ARTICLE 7, PARAGRAPH 4 UNCAC

CONFLICT OF INTEREST

BOSNIA AND HERZEGOVINA (NINTH MEETING)
For the purpose of implementation of this Law, the Commission for Decideing of Conflict of Interest has been established hereunder. Competencies of the Commission have been prescribed by Article 17a. 1. The Commission shall act on the basis of this Law, best practices, political accountability and credibility of elected officials, executive office holders and advisors. 2. The Commission shall make its decisions by majority votes of all members, which implies the votes of at least two members from each constituent people. 3. The Commission shall enact the Rules of Procedure. 4. For the purpose of applying the provisions of this Law, the Commission shall provide opinions, issue instructions, prescribe forms and manner of keeping the Register. The Commission shall enact the Rules of Procedure regulating keeping of the Register, which shall specify the rules on keeping the Register and on forms, as well as other issues necessary for functioning of the Register. shall develop the rulebook on procedure, prescribing the implementation rules of handling the procedure and furnishing of decisions and compiling of reports. 5. The Commission shall make a decision on whether some action or failure to act constitutes a violation of this Law. Commission's decision must be reasoned. 6. The Commission shall submit annual reports on its work to the Parliamentary Assembly of Bosnia and Herzegovina.

The Office of the Commission on Decideing of Conflict of Interest has been established within APIK for carrying out the expert, administrative and technical tasks under competencies of the Commission on Decideing of Conflict of Interest. After the Council of Ministers of B&H gave an approval on the Book of Rules on Internal organization of APIK, this institution officially has taken over the Section for Implementation of the Law on Conflict of Interest in Governmental Institutions of B&H from the Central Election Office since 01.09.2015. Department for conflict of Interest/Office of the Commission on Decideing of Conflict of Interest was established as per the Book of Rules on Internal organization of APIK, giving the Office and its employees dual roles so they perform tasks under the competencies of APIK and expert, administrative and technical tasks under the competencies of the Commission on Decideing of Conflict of Interests.

Since the amendment and changes to the Law on Conflict of Interest, from 2013 until now the Commission held 18 sessions where they discussed in total of 171 points of the agenda. 14 proceedings were initiated and 10 sanctions were imposed on elected officials and advisors for violation of provisions of the Law on Conflict of Interest in Governmental Institutions of B&H and 10 opinions given in regards to possible violation of provisions of the mentioned Law.


1 On the 16th Session of Council of Ministers B&H held on 27 July 2015.
THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY BOSNIA AND HERZEGOVINA

ARTICLE 7, PARAGRAPH 4 UNCAC

CONFLICT OF INTEREST

BOSNIA AND HERZEGOVINA (THIRD MEETING)

- The Central Election Commission of Bosnia and Herzegovina is responsible for implementing the Law on Conflict of Interest in Governmental Institutions of BiH (Bosnia and Herzegovina ("Official Gazette of BiH", no. 16/02, 14/03, 12/04 and 63/08), Law on Conflict of Interest in the Governmental Authorities of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation BiH", no. 70/08), Law on Conflict of Interest in Institutions of the Brcko District of BiH ("Official Gazette of the Brcko District of BiH, no. 43/08) and the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", no: 23/01, 07/02, 09/02, 20/02, 25/02, 04/04, 20/04, 25/05, 52/05, 65/05, 77/05, 11/06, 24/06, 32/07, 33/08 and 37/08).

Article 12 of the Law on Conflict of Interest in Governmental Institutions of Bosnia and Herzegovina, regulates the obligation of elected officials, executive functionaries and advisors to submit regular financial reports as required by law and rules and regulations of the Central Election Commission. The same obligation is prescribed by Article 13 of the Law on Conflict of Interest in the Government of the Federation of Bosnia and Herzegovina and Article 13 of the of the Law on Conflict of Interest in Institutions of the Brcko District of BiH.