopted a code of conduct applying specifically to PTEFs, but a Law - with similar content - covering all PTEFs. While the provisions on acceptance of gifts, incompatibilities, outside activities, post-employment restrictions and conflicts of interest contained in the Law on Conflict of Interest certainly represent a positive development, GRECO notes that there is no detailed guidance with explanations of the ethical principles and rules, as required by the Evaluation Report (paragraph 60). In GRECO's view, the Law should be accompanied by a guidance manual, including illustrations and/or examples, in order to facilitate the understanding and application of the Law in practice. As for the second part of the recommendation, GRECO is satisfied that monitoring and enforcement of the Law is ensured: the Commission for Deciding on Conflict of Interest may initiate proceedings to establish whether the Law has been violated (*ex officio* or at the request of a public official) and may impose sanctions as a consequence. This marks a significant step forward. That said, GRECO notes that the Commission has not started operating. GRECO is looking forward to receiving more specific information on the activities of the Commission and the implementation of the Law. In the light of the above, GRECO considers that both parts of the recommendation have not been complied with more than partly.
33. GRECO therefore concludes that recommendation iv has been partly implemented.

Recommendation v

34. *GRECO recommended that (i) APIK be provided with adequate financial and human resources to perform its tasks effectively, and (ii) management posts be filled following*

an open and transparent process based on objective criteria to guarantee its independence.

35. The authorities indicate that, with regard to part (i) of the recommendation, APIK requested an increase of funds under the budget for the year 2024.¹¹ In this respect, in the Annex to the request sent to the Ministry of Finance and Treasury of BiH, four new employees¹² were planned in order for APIK to appropriately respond to the workload increase and ensure the minimum for the fulfilment of the set goals. This has however not been approved by the Ministry of Finance and Treasury of BiH. At the moment, APIK has 32 staff members, out of 33 positions approved under the current budget. APIK is financed from the state budget; its budget is related to the salaries, wages and allowances for employees, material costs and capital investments for the basic operation of APIK.
36. Turning to part (ii) of the recommendation, the authorities state that the House of Peoples of the BiH Parliamentary Assembly appointed a new director as well as two deputy directors of APIK at its 24th session, held in July 2022. The authorities emphasise that the entire election procedure was conducted in an open and transparent process, in accordance with the provisions of the Law on APIK (Article 13, para. 1 and 4) and of the Law on Ministerial Appointments, Appointments of the Council of Ministers and other appointments of Bosnia and Herzegovina. This latter notably provides for checks which are to be conducted during the recruitment process to ascertain the absence of any conflict of interest that would prevent the appointment.
37. GRECO notes that APIK currently functions with 32 staff members, compared to 31 at the time of the on-site visit. Four new positions were requested by APIK in 2024 in order to meet the workload increase. However, these positions have not been secured and no additional resources have been provided for 2024. Against this background, it is too early for GRECO at this stage to consider the first part of the recommendation as even just partly implemented. As for the second part of the recommendation, GRECO takes note of the information provided by the authorities, which partly describes the information already outlined in the Evaluation Report. Hence, there seems to have been no further significant developments in the recruitment process of APIK's management since then. It is recalled that the Evaluation Report found that objective rules were needed, and that the recruitment process as a whole should be revised and replaced by a merit-based recruitment (e.g. combining written tests automated for the pre-selection of candidates and interviews by an independent commission) to provide for necessary independence and authority (paragraph 64). GRECO therefore considers that the authorities should introduce further rules to address part (ii) of the recommendation.
38. GRECO concludes that recommendation v has not been implemented.

¹¹ Instruction no. 2 with directions on preparing requests for allocation of funds under the budget for the year 2024 (number: 05-16-2-5062-1/23 of 4 July 2023).

¹² A Senior Associate - Analyst, an Expert Adviser for Research and Policy Making, an Expert Adviser for Monitoring Effects of Regulations Application and Regulations Amendment and an Expert Adviser for the Coordination of BiH Institutions in the Fight Against Corruption.

Recommendation vi

39. *GRECO recommended that (i) briefing and training on integrity issues be systematically organised and administered for persons with top executive functions upon taking up their positions, and regularly thereafter, and (ii) confidential counselling on ethical issues be available to them.*
40. The authorities report that, at the initiative of APIK, two online training sessions were organised on 22 and 23 November 2023 on the topic: “Development and implementation of integrity plans as well as plans to fight against corruption, challenges and obstacles.”¹³ Furthermore, on 21 November 2023 and 23 April 2024, workshops were held on the topic “Development of integrity plans and risk register” and “Reporting on the implementation of integrity plans.”
41. In relation to the second part of the recommendation, the authorities indicate that public officials who suspect a potential conflict of interest may send a written request to the Commission for Deciding on Conflict of Interest and request that the Commission issue an advisory opinion within eight days (Article 31, paragraph (5) of the Law on Conflict of Interest). This opinion is not published. The Commission’s advisory opinion also includes recommendations for taking measures to remove any conflict of interest that may exist. If a conflict of interest is established, the Commission is to set a deadline for the public official concerned to take measures and eliminate the cause of the conflict of interest, where possible.
42. GRECO takes note of APIK’s ongoing efforts to raise the awareness in respect of integrity related rules. However, it notes that recent training sessions organised by APIK were of a more technical nature. The target group were coordinators of working groups for the development of integrity plans, persons appointed to supervise the implementation of integrity plans as well as contact persons for plans to fight against corruption at the level of BiH institutions. GRECO underlines that it is necessary to regularly raise awareness of the applicable integrity standards not only among the staff working in the ministries or the Presidency of BiH, but also specifically among ministers and deputy ministers. In the absence of systematic briefings or training on integrity issues organised for ministers and other PTEFs, including immediately after being appointed or taking over their positions, GRECO can only say that the first part of the recommendation has not been implemented.
43. As regards the second part of the recommendation, GRECO notes that PTEFs may turn to the Commission for Deciding on Conflict of Interest for advice in case of suspicion in relation to a possible conflict of interest. However, the Law circumscribes the provision of advice to issues relating to conflicts of interest, rather than more broadly to ethics and integrity related dilemmas that public officials may encounter when performing their function. GRECO reiterates that it would appear important to have a dedicated mechanism in place to which PTEFs would be able to turn in case of integrity dilemmas and where such matters could be discussed, and advice provided on a confidential basis (Evaluation Report, paragraph 69).

¹³ <http://www.apik.ba/aktuelnosti/saopcenja-za-javnost/default.aspx?id=2937&langTag=bs-BA>

44. GRECO concludes that recommendation vi has not been implemented.

Recommendation vii

45. *GRECO recommended undertaking an independent assessment on access to information requirements in order to revise the legislation and ensure a timely access to such information, and the necessary implementation measures, that would meet the standards of the Council of Europe Convention on Access to Official Documents.*
46. The authorities report that the BiH Parliamentary Assembly adopted a new Law on Freedom of Access to Information at the level of institutions of BiH¹⁴ in August 2023. The authorities stress that the Law was adopted with the aim of establishing that information controlled by a public authority represents a public good of value, that public access to this information promotes greater transparency and accountability of those public authorities, and that this information is necessary for the democratic process. The general objective of the Law is to establish that every person has the right to access information to the greatest extent possible and in accordance with the public interest, and that public authorities have the corresponding obligation to publish information.
47. Under Article 9 of the Law on Freedom of Access to Information, BiH institutions are obliged to ensure easy, fast and efficient access to information, so that information published or provided by BiH institutions must be timely, complete and accurate. They are also obliged to regularly publish and update information on their activities on their websites or in another convenient way in an easily accessible manner whenever possible and appropriate, in a machine-readable form, within 15 days from the date the information was created (Article 14 – Proactive publication of information). Additionally, each BiH Institution is obliged to appoint an information officer.
48. The Law guarantees a right of access to information (Article 22) and lays down limitations of this right (Article 19). A request for access to information has to be made in writing and should be dealt with by any public authority holding the document. The BiH institution is obliged to decide on the request without delay, and no later than within 15 days from the date the formal request is submitted. The BiH institution may reject the request by issuing a decision, which can be appealed before the Board of Appeals at the Council of Ministers of BiH. Decisions of the Board of Appeals cannot be appealed. However, an administrative dispute may be initiated before the Court of BiH. Inspection supervision for implementation of this Law is conducted by the Ministry of Justice of BiH through the Administrative Inspectorate. The Law also sets out misdemeanour provisions, with the imposition of fines on natural and legal persons for violating provisions of this Law, notably in cases of non-compliance with the decisions of the Board of Appeals (Articles 49 and 50).
49. GRECO takes note of the adoption of a new Law on Freedom of Access to Information at the level of institutions of Bosnia and Herzegovina in August 2023, which ensures a

¹⁴ Official Gazette of BiH no. 61/23. The Law entered into force on 15 September 2023.

right of access to information and a timely access to such information. Although this Law did not follow an independent assessment on access to information requirements, it did revise the existing legislation, replacing the Law adopted in 2000, with a view to improving the pro-active disclosure of information and the transparency of institutions at state-level. GRECO notes that the Council of Europe Access Info Group,¹⁵ which task is to monitor the implementation of the Council of Europe Convention on Access to Official Documents (the Tromsø Convention) by the State Parties, published in July 2024 its Baseline Evaluation Report on Bosnia and Herzegovina,¹⁶ focusing on the legislative acts whose main objective is to regulate the right to access official documents.

50. In this context, the Access Info Group concluded that some provisions of the new Law on Freedom of Access to Information represented a step back compared to the law previously applicable at state-level, notably with regard to the duty to help the applicant to identify the requested document, the grounds to deny an access or the absence of requirement to give reasons for such refusal. GRECO also notes that the review procedure is to be carried out by a Board of Appeals established before the Council of Ministers of BiH, which independence remains to be determined. Given that some provisions of the new Law were found not in line with standards of the Council of Europe Convention on Access to Official Documents, the authorities are invited to further revise the legislation and adopt the necessary implementation measures. In the meantime, GRECO considers that the recommendation has not yet been fully complied with.
51. GRECO concludes that recommendation vii has been partly implemented.

Recommendation viii

52. *GRECO recommended that the transparency of the law-making process be increased by ensuring that external inputs to legislative proposals and their origin be identified, documented and disclosed from the beginning of the legislative process.*
53. The authorities recall that, according to Article 3 of the Regulations on Consultations in Legislative Drafting,¹⁷ each BiH institution is to maintain and keep up to date a list of legal and natural persons who are interested in its normative activities on its web page. Legal and natural persons may register for the list via the web application *eKonsultacije (eConsultation)*.¹⁸ The aim of this web application is an online service enabling citizens and civil society organisations to actively participate in consultations as part of the law-making process at the level of BiH.
54. In accordance with Article 7 of the Regulations, the BiH institution is obliged to publish preliminary draft regulations and other acts on the website and on the above web application, with an invitation to the public concerned to submit written proposals and comments, within a given deadline. When drafting regulations or other acts, institutions of BiH have to take into account the proposals and comments received. The institution

¹⁵ <https://www.coe.int/en/web/access-to-official-documents/group-of-specialists>

¹⁶ Baseline Evaluation Report on Bosnia and Herzegovina, published on 16 July 2024, available at: <https://www.coe.int/en/web/access-to-official-documents/bosnia-and-herzegovina>

¹⁷ Published in the Official Gazette of Bosnia and Herzegovina, no. 5/17.

¹⁸ <https://ekonsultacije.gov.ba/>

of BiH accepts, partially accepts or rejects the proposals and comments received, with a short explanation on the accepted or rejected proposals and comments, which forms an integral part of the report on the consultations conducted. The authorities indicate that, according to Article 21 of the Regulations, as amended in 2023, the report on the consultations which have been carried out on the draft regulations contains a summary overview of the basic issues that arose during the consultations, the positions advocated by consultations participants in relation to these issues, and an explanation of the positions taken by the BiH institution regarding these issues. This report is made public on the *eKonsultacije* web application.

55. GRECO takes note of the information provided by the authorities, which – apart from the existence of a short report on the consultations conducted – describes the information already outlined in the Evaluation Report (paragraphs 80-84). This demonstrates that only limited steps have been taken to meet the recommendation. In these circumstances, GRECO calls on the authorities to step up the measures to make the law-making process more transparent, by publishing revised bills upon transmission to Parliament in a way that amendments to the initial text are clear and justified, and that the contributors are also indicated, as described in paragraph 86 of the Evaluation Report and required by the recommendation.
56. GRECO concludes that recommendation viii has been partly implemented.

Recommendation ix

57. *GRECO recommended that (i) introducing rules on how persons with top executive functions engage in contacts with lobbyists and other third parties who seek to influence Governmental legislative and other work; and (ii) that sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.*
58. The authorities have not provided any information in respect of this recommendation.
59. In view of the lack of any new developments, GRECO concludes that recommendation ix has not been implemented.

Recommendation x

60. *GRECO recommended that the system for managing conflicts of interest of persons with top executive functions be reviewed and strengthened by (i) ensuring that statements of interests of persons with top executive functions be subject to regular substantive checks, with proportionate sanctions in case of breach, including for false reporting or failure to report; (ii) making decisions regarding conflicts of interest available to the public; and (iii) introducing a requirement of ad hoc disclosure in respect of persons exercising top executive functions in situations of conflicts of interest as they arise.*
61. The authorities report that a new system of asset and interest declarations of public officials has been put in place (see under recommendation xiii for more details). These

declarations are subject to regular checks by the Commission for Deciding on Conflict of Interest, which may impose various sanctions in case of violations, including false reporting or non-reporting.

62. In addition, the authorities state that, by virtue of Article 9 of the Law on Conflict of Interest, a public official has to immediately notify the Commission upon learning about a potential conflict of interest. S/he is prohibited to take any official action, take part in discussions, voting or deciding on a matter related to his or her personal or financial interest or to the connected persons. The Commission conducts the procedure for determining the existence of a conflict of interest in a specific action or situation and may impose sanctions in case of violation. The Commission has to send a reasoned opinion to the public official in response to the notification in writing, referred to in Article 9, within eight days following the date of receiving the notification. If the Commission finds in its opinion that there exists a conflict of interest, the public official must delegate the specific task to another legally authorised person and, in case there is no legally authorised person, this has to be decided by the public official's immediate supervisor (Article 10). In accordance with Article 31 of the Law, the Commission may initiate proceedings to establish a violation of this Law and impose sanctions: a) *ex officio*; b) at the request of a public official; c) at the request of a public official's line manager; d) based on the report alleging a conflict of interest.
63. Proceedings before the Commission are public, except the voting procedures, or when otherwise stipulated by the Law. The final decisions adopted by the Commission must be published on the Commission's website, unless otherwise stipulated by the Law (Article 22 (6)).
64. GRECO notes that a unified system of declaration of assets and financial interests has been put in place. While regular substantive checks are foreseen, with the possibility to impose sanctions for false reporting or failure to report, GRECO finds it premature to pronounce on the new system since the Commission for Deciding on Conflict of Interest, responsible for these checks, has not started operating yet. For the time being, GRECO cannot consider the first part of the recommendation as being implemented.
65. In connection with the second part of the recommendation, GRECO notes that the proceedings before the Commission are open to the public and that decisions adopted by the Commission are to be published on the Commission's website, unless otherwise stipulated by the Law. However, the Commission's website is not yet functioning. For these reasons, GRECO considers that part (ii) of the recommendation has also not been implemented.
66. As regards part (iii) of the recommendation, GRECO notes that PTEFs have to immediately inform the Commission when learning about a potential conflict of interest. GRECO accepts that this provision meets the requirement of *ad hoc* disclosure of this part of the recommendation, which has thus been implemented satisfactorily. GRECO recalls in this respect that the authorities should consider the introduction of practical advice on how to identify and manage situations of conflict of interest as well as of real-life examples of situations that may arise (see under recommendation iv).

67. GRECO concludes that recommendation x has been partly implemented.

Recommendation xi

68. *GRECO recommended establishing more stringent rules on gifts and other benefits for persons with top executive functions by lowering significantly the threshold for declaring and recording gifts and ensuring that gifts registers are accessible to the public.*
69. The authorities state that public officials are prohibited from accepting or soliciting a gift or any other benefit in connection with the performance of their public duties (Article 14 (a) of the Law on Conflict of Interest).¹⁹ The definition of gift comprises money, item, right and service given without adequate compensation and any other benefit given to a public office holder, or a connected person, in relation to the performance of their public duties (Article 4 (h)). The authorities indicate that Article 15 (Accepting gifts) of the Law on Conflict of Interest further regulates what is to be considered as an admissible gift and how to report a gift. A public official may keep a gift valued under BAM 300 (approx. EUR 153) and does not have to report it. If a public official receives multiple gifts from the same person in the course of one year, their total value must not exceed BAM 300 (approx. EUR 153). The value of the gift is its market value. A public official cannot keep a gift that exceeds this threshold; s/he must report it and hand it over within three days of receiving it to the institution that has elected or appointed him/her, and on behalf of which s/he performs public duties. This institution must in turn inform the Commission for Deciding on Conflict of Interest about the submitted gift within 15 days from receiving the gift. In case of any doubt as to the value of the gift, public officials must consult the Commission within three days after the day of receiving the gift. Public officials may not receive money, cheque or other securities regardless of the amount.
70. The authorities further submit that the Commission for Deciding on Conflict of Interest has to adopt a Rulebook to define the procedure, manner of recording, handover and safekeeping of gifts received, and to set up a Central Register of Gifts received by public officials in the institutions of BiH during the exercise of their public duties within 90 days from the day when the Law on Conflict of Interest becomes applicable. This register is to be made available on the Commission's official website.
71. GRECO regrets that the authorities have not taken the opportunity of the adoption of a new legislation to significantly lower the threshold for declaring and recording gifts, as requested by the recommendation. While the principle remains that no gifts should be accepted by PTEFs, they can keep gifts valued under BAM 300 (approx. EUR 153), compared to BAM 200 (approx. EUR 102) under the previous legislative framework. These gifts do not have to be reported at all. GRECO reiterates that it should be required that gifts be disclosed from a lower threshold. In this respect, it points out that other member States often use low value thresholds (for instance EUR 50) in order to establish strict limits on gifts and other benefits. Furthermore, GRECO notes that a central register

¹⁹ Accepting a gift, pursuant to this Law, also includes accepting a gift by a third person on behalf of a public official.

of gifts is to be made available on the Commission's website. However, there is no such website accessible to the public yet. Further efforts are therefore needed to comply with the recommendation.

72. GRECO concludes that recommendation xi has not been implemented.

Recommendation xii

73. *GRECO recommended that (i) it be considered to extend the length of the cooling-off period for persons with top executive functions; (ii) post-employment rules in relation to persons with top executive functions be broadened to cover employment in the private sector; and (iii) rules on persons with top executive functions expressly prevent lobbying activities towards the government for a lapse of time after they leave government.*

74. The authorities report that post-employment restrictions are clearly stipulated in Article 13 of the Law on Conflict of Interest, adopted in March 2024. Within one year following the termination of their public duties, public officials may not: a) appear before the institution in BiH in which they exercised their public duties as a representative, an agent for a legal entity or an entrepreneur for an organisation which entered into or is establishing contractual or business relations with such institution; b) perform managing or audit tasks in those legal entities in which the duties of the public officials were connected with a supervisory or audit work; c) have contractual or other form of business cooperation with an institution in BiH in which they held their public office; d) become employed, start a business cooperation with a legal entity, entrepreneur or organisation that benefits from the decisions of the institution in BiH in which the public official held his/her office; e) represent a legal or natural person before the institution in BiH in which the public official, while holding his/her public office, participated in the decision-making; f) use confidential or other privileged information and notifications, the public official came to know while exercising his/her public office to gain benefits for himself/herself or others or to cause harm to others, unless such information or notifications are available to the public.

75. GRECO notes that the length of the cooling-off period for PTEFs has been extended from six months to one year after leaving office. In addition, the post-employment restrictions have been broadened to cover employment in the private sector (Article 13 a), b), d) and e) of the Law on Conflict of Interest) and include a prohibition of lobbying activities towards the government for one year after leaving the government. These steps are commendable.

76. GRECO concludes that recommendation xii has been implemented satisfactorily.

Recommendation xiii

77. *GRECO recommended that the system of asset declarations for persons with top executive functions be harmonised and strengthened by ensuring that (i) all persons with top executive functions are uniformly obliged to provide asset declarations; (ii) adequate verifications are carried out and effective, proportionate and dissuasive sanctions are*

applied when the rules are violated and; (iii) all asset declarations are made easily accessible to the public.

78. The authorities state that, with the adoption of the Law on Conflict of Interest, the system of asset declarations for PTEFs was harmonised and strengthened. This Law ensures that public officials have a unique obligation to submit asset declarations, that appropriate checks are conducted, and that effective, proportionate and dissuasive sanctions are applied in case of violation. In addition, all asset declarations are to be made easily accessible to the public.
79. Under Article 16 of the Law on Conflict of Interest, all PTEFs are obliged to submit a declaration on their financial interests and assets to the Commission for Deciding on Conflict of Interest within 30 days from the date of assuming public office, for themselves and their close relatives.²⁰ These declarations include the personal data of the persons concerned as well as the following information: a) Ownership of immovable property in the country and abroad; b) Ownership of movable property subject to registration with competent authorities in the country and abroad; c) Ownership of other movable property, the individual value of which exceeds BAM 5,000 (approx. EUR 2,555) (valuables, collections, artworks, items, etc.); d) Deposits in banks and other financial institutions in the country and abroad; e) Stocks and shares in a legal entity and other securities; f) Rights deriving from copyrights, patents and similar intellectual property rights; g) Debts (principal amount, interest rates and repayment deadline); h) Source and amount of net income from the performance of the public office; i) Receivables (principle amount, interest rates); j) Source and amount of other net income; k) Other activities and affairs s/he carries out in accordance with law; l) Membership in the bodies of non-governmental, non-profit organisations; m) Other information or evidence that a public official considers important for the implementation of this Law.
80. PTEFs are obliged to submit to the Commission a declaration, annually, and no later than 31 March of the current year for the previous year, and an updated declaration at the request of the Commission in the event of initiation of a procedure to establish a violation of the provisions of the Law, within 30 days from the date of receiving the request. PTEFs are also obliged to submit a notification on the termination of the public office to the Commission within 30 days from the date of termination of public office, and to submit a declaration one year after the termination of the public office. The Commission is to adopt a Rulebook to regulate the manner of submission and the form for filing asset declarations.
81. The authorities also indicate that, by virtue of Article 17 of the Law on Conflict of Interest, the Commission is tasked with the verification of the accuracy and completeness of the data contained in the asset declarations filed by public officials. The Commission is to develop a procedure for collecting and verifying the data through a Rulebook on Collection and Verification of Data from Public Office Holders' Asset Declarations. The procedure to verify the data contained in the asset declaration is not

²⁰ "Close relative" means a wedded spouse or common-law spouse, child, mother, father, adoptive parent and adopted child of a public official (Article 4 (c) of the Law on Conflict of Interest).

open to the public until a final and binding decision is made. The Commission may initiate proceedings against a public official to establish whether the Law on Conflict of Interest has been violated (Article 31). Sanctions that the Commission may impose against a public official for violating this Law, including false reporting or non-reporting, are as follows: a) reprimand; b) fine in the amount of BAM 1,000 to BAM 20,000 (EUR 511 to EUR 10,220); c) initiative seeking removal from the office and d) call for resignation (Article 35). The Commission may impose a fine in the amount of BAM 1,000 (EUR 511) in case of non-submission of an asset declaration and a fine ranging between BAM 10,000 and BAM 20,000 (EUR 5,110 to EUR 10,220) if the public official declares false information about the assets and income, with the intention to conceal this information. In addition to the imposed fine, depending on the gravity and consequence of the violation, the Commission may also launch an initiative for removal from office against a public official who is not an elected person.

82. Finally, the authorities underline that the Commission is obliged to establish and maintain a Public Register of Public Officials in institutions of BiH within 90 days from the date of application of the Law on Conflict of Interest, in which they have to record the asset declarations of public officials. Data from the Public Register of Public Officials is to be published on the Commission's official website. In order to prevent abuse, the personal data of public officials, their close relatives and connected persons are protected in accordance with the current regulations on the protection of personal data. The Commission is responsible for the public data disclosure by establishing the Public Register, and, simultaneously, it is responsible for verifying the accuracy of the submitted data, which connects the data disclosure system and the verification mechanism into one system.
83. GRECO notes with satisfaction that, under the new Law on Conflict of Interest, all PTEFs are obliged to regularly declare their assets and financial interests to the Commission for Deciding on Conflict of Interest and are thus subject to a unified system of declaration. The declaration is comprehensive and also covers close relatives of the person concerned. Consequently, GRECO considers that the first part of the recommendation has been implemented satisfactorily.
84. As regards part (ii) of the recommendation, GRECO notes that the abovementioned Commission is tasked with the verification of the accuracy and completeness of the declarations and may impose sanctions in case of non-submission or false declaration. The implementation of these measures would be a step in the right direction. However, GRECO observes that the members of the Commission have just been appointed and that the Commission has not yet started its work. It is therefore too early for GRECO at this stage to consider this part of the recommendation as implemented, even partly.
85. In relation to part (iii) of the recommendation, GRECO notes that a public register recording the asset declarations of public officials is to be established by the Commission and the declarations are to be made public on the Commission's official website. While the publication of asset declarations would represent a positive development, the Commission's website is not yet functioning. GRECO therefore considers that developments are underway, but for the time being, there is no concrete outcome that

addresses this part of the recommendation and part (iii) of the recommendation is also considered not implemented.

86. GRECO concludes that recommendation xiii has been partly implemented.

Recommendation xiv

87. *GRECO recommended that the Section for Corruption of the Special Department for Organized Crime, Economic Crime and Corruption of the Prosecutor's Office be provided with adequate human and technical resources and prosecutors benefit of highly specialised training to effectively investigate and prosecute corruption-related offences concerning persons entrusted with top executive functions.*
88. The authorities report that the Section for Corruption of the Special Department for Organized Crime, Economic Crime and Corruption of the Prosecutor's Office of BiH currently has 17 employees, including 6 prosecutors (with the Deputy Chief Prosecutor as head), 7 legal officers and 4 investigators. The Section for Corruption is therefore fully staffed, in accordance with the rulebook on internal organisation. This Section is also fully equipped with all available IT and technical resources. In particular, an Analytics Section within the Special Department for Organized Crime, Economic Crime and Corruption is being set up to provide assistance in financial investigations. Analysts are now being trained in the framework of various international projects supporting the Prosecutor's Office of BiH. The authorities add that prosecutors and legal officers from the Section for Corruption participated in a number of specialised training sessions (including on high-level corruption cases) organised primarily by centres for judicial and prosecutorial training in BiH²¹, as well as in several round tables, workshops and study visits.
89. GRECO takes note of the information provided by the authorities, which demonstrates an increase in human and technical resources. GRECO also notes that prosecutors and legal officers from the Section for Corruption took part in various training sessions related to the investigation and prosecution of corruption cases, which is a positive development.
90. GRECO concludes that recommendation xiv has been implemented satisfactorily.

²¹ Training of trainers in the corruption area (within the "Strengthening Prosecutors in the Criminal Justice System" project implemented by the High Judicial and Prosecutorial Council of BiH, 14-16 June 2023 in Sarajevo; Proactive investigations in corruption cases, 26 April 2023 in Sarajevo; Prosecutorial practice in conducting investigations and preparing indictments in cases of corruption and organized crime with the use of evidence collected from communication applications (in cooperation with the Judicial and Prosecutorial Training Centre of Republika Srpska and within the framework of the USAID project "Justice against Corruption in BiH"), 9 October 2023 in Sarajevo; Aspects of Confiscation of Proceeds of Crime (in cooperation with the Judicial and Prosecutorial Training Centre of Republika Srpska and within the framework of the USAID project "Justice against Corruption in BiH"), 22 November 2023 in Sarajevo; Confiscation of Proceeds of Crime /specialized training for judges and prosecutors who work on cases of corruption, high level corruption and organized crime, organized by Judicial and Prosecutorial Training Centres of the Federation of BiH and Republika Srpska, 15 May 2024 in Sarajevo.

Recommendation xv

91. *GRECO recommended that action plans with clear goals based on identified risks be adopted without delay for the Border Police BiH and the State Investigation and Protection Agency and thereon assessed and updated regularly to ensure a coherent and dynamic approach to corruption prevention through time.*
92. The authorities of Bosnia and Herzegovina report the following action taken by the Border Police (BP). In the first place, pending the adoption of the general Anti-Corruption Strategy (see Recommendation iii above), the BP extended the validity of its 2022 Plan for the Fight against Corruption to 2023-2024 regarding permanent activities. Secondly, the BP adopted the Integrity Plan on 27 October 2022. This Plan aims to address the risks identified as a result of an extensive survey of Border Police staff. The risks mainly concern human resources management (recruitment, performance evaluation, promotions) and public procurement. The Plan includes the following measures to counter the identified risks: video and audio surveillance; training on ethics and procurement; harmonisation of the regulatory framework for performance evaluation, development of a performance control mechanism and precise performance indicators; systematisation of vacancies and job descriptions; increased supervision of recruitment and procurement procedures.
93. The authorities further report that the State Investigation and Protection Agency (SIPA) adopted its own Integrity Plan in August 2023. This was done following a survey of the agency's staff. Statistical information on reported corruption behaviour in 2019-2022 was also taken into account. The risks identified mainly concern the handling of classified information, the independence of police officers, inconsistencies in the handling of criminal cases and in internal rules and procedures, public procurement, recruitment policy and pre-recruitment vetting (security checks), budgetary planning, and the use of the Agency's technical and material resources. The proposed measures include increased monitoring, training, expert evaluation and compliance with audit recommendations, standardisation of procedures and development of regulations.
94. The authorities finally indicate that following the adoption of the Strategy for the Fight against Corruption 2024-2028 and in accordance with the Action Plan for its implementation (activity 3.1.3), all institutions of Bosnia and Herzegovina are required to adopt anti-corruption plans covering the above period.
95. GRECO takes note of the above submissions and reiterates that the adoption of the national Anti-Corruption Strategy is a welcome development. GRECO further looks forward to receiving new Action Plans of the BP and the SIPA, which will be based on a fresh risk assessment. In this respect, GRECO underlines the need for such an assessment to take into account an external input too and not only the results of an internal survey. GRECO also invites the authorities to take this opportunity to reconsider the current framework, which comprises different kinds of documents (anti-corruption action plans, integrity plans etc.) and may therefore be misleading and prone to

inconsistencies (see paragraph 171 of the Fifth Round Evaluation Report). Furthermore, GRECO notes that the planned measures or activities are often described in rather general terms. GRECO underlines that Action Plans should be result-oriented, which means that goals and measures to achieve them must be specific and clear. GRECO trusts that the BP and the SIPA will take all these points into account when developing new Anti-Corruption Action Plans.

96. GRECO concludes that recommendation xv has been partly implemented.

Recommendation xvi

97. *GRECO recommended that (i) the codes of ethics of the Border Police BiH and the State Investigation and Protection Agency be supplemented with practical guidance illustrating all relevant integrity matters (such as conflict of interest, gifts, contacts with third parties, outside activities, the handling of confidential information) with concrete examples; and (ii) the codes of ethics be made enforceable in case of breach.*
98. The authorities report that a new Code of Ethics of police officers in the BP was adopted on 22 March 2024. The Code covers, *inter alia*, the notions of gifts, incompatibilities and secondary activities, conflict of interest, the handling of confidential information, involvement in procurement procedures. There is no specific provision on contacts with third parties, but this issue is covered in the Practical Guidelines annexed to the Code, together with the other integrity issues. The Practical Guidance provides 2-4 examples of real-life situations for each of the above integrity issues, with guidance on the correct course of action. Separate guidance is provided on attempted bribery. Declaration forms to certify the absence of incompatibilities and to report a gift offered or received, a conflict of interest or the initiation of criminal or misdemeanour proceedings are also attached to the Code. Supervision of compliance with the Code is the responsibility of line managers and the Professional Standards and Internal Control Office. In accordance with Article 47(2) of the Code, failure to comply with the provisions of the Code, which constitutes a breach of official duty under the Law on Police Officers of Bosnia and Herzegovina and other relevant legislation, may lead to the initiation of appropriate proceedings against the police officer.
99. The authorities further report that a working group was set up in March 2023 to work on draft amendments to the Code of Ethics for police officers of the SIPA. This work is still ongoing. The working group was not mandated to develop practical guidelines as required by the above recommendation. The authorities report no developments regarding the enforceability of this Code.
100. GRECO welcomes the adoption of the new BP Code of Ethics and appreciates the practical guidelines with concrete examples in the annex to the Code. In this context, GRECO reiterates its constant position that the value of any code of conduct lies partly in its open-ended nature and that the regular revision and updating of such a code is therefore an absolutely crucial exercise. GRECO trusts that the authorities will add further areas and examples to the Code and the Practical Guidelines, as experience with the implementation of the Code evolves.

101. As regards enforceability and sanctions, GRECO notes that minor breaches of the Code of Ethics of the BP may lead to disciplinary proceedings and sanctions. However, as was previously the case (and found to be a shortcoming in the Fifth Round Evaluation Report, paragraph 181), for more serious breaches, the Code can only be used in support of proceedings initiated for breach of duty as laid down in the Law on Police Officers and the Regulation on Official Duties. This should be remedied in order to ensure that breaches of the Code can lead to dissuasive sanctions that are proportionate to their seriousness.
102. As for the SIPA, GRECO regrets that no progress has been achieved as yet with regard to the practical guidance required for the Code of Ethics and the related enforcement mechanism.
103. GRECO concludes that recommendation xvi has been partly implemented.

Recommendation xvii

104. *GRECO recommended strengthening compulsory training on ethics and integrity for new recruits and serving personnel based on the practical guidance to be adopted for the codes of ethics of the Border Police BiH and the State Investigation and Protection Agency.*
105. The authorities submit that following the recent adoption of the new BP Code of Ethics accompanied by the practical guidelines, the relevant training programmes are now being revised. As regards the SIPA, it is envisaged to include the integrity component in the training plan as soon as the amendments to the relevant Code of Ethics are adopted (see paragraph 99 above).
106. GRECO takes note of the information provided and looks forward to receiving an update on the training activities of the BP and the SIPA in due course. GRECO recalls that this recommendation includes not only a substantive but also an organisational component: the relevant induction training should be provided to all new recruits and refresher courses should be organised at regular intervals for all serving personnel.
107. GRECO concludes that recommendation xvii has not been implemented.

Recommendation xviii

108. *GRECO recommended that (i) security checks relating to the integrity of police officers, including directors and deputy directors, in the Border Police BiH and the State Investigation and Protection Agency be carried out at regular intervals throughout their career; (ii) random integrity checks on a sample of police officers take place annually; and (iii) ensure record-keeping of detected conflicts of interest.*
109. The authorities reiterate the information on security checks carried out on the basis of the Law on the Protection of Secret Data and the security questionnaires filled in by police officers (see paragraph 193 of the Evaluation Report). The authorities also

indicate that the directors of the BP and the SIPA, as well as their deputies, are public office holders within the meaning of Article 4(a) of the new Law on Conflict of Interest and are therefore required to submit annual declarations of assets, which are verified by the Commission for Deciding on Conflict of Interest.

110. GRECO takes note of this information and concludes that no developments have taken place, since the Evaluation visit, to establish a formalised mechanism of regular integrity checks focusing on possible conflicts of interest for all police officers. As regards the directors and deputy directors of the SIPA and the BP, GRECO can only reiterate its previous conclusion (under recommendation i) that the submission of a declaration of assets is not equivalent to a full integrity check, which must take place prior to the appointment and cover not only the financial situation, but also outside activities, previous jobs, links with third parties, inner circle (interests of close family members) and personal connections, etc. GRECO calls on the authorities to take decisive action in this respect.

111. GRECO concludes that recommendation xviii has not been implemented.

Recommendation xix

112. *GRECO recommended that steps be taken to further promote a more balanced representation of genders in all ranks in the Border Police BiH and the State Investigation and Protection Agency as part of recruitment and internal upwards career moves.*

113. The authorities refer, in the first place, to various activities aimed at improving gender equality in Bosnia and Herzegovina, which were carried out in 2018-2022 as part of the implementation of the UN Security Council Resolution 1325 “Women, Peace and Security”. Secondly, the authorities submit that the Ministry of Security is currently implementing the project focused on the introduction of gender equality in the institutions of the security sector. The project includes the harmonisation of the relevant regulatory framework with the international standards and various affirmative measures. In particular, the BP regulations have been harmonised with the Gender Equality Law, and work is ongoing to draft a new Law on Police Officers, which will be consistent with the Gender Equality Law.

114. The authorities also emphasise that BP and SIPA give preference to women in both external and internal competitions in the event of equal qualifications or competition results. The SIPA also carries out promotional activities to encourage women to apply. In addition, the SIPA has appointed a focal point for gender equality and two counsellors for the prevention of sexual harassment. The training programme for the SIPA staff includes gender equality. Annual reports on the status of gender equality and related recommendations are submitted to the SIPA management.

115. The authorities underline that there is a noticeable tendency towards the increase in the number of women in both the SIPA and the BP. They provide the following statistical data. The BP counted 1,945 staff members in May 2024²²:

²² On 7 February 2022, the BP staff was 14,5% female and 85,5% male (see para. 151 of the Evaluation Report).

	men	women
Total	84%	16%
Police officers	89.7%	10.3%
Other employees	34.17%	65.83%

The gender structure of the SIPA is based on the 2023 data²³:

	men	women
Total	72.79%	27.21%
Police officers	83.55%	16.45%
Civil servants	48.61%	51.39%
Employees	43.28%	56.72%

116. GRECO takes note of the above submissions and appreciates the efforts of the authorities to adopt a holistic approach to promote gender equality. GRECO also welcomes the recruitment policy of the BP and the SIPA to give priority to qualified female candidates. GRECO also underlines the importance of harassment prevention, training, counselling and other measures facilitating inclusiveness. GRECO acknowledges some positive measures taken by SIPA in this direction and invites the BP to develop its own action plan in this respect.
117. Comparing the current figures with those analysed during the evaluation phase, GRECO notes a very slight increase in the proportion of women among the BP and SIPA staff. However, this proportion is still far below the target level. GRECO also notes that no information has been provided on the proportion of women in managerial positions in the BP and SIPA. GRECO recalls that the Evaluation Report (paragraph 197) called for a “deliberate recruitment policy” in order to attract more women at all levels, including the most senior ones. GRECO considers that important work remains to be done and that the authorities could usefully draw on the best practices of member States which have achieved a significant change in the gender structure of police forces.
118. GRECO concludes that recommendation xix has been partly implemented.

Recommendation xx

119. *GRECO recommended that measures be taken to ensure that appointments of top police officials in the Border Police BiH and the State Investigation and Protection Agency are strictly based on merit and guided by open, standardised and transparent competitions.*
120. The authorities provide general information on the composition, role and functioning of the Independent Committee of the Parliamentary Assembly of Bosnia and Herzegovina, which conducts competitions for the positions of directors and deputy directors of the BP and SIPA. The Independent Committee draws up a ranking list of the five most successful candidates for each of the above positions and submits it to the Minister of

²³ On 20 January 2022, the SIPA staff was 26,81% female and 73,19% male (see para. 154 of the Evaluation Report).

Security, who forwards it to the Council of Ministers with his proposal for appointment. The authorities affirm that the competitions are open to the public and are conducted in accordance with the rules of procedure of the Independent Committee (adopted in 2009). Moreover, the selection criteria are laid down by law. According to the authorities, following the statutory procedures ensures that the relevant appointments are based on merit and that the competitions are open, standardised and transparent. Finally, the Independent Committee has implemented this recommendation by developing a set of standard interview questions and setting a standard interview duration (30 minutes).

121. GRECO welcomes the decision of the Independent Committee of the BiH Parliamentary Assembly to standardise the duration and format of interviews with candidates for top police posts. GRECO also notes that the remaining information submitted by the authorities has already been taken into account at the time of adoption of the Evaluation Report. It regrets that no new measures have been taken to ensure full transparency of the selection process. GRECO notes that the publication of candidates' curricula vitae or video-recording of interviews could be considered by the authorities as useful measures in this respect. Public scrutiny of these competitions is crucial in order to protect the Independent Committee from political influence which, as pointed out in the Evaluation Report (paragraph 200), affects its functioning. GRECO invites the authorities to put in place the relevant safeguards without further delay.

122. GRECO concludes that recommendation xx has been partly implemented.

Recommendation xxi

123. *GRECO recommended that an institutional system of rotation of police staff in the Border Police BiH and the State Investigation and Protection Agency be put in place, which could be applied, as appropriate, in areas considered particularly exposed to corruption risks.*

124. The authorities report that the Audit Office indicated in 2020 that staff rotation should be considered as an effective anti-corruption measure for police forces. Rotation could be introduced through the internal rules of each police force. However, the authorities point out that Article 64 of the Law on Police Officers allows an internal transfer or rotation only once in the career of a police officer and limits its duration to a maximum of one year. This provision therefore constitutes an obstacle to the implementation of this Recommendation.

125. GRECO takes note of this information and regrets that no consideration has so far been given to amending the relevant legal provision and developing clear and foreseeable rotation rules.

126. GRECO concludes that recommendation xxi has not been implemented.

Recommendation xxii

127. *GRECO recommended that (i) a legal provision defining incompatibilities with policing duties in the Border Police BiH and the State Investigation and Protection Agency be laid down; and (ii) authorised secondary activities of both agencies be duly recorded and that regular checks be undertaken thereafter.*
128. The authorities report that work is under way to draft a new Law on Police Officers. Taking into account this recommendation, the working group has supplemented the current version of Article 38 of this Law with a list of permissible secondary activities, such as “scientific and pedagogical work, art, sports, work for humanitarian and other organisations, independent activities or other activities that do not create conflicts of interest”. The authorities also submit that decisions authorising secondary activities of the BP staff are filed in the Central Employee Records maintained by the Police Support Agency of BiH. The SIPA has set up an internal record for such decisions, which are subject to annual checks.
129. GRECO takes note of the above information and looks forward to receiving further information in due course on the legislative process concerning the new draft Law on Police Officers. With regard to the proposed amendment of Article 38 of the current Law on Police Officers, GRECO appreciates the intention to specify the permitted secondary activities. However, it is of the view that the proposed text would benefit from further clarification insofar as “the work for (...) other organisations, independent activities or other activities that do not generate conflicts of interest” is concerned. GRECO also recalls that a clear list of incompatibilities and prohibited activities is equally important for the sake of greater clarity and legal certainty, as underlined in the Evaluation Report (paragraph 217).
130. GRECO also notes with satisfaction that the practical guidelines to the new Code of Ethics for the BP Police Officers provide three specific situation examples concerning secondary activities. GRECO hopes that the SIPA will also develop the requisite practical guidance on this subject, as indicated in the Evaluation Report (paragraph 218).
131. Turning to the second part of the recommendation, GRECO is pleased to note that the SIPA has introduced a record for all authorisations, which enables a meaningful control of secondary activities carried out by all employees. GRECO takes note of the BP’s practice of keeping such authorisations in the Central Employee Records. GRECO is doubtful, however, that this solution allows a clear overview of all the secondary activities carried out by BP staff, since the relevant decisions are kept in personal files and not in a central register. GRECO also notes that no information is provided as to whether the BP has started to carry out regular checks on authorised activities. GRECO underlines that regular follow-up is crucial to ensure that no conflict of interest has arisen since the date of authorisation of a secondary activity.
132. GRECO concludes that recommendation xxii has been partly implemented.

Recommendation xxiii

133. *GRECO recommended that rules be adopted to ensure transparency and limit the risks of conflicts of interest when police officers leave the Border Police BiH and the State Investigation and Protection Agency to work in other sectors.*
134. The authorities indicate that the post-employment restrictions set out in Article 13 of the new Law on Conflict of Interest (for more detail, see paragraph 74 above) apply to the Directors of the BP and the SIPA and their deputies. The authorities further submit that there are no post-employment rules covering all police officers. The latter are, however, bound by the duty of confidentiality in accordance with Article 37 of the Law on Police Officers.
135. GRECO notes with satisfaction that the top management of the police corps is now subject to post-employment restrictions. Referring to its analysis under recommendation xii above, GRECO considers that these restrictions are of an appropriate scope. This is a positive development for which the authorities are to be commended. However, GRECO regrets that no steps have been taken so far to develop relevant standards for all staff of the BP and the SIPA. In view of the serious risks to integrity stemming from the post-employment activity, GRECO calls on the authorities to give due importance to this issue in the overall ethical framework applicable to law enforcement agencies.
136. GRECO concludes that recommendation xxiii has been partly implemented.

Recommendation xxiv

137. *GRECO recommended that (i) asset declarations be regularly submitted by police officers (annually for higher rank officers) and subject to random in-depth checks and; (ii) all publicly available information related to asset declarations be usable in investigations without a prior court order.*
138. The authorities reiterate the information provided on the security checks carried out on the basis of the Law on the Protection of Secret Data, the security questionnaires filled in by police officers and the disclosure of personal data required under Article 38(3) of the Law on Police Officers (see paragraphs 228-229 of the Evaluation Report). The authorities also indicate that the directors of the BP and the SIPA, as well as their deputies, are required to submit annual declarations of assets in accordance with Article 16 of the new Law on Conflict of Interest. These declarations will be verified by the Commission for Deciding on Conflicts of Interest and recorded in the Public Register, which will be established and maintained by the Commission (for further details, see paragraphs 79-82 above, Recommendation xiii).
139. GRECO is pleased to note that the top leaders of the BP and the SIPA are required to submit asset declarations annually. The control mechanism has also been put in place, although it remains to be seen how it will work in practice. In this respect, GRECO refers to its analysis under Recommendation xiii above. However, GRECO notes with regret

that these positive developments do not concern *all* higher rank officers, and that no new elements have been submitted regarding the requirements applicable to all police officers. Furthermore, the authorities do not provide any update on the second part of this recommendation. GRECO invites the authorities to take further necessary steps without delay.

140. GRECO concludes that recommendation xxiv has been partly implemented.

Recommendation xxv

141. *GRECO recommended that (i) the protection of whistleblowers be improved and strengthened; and (ii) personnel from the Border Police BiH and the State Investigation and Protection Agency be trained and informed on a regular basis about whistleblowing protection measures.*

142. The authorities reiterate the information on the Rulebooks on internal reporting of corruption of the BP and the SIPA and the measures taken to publicise the reporting procedure among the staff of these police corps (see paragraphs 242-243 of the Evaluation Report). The authorities add that the relevant information panels have been installed in all the facilities of the BP structural units and at border crossings. The SIPA has published the Rulebook and other relevant information on its website. The authorities underline that there are adequate channels for anonymous reporting: the “Krimolovci” telephone line, a dedicated form available on the SIPA website and a special email address.

143. GRECO notes with regret that the authorities provide essentially the same information that was already available to GRECO at the time of the adoption of the Evaluation Report. Unfortunately, no new developments are reported with regard to the recommended review of the legislative framework or other measures aimed at addressing the identified weaknesses of this framework (see paragraph 244 of the Evaluation Report). It should also be noted that the BP and the SIPA Rulebooks, like the Whistleblower Protection Law, date from 2014 and are certainly in need of updating and revision.

144. As regards the second part of this recommendation, GRECO underlines that it is linked to the first part, i.e. the improvement of the protection framework. In any case, the authorities do not report any new initiatives regarding training or other forms of awareness-raising. Whistleblowing is normally included in BP’s training programme (which was already the case at the time of the adoption of the Evaluation Report), but there is no information on the action taken by the SIPA in this regard. In addition, the authorities do not provide details of attendance at specific training courses (attendance figures for different categories of staff, including senior managers). The relevant rules are publicised through the usual channels. Overall, no visible progress has been made in this area, which is particularly important from an anti-corruption perspective. GRECO calls on the authorities to take decisive action to implement this recommendation.

145. GRECO concludes that recommendation xxv has not been implemented.

III. CONCLUSIONS

146. **In the light of the foregoing, GRECO concludes that Bosnia and Herzegovina has implemented satisfactorily two of the 25 recommendations set out in the Fifth Round Evaluation Report.** Of the outstanding 23 recommendations, fifteen recommendations have been partly implemented and eight have not been implemented.
147. More specifically, recommendations xii and xiv have been implemented satisfactorily, recommendations i-iv, vii, viii, x, xiii, xv, xvi, xix, xx and xxii-xxiv have been partly implemented and recommendations v, vi, ix, xi, xvii, xviii, xxi and xxv have not been implemented.
148. With regard to top executive functions, GRECO notes positive developments overall. GRECO welcomes the adoption in June 2024 of the Strategy for the Fight against Corruption 2024-2028 and the accompanying Action Plan for Implementation. Integrity checks are in place for the Chair of the Council of Ministers, Ministers and Deputy Ministers, but not for their Heads of Office and advisers, nor for the Heads of Office and advisers of members of the BiH Presidency. While the names and area of competence of some Heads of Office and advisers are made public online, the information available should cover all nine ministries and be more comprehensive. A Law on Conflict of Interest was adopted in March 2024, with provisions on acceptance of gifts, incompatibilities, outside activities, post-employment restrictions and conflicts of interest. Monitoring and enforcement of the Law is under the responsibility of the Commission for Deciding on Conflict of Interest. However, the Commission has been established but has not started operating yet. A new Law on Freedom of Access to Information was also adopted in August 2023. Some provisions of this Law were found not in line with standards of the Council of Europe Convention on Access to Official Documents and need to be revised. With regard to preventing conflicts of interest, a unified system of declaration of assets and financial interests has been put in place and PTEFs have to immediately inform the Commission for Deciding on Conflict of Interest when learning about a potential conflict of interest. At the same time, several issues remain outstanding, such as the introduction of rules on how PTEFs engage in contacts with lobbyists, measures to make the law-making process more transparent, or the provision of adequate financial and human resources to APIK.
149. With regard to the law enforcement agencies, GRECO notes that the adoption of the national Anti-Corruption Strategy should pave the way for the development of the related Action Plans by the BP and the SIPA. The adoption of the new Code of Ethics of the BP, accompanied by practical guidelines, is another positive achievement. The SIPA is currently working on its ethical framework, but tangible outcomes are yet to occur. They should encompass the development of guidance, awareness-raising and enforcement measures. A formalised mechanism for regular integrity checks, focusing on potential conflicts of interest, needs to be established for all police officers. The authorities are also expected to take additional measures to ensure transparency and public scrutiny of competitions for the appointment of senior management. Additional efforts must be made regarding gender balance, staff rotation and the prevention of

conflicts of interest (in-service and when leaving the respective LEA). Last but not least, the framework for the protection of whistleblowers needs to be substantially improved.

150. In the light of the foregoing, GRECO notes that further progress will need to be made within the next 18 months to achieve an adequate level of compliance with the recommendations. In accordance with Rule 31 revised bis, paragraph 8.2, of its Rules of Procedure, GRECO calls on the head of the delegation of Bosnia and Herzegovina to submit additional information with regard to the implementation of outstanding recommendations, namely recommendations i-xi, xiii and xv-xxv, by 31 May 2026.
151. GRECO invites the authorities of Bosnia and Herzegovina to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.