# OPEN-ENDED INTERGOVERNMENTAL WORKING GROUP ON THE PREVENTION OF CORRUPTION

## THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY Bosnia and Herzegovina

## Article 8, Paragraph 5

## Asset and Interest Disclosure Systems

## Bosnia and Herzegovina (ninth session)

*II. - Information requested from States parties in relation to asset and interest disclosure (art. 8, para. 5):*

**Assets declaration**

Article 15.7, 15.8 and 15.9 of the **Election Law of Bosnia and Herzegovina**[2], specifies who has an obligation to submit asset declaration, deadlines for submitting an asset declaration, as well as how to publish them.

**Article 15.7**

(1) **Candidates elected at all levels of authority shall be obligated to submit to the B&H Central Election Commission, on a special form, a signed statement on his or her total property situation, containing:**

1. current income and sources of income, including all incomes, wages, profit from property, contributions as defined in Article 15.1 of this law, account receivables and other incomes realized in B&H and abroad for a period of the past calendar year;

2. property, including money, bank accounts, business documentation, shares, securities, bonds, real property, personal property, occupancy right and other property and possessions which exceed 5.000 KM, in B&H and abroad; and

3. disbursements and other liabilities, including all debts, liabilities, promissory notes, loans and guarantees of such liabilities in B&H and abroad.

(2) The statement should include the property situation of the candidates and close members of his or her family: spouse, children and members of the family household whom it is the candidate's legal obligation to sustain.

**Article 15.8**

(1) All candidates elected at all levels of authority except the level of B&H and the Entity level shall be obliged to submit to the Central Election Commission of B&H, within thirty (30) days from the publication of the verification of mandates in the Official Gazette of B&H, a signed statement of their property situation referred to in Article 15.7 of this law on a special form.

(2) Candidates elected to a body of authority at all levels shall be required to submit a statement of their property situation to the Central Election Commission of B&H 30 days after to the expiration of the mandate for which they have been elected, as well as in the case of cessation of the mandate in the context of the provisions of Article 1.10, paragraph (1), points 1), 4), 5), 6), 7) and 8) of this Law, within 30 days from the cessation of the mandate.

(3) The Central Election Commission of B&H shall issue instructions to regulate the format and the manner of filling out of necessary forms as described by paragraph (1) of this Article and Article 15.7 of this Law.

[2] ("BiH Official Gazette", number: 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04, 25/05, 52/05, 65/05, 77/05, 11/06, 24/06, 32/07, 33/08, 37/08, 32/10, 18/13, 7/14 and 31/16)

**Article 15.9**

The Central Election Commission of B&H shall make the forms containing the statements on total property situation available to the public. The Central Election Commission of B&H shall not be responsible for accuracy of data or complaints regarding the information contained in the forms.

In accordance with the decision of the Agency for Protection of Personal Data of B&H (No.UP1 03-1-37-3-18/11 from 05.07.2011), the CEC of B&H does not publish the asset declarations on its web, but asset declarations are available to the public in accordance with the Law on Free Access to Information in B&H and the Law on Protection of Personal Data. A request to view the Asset declarations must be submitted to the B&H CEC, and afterwards viewing the Asset Declarations of elected officials at the beginning and the end of the mandate is approved in accordance with the Law on data protection. So far, the largest number of requests has been filed by the non-governmental sector and electronic media.

B&H CEC is not responsible for the accuracy of the information contained in the form, and has no authority to act on the basis of the content specified in the Assets Declarations. However, the CEC shall act in accordance with the prescribed obligation of submission of the Assets Declaration for elected officials in the governmental bodies of Bosnia and Herzegovina within the set deadlines, and initiates and conducts procedures in case of failure to submit Assets Declarations, and impose fines for the found irregularity (in accordance with Article 19.9 paragraph 1. point r) and article 19.10 Election Law of B&H.

There is no knowledge, whether some other institution or NGO has worked, to prevent conflicts of interests or corruption based on the asset declarations.

Regarding the obligation of elected officials to submit *an asset declaration form*, liabilities and net worth, the Central Election Commission of B&H established in 2017 that, after holding of the 2016 local elections, it was not respected by 67 elected officials terminating the office and two (2) elected officials assuming the mandate. Proceedings in regard with aforementioned cases are currently under way. After the conducted procedure, the Central Election Commission of B&H brought 24 Decisions[3], by which a fine of 300, 00 BAM was imposed to elected officials, who did not submit their Statements of asset status at the beginning or end of the mandate.

In 2016, the Central Election Commission of B&H developed an application used to enter data retrieved from the statement of assets, liabilities and net worth provided by the elected officials, thus enabling technical conditions for publication of the above-mentioned statements on the official website of the Central Election Commission of B&H, with the aim of implementing the provisions of the Article 15.9 of B&H Election Law. Furthermore, at its 37th session held on 18 July 2017, the Central Election Commission of B&H detailed the Instruction on appearance and entering of information in the statement of assets and liabilities. The form of the statement has been modified and adapted to the form suitable for publication of data retrieved from the statement of assets, liabilities and net worth of elected official on the website of the Central Election Commission of B&H, which is in accordance with provisions of the on Freedom of Access to Information Act in B&H and the provisions of the Law on Personal Data Protection.

[3] At its 5th session, held on 15/02/2018



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The Central Election Commission of B&H announced on 13/12/2017 on their website[4], the statements on property of Presidency members of B&H, delegates at House of Representatives of the Parliamentary Assembly of B&H, delegates of House of Representatives of Parliament of Federation of B&H, delegates of National Assembly of Republika Srpska, President and Vice President of Republika Srpska and delegates of Cantonal assemblies in Federation of B&H.

Currently, the data from the asset status of the elected mayors/ community heads on the Local elections in 2016 and until mid-April 2018 are being entered, which will also be published on the website of the Central Election Commission of B&H.

However, according to **Law on Conflict of Interest in Institutions of Bosnia and Herzegovina** (Article 12), elected officials, executive office holders and advisers shall file regular financial reports as required by Law and by the Rules and Regulations of the Commission on Deciding of Conflict of Interest (CDCI). A form and manner of financial report shall be determined by the Commission on Deciding of Conflict of Interest and contains the following data: personal data of officials and close relatives, information on public duties, current revenue and source of revenue, assets, obligations and data on other positions (public enterprises, Agency for Privatization, private company, associations and foundations).

They are also requested to give a statement on positions (in public enterprises, Agency for Privatization and private companies) of their close cousins, but not on their assets and revenue.

In compliance with the Rules of Procedure ("Official Gazette of B&H", No. 56/14), elected officials, executive office holder and advisers shall file regular financial reports on their financial situation with the aim to support prevention of conflict of interest and to identify eventual conflict of interest. As per the request of the Commission, these persons have to submit a special report on the financial situation in the determination of decisive facts about the possible existence of conflicts of interest.

Financial reports are submitted to the Commission within the following deadlines:

a) Within 30 days from the day they assumed the duty of elected official, executive office holder and adviser;

b) Regular annual reports until 31st March for the previous year;

c) Within 30 days upon expiry of the of six-month deadline after termination of their duty of elected official, executive office holder and adviser;

The Commission on Deciding of Conflict of Interest verifies the accuracy of the contents of financial reports, but does not publish them due to a lack of legal and technical possibilities.

[4] http://www.izbori.ba/Default.aspx?CategoryID=776&Lang=3



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