

## LEGAL ANNEX – BOSNIA AND HERZEGOVINA

### REVIEWED LAWS:

1. **Election Law, 23 August 2001**
2. **Law on Conflict of Interest in Government Institutions of BiH, “Official Gazette” of Bosnia and Herzegovina, 13/02**
3. **Election Commission’s Rules on Conducting the Procedure, (Law on Conflict of Interest in Governmental Institutions), April 2003**
4. **Blank Disclosure Form**

Law(s) reviewed but not containing relevant articles for this study

- Constitution, 1995
- Standing Orders of the Parliament

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### 1. Election Law, 23 August 2001

#### Article 1.8

Judges of regular and Constitutional courts, prosecutors and their deputies, attorneys and their deputies holding public office, Ombudsmen and their deputies, members of the Human Rights Courts/Chambers/Councils, members of police and armed forces, including, but not limited to, the Finance Police, Judicial Police, State Border Service, and members of internal security and intelligence agencies, and diplomatic and consular representatives of Bosnia and Herzegovina abroad, may stand as a candidate for public elected office only if they resign from their position.

It is incompatible to hold at the same time more than two (2) public directly or indirectly elected offices. It is also incompatible to hold at the same time one directly or indirectly elected office and one position in an executive body of authority. It is also incompatible to hold more than one position in an executive body of authority.

A person may not hold public elected office in Bosnia and Herzegovina and at the same time hold any public elected or politically appointed office in another country. A person holding any elective or politically appointed office in another country shall be obliged to relinquish, within forty-eight (48) hours after the verification of his or her mandate in Bosnia and Herzegovina, one of the two (2) offices he or she holds. A person who holds any public elected office in Bosnia and Herzegovina and is elected to or appointed to a politically appointed office in another country, shall be obliged to relinquish his or her mandate in Bosnia and Herzegovina, within forty-eight (48) hours after the election or appointment in another country.

For the purpose of this article, an executive office notably includes the Presidency of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina, the President and Vice Presidents of the Federation of Bosnia and Herzegovina, the President and Vice Presidents of the Republika Srpska, the government of the Federation of Bosnia and Herzegovina including the Prime Minister, the government of the Republika Srpska including the Prime Minister, the government of the District of Brcko, the President of the Canton, the Cantonal government, the Mayor of a city, the Deputy Mayor of a city, the city

government, the Mayor of a municipality, the Deputy Mayor of a municipality, the Mayor's cabinet, and other executive functions as defined by law.

## Conduct of Elections

### Article 2.1

The competent authorities responsible for the conduct of elections are the election commissions and the Polling Station Committees.

The election commissions and the Polling Station Committees shall be independent and impartial in their work. No member of an election commission or a Polling Station Committee shall participate in the decision of a case in which the member and/or a close family member has a personal or financial interest or other conflict of interest, which may raise doubt as to the ability of the member to act impartially. A "close family member" is defined in Article 14.7 of this law.

All bodies of authority at all levels, officials in Bosnia and Herzegovina and Embassies and Consulate Offices of Bosnia and Herzegovina shall be obliged to assist the competent authorities responsible for the conduct of elections.

### Article 15.7

Every candidate standing for elected office at the level of Bosnia and Herzegovina or the Entity level shall be obliged, no later than fifteen (15) days from the day of accepting candidacy for the elections, to submit to the Election Commission of Bosnia and Herzegovina, 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 14.1 of this law, account receivables and other incomes realised in Bosnia and Herzegovina and abroad for a period of the past twelve (12) months;
2. property, including money, bank accounts, business documentation, shares, securities, bonds, real property, personal property, occupancy right and other property and possessions which exceed five thousand (5,000) convertible marks, in Bosnia and Herzegovina and abroad; and
3. disbursements and other liabilities, including all debts, liabilities, promissory notes, loans and guarantees of such liabilities in Bosnia and Herzegovina and abroad.

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.

## **2. Law on Conflict of Interest in Government Institutions of BiH, "Official Gazette" of Bosnia and Herzegovina, 13/02**

### **Chapter 1 - Conflict of Interest**

#### **Article 1 - General Provision**

1. This Law shall govern special obligations of elected officials, executive officeholders, and advisors in the institutions of government of BiH in exercising their duties.

2. Any elected official, executive officeholder and advisors exercising public duties must conduct in a responsible and conscientious manner, they must not compromise the confidence and trust by citizens, and must respect legal and other rules governing the rights, duties and responsibilities in the exercise of public duties.
3. In exercising public duties, elected officials, executive officeholders and advisors must apply the ethics of the profession and duties they are performing.
4. In exercising public duties, elected officials, executive officeholders and advisors must not prefer their private interest at the expense of the public interest.
5. A conflict of interest is created in the event that an elected official, executive officeholder and advisor has a private interest that affects or may affect the legality, transparency, objectivity and impartiality as to the exercise of the public duty.

## **Article 2 - Code of Conduct**

1. In the exercise of public duties, elected officials, executive officeholders and advisors must act legally, effectively, impartially, honestly and they must apply the principles of responsibility, integrity, due-diligence, transparency and credibility.
2. Elected officials, executive officeholders and advisors shall be held personally responsible for their conduct in the exercise of their appointed or elected public office and they shall be politically accountable to the authority or citizens who have appointed or elected them.
3. Elected officials, executive officeholders and advisors must not use the public duty for a personal gain of a person related to them. They must not be in any relationship of dependence in respect of persons who might influence their impartiality.
4. In their position as public persons, all elected officials, executive officeholders and advisors must act in the interest of citizens.
5. In the exercise of their duty elected officials, executive officeholders and advisors shall be bound to use the property, instruments of labor and financial resources entrusted to them for specified purposes only for the intended purpose and in an efficient manner.
6. In the exercise of public duty elected officials, executive officeholders and advisors shall receive salary and allowances for the duty they exercise. Unless explicitly provided in this Law, elected officials, executive officeholders and advisors shall be prohibited to receive any other remuneration.

## **Article 3 –Definitions**

1. For purpose of this law on conflict of interest:
  - a) *An authorized person* means a person that is authorized to represent an enterprise by the Founding Charter or Statute of the enterprise. The authorized person shall also include an entrepreneur;
  - b) *Close relative* means a marital or extramarital partner of the official concerned, his/her relatives by blood in a direct line, adoptive parent and adopted child, relatives in the indirect line up to the third degree and in-laws up to second degree.
  - c) *Elected officials* include:

- Members of the Presidency of Bosnia and Herzegovina;
  - Delegates and Members of the Parliamentary Assembly of Bosnia and Herzegovina (hereinafter: BiH);
  - Secretaries of both Houses of the Parliamentary Assembly of BiH;
  - Directors, Deputy Directors and Assistant Directors of State Administration authorities, agencies and directorates, institutes, appointed by the Council of Ministers of BiH or the Parliamentary Assembly of BiH or the Presidency of BiH;
- d) *Executive officeholders* include Ministers and Deputy Ministers in the Council of Ministers of BiH;
- e) *Advisors* include the advisors to the elected officials and to executive officeholders as defined under the Law on Civil Service in Governmental Institutions of BiH;
- f) *The Election Commission* means the Election Commission of Bosnia and Herzegovina.
- g) *Financial Interest* means:
1. Any interest that entitles an elected official, executive officeholder or advisor to receive money in the amount of more than one thousand Convertible Marks (1,000 KM) per year, and;
  2. Any ownership interest held by an elected official, executive officeholder or advisor which represents a value of at least ten thousand Convertible Marks (10,000 KM) of an enterprise, partnership, limited partnership, Joint Stock company or company with limited liability;
- h) *Gift* means any payment, entertainment, service, or item of value given directly to the recipient without compensation or the expectation of compensation. Gifts received from family members and gifts valued at less than a hundred Convertible Marks (100 KM) shall not be covered by this legislation;
- i) *Private enterprise* means any legal enterprise that is not a public enterprise as defined below;
- j) *Public enterprise* means an enterprise which has more than 25% of its capital owned by the government authorities and/or has more than 25% of its annual business activities financed from the budgets of the governments of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, the Brcko District, any canton, municipality or city.

#### **Article 4 – Incompatibilities**

1. Serving on the management board, steering board, supervisory board, executive board, or acting in the capacity of an authorised person of a public enterprise is incompatible with serving the public as an elected official, an executive officeholder or an advisor.
2. Serving on the management board or directorate, or as director, of a privatisation agency is incompatible with serving the public as an elected official or an executive officeholder.
3. Involvement in a private enterprise under circumstances that create a conflict of interest is incompatible with serving the public as an elected official, an executive officeholder or an advisor.
4. The involvement of close relatives of elected officials, executive officeholders and advisors in circumstances set out in paragraphs 1, 2 and 3 also creates situations of conflict of interest for the official, officeholder or advisor.

## **Article 5 - Public Enterprises and Privatisation Agencies**

1. Elected officials, executive officeholders and advisors shall not serve on the management board, steering board, supervisory board, executive board, or act in the capacity of an authorised person for a public enterprise. This provision shall apply one year after the elected officials, the executive officeholders and advisors leave office.
2. Elected officials, executive officeholders and advisors shall not serve on the directorate or management board, or as director, of a privatisation agency. This provision shall apply one year after the elected officials, the executive officeholders and advisors leave office.
3. Elected officials, executive officeholders and advisors shall resign from any such incompatible positions before assuming the duties of their office.

## **Article 6 - Government Investment in Private Enterprise**

1. Elected officials, executive officeholders and advisors shall not serve on the management board, steering board, supervisory board, executive board, or act in the capacity of an authorised person for any private enterprise in which the governmental body where the official, officeholder or advisor serves has invested capital in the four (4) years prior to the official, executive officeholder or advisor taking office.
2. Elected officials, executive officeholders and advisors shall not serve on the management board, steering board, supervisory board, executive board, or act in the capacity of an authorised person for any private enterprise that contracts, or otherwise does business, with government authorities at any level. This provision shall only apply to private enterprises that are under contract or doing business with government authorities while the elected official, executive officeholder or advisor holds office and only when the value of the contract or the business with government exceeds five thousand Convertible Marks (5,000 KM) per year.

## **Article 7 - Prohibition on Acting in Conflict of Interest**

1. Elected officials shall not vote on any matter that directly affects a private enterprise in which the official, or his or her close relatives, has a financial interest. Officials in such situations shall abstain from voting and shall announce, in an open session, the reasons for their abstention.
2. Executive officeholders and advisors shall not take any official action that would directly affect a private enterprise in which the executive officeholder or the advisor, or his or her close family member has a financial interest. Executive officeholders and advisors in such situations shall refer the decision to another competent authority for action and shall state the reason for the referral in writing.
3. If an elected official, executive officeholder or advisor violates this article, the vote or decision of the official or officeholder shall be deemed null and void.

## **Article 8 - Personal Service Contracts**

1. Elected officials, executive officeholders and advisors shall not enter into a contract with any public enterprise to provide personal services.
2. Elected officials, executive officeholders and advisors shall not enter into a contract to provide personal services with any private enterprise that contracts, or otherwise does business, with government at any level. This provision shall only apply to private enterprises that are under contract or doing business with government authorities while the elected official, executive officeholder or

advisor holds office and only when the value of the contract or the business with government exceeds five thousand (5,000) Convertible Marks per year.

3. If an elected official, executive officeholder or advisor violates this article, the contract of the official or officeholder shall be deemed null and void.

#### **Article 9 - Prohibition on Acting**

Unless explicitly provided in the Law, the officials shall be prohibited from:

- a) receiving or demanding gifts or any other gain or promise of a gift or of any other benefit for the purpose of the exercise of public duties;
- b) receiving an additional compensation for the tasks performed in the exercise of public duties;
- c) demanding, accepting or receiving a value or service in order to vote on any matter, or to influence a decision of a body or a person;
- d) promising an employment or another right in exchange for a gift or a promise of a gift;
- e) preferring persons on the ground of party or another affiliation or origin, personal or family relations;
- f) declining an inspection of their financial operations;
- g) influencing the award of business or procurements by the State, in order to obtain a property or non-property related benefit for himself or another person;
- h) using privileged information on the activities of governmental bodies for personal gain or the gain of a closely related person;
- i) using in any manner their position in order to influence a decision of the legislative, executive or judicial power thereby - obtaining a personal gain or a gain of a closely related person, a privilege or a right, - closing a legal transaction or,- otherwise favoring his/her personal interests or interests of another closely related person.

#### **Article 10 – Accepting Gifts**

1. A gift, in terms of this Law, shall be considered to be the gift related to the performance of a duty which includes: money, objects, rights, service without remuneration and any other benefit given or promised to the official, such as catering service, overnight stay, release of debt or obligation, travel expenses or similar service, ticket, piece of art, souvenir, insurance or similar service, medical or similar service for which the official personally did not pay a market price.
2. Elected officials, executive officeholders and advisors may keep a gift in the amount not exceeding KM 50 and they do not have to report it.
3. Paragraph 2 of this Article shall also apply to several gifts given by the same donor in the course of one year.
4. Elected officials, executive officeholders and advisors shall not be allowed to keep the gift exceeding the value referred to in Paragraph 2 of this Article, they shall be bound to report it to the Election Commission and it shall become the property of BiH.

5. Elected officials, executive officeholders and advisors shall not be allowed to accept money, check, or any other securities regardless of the amount and if they get the above mentioned they shall be bound to report them and they shall become the property of BiH.
6. If there is a doubt in respect to the value of the gift the elected official, executive officeholder and advisor shall be bound to require the bill from the donor.
7. The value of the gift shall be its market value.
8. Acceptance of gifts in terms of paragraphs 1 through 8 of this Article shall also refer to the persons who would accept the gift on behalf of the official, provided that such person is aware of the acceptance of the gift.

#### **Article 11 - Officials Exercising Other Tasks**

1. In the exercise of public duty, except for a duty in the political party, elected officials, executive officeholders and advisors shall not perform duties in other executive authorities. It is also incompatible to perform more than one duty in the executive authorities at the same time.
2. Elected officials, executive officeholders and advisors may perform tasks in educational or scientific, cultural and sport institutions, professional associations and similar but only if remuneration for such post does not exceed one third of a regular salary in these institutions or associations.
3. Elected officials and executive officeholders may not perform tasks of advisors or be in a contractual relation based on work with public companies or legal and physical persons who do business with authorities at any level.

### **Chapter 2 – Disclosure**

#### **Article 12 - Personal Financial Disclosure**

1. Elected officials, executive officeholders and advisors shall file regular financial reports as required by law and by the Rules and Regulations of the Election Commission.

#### **Article 13 - Disclosure in Contracting**

1. Any public or private enterprise that submits a bid to provide goods or services for government shall also submit a written statement together with the bid with a listing of any contributions to political parties that the enterprise has made within the preceding two years. The statement shall also list all elected officials, executive officeholders and advisors who have been employed by, or served on the management board, steering board, supervisory board, executive board, or acted in the capacity of an authorised person of the enterprise within the preceding two years.
2. This article shall only apply to public or private enterprises when the value of the contract or the business with government exceeds five thousand (5,000) Convertible Marks per year.
3. All statements required by this article shall be public documents that are made readily available to the public and the media by both the enterprise and the governmental authority that receives the bid.

#### **Article 14 - Disclosure of Enterprise Information**

1. Any enterprise that receives one or more investments from a government authority totaling more than five thousand (5,000) Convertible Marks per year shall file a report listing the full names, addresses, and contact telephone numbers of the members of the managing board or steering board of the enterprise and of all authorized persons in the enterprise.
2. Such reports shall be filed with the ministry or agency responsible for financial matters within the government authority that made the investment, the court where the enterprise is registered, and with the Election Commission within 10 days following the vote of the official decision of the enterprise to make investment.
3. Updated reports shall be filed within fourteen (14) days of any change in the membership of the management board, steering board, supervisory board, executive board, or authorized persons for two years following the last investment made by the government authority.
4. All reports required by this article shall be public documents and shall be made readily available for inspection and copying by the appropriate ministry or agency responsible for financial matters, the court, and by the Election Commission during normal business hours.

#### **Article 15 - Disclosure of Government Authorities Investment**

1. A government authority that makes one or more investments in an enterprise totalling more than five thousand Convertible Marks (5,000 KM) per year shall file a statement of such investment with the Election Commission.
2. The government authority shall also publish a copy of the statement of investment in a newspaper with a general circulation within the territory falling under the jurisdiction of the government authority. Such publication shall be made within fourteen (14) days of the investment.
3. All statements required by this article shall be public documents and shall be made readily available for inspection and copying by the government authority and by the Election Commission during normal business hours.

#### **Article 16 - Disclosure of Annual Enterprise Reports**

1. Annual Financial Reports of enterprises filed with the competent tax administration shall also be filed with the ministry or agency responsible for financial matters within the government authority that made an investment in the enterprise within the preceding twelve (12) months.
2. All reports required by this article shall be public documents and shall be made readily available for inspection and copying by the appropriate ministry or agency responsible for financial matters during normal business hours.

### **Chapter 3 – Enforcement**

#### **Article 17 – Implementation**

1. **The Election Commission shall carry out the following functions under this law:**



- a) act on the basis of this Law to ensure political accountability and credibility of elected officials, executive officeholders and advisors, taking account of the need to protect the integrity of the office held rather than the person holding such office.
  - b) issue instructions, prescribe forms and structure of the Register for the purpose of applying the provisions of this Law.
  - c) adopt Rules of Procedure regulating the Register, the rules on forms, the implementation rules of handling the procedure and furnishing of decisions and compiling of reports.
  - d) decide as to whether a certain action or an omission constitutes a violation of provisions of this Law.
  - e) submit a report on its work to the Presidency of Bosnia and Herzegovina each six months, whereas at least annually to the public.
  - f) report to the relevant prosecutor's office any violation of this law, which might also constitute a breach of criminal law.
2. The extra costs incurred by the Election Commission in the implementation of this Law will be provided from the state budget.

#### **Article 18 - Procedure before the Election Commission**

- 1. A procedure before the Election Commission shall be initiated at the request of the Election Commission or at the request of the person concerned.
- 2. The Election Commission may initiate the procedure on grounds of reporting done by another person.
- 3. The Election Commission shall have the right to establish the facts by way of conducting its personal investigation or to obtain facts and evidence through an action of other executive authorities. All authorities, institutions and courts of Bosnia and Herzegovina on all levels are therefore obliged to provide the Election Commission with legal and other official assistance as requested.
- 4. Should there be any doubt concerning the existence of violation of obligation under this law, the Election Commission shall notify the concerned person with regard to whom there are reasonable grounds to suspect that he may have committed a breach of this Law, requesting a statement regarding the allegations contained in the report.
- 5. Should there be any uncertainty as to the possible existence of a breach under this law, the Election Commission shall provide its opinion at the request of any person requiring such an opinion.
- 6. ***Prior to pronouncing the sanction, the Election Commission must obtain the statement from the person affected by the sanction.***

#### **Article 19 -Appeals**

- 1. Appeals against decisions of the Election Commission may be made to the Administrative Division of the Court of Bosnia and Herzegovina.

#### **Article 20 – Sanctions**

- 1. If an elected official, executive officeholder or advisor is found to have acted in violation of articles 5, 6, or 8 of this law, he or she shall be ineligible to stand for any directly or indirectly elected office for a

period of four (4) years following the finding of the violation. In addition, the official, officeholder or advisor may be fined in the amount of no less than one thousand Convertible Marks (1.000 KM) and not more than ten thousand Convertible Marks (10.000 KM).

2. If an elected official, executive officeholder or advisor is found to have violated articles 9 and 10, the official or officeholder shall be fined in the amount of no less than one thousand Convertible Marks (1.000 KM) and not exceeding ten thousand Convertible Marks (10.000 KM). The official, officeholder or advisor shall also be bound to return the gift or the equivalent monetary value of the gift.
3. If an elected official, executive officeholder or advisor is found to have been in violation of Articles 1, 5, 6, 7, 8, 9, 10 of this law, he or she may be declared ineligible for a position in the public administration or for a position of an advisor for a maximum period of four (4) years following the violation. This provision shall also apply to the elected official, executive officeholder or advisor on leave from a position in the public administration. In such case, he or she shall sit a public competition in order to re-enter the public administration at the end of the period of ineligibility.
4. If a close relative of an elected official, executive officeholder or advisor is found to have been in violation of article 10, the family member shall be fined in an amount of no less than one thousand Convertible Marks (1.000 KM) and not exceeding ten thousand Convertible Marks (10.000 KM). The official, officeholder or advisor may also be fined in the equal amount if it is determined that he or she had prior knowledge of the existence of conflict of interest or gift.
5. Any enterprise found in violation of Articles 13, 14 or 16 shall be fined in the amount of no less than one thousand Convertible Marks (1.000 KM) and not exceeding twenty thousand Convertible Marks (20.000 KM) and shall be ineligible to close a contract with any government authority or agency for a period up to four (4) years following the violation.
6. Fines imposed pursuant to this chapter shall be paid to the Election Commission.

#### **Article 21 - Statute of Limitation**

1. The procedure for applying sanctions consequent on breaches of this law must be initiated within four years of the alleged violation

#### **3. Election Commission's Rules on Conducting the Procedure, (Law on Conflict of Interest in Governmental Institutions), April 2003**

As per Article 17, paragraph 1. (c) of the Law on Conflict of Interest in Governmental Institutions of Bosnia and Herzegovina ("Official Gazette of BiH", Number: 16/02) the Election Commission of Bosnia and Herzegovina on its session held on April 30, 2003 adopted the following:

#### **X- Gifts**

#### **Article 32**

Elected officials, executive officeholders, advisors or close relatives shall not be allowed to receive money, check or other securities regardless of the amount, and if they receive the mentioned items, they are obliged to report it to the Election Commission of BiH.

If the persons from the previous article or any other person receives a gift on behalf of them (things, rights, services, or any other benefit given or promised) in the value higher than 50,00 KM they are obliged to report the gift to the Election Commission.

The obligation to report the gift is on the end user, that is, the person for whom the gift is intended (gift-recipient).

### **Article 33**

Reporting of the received gift from the previous Article shall be done in the premises of the Implementation Department of the Election Commission of BiH, and by providing a statement on the form prescribed for that purpose.

The official person shall issue a receipt on the reported i.e. delivered gift to the official for having reported the received gift on the prescribed form.

The record of the received gifts shall be a constituent part of the annual report of the Election Commission of BiH on implementation of the Law on Conflict of Interest.

The gifts reported, i.e. delivered to the Implementation Department, the official person shall deliver the responsible body of BiH and they shall become the property of BiH.

The gift value is its market value, and in case of dispute concerning the gift value the rules and regulations for determining the value shall be applied in line with the Law on Administrative procedure in BiH.

### **Article 34**

In case of violating the provisions on gifts, the regular procedure for determining the responsibility in line with the Law on Conflict of Interest and Section V of these Rules shall be applied to the person referred to in Article 32 of these Rules.

## **XI- Openness**

### **1. Personal financial situation**

### **Article 35**

Elected official, executive officeholders and advisors are obliged to submit regular annual reports on their financial situation, as envisaged by the law, rules and regulations of the Election Commission of BiH and these Rules.

The Law on Conflict of Interest requires from elected officials, executive officeholders and advisors to enable an insight into their personal financial interests in order to provide confidence and integrity of public duties, and to demonstrate the possibility of performing duties entrusted to them without violating the confidence of the public.

The purpose of the financial reports is to facilitate the prevention of conflict of interest, and to identify possible conflict of interest in a way that they will enable the insight into the financial interest.

Upon the request of the Election Commission of BiH the persons from paragraph 1 of this Article are obliged to submit an extraordinary report on the financial situation in case of determining the key facts on possible existence of conflict of interest.

### **Article 36**

Persons mentioned in Article 35, paragraph 1 of these Rules are obliged to submit the financial reports to the Election Commission of BiH within 30 days after the day they assumed the duty.

Persons mentioned in Article 35, paragraph 1 of these Rules are obliged to submit the financial reports to the Election Commission at least once within 12 months.

Persons mentioned in Article 35, paragraph 1 of these Rules who stopped performing the duties are obliged to submit their financial reports to the Election Commission within 30 days after they stopped performing their duties to which they had been appointed or elected.

### **Article 37**

Financial reports are submitted on the Personal Data Form, prescribed by the Election Commission of BiH, and it contains the following data:

- a. Membership in any management, steering, supervising, executive board or in the capacity of an authorized person in a public enterprise, name of the enterprise and accurate name of the duty in the public enterprise.
- b. Membership in the management board or Directorate, or performing duties of a privatization agency manager, name of the agency and accurate name of the duty in the agency.
- c. Description and type of the involvement in a private enterprise, name of the private enterprise.
- d. List of close relative (as defined by Article 3 of the Law on Conflict of Interest), and the information in terms of items a, b, and c of this paragraph.
- e. List of additional compensations, owner's interest (more than 10.000 KM) or financial interest (more than 1.000 KM annually).
- f. Declaration.
- g. Date of submitting the report and personal signature.

The financial report shall be taken into account as the evidence in case of initiating the investigative procedure concerning the conflict of interest.

### **Analysis of reports, statements and forms**

#### **Article 41**

All data from the financial report, statement or form shall be entered into an appropriate database, and the analysis of the financial report shall be conducted by an authorized person of the Implementation Department within the Secretary of the Election Commission of BiH. Upon the completion of data entry from the report, statement or form into the database, and after the complete and appropriate analysis of the contents, the authorized persons from the Implementation Department within the Secretary of the Election Commission of BiH shall certify with their signatures that the report, statement or form have been analyzed in line with the Law on Conflict of Interest and with these Rules.

#### **Article 42**

All Governmental bodies, institutions and courts at all levels in BiH are obliged to provide the Election Commission of BiH with the legal assistance requested and all other types of assistance.

### **XII- Reporting**

#### **Article 43**

The Election Commission of Bosnia and Herzegovina shall submit to the Presidency of Bosnia and Herzegovina a report on its performance every six months, and the public shall be informed at least once in a year.

To the end of protecting the integrity of the duty and implementation of the investigative procedure, it shall be forbidden to disclose the names and surnames of elected officials, executive officeholders, advisors, close relatives and name of enterprises which are the subject of the investigations before the completion of the procedure, i.e. before the final decision of the Election Commission of BiH is made concerning that subject.

The final decision of the Election Commission of BiH concerning the subject may be published after being made with a remark whether the decision is final or whether it is allowed to conduct an administrative procedure.

## **4. Blank Disclosure Forms**

- a. Personal Data**
- b. Gifts**

### Obrazac osobnih podataka

Referencija: Zakon o sukobu interesa u institucijama vlasti Bosne i Hercegovine ("Sl. glasnik BiH", broj 16/02, 14/03 i 12/04)

*Molimo Vas da čitko i u cijelosti odgovorite na sva navedena pitanja.*

#### 1. Osobni podaci izabranog dužnosnika, nositelja izvršne vlasti ili savjetnika

Ime i prezime: \_\_\_\_\_  
Jedinstveni matični broj (JMBG): \_\_\_\_\_

#### 2. Javna dužnost

Javna dužnost na koju ste izabrani / imenovani: \_\_\_\_\_  
Naziv tijela uprave, agencije, direkcije ili zavoda: \_\_\_\_\_  
Naziv tijela koje Vas je imenovalo na javnu dužnost: \_\_\_\_\_  
Nadnevak otkad obnašate navedenu javnu dužnost: \_\_\_\_\_

#### 3. Bliski srodnici

1. Ime i prezime djeteta		
1.1. _____	JMBG	_____
1.2. _____	JMBG	_____
1.3. _____	JMBG	_____
1.4. _____	JMBG	_____
2. Ime i prezime majke		
_____	JMBG	_____
3. Ime i prezime oca		
_____	JMBG	_____
4. Ime i prezime usvojitelja		
4.1. _____	JMBG	_____
4.2. _____	JMBG	_____
5. Ime i prezime usvojenika		
5.1. _____	JMBG	_____
5.2. _____	JMBG	_____
5.3. _____	JMBG	_____
6. Ime i prezime bračnog druga		
_____	JMBG	_____

7. Ime i prezime vanbračnog druga	_____	JMBG	_____
8. Ime i prezime brata	_____		
8.1. _____	JMBG	_____	
8.2. _____	JMBG	_____	
8.3. _____	JMBG	_____	
9. Ime i prezime sestre	_____		
9.1. _____	JMBG	_____	
9.2. _____	JMBG	_____	
9.3. _____	JMBG	_____	
10. Ime i prezime djeteta bračnog druga (pastorak/pastorka)	_____		
10. 1. _____	JMBG	_____	
10. 2. _____	JMBG	_____	
10. 3. _____	JMBG	_____	
11. Ime i prezime majke bračnog druga	_____	JMBG	_____
12. Ime i prezime oca bračnog druga	_____	JMBG	_____

#### 4. Sukob interesa

##### 4.1. Osobni angažman

##### 4.1.1. Javna poduzeća

☐ Jeste li član poslovnog odbora, upravnog odbora, nadzornog odbora, izvršnog odbora ili u svojstvu ovlaštene osobe u javnome poduzeću? (zaokružite odgovor)

DA / NE

☐ Ukoliko ste zaokružili DA, navedite točan naziv javnoga poduzeća i dužnost:

Naziv:

Dužnost:

- |          |       |
|----------|-------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |

##### 4.1.2. Agencija za privatizaciju

☐ Jeste li član poslovnog, upravnog, nadzornog odbora, ili direkcije, ili obnašate dužnost ravnatelja agencije za privatizaciju? (zaokružite odgovor)

DA / NE

☐ Ukoliko ste zaokružili DA, navedite točan naziv agencije za privatizaciju i dužnost:

Naziv:

Dužnost:

- |          |       |
|----------|-------|
| 1. _____ | _____ |
|----------|-------|

Ime i prezime \_\_\_\_\_

#### 4.1.3. Privatno poduzeće

- ☐ Jeste li angažirani u privatnome poduzeću? (zaokružite odgovor)

DA / NE

- ☐ Ukoliko ste zaokružili DA, navedite točan naziv privatnoga poduzeća i dužnost:

Naziv:

Dužnost:

- |    |       |       |
|----|-------|-------|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |

#### 4.1.4. Ostali angažirani

- ☐ Jeste li član poslovnoga odbora, upravnoga odbora, nadzornoga odbora, izvršnoga odbora, ili u svojstvu ovlaštene osobe u javnoj ustanovi, nevladinoj neprofitnoj organizaciji, fondaciji ili udruženju? (zaokružiti odgovor)

DA / NE

- ☐ Ukoliko ste zaokružili DA, navedite točan naziv javne ustanove, organizacije, fondacije ili udruženja:

Naziv:

Dužnost:

- |     |       |       |
|-----|-------|-------|
| 1.  | _____ | _____ |
| 2.  | _____ | _____ |
| 3.  | _____ | _____ |
| 4.  | _____ | _____ |
| 5.  | _____ | _____ |
| 6.  | _____ | _____ |
| 7.  | _____ | _____ |
| 8.  | _____ | _____ |
| 9.  | _____ | _____ |
| 10. | _____ | _____ |

#### 4.2. Angažman bliskih srodnika (osobe navedene pod točkom 3. ovog obrasca)

##### 4.2.1. Javna poduzeća

- ☐ Je li Vaš bliski srodnik član poslovnoga odbora, upravnoga odbora, nadzornoga odbora, izvršnoga odbora ili u svojstvu ovlaštene osobe u javnome poduzeću? (Zaokružite odgovor!)

DA / NE

- ☐ Ukoliko ste zaokružili DA, navedite točan naziv javnoga poduzeća i dužnost:

Broj ispred imena

Naziv javnoga poduzeća:

Dužnost:

bliskoga srodnika

(iz dijela 3. ovoga obrasca):

- |    |       |       |
|----|-------|-------|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |
| 4. | _____ | _____ |
| 5. | _____ | _____ |
| 6. | _____ | _____ |
| 7. | _____ | _____ |
| 8. | _____ | _____ |
| 9. | _____ | _____ |

Ime i prezime \_\_\_\_\_



**4.1.3. Privatno poduzeće**

- ☐ Jeste li angažirani u privatnome poduzeću? (zaokružite odgovor)

**DA / NE**

- ☐ Ukoliko ste zaokružili DA, navedite točan naziv privatnoga poduzeća i dužnost:

Naziv:

Dužnost:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**4.1.4. Ostali angažirani**

- ☐ Jeste li član poslovnoga odbora, upravnoga odbora, nadzornoga odbora, izvršnoga odbora, ili u svojstvu ovlaštene osobe u javnoj ustanovi, nevladinoj neprofitnoj organizaciji, fondaciji ili udruženju? (zaokružiti odgovor)

**DA / NE**

- ☐ Ukoliko ste zaokružili DA, navedite točan naziv javne ustanove, organizacije, fondacije ili udruženja:

Naziv:

Dužnost:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

**4.2. Angažman bliskih srodnika (osobe navedene pod točkom 3. ovog obrasca)****4.2.1. Javna poduzeća**

- ☐ Je li Vaš bliski srodnik član poslovnoga odbora, upravnoga odbora, nadzornoga odbora, izvršnoga odbora ili u svojstvu ovlaštene osobe u javnome poduzeću? (Zaokružite odgovor!)

**DA / NE**

- ☐ Ukoliko ste zaokružili DA, navedite točan naziv javnoga poduzeća i dužnost:

Broj ispred imena

Naziv javnoga poduzeća:

Dužnost:

bliskoga srodnika

(iz dijela 3. ovoga obrasca):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_

Ime i prezime \_\_\_\_\_

☐ Ukoliko ste zaokružili DA, navedite potpun naziv izvora.

Izvor:

Iznos primanja:

- |          |       |
|----------|-------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |

#### 4.4. Vlasnički interes

☐ Imate li vlasnički interes koji odgovara vrijednosti od najmanje deset tisuća konvertibilnih maraka (10.000 KM) u nekome poduzeću, društvu s neograničenom odgovornošću, komanditnome društvu, dioničarskome društvu ili društvu s ograničenom odgovornošću? (zaokružite odgovor)

DA / NE

☐ Ukoliko ste zaokružili DA, navedite potpun naziv poduzeća, društva s neograničenom odgovornošću, komanditnoga društva, dioničarskog društva ili društva s ograničenom odgovornošću.

Naziv:

Iznos vlasničkoga interesa:

- |          |       |
|----------|-------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |
| 4. _____ | _____ |
| 5. _____ | _____ |

#### 5. Izjava

Pod punom materijalnom i kaznenom odgovornošću izjavljujem i svojim potpisom potvrđujem da su podaci koje sam dao / dala u ovome Obrascu osobnih podataka istiniti i točni. Izjavljujem da, ukoliko ne ispunim ovaj obrazac za osobne podatke točno i u cijelosti, te ako u bilo kojemu smislu i trenutku kršim odredbe Zakona o sukobu interesa u institucijama vlasti Bosne i Hercegovine i povjerenu mi dužnost ne budem obnašao/la sukladno principima određenim člankom 2. navedenoga Zakona, sukladno odredbama članka 20. Zakona o sukobu interesa u institucijama vlasti Bosne i Hercegovine, mogu dovesti u pitanje obnašanje dužnosti koja mi je povjerena, mogu biti novčano kažnjen/a i može mi biti zabranjena kandidatura za bilo koju neposredno ili posredno izabranu dužnost u razdoblju od četiri (4) godine nakon počinjenoga prekršaja.

Potpis \_\_\_\_\_ Nadnevak \_\_\_\_\_

**NAPOMENA: Ispunjen obrazac dužni ste dostaviti Tajništvu Izbornoga povjerenstva BiH najkasnije trideset (30) dana nakon prijema obrasca.**

Ime i prezime \_\_\_\_\_

#### Personal data Form

Reference: Law on Conflict of Interest in Governmental Institution of Bosnia and Herzegovina ("Official Gazette of BiH", No. 16/02,14/03 I 12/04)

*Please fill in readably and provide full answers to all listed questions.*

**1. Basic data of elected official, executive officeholder and advisor**

Name and surname: \_\_\_\_\_

Citizen's Single Registration Number (JMBG): \_\_\_\_\_

**2. Public Duty**

Public duty you have been elected/appointed to: \_\_\_\_\_

Name of the administrative body, agency, directorate or institute: \_\_\_\_\_

Name of the body that appointed you to the public duty: \_\_\_\_\_

Date since when you have been performing the public duty: \_\_\_\_\_

**3. Close relatives**

## 1. Child's name and surname

1.1. \_\_\_\_\_ JMBG \_\_\_\_\_

1.2. \_\_\_\_\_ JMBG \_\_\_\_\_

1.3. \_\_\_\_\_ JMBG \_\_\_\_\_

1.4. \_\_\_\_\_ JMBG \_\_\_\_\_

## 2. Mother's name and surname

\_\_\_\_\_ JMBG \_\_\_\_\_

## 3. Father's name and surname

\_\_\_\_\_ JMBG \_\_\_\_\_

## 4. Name and surname of adoptive parent

4. 1. \_\_\_\_\_ JMBG \_\_\_\_\_

4. 2. \_\_\_\_\_ JMBG \_\_\_\_\_

## 5. Name and surname of adopted child

5. 1. \_\_\_\_\_ JMBG \_\_\_\_\_

5. 2. \_\_\_\_\_ JMBG \_\_\_\_\_

5. 3. \_\_\_\_\_ JMBG \_\_\_\_\_

## 6. Spouse's name and surname

\_\_\_\_\_ JMBG \_\_\_\_\_

## 7. Name and surname of common-law husband/wife

\_\_\_\_\_ JMBG \_\_\_\_\_

## 8. Brother's name and surname

8.1. \_\_\_\_\_ JMBG \_\_\_\_\_

8.2. \_\_\_\_\_ JMBG \_\_\_\_\_

8.3. \_\_\_\_\_ JMBG \_\_\_\_\_

## 9. Sister's name and surname

9.1. \_\_\_\_\_ JMBG \_\_\_\_\_

9.2. \_\_\_\_\_ JMBG \_\_\_\_\_

9.3. \_\_\_\_\_ JMBG \_\_\_\_\_

## 10. Name and surname of spouse's child (stepson/stepdaughter)

10. 1. \_\_\_\_\_ JMBG \_\_\_\_\_

10. 2. \_\_\_\_\_ JMBG \_\_\_\_\_

10. 3. \_\_\_\_\_ JMBG \_\_\_\_\_

## 11. Name and surname of spouse's mother

\_\_\_\_\_ JMBG \_\_\_\_\_

## 12. Name and surname of spouse's father

\_\_\_\_\_ JMBG \_\_\_\_\_

**4. Conflict of Interest**

#### 4.1. Personal involvement

##### 4.1.1. Public enterprises

Are you a member of a management board, steering board, supervising board, and executive board or in the capacity of an authorized person in a public enterprise? (Circle the answer)

**YES / NO**

If your answer is YES, give the accurate name of the public enterprise and the duty:

Name:	Duty:
1. _____	_____
2. _____	_____
3. _____	_____

##### 4.1.2. Privatization Agency

Are you a member of a management, steering, supervising board, and directorate or do you perform the duty of manager of the privatization agency?

(Circle the answer)

**YES / NO**

If your answer is YES, give the accurate name of the privatization agency and duty:

Name:	Duty:
1. _____	_____

Name and surname \_\_\_\_\_

##### 4.1.3. Private enterprise

Are you involved in a private enterprise? (Circle the answer)

**YES / NO**

If your answer is YES, give the accurate name of the private enterprise and duty:

Name:	Duty:
1. _____	_____
2. _____	_____
3. _____	_____

##### 4.1.4. Other involvements

Are you a member of a management board, steering board, supervising board, executive board, or in the capacity of an authorized person in a public institution, non-governmental, non-profit institution, foundation or association?

(Circle the answer)

**YES / NO**

If your answer is YES, give the accurate name of the public institution, organization, foundation or association:

Name:	Duty:
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

#### 4.2. Involvement of close relatives (persons listed under item 3 of this Form)

##### 4.2.1. Public enterprises

Is your close relative a member of a management board, steering board, supervising board, executive board or in the capacity of an authorized person in a public company? (Circle the answer!)

**YES / NO**

If your answer is YES, give the accurate name of the public company and duty:

Number before the name of	Name of public company:	Duty:
---------------------------	-------------------------	-------

Close relative

(From section 3 of this form):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
- Name and surname \_\_\_\_\_
10. \_\_\_\_\_

#### 4.2.2. Privatization agency

Is your close relative a member of a management board, steering or supervising board, and directorate or does s/he perform the duty of manager in the privatization agency? (Circle the answer)

**YES / NO**

If your answer is YES, give the accurate name of the public company and duty:

Number before the name of \_\_\_\_\_ Name of public company: \_\_\_\_\_ Duty: \_\_\_\_\_

Close relative

(From section 3 of this form):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

#### 4.2.3. Private enterprise

Is your close relative involved in a private enterprise? (Circle the answer)

**YES / NO**

If your answer is YES, give the accurate name of the public enterprise and duty:

Number before the name of \_\_\_\_\_ Name of public company: \_\_\_\_\_ Duty: \_\_\_\_\_

Close relative

(From section 3 of this form):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

#### 4.2. Remuneration

Is there a source which in addition to the duty listed under item 2 of this Form enables you to receive other remunerations? (Circle the answer)

**YES / NO**

If your answer is YES, give the full name of the source.

Source: \_\_\_\_\_ Type / amount of remuneration: \_\_\_\_\_

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

#### 4.3. Financial interest

Is there a source which in addition to the duty listed under item 2 of this Form enables you to receive the money in the amount higher than 1000 (one thousand) of Convertible Marks annually? (Circle the answer)

**YES / NO**

Name and surname \_\_\_\_\_

If your answer is YES, list the full name of the source.

Source: \_\_\_\_\_ Amount of income \_\_\_\_\_

1. \_\_\_\_\_
2. \_\_\_\_\_

3. \_\_\_\_\_

#### 4.4. Ownership interest

Do you have an ownership interest which is equal to the value of at least ten thousand of Convertible Marks (10.000 KM) in an enterprise, unlimited liability company, limited partnership, joint stock company or limited liability company? (Circle the answer)

**YES / NO**

If your answer is YES, give the full name of the enterprise, unlimited liability company, limited partnership, joint stock Company, or Limited Liability Company.

Name:

Amount of the ownership interest:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

#### 5. Declaration

Under full and penal responsibility I declare and confirm with my signature that the data I provided in this Personal Data Form are true and accurate. I declare that if I fail to fully and accurately fill in this Form, and if in any sense and at any moment I violate the provisions of the Law on Conflict of Interest in Governmental Institutions of Bosnia and Herzegovina and if I do not perform the entrusted duty in line with the principles defined by Article 2 of the mentioned Law and if in line with the provisions of Article 20 of the Law on Conflict of Interest in Governmental Institutions of Bosnia and Herzegovina I jeopardize performing of the duty entrusted to me I may be financially penalized and my candidature may be forbidden for any direct or indirect elected duty within four (4) years after the committed violation.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Note: You are obliged to submit the filled form to the Secretariat of the Elected Commission of BiH no later than 30 days after receiving the Form.

#### b. Gifts

## IZJAVA O POKLONU

Ime i prezime: \_\_\_\_\_

JMBG: \_\_\_\_\_

Adresa stanovanja: \_\_\_\_\_

Dužnost u tijelu vlasti: \_\_\_\_\_

Razina vlasti: \_\_\_\_\_

Vrsta poklona: \_\_\_\_\_

Poklonodavatelj: \_\_\_\_\_ Vrijednost poklona: \_\_\_\_\_ KM

Na temelju članka 10 točka 4. Zakona o sukobu interesa u institucijama vlasti Bosne i Hercegovine ("Službeni glasnik BiH", broj 16/02, 14/03), dajem sljedeću:

## IZJAVU

(u slučaju potrebe davanja šire izjave koristiti dopunsku stranu ovoga obrasca, uz obveznu naznaku rednoga broja stranice u donjem desnom kutu stranice)

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Pod punom materijalnom i krivičnom odgovornošću izjavljujem i svojim potpisom potvrđujem da su informacije iz ove izjave u cijelosti točne, te da je ova izjava dana bez prisile, prinude i prijevare.

\_\_\_\_\_  
Nadnevak

\_\_\_\_\_  
Potpis podnositelja izjave  
(obvezno potpisati svaku stranu u slučaju šire izjave)

Broj stranice: \_\_\_\_ od \_\_\_\_





## Gift Statement

Gift given by: \_\_\_\_\_ Gift value: KM \_\_\_\_\_

[illegible][illegible]

Date \_\_\_\_\_ Signature \_\_\_\_\_  
(Obligatorily sign each page in case of a lengthier statement)