

Annex 2 [Note verbale reference: CU 2023/225/DTA/CEB/CSS]

“Progress made and challenges encountered in implementing resolution 9/1”

States parties are invited to provide relevant information in line with paragraph 25 of resolution 9/1, entitled Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery, in which the Conference:

*[Requested] the secretariat to submit to the Conference of the States Parties at its tenth session a report on **progress made and challenges encountered in implementing [resolution 9/1]**¹.*

A. Contact Information

Please provide contact details for potential follow-up questions. Contact details will be treated confidentially.

Country: Bosnia and Herzegovina

Government Agency: Agency for the Prevention of Corruption and Coordination of the Fight against Corruption

[Redacted contact information]

Country: Bosnia and Herzegovina

Government Agency: Ministry of Security of BiH

Department: Sector for Fight Against Terrorism, Organized Crime, Corruption, War Crimes and Drugs Abuse - Section for Fight Organized Crime and Corruption

[Redacted contact information]

¹ Please note that the secretariat has collected information on the implementation of paragraphs 22 and 23 of resolution 9/1 separately.

B. Questions

1. Progress made

Please describe the measures or steps your country has taken (or is planning to take, together with the related appropriate time frame) to implement operative paragraphs 1 to 21 of resolution 9/1. *Please state the relevant operative paragraphs in your answer.*

According to its mandates the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption (Agency) provides information for your request.

L A W ON THE AGENCY FOR THE PREVENTION OF CORRUPTION AND THE COORDINATION OF THE FIGHT AGAINST CORRUPTION

Article 10 (Responsibilities of the Agency) The Agency shall be responsible to: a) Develop the Anti-Corruption Strategy, and develop the Corruption Prevention Action Plan; b) Coordinate and monitor the implementation of the Strategy and the Action Plan, and provide opinions and guidelines on the matter of implementation of the Strategy and the Action Plan; c) Coordinate the work of the public institutions in preventing corruption and conflict of interest, and make analyses of the final decisions of the competent authorities in charge of processing conflicts of interest in order to look into the instances of corruptive practices, inform the competent institutions about the situation detected, as well as take all necessary measures as provided by law; d) Monitor the instances of conflict of interest, provide recommendations for the strategy of managing the conflict of interest on a case-to-case basis, and issue the guidelines for the policy of managing the conflict of interest in government institutions; e) Prescribe a uniform methodology for collection of the data about financial situation of public servants; f) In coordination with the competent authorities, analyze the delivered data in order to detect the instances of corrupt practices, and take necessary measures as provided by law. g) Collect and analyze statistics and other data, and inform all relevant stakeholders in Bosnia and Herzegovina of the results of the inquiry; h) Take action upon receiving the submissions that contain indications of a corruptive conduct pursuant to the applicable regulations; i) Coordinate the work of the institutions with public authorities in combating corruption; j) Monitor the effects of laws and bylaws aimed at preventing corruption and provide opinions and guidelines on the issue of their implementation, initiate activities in relation to amending the current legislative arrangements and harmonize them; k) Cooperate with the national scientific and professional organizations, public media, and NGOs on the issue of corruption prevention; l) Cooperate with international organizations, institutions, initiatives and bodies; m) Establish and maintain the database containing the data collected in accordance with this Law; n) Develop educational programs on the issue of prevention of corruption and fight against corruption, and monitor their implementation; o) Issue publications to inform the public about the corruption situation; p) Inform the competent institutions and the public of the obligations contained in international legal acts and give recommendations for their realization in relation to corruption prevention; q) Prescribe a uniform methodology and guidelines for making integrity plans and providing assistance to all public institutions in their implementation; and r) Perform other activities relating to corruption prevention.²

² http://www.apik.ba/zakoni-i-drugi-akti/Zakoni/Zakon_o_Agenciji/default.aspx?id=397&langTag=en-US

According to operative paragraphs 1 – 7, 14, 15, 16 of resolution 9/1:

Regarding prevention and countering corruption in public procurement, including in times of crises, in August 2022 the Parliamentary Assembly of Bosnia and Herzegovina, adopted, amendment to the Public Procurement Law which was proposed by the Council of Ministers of BiH, thereby additionally complying with EU Directives. The adoption of the law means that Bosnia and Herzegovina has fulfilled one of the key priorities in the process of accession to the European Union. The key improvements of the Law relate to the assumptions for better monitoring that is monitoring of the public procurement system, development of a training system for public procurement officials, prevention of conflicts of interest, as well as the development of electronic public procurement. In order to create assumptions for ensuring additional mechanisms for the fight against corruption and conflicts of interest in the field of public procurement, the Agency for Public Procurement of Bosnia and Herzegovina launched an initiative to amend the Criminal Code of Bosnia and Herzegovina to introduce a criminal offense in the field of public procurement. Brčko District of BiH and Republic of Srpska already have in their Criminal Codes the criminal offense of abuse in the public procurement procedure.

Moreover, the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption (Agency) adopted Action plan for prevention of corruption of BiH institutions during the COVID-19 pandemic. The Action plan contains seven main measures for the implementation of which the institutions with public authorities at the state level, entity level, cantonal and Brčko District of BiH are in charge, with direct coordination with the Agency and bodies for prevention of corruption. Each of these measures contains clearly defined sub-measures aimed at preventing corruption and misuse during the COVID-19 pandemic. Most institutions adopted it and implemented. In terms of implementation, most institutions have focused on publishing information online, especially regarding the supervision and control of recruitment processes and public procurement. The action plan for the prevention of corruption of the institutions of BiH during the duration of the COVID 19 pandemic was conceptually adapted and incorporated as a strategic goal into the individual plan of the fight against corruption of the institutions of BiH. With this approach, the Agency dynamized the process of strategic planning at the level of BiH institutions, but also facilitated the monitoring of proven specific anti-corruption activities in real time. According to that, the Agency prepared and sent a framework ***Action Plan for the prevention of corruption during the Covid-19 pandemic*** to all governments in B&H and bodies for the fight against corruption.

The Framework Action Plan prepared by the Agency contains five main measures, as following:

1. Supervision and control of securing financial and material donations, incentives and assistance
2. Supervision and control of the employment process in B&H institutions
3. Monitoring and control of the public procurement process

4. Reporting corruption and protecting whistleblowers during the COVID-19 pandemic
5. Coordination of anti-corruption activities during the COVID-19 pandemic

Each of these measures contains clearly defined sub-measures aimed to prevent corruption and abuse during the Covid-19 pandemic.

Having in mind the above, and in terms of the need to collect information on implementation, the Agency received 62 information on activities undertaken by institutions relevant to the said reporting process.

Furthermore, in this period, the Agency, activated, with the help of the OSCE Mission to B&H, the application "Covid-19", in order to exchange documents with anti-corruption bodies related to urgent actions in the field of corruption prevention. At this moment the application is not functional.

Review of implementation activities by B&H institutions

Based on a comprehensive analysis, most institutions have focused on transparency in publishing all activities carried out on their websites, especially when it comes to supervising and controlling the recruitment process and controlling public procurement. All the mentioned activities were carried out in accordance with legal procedures and there were no recorded abuses. Also, emphasis was placed on the coordination of anti-corruption activities through regular exchange of data and experiences, especially when it comes to this Agency.

When it comes to financial and material donations, most institutions have not included this activity in their action plan. Some institutions, in terms of information, stated that this segment is not within their competence or only mentioned that they did not have any activities regarding the stated goal.

Inspecting the submitted information, the institutions stated that during the pandemic, and in the reporting period to the Agency there was no temporary and extraordinary employment (except in case of illness of colleagues or temporary employment in terms of smooth work) and all other employment was carried out in accordance with legal procedures.

The greatest accent was placed on the transparency of the implementation of public procurement. All institutions have taken care to minimize the potential risks of corruption by ensuring maximum of transparency. Public procurements were conducted based on the needs of institutions and in accordance with the B&H Law on Public Procurement and their values, as well as decisions on the most favourable bidders are published in a timely manner on the websites. However, it is important to mention that information related to this activity was provided mainly without specific data on implementation, except in the case of the B&H Border Police, which reported the activities to the Agency in a timely manner. Also, the institutions that provided somewhat more detailed information related to the entire reporting process are: the B&H Ministry of Foreign Affairs, the Return Fund, the B&H Ministry of Defence, the B&H Central Election Commission and the B&H Indirect Taxation Authority.

Regarding the implementation of activities related to the reporting of corruption and the protection of Whistle-blowers, the institutions stated that, until the time of reporting to this

Agency, no activities had been initiated or undertaken. Corruption reporting mechanisms are promoted through websites and there were no specific reports in the reporting period. Also, it is important to mention that a small number of institutions commented on this area in terms of timely action, as well as its inclusion in the Action Plan.

When it comes to current tasks, based on the information provided, in some institutions, employees regularly submitted reports on the work performed, especially for the time when the work was performed outside the office in order to take further care of adequate implementation.

Overview of the framework situation in line with the submitted information of the institutions

<p>Supervision and control of securing financial and material donations, incentives and assistance</p>	<ul style="list-style-type: none"> • In the previous period, there were no allocations of financial and material donations, incentives and assistance
<p>Supervision and control of the employment process in BiH institutions</p>	<ul style="list-style-type: none"> • Recruitment was carried out in accordance with legal procedures. There was no temporary or part-time employment in most institutions.
<p>Monitoring and control of public procurement processes</p>	<ul style="list-style-type: none"> • Contract award decisions, relevant data and information on this activity are available on the institutions' websites.
<p>Reporting corruption and protecting of whistleblowers during the COVID pandemic 19</p>	<ul style="list-style-type: none"> • Corruption reporting mechanisms are available on the official website of institutions.
<p>Coordination of anti - corruption activities during the COVID pandemic 19</p>	<ul style="list-style-type: none"> • A report on the implementation of the respective activities has been prepared. Cooperation is ongoing throughout the COVID pandemic.

Overview of activities undertaken related to the integrated process of COVID strategic planning

When we talk about the processes of good management, and guided by the situation caused by the COVID 19 pandemic in the past period, and analyzing the overall circumstances, the key

risks of corruption in various areas were recognized, after which an initiative was launched to adopt preventive measures that, through their action, recognized the possibilities of abuse discretionary powers, especially in the conditions of crisis decision-making.

The adoption of preventive measures, which formed the substantive basis and an integral part of the *Action Plan for the Prevention of Corruption of BiH Institutions during the duration of the COVID 19 pandemic*, represented a systemic response to the possible occurrence of corrupt acts as well as the strengthening of mechanisms that will remove or recognize opportunities that precede abuse.

Referring to the above, and being aware of the importance and role of BiH institutions in the field of corruption prevention, the Agency also monitored the risks of corruption during this reporting period and, in accordance with the preventive action in the field of COVID strategic planning, promptly updated the relevant activities.

In this regard, given that the current level of implementation of the activities from the aforementioned Action Plan, as well as the process of mutual reporting, exchange and collection of information, did not ensure synergistic action, it is evident that certain steps need to be taken in order to reach uniform action, and when it comes to aspect of developing anti-corruption policies with a focus on COVID strategic planning. Therefore, guided by the previously mentioned, the Agency defined general COVID activities in terms of a uniform approach of all institutions in the process of COVID strategic planning, which in this reporting phase represent an integral part of the *Plans to fight against corruption of each individual institution of BiH*.

In this regard, the content basis of the *Action Plan for the prevention of corruption in the institutions of BiH during the duration of the COVID 19 pandemic* has been conceptually adapted and incorporated as a strategic goal in the individual *plan of the fight against corruption in the institutions of BiH*. With this approach, the Agency dynamized the process of strategic planning at the level of BiH institutions, but also facilitated the monitoring of the implementation of specific anti-corruption activities in real time.

The defined activities aim to improve overall coordination and cooperation in the field of COVID strategic planning. Guided by the above, and when it comes to integrating COVID activities into anti-corruption plans, the Agency monitored and analyzed the development process of these documents during the reporting period.

According to operative paragraphs 4-7 of resolution 9/1:

The Law on Public Procurement of BiH (Official Gazette of BiH, 39/14 and 59/22) regulates the public procurement system in Bosnia and Herzegovina. The law has established the rules for public procurement procedures, in such a way as to define rights, duties, responsibilities, and legal protection participants in the public procurement procedure. Conducting the process of public procurement in accordance with the mentioned law prevents possibilities for public officials from using their status, influence, or insider knowledge to profit from procurement processes. The Public Procurement Agency of BiH is responsible for the adequate implementation of the Public Procurement Law of BiH (<https://www.javnenabavke.gov.ba/en/>).

The conducting of the whole public procurement process is a transparent, competitive, and objective process that has been conducted in accordance with the law and is oversight by the relevant institutions.

These processes are overseen by internal and external audits. For the level of the institutions of Bosnia and Herzegovina, the area of internal audit is regulated by the Law on Internal Audit of the Institutions of Bosnia and Herzegovina (Official Gazette of BiH, 27/08 and 32/12), and it is conducted in accordance with “the International Standards of Professional Practice of Internal Auditing” adopted by the Decision of the Coordination Board of Central Harmonization Units No. KO-13/2017 of 6 December 2017 and “Code of Professional Conduct for Internal Auditors in the Institutions of Bosnia and Herzegovina” adopted by the Decision number: 01-1-02-1-203-1/11 of the Central Harmonization Unit of the Ministry of Finance and Treasury of Bosnia and Herzegovina on 03 October 2011.

The Decision on criteria for establishment of internal audit units in the BiH Institutions (Official Gazette of BiH, No. 49/12 and 69/17) provides for establishment of 18 internal audit units which provide internal audit services to 78 institutions which is a total number of the institutions established at the level of BiH.

The purpose of the internal audit is to provide independent and objective assurance and consulting activities with an aim of improving operation of the institution and support the realization of objectives, ensuring a systemic and disciplined approach to the assessment and improvement of risk management, controls and management processes.

In accordance with the Law on Internal Audit of the Institutions of Bosnia and Herzegovina, the Central Harmonisation Unit (CHU) has been established as an administration organisation within the Ministry of Finance and Treasury of Bosnia and Herzegovina, mandated to introduce and develop the system of public internal financial control in the Institutions of Bosnia and Herzegovina based on recommendations of the European Commission and best practices in the EU member’s states.

The Decision on criteria for establishment of the internal audit units in the Institutions of Bosnia and Herzegovina (Official Gazette of BiH, 49/12) establishes the criteria for the establishment of the internal audit units in the Institutions of Bosnia and Herzegovina, including the administration bodies.

The Audit Office of the Institutions of BiH, established by the Law on Audit of the Institutions of Bosnia and Herzegovina, is the supreme audit institution, autonomous external auditor of the Institutions of BiH.

The Audit Office of the BiH Institutions is an external, independent auditor auditing business operations of the institutions of Bosnia and Herzegovina. According to the Law on Audit, the mandate of the Office includes all institutions and organisations funded from the budget adopted by the Parliamentary Assembly of BiH, extra budgetary funds, any funds provided to any institution or activity by external organisations, companies in which the state has a 50% ownership interest plus one share or more. The Office conducts financial audits (including the compliance audit), performance audits and special audits. Financial audit implies verification of financial statements and accompanying accounts of institutions with a view to assessing whether the financial statements are reliable and whether the balances completely reflect the results of budget execution. The Office assesses whether the institutions comply with current regulations, use funds for corresponding purposes and assesses financial management, internal audit functions and internal control systems. The Audit Office, inter alia, performs audits every year and gives its opinion on the annual report of the execution of the budget.

The Office's performance audits imply a review or examination of a certain business aspect of the entire or a part of the institution, programme or activity in terms of the cost-efficiency, efficiency and effectiveness of the institution's use of its resources.

Through timely and public disclosure of audit reports, the Office informs the Parliamentary Assembly of BiH and the public of its findings and recommendations.

Besides the Audit Office of the BiH Institutions which audits the institutions at the level of BiH, the audit of the public sector in the Federation of BiH is performed by the Audit Office of the FBiH Institutions, in Republika Srpska by the Supreme Office for the Republic of Srpska Public Sector Auditing and, in the Brčko District of BiH by the Audit Office for Public Administration and Institutions in the Brčko District of BiH.

The Law on Financing of the BiH Institutions defines a process of adopting budgets of the BiH Institutions, including the procedure, content, and method of preparing the budget, its execution, temporary financing, etc. Article 24 of the Law specifies that the budget, any amendment of the budget, and an annual statement shall be published in the Official Gazette of BiH. A separate section of the relevant Law is devoted to financial reporting and audit.

Any budget user shall submit quarterly and annual reports on its budget execution and work. Annual reports are extensive and comprehensive and subject to the audit performed by the Office for Auditing of the Financial Operations of the Institutions of BiH under the applicable Audit Law. The reports of budget users and the audit reports of the Audit Office have been the subject of discussions and the adoption of corresponding decisions by the Parliamentary Assembly of BiH.

It should be noted that the Oracle Treasury System was introduced in the BiH institutions in 2002, through which all accounts are connected and proper adjustments of the relevant accounts are recorded in the Treasury General Ledger system. Reports of the budget users are made in accordance with the General Ledger and then subject to the audit of the Audit Office of the BiH Institutions and to consideration by the Parliamentary Assembly of BiH.

In view of the preparation and creation of the annual budget of the institutions of Bosnia and Herzegovina (BiH institutions), the existing legal framework regulating procedures and budget documentation scope is observed.

All documents prepared for adoption of the *Budget of the Institutions of Bosnia and Herzegovina and International Obligations of Bosnia and Herzegovina* (BiH Budget) in the parliamentary procedure are published and publicly available on the web page of the Parliamentary Assembly of Bosnia and Herzegovina (PABiH).

The adopted documents related to financing of BiH institutions are published on the web page of the Ministry of Finance and Treasury of BiH (BiH MFT).

1. Global Framework of Fiscal Balance and Economic Policies in BiH (BiH GF);
2. Budget Framework Document of the Institutions of BiH (BiH BFD);
3. Law on Budget of the Institutions of Bosnia and Herzegovina and International Obligations of Bosnia and Herzegovina (BiH Institutions Budget Law) for each fiscal year;
4. Instructions for drafting the BiH BFD and the annual budget of BiH institutions;
5. Instructions for drafting periodical reports on execution of the budget of BiH institutions and international obligations (quarterly, semi-annual, nine-month and annual report);
6. Periodical reports on execution of the BiH institutions budget and international obligations (quarterly, semi-annual, nine-month and annual report);
7. Implementing documents.

The Audit Office of the Institutions of Bosnia and Herzegovina (AOI) conducts financial operations and performance audits in BiH institutions and publishes these reports on its web page.

The Central Harmonisation Unit of the Ministry of Finance and Treasury of BiH (BiH MFT CHU) is obliged to report to the CoMBiH on progress achieved in areas of internal audit and financial management and control annually, within the framework of regular annual consolidated reports on internal audit and financial management and control systems in BiH institutions.

Annual consolidated reports on internal audit and financial management and control systems in BiH institutions are published on the web page.

Budget of the institutions of Bosnia and Herzegovina (BiH) is executed and monitored through the Financial Management Information System (FMIS) implying application system of Treasury Main Ledger (TML) and other subledgers (Account Receivables, Account Payables, Cash Management, Fixed Assets, etc.).

According to operative paragraph 8 of resolution 9/1:

Civil Service Agency of BH has three main mandates: 1) developing a recruitment and selection process to staff up the state ministries and institutions, 2) training of civil servants and 3) development of Human Resources Management Information System for state institutions of Bosnia and Herzegovina. Civil Service Agency of BH is organising the training on topic: “Harmonization of laws and by-laws with the Law on Prohibition of Discrimination and the Law on Gender Equality in BiH”. Training content: Impact assessment of regulations and obligations regarding gender impact analysis, Basic goals of gender equality and approach to assessing the impact of regulations on gender equality and Standards and principles of gender equality in legal regulations and practical application of standards and regulations for gender equality using the Handbook for incorporating the principles of gender equality into laws and policies.³

Also there was a project which was implemented by Transparency International BiH and there is also publication named Gender and Corruption in Failed Democracies Issue Paper Supported by Case study Bosnia and Herzegovina.⁴

According to operative paragraph 9 of resolution 9/1:

Agency is also responsible for the establishment of integrity plans in public institutions of B&H and for the supervision of the implementation of the measures and recommendations contained in adopted integrity plans. Integrity plans are tools for raising awareness of the weak points in the operations of an institution, the purpose of which is to prevent and warn against the possibilities of corruptive phenomena. Following the development of draft integrity plans, the institutions submit them to Agency for opinion and recommendations. After the opinion from Agency is obtained, the plans are adopted by the managers of the institutions. The institutions shall then submit to Agency once a year, and more often, if necessary, reports on the

³ <https://www.ilearn.gov.ba/Training/ViewTraining/4356>

⁴ <https://ti-bih.org/wp-content/uploads/2020/05/Gender-and-Corruption.pdf>

implementation of measures and recommendations for the enhancement of integrity proposed in the adopted plans. Out of 76 public institutions in B&H, 45 plans had been adopted, 23 had started to update their integrity plans to this day. The Agency has developed and implemented together with Regional Anticorruption Initiative a new system that serves for the development of integrity plans through IT tools for electronic development of integrity plans, the so-called: CRA tool (Corruption Risk Assessments). Namely, this IT tool significantly shortens the time frame for the development of Integrity Plans (PIs) and makes it easier for institutions to prepare such plans and most of the work is done electronically.

The obligation to develop integrity plans stems from the law on Agency for the Prevention of Corruption and Coordination of the Fight against Corruption, Conclusion of the Council of Ministers of Bosnia and Herzegovina, and it is always incorporated in Anti-Corruption Strategy and the corresponding Action Plan. Also, Office for the Audit of Institutions of Bosnia and Herzegovina provide recommendations for all state level institutions to create their own Integrity Plans.⁵ According to its mandates Agency for the Prevention of Corruption and Coordination of the Fight against Corruption prescribes a uniform methodology and guidelines for making integrity plans and providing assistance to all public institutions in their implementation.⁶

Concerning the regular risk assessment in the Institutions of Bosnia and Herzegovina, the Agency for Prevention of Corruption and Coordination of Fight against Corruption (Agency) through integrity plan conducts the assessment of capacity and commitment of the institution for the fight against corruption and the assessment of the existing and necessary mechanisms which are integral part of the structure, procedures and legislation of the specific institution. The assessors investigate and assess risk areas, following which they recommend counter-measures providing protection against corruption.

On the basis of the recognised risk areas, the assessors submit the report about the level of integrity in the institution and provide recommendations for enhancement accepted by the management of the institution according to its own assessment. Therefore, the integrity plan is the project assignment in which all institution's levels of action, administration and management are involved. The integrity plan is a tool for raising awareness of the weak points in the operations of an institution, or jeopardized operations of an institution, the purpose of which is to prevent against and warn of the possibilities of corruptive phenomena. The integrity plan is the capacity of the system to resist irregularities caused by corruptive phenomena. In addition, the plan examines the insufficient standardisation, excessive standardization and execution of the specific internal acts in practice. The integrity plan also contains measures including the enactment of the internal secondary legislation, left out or missed legislation which may relate to a sensitive area.

Following the adoption of the integrity plans, the institutions are responsible to submit to the Agency once a year and more often if necessary the reports on implementation of measures and recommendations for enhancement of integrity proposed in the adopted plans. Based on submitted information, the Agency has conducted the analysis of the level of feasibility of

⁵ http://www.apik.ba/zakoni-i-drugi-akti/Zakoni/Zakon_o_Agenciji/Archive.aspx?langTag=en-US&template_id=196&pageIndex=1

<http://www.apik.ba/zakoni-i-drugi-akti/strategije/default.aspx?id=806&langTag=en-US>
https://www.vijeceministara.gov.ba/akti/zakljucni/Archive.aspx?langTag=hr-HR&template_id=92&pageIndex=2

⁶ http://apik.ba/zakoni-i-drugi-akti/Zakoni/Zakon_o_Agenciji/default.aspx?id=397&langTag=en-US

measures and recommendations from the adopted integrity plans as key anti-corruption document of each institution.

The Agency for Prevention of Corruption and Coordination of Fight against Corruption is the key institution responsible for the establishment of the system of integrity plans in the Institutions of BiH and conducting of supervision of the implementation of the measures and recommendations from the adopted integrity plans.

According to operative paragraph 10 of resolution 9/1:

Central bank of Bosnia and Herzegovina recognized the importance of the fight against corruption and strengthening the integrity of the institution, and with the help of certain partners, independently developed its internal compliance program.

The Chamber of Commerce and Industry of the Republic Srpska published in 1998 the first Code of Business Ethics that is still in force and mandatory for all Chambers' members i.e. all business entities (companies) established and registered in the Republic of Srpska. The Code implies that the corruption, among others, is action that disturb free competition on market, and as such is forbidden.⁷

Although the Law on Whistle-blower Protection in the Institutions of B&H defines the obligations for the institutions to only set the ground for the corruption reporting, the CBBH has implemented the system which provides the opportunity also for reporting any other irregularities observed by the staff of the CBBH as well as the citizens and third parties.

Certainly, the most significant activity is the introduction of new anti-corruption system-Ethical line, making the CBBH a member of a group of rare public institutions using and promoting this system.

The Ethical line is an entirely protected online system providing the possibility for anonymous reporting of corruption and any other irregularities without the possibility to determine where from and by whom the report was submitted. The system „Ethical line“ is accessed via the web site : www.cbbh.ba, by clicking the logo „Ethical line“, available 24 hours a day, 7 days a week and it is free of charge for the reporter.

The system is managed by an independent third party, which has no insight into the content of internal reports and proceedings but guarantees high technical standards of protection of the system from misuses or non-professionalism.

The CBBH guarantees to investigate all the submitted reports, with the equal attention and treat them fully in accordance with the Rulebook on Internal Reporting of Corruption and Other Irregularities.

Due to the improvement and development of an effective compliance program, the Central Bank received a prestigious award from the Central Banking, in the transparency category

⁷ <https://komorars.ba/o-nama/regulativa/> - available only in local language

<https://www.centralbanking.com/awards/7954449/transparency-central-bank-of-bosnia-and-herzegovina>)

According to operative paragraph 11 of resolution 9/1:

In BiH were a few initiatives and activities regarding beneficial ownership. TIBiH reviewed the legal framework and its implementation in the field of regulation of beneficial ownership. The analysis showed that BiH, through the current Law on Prevention of Money Laundering and Financing of Terrorist Activities, partially regulated the issue of real property. The area of real property is legally fragmented and requires the unification of provisions in accordance with international standards. By establishing a single register of beneficial owners, BiH would harmonize its practice with international standards in the area of preventing money laundering and terrorist financing, create legal security for taxpayers and businesses, and increase transparency and control by law enforcement agencies.⁸

According to operative paragraph 12 of resolution 9/1:

Judicial and police authorities were investigating and prosecuting in front of relevant courts several cases of offenses committed during the pandemic period. These crimes concern irregularities in public procurement related to the fight against viruses.

According to operative paragraph 13 of resolution 9/1:

Bosnia and Herzegovina is committed to reinforcing and enhancing inter-agency cooperation at all levels to prevent any form of crime, especially organized crime and corruption.

A proactive approach in the fight against this kind of crime implies, among other things, coordination and the use of intelligence and operational data, as well as information from strategic analyses (e.g. risk and threat assessments), improvement of knowledge, and enhanced cooperation of institutions and authorities.

The preventive form of the fight against organized crime includes various activities that reduce the possibility of committing criminal offenses and improve social factors that prevent the emergence and development of organized crime, which requires the comprehensive engagement of the entire society. In addition, it contributes to informing and protecting victims of organized crime, which requires cooperation and connection of all actors in prevention at all levels.

Promoting cooperation and partnerships in the field of the fight against organized crime is prescribed as one of the objectives of the Strategy for Combating Organized Crime in Bosnia and Herzegovina (2023-2026), with the seeks to enhance dialogue and collaboration across different stakeholders and, where possible, societal sectors. Especially, focus is on boosting

⁸ <https://ti-bih.org/wp-content/uploads/2022/03/Stvarno-vlasnistvo-u-BiH-zakonski-okvir-i-implementacija-final.pdf>
<https://ti-bih.org/wp-content/uploads/2022/04/Stvarno-vlasnistvo-u-BiH-zakonski-okvir-i-implementacija-final.pdf>

cooperation among institutions and agencies in Bosnia and Herzegovina, continuously improving cooperation at the regional and international levels. Also, very important is continuous cooperation with the media for the purpose of promoting the results of the suppression of organized crime, improving the cooperation between public institutions and the private sector and civil society, and scientific and academic organizations and institutions dealing with multi-disciplinary research of organized crime. (The Strategy is available online: <http://www.msb.gov.ba/PDF/300320233.pdf>)

According to operative paragraph 14 of resolution 9/1:

The Parliamentary Assembly of BiH is the legislative institution of Bosnia and Herzegovina with structure and competencies laid down in the BiH Constitution. Besides its main legislative function, the Parliamentary Assembly of BiH also carries out additional activities such as control, informative, internal regulation, adopting decisions on issues of vital interest and self-dissolution, participating in inter-parliamentary cooperation and performing other activities in accordance with the BiH Constitution, the Law and the Rules of Procedure.

One of the most important functions of the Parliamentary Assembly of BiH is oversight function. In order to strengthen the oversight function of the Parliamentary Assembly of BiH, the Parliamentary Assembly of BiH passed the Parliamentary Oversight Act ("Official Gazette of BiH" number: 25/18) at the 58th session of the House of Representatives held on March 7, 2018 and at the 37th session of the House of Peoples, held on April 17, 2018,

The Parliamentary Oversight Act is the first such law that has no counterpart in the region. The Parliamentary Oversight Act regulates the oversight of the Parliamentary Assembly of BiH over the work of all budgetary and extra-budgetary institutions of BiH, administrative bodies and institutions with public powers, as well as the oversight over the work of persons who manage a part of the budgetary and extra budgetary sources of funds of profit or non-profit organisations and bodies, originating from the sources of Bosnia and Herzegovina or donated to institutions and bodies of BiH, regardless of the percentage amount, persons whose appointment is confirmed or approved by one or both Houses of the Parliamentary Assembly of BiH.

The parliamentary oversight is carried out for the purpose of improving the accountability, effectiveness, efficiency, cost-effectiveness, justification of business operations or only parts of operations of the institutions and bodies referred to in Article 1 of this Law, the verification of reports, transparency and functionality of institutions subjected to the oversight.

The parliamentary oversight is carried out for the purpose of managing the respective authorizations, public finances and preventive protection from illegal activities, abuse of function and authority, material and financial resources, collecting information and facts about the events related to the work of administrative institutions and bodies of BiH. The parliamentary oversight is carried out through hearings, public hearings and thematic sessions, conducting parliamentary public inquiries, through parliamentary or delegate issues and interpellations, by submitting requests to the BiH Presidency for delivery of written reports, proposing a vote of no confidence to the Parliamentary Assembly of BiH and the need for recomposition of the Council of Ministers of BiH and consideration of reports.

The Act provides for fines for a responsible and authorized person of the institution subjected to the parliamentary oversight.

According to operative paragraph 15 of resolution 9/1:

Law on Freedom of Access to Information in Bosnia and Herzegovina has an objective to establish that information under the control of the public authority represents a public good of value and that public access to these pieces of information promotes greater transparency and responsibility of those public authorities, and that they are necessary for the democratic process.

In accordance with the Law on Freedom of Access to Information fundamental principles are determined, to provide the public with timely information. Every natural or legal person has the right to access this information into the greatest extent possible in accordance with the public interest, and public authorities have the appropriate obligation to publish information.

According to operative paragraph 16 of resolution 9/1:

Altogether 13 anticorruption strategies and 14 action plans exist on different levels. Corruption prevention bodies have also been set up in both entities, in Brčko District and in all cantons. In some cantons, corruption prevention bodies have been set up as ad hoc bodies without full-time professional members. Out of a total of 14 bodies for the prevention of corruption in Bosnia and Herzegovina, five have established a professional and functional structure, with clear competencies and a normative framework. All others are ad hoc bodies with a short range of goals and limited competences.

In accordance with the competencies of Agency and by the Law on the Agency, as well as the competencies set out in the Uniform Rules for Legislative Drafting in the Institutions of Bosnia and Herzegovina, as of today, the Agency has issued 29 opinions on laws, bylaws and other legal acts at all levels of government in Bosnia and Herzegovina, in order to ensure and improve the legal framework for the prevention of corruption in Bosnia and Herzegovina and the assessment of the risk of corruption in the regulations in Bosnia and Herzegovina. In addition, Agency developed with the assistance of the Regional Anti-Corruption Initiative (RAI) tools for Anti-corruption assessment of legislation (CPL) or more simply “corruption proofing”. It is a review of the form and substance of drafted or enacted legal rules in order to detect and minimize the risk of future corruption that the rules could facilitate.

Last OECD (Organisation for Economic Cooperation and Development) Competitiveness Outlook 2021, which is done every four years with comprehensive assessments of policies critical to competitiveness in South East Europe evaluated corruption risk assessment and anti-corruption public awareness and education as the strongest progress in BIH, regarding anticorruption. According to OECD Competitiveness in South East Europe 2021 Bosnia and Herzegovina has several elements of a legal framework for the prevention of corruption. Compared to the previous competitiveness policy outlook, Bosnia and Herzegovina has strengthened awareness raising and education activities. There is highlighted Anticorruption Agency’s traditional event related to prizes for artistic and literary works by school students on the theme of fighting corruption as part of an annual campaign. The best works were included in a promotional film and printed in the Agency's calendars, and also promoted at annual Conference Marking International Anti-Corruption Day.⁹

⁹ <https://www.oecd-ilibrary.org/docserver/a086d501-en.pdf?expires=1679578596&id=id&accname=guest&checksum=108DB553444B6D86B671AC949B98B992>

According to operative paragraphs 17 and 19 of resolution 9/1:

In regard to the reporting corruption and protection of whistleblowers, the continuity of timely, professional and law-based actions is evident. In the previous period, work was done in parallel on the complete digitization of the Agency's actions in these important areas of work, as well as on the promotion of protection mechanisms and good practices of BiH in these areas on the international and regional level. When it comes to the process of digitalization of anti-corruption, there is database and software for reporting corruption and providing protection to the whistle-blowers. However, this database is not available to the public, as it contains confidential reports from whistle-blowers. Also, the toll-free number (080 054 321) has been established for whistle-blowers employed in the institutions of B&H.

LAWS AND AUTHORITIES DEALING WITH THE SUPPORT AND PROTECTION OF WHISTLEBLOWERS IN BOSNIA AND HERZEGOVINA

The State Law on the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption (APIK) regulates the area of corruption prevention. Whistleblower protection legislation provides administrative protection to all employees of institutions and bodies established at the state level. This legislation grants preventive protection to employees before any retaliation occurs. Anonymous reports are permitted. In the Republika Srpska entity, whistleblower protection legislation provides for judicial protection against retaliation and applies to all persons reporting corruption in the public or private sectors. It also provides for a reversed burden of proof, a non-exhaustive list of possible harmful consequences from which protection can be sought, and access to an expedited judicial procedure. There is no such legislation in the Federation entity. In Brčko District, there is legislation on the protection of whistleblowers, which provides for administrative protection. Legislation on the protection of whistleblowers needs to be aligned with the new *acquis* in this area.¹⁰ The Law on Protection of Whistleblowers in the Institutions of B&H¹¹ was adopted at the state level in December 2013. The Agency for the Prevention of Corruption and Coordination of the Fight against Corruption is responsible for processing applications submitted with indications of corrupt behaviour in accordance with Article 10, paragraph h) of the Law on the Agency.¹² In accordance with its tasks and guided by the principles of professional and equal treatment and non-discrimination, as well as the principles of timeliness and justification, the Agency analysed each submission and, on the basis of the law and regulations on the treatment of applications submitted with

¹⁰ Source: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-and-herzegovina-analyticalreport.pdf>

¹¹ "Official Gazette of B&H", No.: 100/13, in force since 1 January 2014, <http://www.APCCFC.ba/zakoni-i-drugi-akti/Zakoni/drugivaznijzakoni/LAW%20ON%20WHISTLEBLOWER%20PROTECTION%20IN%20THE%20INSTITUTIONS%20OF.pdf>

¹² "Official Gazette of B&H" No. 103/09 and 58/13; http://apik.ba/zakoni-i-drugiakti/Zakoni/Zakon_o_Agenciji/default.aspx?id=397&langTag=en-US

indications of corrupt behaviour, submitted the respective reports for further competent treatment by the truly competent judicial and police authorities in Bosnia and Herzegovina.

The implementation of the legislation on whistleblower protection is entrusted at the state level to Agency, in the Republika Srpska entity to the Judiciary and in the Brčko District to the District Office for Corruption Prevention. In the Federation entity there is no law providing for the establishment of a similar institution.¹³ The Law on Protection of Whistleblowers in the Institutions of Bosnia and Herzegovina provides that the main implementing bodies are Agency and the Administrative Inspectorate of the Ministry of Justice of Bosnia and Herzegovina. According to the Law, Agency assigns whistleblower status to a person who reports corruption within 30 days from the date of the report. If the employer jeopardises the whistleblower's status in any way (dismissal, suspension, transfer to a lower position), he or she will be fined between KM 10,000 and KM 20,000. A fine of KM 1,000 to KM 10,000 is prescribed for a whistleblower who deliberately reports false corruption. In addition, APIK has developed the "Rulebook on whistleblowing and the protection of whistleblowers". In direct consultation with all institutions and on the basis of the unified Rulebook, Agency has monitored and coordinated the process of adopting such rulebooks (rulebooks have been adopted in 64 institutions of Bosnia and Herzegovina). Furthermore, the "Instruction for the implementation of the Law on Protection of Whistleblowers in the Institutions of Bosnia and Herzegovina" was developed. During the implementation of the Law on Whistleblower Protection in the Institutions of Bosnia and Herzegovina, the analysis of applications received has shown that some of the persons do not have requirements for granting the status of protected whistleblower, and that in some of these cases the Law does not apply to the applicants because they do not belong to the category of persons employed in B&H institutions to which the Law applies, or because the whistleblowers did not act in good faith (according to Article 9 of the aforementioned Law) or could not provide concrete evidence for their allegations. In view of all these circumstances, the Regional Anti-Corruption Initiative (RAI) and Agency concluded a Memorandum of Understanding on 28 October 2020 on cooperation in the field of strengthening the protection of whistleblowers in Bosnia and Herzegovina by strengthening the legal and institutional framework in line with the EU Whistleblowing Directive by supporting the improvement of whistleblower protection mechanisms in Bosnia and Herzegovina. Furthermore, all institutions at the state level were obliged to establish corruption reporting offices (e-mail address, mailbox, telephone number for reporting corruption, etc.).

The Law on Whistleblower Protection in the Institutions of Bosnia and Herzegovina does not apply to the private sector. In order to promote the protection of whistleblowers among the general public, Agency, in cooperation with the Centre for Social Research "Analitika", has prepared promotional brochures and materials. In this context, a free whistleblower hotline (080054321) was set up for employees in B&H institutions to help them report wrongdoing confidentially and anonymously. To improve the processing of reported corruption cases, Agency, in cooperation with UNDP Bosnia and Herzegovina, has developed a database and software for reporting corruption and protecting whistleblowers. Since the implementation of

¹³ Source: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-andherzegovina-analytical-report.pdf>

Whistleblower Protection in the Institutions of Bosnia and Herzegovina, Agency, in cooperation with the Civil Service Agency B&H, has organising trainings for civil servants in the institutions of Bosnia and Herzegovina, aiming at the introduction of civil servants to their rights and obligations under the Law on Whistleblower Protection in the Institutions of B&H and resolving petitions by other civil servants and citizens with regard to reporting corruption. In this context, trainings were held for the Indirect Taxation Authority, Border Police B&H, Ministry of Security B&H, Ministry of Civil Affairs B&H, the State Investigation and Protection Agency, Ministry of Justice B&H and other entities and agencies within the ministries. Furthermore, Agency has three certified trainers in the Civil Service Agency B&H and the Civil Service Agency B&H and made itself available to all institutions in B&H regarding the implementation of the Law and other activities related to reporting corruption.

The institutions in Bosnia and Herzegovina are aware that the specialization of personnel for the fight against corruption offenses requires a developed training system that enables the continuous acquisition of the necessary competencies, and it is needed for the purpose of improving the combating methods, investigation tactics and documenting modern forms of crime, applying special investigative techniques, conducting financial investigations and effectively seizing and confiscating the proceeds of crime, implementing international standards, and developing regulations also in other areas.

In this sense, they develop their own strategic documents that include plans for permanent training and development of personnel. They carry out training and improvement using their own resources, as well as the resources of partner institutions from Bosnia and Herzegovina, as well as international partners, such as UNDOC, OSCE, and others.

According to operative paragraph 20 of resolution 9/1:

Bosnia and Herzegovina through its relevant institutions, actively participates in all relevant regional and international events, conferences, workshops, initiatives, programs, etc. in order to collect and exchange best practices in preventing and fighting corruption.

According to operative paragraphs 18 and 21 of resolution 9/1:

Bosnia and Herzegovina in accordance with domestic law and their respective applicable international obligations, develop and strengthen the use of reliable, high-quality, timely and effective electronic communication channels that enable to rapidly share timely information at the national and international levels through existing mechanisms, including those of the International Criminal Police Organization (INTERPOL).

Bosnia and Herzegovina cooperate in criminal matters with other states and international organizations (e.g. INTERPOL) and is open to affording to another the widest measure of mutual legal assistance in investigations, prosecutions, and judicial proceedings in relation to the offenses covered by the Convention.

In relation to international police operational cooperation, please note that the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina which, among other things, carries out tasks related to: international police cooperation, as the National Central Bureau of INTERPOL (NCB Interpol), as the national contact point for cooperation with the SELEC Center and other international police organizations dealing with crime suppression; the central point of contact in the performance of international operational police and judicial cooperation in accordance with bilateral and multilateral international agreements and ratified conventions

and protocols that regulate international cooperation; direct exchange of information with the police and judicial authorities of other countries and the implementation of activities related to the prevention and detection of criminal offenses and their perpetrators; acting on the requests of domestic and foreign judicial authorities in the process of providing international legal assistance in criminal matters; coordinating international police cooperation on a multilateral basis through the participation of police representatives in the work of international organizations and institutions, as well as in projects related to international police cooperation; implementation of international operational police and judicial cooperation in accordance with the obligations assumed by becoming a member of INTERPOL, SELEC, and other international police organizations, as well as in accordance with bilateral and multilateral international agreements and ratified conventions and protocols; exchange of information with administrative bodies, ministries and other bodies dealing with the prevention and suppression of crime, as well as with judicial authorities.

Ministry of Justice of BiH is central authority for Mutual legal assistance (MLA) in criminal matters. In this procedure, the Ministry has intensive cooperation with domestic and foreign judicial authorities, on a daily basis, as well as with the central authorities of other countries. The area of mutual legal assistance in criminal matters is governed by the Law on Mutual Legal Assistance in Criminal Matters. When it comes to the need to speed up the provision of international legal assistance and when urgency of action is necessary, this Law, in certain cases, provides for the possibility of direct cooperation between domestic and foreign judicial authorities. The ratified and published international agreements make an integral part of the internal legal order, and shall have the supremacy over the national legislation and shall apply directly when they regulate relations differently than the national legislation. Therefore, the application of international instruments is of utmost importance for successful and efficient judicial cooperation.

APIK, State Investigation and Protection Agency, and Ministry of Internal Affairs of Republika Srpska are already members of GloBE network, and the Federal Ministry of Internal Affairs and the Police of Brcko district of BiH applied for a membership.

2. Challenges encountered

Please describe any challenges your country has encountered in implementing operative paragraphs 1 to 21 of resolution 9/1 regarding strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery. *Please state the relevant operative paragraphs in your answer.*

Following the expiration of the Strategy for the fight against corruption in Bosnia and Herzegovina 2015-2019 and the Action Plan for its implementation, no new Strategy for the fight against corruption in Bosnia and Herzegovina and the Action Plan were adopted.

In accordance with Article 10, paragraph (1), item a) of the Law on the Agency, in February 2020, the Agency for Prevention of Corruption and Coordination of the Fight against Corruption (hereinafter: Agency) finalized the Draft Anti-Corruption Strategy and Action Plan for the period 2020-2024. Agency was the leading institution during the development of the Strategy. In order to avoid overlapping with the competencies of the Entities, BD and the

Cantons, the Strategy and the Action Plan are not sector-oriented given that these levels of authority have specific competencies in the sector areas (home affairs, justice, health, education, etc.). The Strategy and the Action Plan are adjusted to the specific features of the constitutional set-up of BiH and they provide the lower levels of authority with the basis to develop their own anti-corruption strategies and to harmonize them with the general principles set out in this document. During the preparation of the new Strategy, the GRECO recommendations and EC priorities were also considered. In the process of drafting the aforementioned Draft Strategy, the Agency undertook a number of available activities of a formal and administrative nature with the aim of timely adoption of these documents by the BiH Council of Ministers. Below we provide an overview of the data concerning the failed process of adoption of the documents:

- At the 19th session of the Council of Ministers of Bosnia and Herzegovina held on October 29, 2020 the proposal for the adoption of the Strategy was not considered, more precisely, the proposal was removed from the agenda.
- At the 25th session of the Council of Ministers of Bosnia and Herzegovina held on February 3, the Proposal for a Decision on the Adoption of the Strategy was considered, but it did not receive the necessary majority in the first round of voting (five votes FOR and one vote AGAINST);
- At the 39th session of the Council of Ministers of Bosnia and Herzegovina held on June 11, 2021 the Proposal for a Decision on the Adoption of the Strategy was considered, but it did not receive the necessary majority in the second round of voting (five votes FOR and five votes AGAINST).

Taking into consideration that two years have passed and a reasonable deadline for the adoption of the aforementioned Draft Strategy, the new management of the Agency had a firm determination to approach the process of innovating and redefining the aforementioned Draft Strategy and Action Plan, which also meant returning the process to the very beginning and implementing a series of binding procedures such as:

- Redefining the Draft Strategy and Action Plan (adjusted duration, corrections of measures, deadlines and financial indicators in the Action Plan...);
- Implementation of the process of public consultations through the e-consultation platform of the Ministry of Justice of Bosnia and Herzegovina, and upon the completion of the process, it was made the report on the held consultations with the interested public, which contains detailed answers and explanations to the submitted proposals (end of 2022);
- Binding opinions on the Draft Strategy and Action Plan 2022-2024 were obtained from competent institutions of BiH (Ministry of Finance and Treasury of Bosnia and Herzegovina, Legislative Office of the Council of Ministers of Bosnia and Herzegovina, The Directorate for European Integration and Ministry of Justice of BiH);
- Completed documentation necessary for the process of adopting the Draft Strategy and Action Plan 2022-2024. was submitted to the General Secretariat of the Council of Ministers of Bosnia and Herzegovina on February 8, 2023 with an indication of urgency regarding the consideration of the Draft Strategy and Action Plan at the next session of the Council of Ministers of Bosnia and Herzegovina

- At the 3rd session of the Council of Ministers of Bosnia and Herzegovina held on February 23, 2023, the proposal for the adoption of the Strategy was not considered, more precisely, the proposal was removed from the agenda.

- Also, the 7th session of the Council of Ministers of Bosnia and Herzegovina held on March 3, 2023 the proposal for the adoption of the Strategy was not considered, it was removed from the agenda.

Apparently, the Agency fulfilled its legal role in a timely and coordinated manner, undertook a number of available activities of a formal and administrative nature with the aim of timely adoption of the Draft Strategy for the fight against corruption and thus exhausted all available mechanisms.

It is important to emphasize that the new Anti-Corruption Strategy 2022-2024, and its strategic goals are in line with recommendation in the Western Balkans Strategy and the recommendations of the Enlargement Package including Analytical Report focused on fundamental reforms required, whether on rule of law, fighting corruption, the economy or ensuring the proper functioning of democratic institutions and public administration, and foreign policy alignment as well as ensuring the implementation of anti-corruption strategies and action plans, notably by providing appropriate resources and establishing monitoring mechanism, as well as to ensure the effective functioning and coordination of corruption prevention bodies.

Although the new Anti-Corruption Strategy has not been adopted yet, as well as the corresponding Action Plan, Guidelines for Strategic Planning of Anti-Corruption Policies in BiH have been developed by representatives of APIK to facilitate the process of drafting anti-corruption documents at the other levels of government in BiH. That was done in order to map and facilitate the mentioned process in the methodological sense. Recognizing the peculiarities of the BiH constitutional system, the existing legal and strategic framework for combating corruption in BiH, the Guidelines are intended for bodies for the prevention of corruption in BiH as well as commissions authorized and competent to develop corruption prevention policies at a certain level of government in BiH. The guidelines also contain specific recommendations based not only on the analysis of the Draft National Strategy and activities common to all levels of government, but also on potential risks and opportunities in the development of anti-corruption documents with a special focus on sectoral orientation. The guidelines are based on the Draft Strategy and Action Plan, so that obligations and responsibilities towards all levels of government in BiH are distributed in a timely manner. The guidelines are designed to bridge the time until the strategy is adopted.

The creation process of the new Anti-Corruption Strategy and corresponding Action Plan for the period 2024 -2028 is started.

Limited material and technical resources

According to GRECO fifth evaluation report for Bosnia and Herzegovina (adopted in December 2022) it is recommended that Agency be provided with adequate financial and human resources to perform its tasks effectively. The problem of resources, as it could only count on 31 operational staff members since 2015, whereas 41 were planned. Of these 31 staff members, 24 are working for Agency (including eleven who are working directly on implementing activities) and seven are attached to Agency but are working for the Commission for Deciding on the Conflict of Interests.¹⁴

It is evident that the Agency fulfils its legal role in a timely and coordinated manner when it comes to the process of strategic planning of anti-corruption policies, as well as the coordinating role in the consultative preparation process, with full respect for the B&H constitutional structure. In the following period, the Agency will continue to make available professional capacities to all levels of government in B&H, which are obliged to develop anti-corruption policies. In accordance with the legal competencies, and in order to improve the mentioned process, the Agency will adopt the necessary and adequate anti-corruption measures, and initiate the necessary processes to make the strategic framework for fighting corruption in B&H conceptually proactive, taking into account the current situation and integration processes, to which Bosnia and Herzegovina commits itself.

¹⁴ <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680aa76dc>