

# GRECO: Fifth Round Evaluation Report on Bosnia and Herzegovina



**András Csúri**

**News**

On 9 March 2023 GRECO published its [fifth round evaluation report on Bosnia and Herzegovina](#) (BiH). The country joined GRECO in 2000 and initially had a positive track record of implementing GRECO recommendations; however, the trend has been declining. While 83.3% of the recommendations were ultimately implemented after the first evaluation round, full implementation of recommendations declined to 43.7% in the second and to 45.4% in the third evaluation rounds. Since the fourth evaluation round, the compliance procedure is still ongoing, as none of the recommendations have been fully implemented, and BiH has been in a non-compliance procedure since 2020.

This trend is reinforced by the general perception that corruption is widespread in BiH. The country has dropped from the 72nd position in 2013 to the 110th in 2021 in the Corruption Perceptions Index of Transparency International.

In recent years, there have been many obstacles at different levels of government. No state-level budget was adopted in 2021 and the first two quarters of 2022 and, due to this blockage, the country's institutions have been operating on a provisional budget for 16 months. As a result, Bosnia and Herzegovina's institutions are largely paralysed, legislative performance is non-existent, and reforms, including those needed to move towards EU membership, are stalled. In particular, the draft law on the prevention of conflicts of interest and amendments to the law on public procurement are pending.

The report notes that there is currently a "legal vacuum" in terms of corruption prevention policies in BiH. The 2020-2024 Anti-Corruption Strategy and its Action Plan have not been adopted to date, and a more holistic anticorruption policy at state-level is lacking. At present, there is no specific strategy to prevent corruption and promote integrity amongst persons with top executive functions (PTEFs). While the Code of Conduct for Civil Servants applies to advisers, no separate code of conduct for PTEFs exists in general. The relevant provisions (conflicts of interest, gifts, access to confidential information, etc.) are set out in different laws. In addition, the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption (APIK) lacks the capacity to carry out its tasks properly and independently and is hardly operational.

The report recommends the development of an operational corruption prevention action plan based on a risk assessment specifically targeting PTEFs. More generally, clear guidance on conflicts of interest and other integrity issues should be included in the code of conduct of PTEFs, accompanied by appropriate monitoring and enforcement mechanisms. Rules should be put in place on how PTEFs interact with lobbyists and other third parties seeking to influence government decision-making. Regular and systematic information and the training of PTEFs on these standards should be organized.

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ISSN: 1862-6947

<https://euclid.eu>



The report calls for an independent review of the legislation governing freedom of information in order to address problems such as the lack of responsiveness of public authorities to requests for information. Increased transparency in the legislative process, in that external inputs and their origins should be identified, should be documented and disclosed.

The system for managing conflicts of interest for PTEFs also needs to be reviewed: their declarations of interest need to be subject to regular substantive checks. Proportionate sanctions for breaches should be in place, including for false reporting or failure to report. All PTEFs, whether elected or not, should be subject to the same disclosure requirements and, for the sake of transparency and accountability, all declarations need to be systematically, easily, and publicly available online.

As regards law enforcement, a system of regular anti-corruption action plans must be ensured, with clear objectives based on identified risks and an external evaluation of their implementation. The existing codes of ethics of the Border Police and State Investigation and Protection Agency should be complemented by practical guidance illustrating all issues and risk areas with concrete examples.

Both new and existing staff should be required to undergo ethics and integrity training based on practical guidance. Security checks on the integrity of police officers should also be carried out at regular intervals throughout their careers, and a system of asset declaration should be introduced.

Measures should also be taken to further promote a more balanced gender representation in all positions. In addition, a legal provision defining conflict of interest with police duties should be adopted, and authorised secondary activities should be duly registered. Lastly, the protection of whistleblowers needs to be reviewed and strengthened.

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The project is co-financed by the Union Anti-Fraud Programme (UAFP), managed by the [European Anti-Fraud Office \(OLAF\)](#).



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