



*The 9th SPAI
STEERING GROUP MEETING*

BOSNIA AND HERCEGOVINA

- PROGRESS REPORT TEMPLATE -



PROGRESS REPORT TEMPLATE

1. SUMMARY OF REPORTS FROM THE PREVIOUS STEERING GROUP MEETING

This section should include brief references to the announcements made at the previous meeting (e.g. drafts of law, new projects, strategies)

At sessions of BH Parliamentary Assembly, held on May 4, 2004, the Law on Prevention of Money Laundering was passed. The Law stipulates measures and responsibilities for revealing, preventing and investigating money laundering and funding terrorist activities, and measures for international cooperation in the said area.

This Law enters into force six months after its publication in the Official Gazette BiH ("Official Gazette of BiH" issue 29 of June 28, 2004), on which date the following legislation will cease to be in force: Law on Prevention of Money Laundering of F BiH ("Official Gazette of F BiH" issue 8/00), Law on Prevention of Money Laundering of RS ("Official Gazette of RS" issue 52/01), and Law on Prevention of Money Laundering of Brčko District ("Official Gazette of Brčko District" issue 14/03).

2. PROGRESS MADE FROM THE LAST STEERING GROUP MEETING IN ACHIEVING THE SPAI OBJECTIVES

The information in this section should be presented under the SPAI pillars:

Adoption and implementation of European and other international instruments.

- UN MERIDA Convention against corruption has been signed on the September 16, 2005.
- European convention of mutual legal assistance in criminal matter. Ratified 22, March, 2005.
- European Convention of extradition, Ratified, 22 March, 2005.
- In May Ministry of Justice has Signed ministerial Declaration on 10 joint measures to curb corruption in SEE.
- Declaration signed on Brdo Kranj - Slovenia on 28 October, 2005 on the joint fight against organized crime, corruption and illegal immigration.

Promotion of good governance and reliable public administrations

- The issue of access to information is treated in Freedom of Information Acts ("Official Gazette of BiH" issue 28/00; "Official Gazette of F BiH" issue 32/01; "Official Gazette of RS" issue 20/01), which are completely harmonized.



- In Brčko District, the Freedom of Information Act of BiH is applied directly based on the Instruction for implementation of Freedom of Information Act of BiH in Brčko District ("Official Gazette of Brčko District" issue 36/04).
- Law on Administrative Disputes, which entered into force on February 24, 2005, administrative disputes in first instance are decided by cantonal courts having jurisdiction over the seat of first instance administrative body that made the decision.
- Rulebook on disciplinary liability of civil servants in BH institutions ("Official Gazette of BH" issue 20/03) regulates the issues of disciplinary liability, disciplinary measures, disciplinary procedures, and the execution of disciplinary measures for civil servants in BH institutions.
- Disciplinary procedure against a civil servant upon request of institutions is conducted by a disciplinary commission appointed by director of the Civil Service Agency. In two years of operation, these commissions conducted eight disciplinary procedures and corruption has not been established in any of the cases.
- Law on the Conflict of Interest in BH Institutions ("Official Gazette" issues 16/02, 14/03, and 12/04).
- Law on Administration ("Official Gazette of BiH" issue 32/02)

Strengthening of legislation and promotion of the rule of law

- According to the Law on Civil Service in BH Institutions ("Official Gazette BiH" issues 12/02, 19/02, 35/03, 4/04, 17/04, 26/04 and 37/04), civil servants are recruited for BH institutions only by way of public competition, consisting of a public examination, conducted by the Agency, and professional examination, conducted by the Selection Committee. The Agency declares the most successful candidate from the list of successful candidates, whereas the institution appoints leading civil servants from the list of successful candidates.
- Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (passed on June 1, 2004) - Chapter VI stipulates disciplinary liability of judges and prosecutors. Articles 54 - 87 of the Law stipulate in detail the procedure, disciplinary violations of judges and prosecutors, types of disciplinary measures, appointment and term of office of disciplinary commission's members, rights of parties during disciplinary procedure, sanctions for disciplinary violations of judges and prosecutors, which range from mandatory temporary removal from office to suspension of payment of salaries and other benefits, and cessation of official duty.



Promotion of transparency and integrity in business operations.

- Law on public procurement adopted in September 23, 2004 (Official gazette BiH 49 / 04)
- Supervision law on market 15 Oct, 2004, (Official gazette BiH 45 /04)
- Law on Indirect Taxation System in Bosnia and Herzegovina adopted in December 29, 2003.
- Law on Incorporation of Companies Founded by Institutions of BiH ("Official Gazette BiH" issue 33/02, 37/03).
- Law on Incorporation in Bosnia and Herzegovina ("Official Gazette" issue 42/04)
- Law on Procedure for Entering Legal entity in Court Register ("Official Gazette F BiH" issue 4/00; 19/00; 49/00; 32/01; 14/02; 19/03; 29/03; 50/03,27/05)
- Law on Companies ("Official Gazette F BiH" issue 23/99; 45/00; 2/02; 6/02; 29/03)
- Law on Public Companies ("Official Gazette RS" issue 75/04)
- Law on Companies ("Official Gazette Brčko District" issue 11/01; 10/02; 14/02; 1/03; 8/03; 4/04)
- Law on Incorporation ("Official Gazette RS" issue 42/05).
- In 2001, the Council of Ministers of BiH, together with the entity governments, adopted a long-term *Action Plan for the Enhancement of the Business environment to Attract Domestic and Foreign Investment*, which is now in the implementation phase.
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- **Promotion of an active civil society**

- Law on registration in the single Registry of foundations and associations of Bosnia and Herzegovina
- Rulebook on maintaining the Register of Associations and Foundations and international and foreign non-governmental organizations ("Official Gazette F BiH" issue 61/02)
- Law on Associations and Foundations ("Official Gazette BiH" issue 32/01, 42/03)
- Law on Ombudsman of Bosnia and Herzegovina
- Law on Ombudsman of Federation, Published on 30 August, 2000, Official gazette 32/00
- Law on Ombudsman of Republic of Serbia Published 9 February, 2000, Official gazette RS 4/00, Established Amendments on 19 May, 2004, Official gazette 49 / 04



3. ANTICORRUPTION INITIATIVES PLANNED FOR THE NEXT 6 MONTHS

This section should include information on future activities and initiatives that are to be conducted or initiated in the next 6 months (steps in adopting relevant legislation, institutional developments, events, new projects, studies)

- Draft law on seizure of illegally obtained property is currently under review by parliamentary caucuses.
- Monitoring the Implementation of the UN Convention against corruption
- Adopting the necessary law for the establishing a state commission for prevention of corruption

4. SPECIFIC REQUESTS TO THE SPAI REGIONAL SECRETARIAT LIAISON OFFICE

In this section the Steering Group members are encouraged to describe specific issues and activities that could benefit of the SPAI RSLO assistance.

- Organize seminar on Privatization and anti – corruption measures Liability of legal persons
- Provide help in development of National anti-corruption strategies
- To organize workshop on Vulnerable areas to corruption in public administration - Issuing authorizations, licenses and concessions.
- To organize round table about the role of civil society in fighting corruption.

5. ANNEXES

This section should include full text of relevant documents quoted in the report (laws, draft laws, studies, projects description, strategies, statistics, and surveys). The annexes within this section should be made available to the SPAI RSLO in electronic format.