

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



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

# **CONFLICT OF INTEREST PREVENTION, TOOLS AND MEASURES**

**Tirana , January 2011**

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# **COMPETENCES OF THE CENTRAL ELECTION COMMISSION**

## **Implementation of:**

- **BiH Election Law;**
- **The Laws on conflict of interests;**
- **The Law on political party financing;**
- **Part of the Law on BiH Council of Ministers**



## LEGISLATIVE FRAMEWORK

- **The law on conflict of interests in the governmental institutions of Bosnia and Herzegovina (CEC BiH)**  
“Official Gazette of BiH” 16/02, 14/03 , 12/04 and 63/08
- **The law on conflict of interests in the governmental institutions of Federation of Bosnia and Herzegovina (CEC BiH)**  
“Official Gazette of FBiH” 70/08
- **The law on conflict of interests in the institutions of Brčko District of Bosnia and Herzegovina ( CEC BiH)**  
“Official Gazette of Brčko District” 43/08
- **The Law on prevention of conflict of interests in governmental institutions of Republika Srpska (Republic Commission for determining conflict of interests)**  
“Official Gazette of RS” 73/08



## The Law on Agency for prevention and fight against corruption (Official Gazette of BiH” 103/09)

- The Agency for prevention and fight against corruption (2010); Acting director appointed, but recruitment has not been completed).
- Strategy for fight against corruption 2009-2014
- The Action Plan for implementation of the Strategy



## THE LAWS ON CONFLICT OF INTERESTS

➤ The laws stipulate **specific obligations of public officials** in performing their function/duty.

**Persons to whom the Law applies:**

- **Elected officials,**
- **Executive officeholders,**
- **Advisors,**
- **Close relatives (merital and extramarital partner, child, mother, father, adoptive parent, adopted child).**



## LEGAL SOLUTIONS

### 1. Incompatibility of public function and financial interest:

- a) *In public enterprise*
- b) *In directorate or privatization agency*
- c) *In private enterprise*
- d) *Prohibition to vote on any matter that directly affects a private enterprise*

### 2. Prohibition of closing personal service contracts with

- a) *a public enterprise,*
- b) *private enterprise*

### 3. Prohibition to perform duties in foundations and associations



#### 4. Accepting gifts (RULES- PROHIBITIONS)

- to accept gift which value is exceeding **100 Euro**
- receiving **additional compensation** for tasks performed in exercise of public duty
- **influence decision** of any body or a person
- **preferring persons on grounds** of party or other affiliation or origin, personal or family relations
- **use privileged information** on the activities of governmental bodies for personal gain or gain of affiliated persons
- **using in any manner their position** to influence legislative, executive or judicial power- obtaining a personal gain or gain of affiliated persons.



## 5. SACTIONS (per Law on conflict of interests)

- **Ineligibility to run** for any function of elected official, executive officeholder or advisor in the period of **four years following committed offense** (as obligatory norm) and financial fine (as voluntary norm)
- **Financial fine** in the amount from 1.000 to 10.000 BAM (imperative norm)





## Since implementation of the Law the BiH CEC has:

- Issued 1.500 opinions
- Initiated 258 procedures
- Pronounced 123 sanctions

Out of 27 filed appeals, the BiH Court rejected 26 appeals,  
and only one was admitted



# ASSETS DECLARATIONS

## Types of declarations

1. BiH Election Law – **Assets declaration form**
2. Law on conflict of interests – **Personal data form**



## WHO IS SUBMITTING THE FORMS

- 1. Per BiH Election Law all elected officials at all levels of government submit the forms*
  - 2. Per Law on conflict of interests elected officials, executive officeholders and their advisors submit the forms*
- Submitting completed forms: in person, by mail or fax*
  - Public disclosure: BiH CEC's web site [www.izbori.ba](http://www.izbori.ba) and upon request of a third party*



## *When the forms are submitted*

- *At beginning and at the end of a mandate*
- *Extraordinary report in case of determining certain facts on possible existence of conflict of interests*



## ➤ Sanctions

*According to BiH Election Law (for failure to submit the form)*

- 1.000,00 BAM – 10.000,00 BAM **political subject**
- 1.000,00 BAM – 5.000,00 BAM **elected official at BiH and entity level**
- 200,00 BAM – 3.000,00 BAM **elected officials-cantonal and municipal level**
- 200,00 BAM – 3.000,00 BAM **all elected officials at the end of mandate**

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**THANK YOU**

