



# **Law on conflict of interests of Bosnia and Herzegovina**

## *Practical experience*

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**Member of the B&H Central Election Commission**  
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## **B&H Central Election Commission**

- Independent and autonomous body
- 7 members appointed by the House of Representatives of B&H Parliament
- Mandate 7 years



## **B&H CEC implements:**

- B&H Election Law (responsible for all direct and indirect elections);
- Law on Conflict of interests of B&H, B&H Federation and Brčko District;
- Law on political party financing;
- Law on Council of Ministers (checking candidates for Prime Minister, ministers and deputy ministers);
- Law on Anti-corruption Agency (checking candidates for managers)



## **Objective of the Law**

- Adherence of ethics, conscientious and responsible conduct of function
- Strengthening personal responsibility of officials and public trust
- Preventing performance of function in case of conflict of interests



Conflict of interest exists when private interest  
affects legality, transparency and impartiality in  
performing public duty

**When private interest is put above the public interest**



## To whom the Law applies?

- Members of B&H presidency;
- Members of legislative bodies at state and local level;
- Ministers and deputy ministers, municipal mayors;
- Directors and deputy directors of state administration bodies, agencies, directorates, bureaus and other institutions, who are elected or appointed by the legislative and executive bodies of government;
- Advisors to above-mentioned officials.

Responsibility also in the case of conflict of interests of their  
close relatives (spouse, parents, children)



## **Situations that lead to conflict of interests**



## It is prohibited to be:

- ▶ Member of the Steering Board, Management or Board of Directors: public enterprise, privatization agency, public institution
- ▶ Owner, member of management, Supervisory board or Board of directors of a private enterprise that works with governmental bodies or a private enterprise into which the governmental body invested capital.





## It is prohibited:

- To be in contractual agreement with a public enterprise, private enterprise and natural or legal persons doing business with governmental bodies at any level of government
- To undertake official actions or to vote on any issue directly concerning private enterprise in which that official or his/her close relatives have financial interest



## **It is prohibited to:**

- Receive or demand gifts or any other benefits in performing public functions;
- Promise employment or any other right in exchange for gift or promise of a gift;
- Prefer persons on grounds of party or other affiliation or origin, personal or family relations;
- Refuse review of his/her financial situation;
- Receive additional compensation for tasks performed in exercise of public duty



## It is prohibited to:

- Ask, accept or receive money or favor for voting on any issue or influence decision of a body or a person;
- Influence awarding the state businesses aimed at getting personal benefit;
- Use privileged information on the activities of governmental bodies for personal gain;
- Use in any manner their position to influence decision of government in obtaining a personal gain, benefit or right, to close a legal business or in any other manner influence the gain for themselves or close relatives.



## Sanctions

- ▶ Ineligibility to run for any function of elected official, executive officeholder or advisor in the period of four years following committed offense
- ▶ Withdrawal of mandate to directly elected officials
- ▶ Fine in the amount from 500 € to 5.000 €



## **Judicial protection**

Appeals on the decisions of the B&H Central Election Commission are considered by the Appellate Division of the B&H Court.

**BOSNA I HERCEGOVINA**  
**CENTRALNA IZBORNA KOMISIJA**  
**SREDIŠNJE IZBORNO POVJERENSTVO**



**БОСНА И ХЕРЦЕГОВИНА**  
**ЦЕНТРАЛНА ИЗБОРНА КОМИСИЈА**

## **Examples from practice**



Checking Form on personal information

Member of the B&H Parliamentary Assembly

Owner of  
Private  
enterprise

**Prohibited!**

Private enterprise entered  
into contracts with  
bodies of government at  
any level exceeding  
2.500 € annually

**Sanction**

- ✓ Withdrawal of mandate,
- ✓ Prohibition to run for any function for 4 years,
- ✓ Fine



Checking appointments to Supervisory boards by government

Councilor in Municipal Council Novo Sarajevo

Member of  
legislative body  
of local self-  
government

**Prohibited!**

Spouse member of  
Supervisory Board of  
Public Enterprise  
appointed by  
Government of Sarajevo  
Canton

**Sanction**

- ✓ Withdrawal of mandate,
- ✓ Prohibition to run for any function for 4 years,
- ✓ Fine





Checking contracts closed by government

Minister of Foreign Affairs of B&H

Member of  
Supervisory  
board of  
insurance  
company

**Prohibited!**

✓ Private enterprise that  
closed contracts with  
government at any level,  
✓ Contract exceeded  
2.500 € annually

**Sanction**

- ✓ Notice of B&H Parliament on conflict of interests,
- ✓ Prohibition to run for any function for 4 years,
- ✓ Fine



## **Effects of Law on conflict of interests**

- 923 resignations;
- 1340 issued opinions upon requests;
- 231 orders for removal of conflict of interests;
- 295 initiated procedures;
- 88 decisions on termination of procedure;
- 180 decisions on established conflict of interests;
- 95 appellate procedures initiated before BiH Court.

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