



Questionnaire

Information requested by the European Commission
to the Council of Ministers of Bosnia and Herzegovina
for the preparation of the Opinion on the application of Bosnia
and Herzegovina for membership of the European Union

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INTRODUCTORY REMARKS

On 15 February 2016 Bosnia and Herzegovina presented its application for membership of the European Union. On 20 July 2016 the Council decided to implement the procedure laid down in Article 49 of the Treaty on European Union. Accordingly, the Commission was invited to submit to the Council its Opinion on this application for membership.

The Conclusions of the European Council held in Copenhagen in 1993 defined the criteria for EU membership as follows:

"Accession will take place as soon as a country is able to assume the obligations of membership by satisfying the economic and political conditions. Membership requires:

that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;

the existence of a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the Union;

the ability to take on the obligations of membership, including adherence to the aim of political, economic and monetary union."

At the same time, as defined by the 1995 Madrid European Council, applicant countries are expected to develop their administrative structures and the EU needs to be able to integrate new members.

On 29 April 1997 the Council defined conditionality for the countries of the Western Balkans in the framework of the Stabilisation and Association Process, including full cooperation with the International Criminal Tribunal for the former Yugoslavia and regional cooperation. These conditions are integrated into the Stabilisation and Association Agreement (SAA) between the EU and Bosnia and Herzegovina, which entered into force on 1 June 2015.

In its Opinion, the Commission will analyse Bosnia and Herzegovina application on the basis of the country's capacity to meet the criteria set by the Copenhagen European Council of 1993 and the conditions set for the Stabilisation and Association process.

In order to provide the Commission with the necessary information to conduct this analysis, a comprehensive list of questions is hereby handed over to Bosnia and Herzegovina.

The following guidelines are provided to assist Bosnia and Herzegovina authorities in preparing the replies:

- o The authorities of Bosnia and Herzegovina are invited to explain the country's capacity to apply and enforce legislation in all areas of the *acquis*, and to specify, where relevant, measures taken to implement obligations arising from the Stabilisation and Association Agreement.
- o The authorities of Bosnia and Herzegovina are asked to present the replies in a concise, transparent and clear form, covering all essential aspects of the subject. If a reference is made to supplementary documents (publications, reports, action plans, etc.), a summary of their content and a copy of the document should be provided.
- o As is the case with the SAA, the European Commission will interact with the state-level authorities as regards the submission of the Questionnaire and the reception of its replies. While the Commission encourages a large involvement from all country authorities and administration at all levels, contributions from any level of authority or administration

within the country, not submitted through the state-level authorities in a coordinated manner, would not be considered by the Commission.

- o In case translations of laws or documents requested in the Questionnaire have already been provided during meetings of bodies under the Stabilisation and Association Agreement, the authorities of Bosnia and Herzegovina may wish to provide a copy of the official information making reference to the date when the document was submitted to the Commission. In case an earlier version of a draft law has already been provided to the Commission, the changes in the latest version should be clearly indicated. If available, translations of laws or draft laws should be presented with a table of correspondence.
- o In some cases, similar or complementary questions are included in related chapters of the Questionnaire. In such cases, the authorities of Bosnia and Herzegovina may wish to explain that full information is made available in another context, indicating the cross-reference.
- o Statistical information should be provided in the format requested in the attached tables. If the authorities of Bosnia and Herzegovina have problems in providing statistical information in the format requested, they should contact the Commission in order to agree on a satisfactory solution. Additional tables may be provided at a later stage to facilitate the collection of statistics.
- o For the purposes of answering the relevant questions, the term "national" is intended to refer to country-wide policies or institutions, "central" is intended to refer to the state level, while "sub-national", "sub-state", "regional" or "local" are intended to refer to any other level of governance which is not the state level, as appropriate.
- o As a general rule applying to all questions about the existing institutions, bodies and agencies involved in the implementation of the EU acquis throughout the country, Bosnia and Herzegovina authorities are requested to provide information about their legal status, structure, composition and the eligibility criteria for appointment or election in these bodies as well as the rules/conditions for the decision-making.
- o The replies should be sent to the Commission in English. Where a translation into English of one of the requested pieces of legislation is not yet available at the time of transmission, a note on that should be included and the text provided as soon as it is available.

The Commission is at the disposal of the Bosnia and Herzegovina authorities to give supplementary explanations and clarifications about the Questionnaire. Meetings to review progress and resolve possible problems related to replying to the Questionnaire can be organised on an *ad hoc* basis. The main contact point in this regard is the Head of the EU Delegation to Bosnia and Herzegovina to whom specific questions or requests for technical contacts should be addressed.

The replies of Bosnia and Herzegovina authorities should be addressed to the Commissioner responsible for Neighborhood Policy and Enlargement Negotiations. Two additional copies of the replies and related official communications should be addressed to the Director-General of DG NEAR. Electronic copies of the answers should be provided to DG NEAR Head of unit for Albania and Bosnia and Herzegovina as appropriate.

The Commission would appreciate receiving the replies to the Questionnaire at the end of May 2017. However, this is an indicative timeframe. For the purpose of preparing the Opinion, the quality of the replies will be more important than the speed of delivery.

Before the Opinion is finalised, the Commission will invite the country authorities to update the replies, so as to ensure that the Opinion is based on the latest available information at the time of finalisation of the document.

The Commission may request additional information, statistics or clarifications, if the need arises, in the course of the preparation of the Opinion.¹

¹ The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, has entered into force on 1 December 2009. In accordance with Article 5 of the said Treaty, the articles, sections, chapters, titles and parts of the Treaty on European Union and of the Treaty establishing the European Community, as amended by the said Treaty, are renumbered in accordance with the tables of equivalences set out in the Annex to the said Treaty, and which form an integral part of it. When the title of an act of secondary law is cited, which contains the old numbering of the Treaty (e.g. "Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty"), as in all literal quotations, the old numbering of the Articles is maintained.

POLITICAL CRITERIA

DEMOCRACY AND THE RULE OF LAW

I. Constitution

1. Please provide a brief description of the constitutional and institutional set-up in Bosnia and Herzegovina. How is the constitutional system of check and balances between the three powers (executive, legislative, judiciary) implemented?
2. How is the implementation of the Constitution coordinated? Which are the bodies involved and which are their respective competences in relation to the implementation of the Constitution?
3. What is the relation between domestic and international law according to the Constitution? Would the Constitution allow the primacy of EU law over domestic law upon accession?
4. How does the Constitution define the repartition of competences between different levels of governance across policy areas?
5. Is there any instrument of international oversight over the domestic constitutional and legal framework, and institutions? If yes, what is the impact of such international oversight on domestic law and the functioning of domestic institutions?
6. Who is the final interpreter of the Constitution?
7. Is there a Constitutional Court? What is the legal basis for its establishment and functioning? How are its judges appointed and how is the independence of the Court guaranteed?
8. Who has the right to approach the Constitutional Court?
9. What is the scope of the competences of the Constitutional Court in relation to other courts?
10. How many laws have been invalidated, in full or in part, by the Constitutional Court in the last 5 years? Please provide a clear breakdown of cases according to the competences of the Court.
11. How are the decisions of the Constitutional Court implemented? Are there cases of decisions of the Constitutional Court that have not been implemented or have not been taken into consideration? Please submit the full list of un-implemented judgements and the reasons for non-implementation.
12. What are the mechanisms of enforcement and the eventual legal consequences in case of non-implementation of the decisions of the Constitutional Court? Please provide data.
13. Please provide a full list of constitutional and legislative provisions stipulating ethnic requirements regarding the decision-making procedures in legislative, executive and judicial branch at all levels of governance, if any.
14. Please describe which institutions are defined as independent under the Constitution at all levels of governance. How are their constitutional guarantees of independence ensured?
15. Is there a Ministry in charge of checking draft laws on their constitutionality? Please specify/clarify the role of the relevant ministry and the procedure in practice.
16. Please describe the procedure needed to revise the Constitution. Have there been already revisions of the Constitution? If so, please explain relevant amendments, procedure, scope and changes made.
17. Are there any plans to amend the Constitution? Please explain.

18. Are there constitutional provisions which could prevent Bosnia and Herzegovina from aligning with European standards and/or EU *acquis* and require amending the Constitution? Please provide a list of such provisions if applicable.
19. Please describe the competences, selection procedures and decision-making procedures of the Head of State. Are there any specific eligibility requirements for candidates? Are there any veto mechanisms in the decision-making procedures of the institution?
20. What is/are the official language(s) of Bosnia and Herzegovina?

II. Parliament

21. Please provide a description of the structure and functioning of the Parliament including the competences of the speaker of the Parliament, the prerogatives and competences of the Parliament with respect to ensuring parliamentary oversight of the government and executive institutions. How are such mechanisms implemented in practice?
22. Please provide a detailed list of authorised proponents of legislative initiatives and laws and explain the procedures for the adoption of legislation (including an explanation of existing fast track procedures and their applicability to the adoption of *acquis-related* legislation, if any).
23. Please describe in detail the Parliament's rules of procedure and provide information concerning their implementation. When were they amended last? Is there any plan to amend them? If so, please describe the parts in need of amending. Please provide a copy of the rules of procedure in force.
24. To what extent do the Rules of Procedure of the Parliament regulate the issue of gender balance? Is gender equality taken into consideration when deliberating the laws, policies or budget?
25. Describe the process of strategic planning of the parliament. Is there a parliament programme? How is it prepared, what is the time-line for its implementation and how is its implementation monitored?
26. How is the Parliament exercising its legislative functions? Is there a system of verifying, at Parliament level, the compatibility of new legislation and amendments proposed in parliamentary procedure with the EU *acquis*? Explain and provide information and examples. Does the Parliament request accompanying documents when assessing draft laws, such as impact assessments, evidence of public consultations?
27. How often are parliamentarians exercising their right to propose legislation? Please provide data over the past 5 years.
28. Please specify how often a fast-track procedure is used by the Parliament and under what criteria. Please provide a detailed list of laws that were adopted under urgent procedure over the past 5 years.
29. Please specify the competences of the Parliamentary Committees. How much time is dedicated to scrutiny of legislation by the committees?
30. How many political parties are registered in the country? How many of these are represented in Parliament?
31. Please provide a breakdown of Members of Parliament according to (a) gender; (b) belonging to national minorities.

32. Please specify the eligibility requirement to stand for election for the parliamentary bodies (passive electoral rights). What are the grounds for ineligibility to political office (e.g. criminal convictions, including for war crimes, crimes against humanity or genocide)? *Is there any plan to revise the latter?*
33. What are the rules applying to the replacement of Members of Parliament in the course of their mandate?
34. Are there any veto mechanisms in the legislative procedure? If yes, please describe their functioning and detail how many times they have been used in the last 5 years.
35. Please describe the provisions in place defining the persons having the right to vote in elections and the arrangements regarding voters' registers.
36. Please describe the overall framework for party and campaign financing, the rules guaranteeing its transparency and provide details on the monitoring of its implementation. How are the GRECO recommendations on "Transparency of Party Funding" addressed? Do the existing reporting obligations under the Electoral Code for public parties during elections also cover private funding sources? Please explain what mechanisms are in place for reporting private and public party financing funding.
37. Please describe the progress achieved to date in addressing the recommendations of the Office for Democratic Institutions and Human Rights in terms of reviewing constituency boundaries to uphold the principle of voting equality, removing ethnicity- and residency-based limitations on the right to vote and stand as a candidate, and reviewing the regulatory framework for campaign finance.
38. Please describe how parliamentary immunity is defined and applied.
39. Please provide a list of the independent institutions that report to the Parliament.
40. Is there a Constitutional or ordinary legal framework for the use of instruments of direct democracy, including referendum? What is their scope of applicability and the procedure to be followed? Do they have binding and direct legal effects or are they merely consultative? Can international treaties be subject to a referendum? Is a referendum on the EU Accession Treaty foreseen?

III. Government

41. Please provide a description of the structure and functioning of the government. Which is the legal basis for the structure and functioning of the government?
42. What mechanisms exist for inter-ministerial coordination? Specifically, what mechanisms exist to link strategic planning and budgeting, in each Ministry, at governmental level?
43. What structures exist to ensure the coordination of European Integration issues? How is the compatibility of planned legislation with the EU *acquis* and with international obligations been verified and monitored? Which body is responsible for such verification? Please explain.
44. How is the coordination among all domestic institutions competent for the implementation of the EU *acquis* ensured? Please provide concrete examples of the functioning of the coordination mechanism.
45. Is there a National Plan for the Adoption of the Acquis or alike adopted? If so, is it costed? Is there regular monitoring of its implementation? How is it linked to the government's annual legislative programme? (*see also under Public Administration Reform*)

46. Are sub-state levels of governance consulted in any formal way in the context of preparation of legislation which will either affect them or in which they will be involved in the implementation? Conversely, do they consult with the state level in the preparation of legislation that affects or requires coordination with state-level legislation or bodies?
47. Please describe how the National IPA Coordinator (NIPAC) fulfils his role as the Commission's main counterpart for strategic planning, coordination of programming, monitoring of implementation, evaluation and reporting of IPA assistance. How many employees work in the NIPAC office and in what sectors? Is the staffing level adequate to fulfil the tasks of the NIPAC? How do ministries and other relevant institutions support the NIPAC in these tasks? Have shortcomings been noticed in their contribution and if so have these been overcome?
48. Please explain the main reasons for IPA implementation delays or problems. Have these obstacles been removed for current and future implementation?

IV. Local self-government

49. What are the structure of local self-government and the competences of the local self-government bodies throughout the country? Please specify.
50. Please describe the electoral system for municipalities. Are regular elections held for municipalities throughout the country? What are the eligibility requirements and the grounds for ineligibility? Is there any plan to revise the latter?
51. Is there an association of municipalities and which are its functions and its administrative capacity?
52. Are local self-government bodies subject to administrative and judicial control?
53. Is there a strategy on decentralisation?
54. On fiscal decentralisation, how does Bosnia and Herzegovina ensures that local governments have the funds needed to fulfil their responsibilities? Have measures been taken to strengthen the financial management capacity of the municipalities? Explain. (*Please see also question under Economic criteria.*)
55. When the fiscal impact of the implementation of new legislation is prepared, is the impact on the budget of municipalities identified and taken into account? Explain how. (*See also Public Administration / Policy development and coordination and Chapter 32*)
56. How are the administrative boundaries of the municipalities regulated and defined? Explain.
57. How are the ownership, registration and management of public property, including real estate, distributed? (*Please refer to questions in chapter 4 on the state capital.*)
58. Which administrative structures are responsible to carry out local self-government reform?
59. Are municipalities consulted in any formal way in the context of preparation of legislation which will either affect them or in which they will be involved in the implementation?

V. Civil Society

60. Can all individuals and legal entities express themselves, assemble peacefully and establish, join and participate in non-formal and/or registered organisations? Please elaborate.

61. Please provide data on the number of registered Civil Society Organisations (CSOs) as well as the number of employees and volunteers in CSOs,
62. What comprises the legal framework on CSOs?
63. Do CSOs need to register? If so, who maintains the registry? Please describe the registration procedure. Is registration of CSOs easy, timely and inexpensive? Is online registration available?
64. Is there a policy/legal framework concerning volunteering in CSOs?
65. Are strategic documents for the cooperation of public authorities with civil society in place and implemented?
66. Are there official bodies for dialogue and cooperation between CSOs and public institutions and if so, how are CSOs represented within them? How is this cooperation working in practice? Is there sufficient administrative capacity and funding in order for the mechanism to achieve its goals? Is the structure sufficiently visible, open and available for CSOs?
67. Please explain how the civil society is involved in the process of public consultation on draft legislation and policies. Is there a structure or mechanism in place, including a web-platform? Are civil society proposals taken into consideration by the relevant authorities? (*see also under Public Administration Reform*)
68. Are laws, bylaws, strategies and policy reforms effectively consulted with CSOs (in terms of adequate access of information, sufficient time to comment, selection and representativeness of working groups, acknowledgement of input, feedback etc.)?
69. Is public funding or any other form of support available for CSOs? Please provide data on the amounts for the last 5 years.
70. Are there clear and legally binding mechanisms in place for the distribution of public funds?
71. Does legislation provide tax incentives for individual or corporate financing the non-profit sector?

VI. Public Administration

A. Strategic framework of public administration reform (PAR)

72. Describe the level of political support for the public administration reform at different levels of governance and how this is demonstrated. Describe which medium-term strategic and/or planning documents identify PAR as a government priority. Is there consensus about the scope of the reform?
73. Is a comprehensive strategy for the reform of the public administration in place? If so, describe its preparation process, the inter-institutional structures and their responsibilities, as well as the public consultation process.
74. Does the strategy have a sequenced action plan with clear information on responsibilities for implementation, costs and sources of financing?
75. Describe the framework for monitoring implementation of the strategy. Are regular reports on implementation prepared and are they published? Is progress measured against performance indicators? How are civil society and the business community involved in the monitoring process?
76. What is the state of play of implementation of the strategy and its action plan? What were the shortcomings noticed in the implementation process and how were they overcome?

77. Describe the institutional set-up for PAR coordination. Is there a central body in charge of public administration reform? Which bodies/institutions are involved in the coordination structures and what are their roles? What is the capacity of the lead institution and the main stakeholders to carry out their tasks?
78. Describe how implementation of the PAR Strategy is financed. To what extent are the costs reflected in the annual budget? Is financial sustainability of the reform ensured in the medium-term expenditure framework?

B. Policy development and coordination

79. Please describe the policy-making system, and the institutional arrangements within the government for strategic planning. Are there specific guidelines on strategic planning? Is there a government work programme, including an annual legislative programme? What are the main objectives of this programme?
80. What types of legal acts exist? Please explain the course of legislative procedure needed for their adoption.
81. Please describe the medium-term policy planning system. Is there a medium-term policy plan? How is it prepared, what is the timeline for its implementation and how is its implementation monitored? What mechanisms are in place to ensure that policy planning is harmonised with the financial planning?
82. How is the preparation of the National Plan for the Adoption of the Acquis embedded in the overall policy-making system? (*see also under Government*)
83. What forms of consultation on legislative and policy proposals are used, both inside the government (inter-institutional coordination) and outside (public consultations with stakeholders)? Please provide references to legislation (relevant articles) that describe the consultation mechanisms. Does the legislation ensure a uniform approach to the consultation process throughout the country? Please share the relevant laws. (*see also under Civil society*)
84. Are impact assessments (fiscal, regulatory, etc.) systematically prepared for draft legislation and policy proposals? What is their quality? What mechanisms exist to monitor the effective implementation of legal acts by public bodies (e.g. reporting requirements, administrative oversight, and inspections)?

C. Public service and human resources management

85. Please present the legal framework governing public service (civil servants and other servants and employees)? How are the Principles of Public Administration embedded within the legal framework? Please share the relevant laws and secondary legislation.
86. Please describe the different types of public servants at all levels of administration (e.g. civil servants, other public employees, political appointees etc.). What are the distinctions between these different categories (in terms of their status, legal regime, rights and obligation)?
87. Please explain the scope of the law on civil servants both vertical (i.e. which positions in an administrative body are considered civil servant positions and to which positions/functions the law does not apply) and horizontal (i.e. the institutions and categories of public employees that are covered by law and those left outside its scope).
88. Which positions in government are politically appointed beyond the scope of the law on civil servants? What are the safeguards in place against the politicisation of the civil service?

89. Please explain the general policy on filling the vacancies in civil service, i.e. if priority is given to internal selection or external recruitment. What are the conditions for the organisation of internal and external competitions? Which authority is empowered to decide on choosing internal/external competition for filling a vacancy? How is transparency of the recruitment process ensured?
90. Please explain what are the different management categories in the civil service, in particular, name the functions which correspond to senior management, middle management and lowest management positions and give an estimation of the number of staff managed by each function, indicate the main structures under the coordination of each function and the authority to whom the relevant manager reports.
91. What system of delegation of powers exists from the senior management to lower levels of management?
92. Please describe the recruitment procedure for the different categories of civil servants (e.g. senior, middle and low level managers, executive/non-managerial level). Please elaborate on the following issues for each category:
- a) the composition of the selection committee;
 - b) the stages of the selection process and the authority which is empowered to decide on the successful candidates at each of the selection stages;
 - c) which authority is empowered to take the final selection decision and based on what criteria. Indicate if, according to the legal framework, this power can be delegated and if yes to whom.
93. Please explain if senior and middle level managers are appointed for a limited duration or for a fixed-term mandate. In case they are appointed for a fixed-term mandate, please elaborate on the following: the length of mandate; the possibility, length and conditions for re-appointment; the authority empowered to decide on re-appointment.
94. Is there a transparent and regulated system of defining the functions and the authority of middle management staff within the administration? Please describe.
95. What are the legal guarantees for ensuring transparency and meritocracy in recruitment/appointment? Which bodies are in charge with monitoring and reporting on the process?
96. Is there an annual recruitment plan? Who prepares it and how is its implementation monitored?
97. Are there any specific eligibility requirements for access to employment in public administration positions, including requirements stemming from constitutional provisions and legislative framework at all levels of governance? If so, please provide a list of the constitutional and legislative provisions stipulating these specific eligibility requirements; and provide a list of institutions and public administration bodies at all levels of governance having such requirements in place.
98. Please indicate if temporary employment in the public administration exists. What is the legal status of these employees - are they considered civil servants and if not, what procedure applies for them to become civil servants? What is the procedure for their recruitment and dismissal? Are limitations on the number of temporary contracts embedded in the law? If yes, how are these limitations implemented, monitored and reported upon? Is data on temporary contracts in the administration monitored and available to the public?

99. Please provide data on temporary employees for the last three years, including percentage of these recruitments against the recruitments following open competition.
100. Please describe how the management of human resources is organised in the civil service. Is there a policy on public service development? Is there a lead coordinating institution and what are its responsibilities? Does it have sufficient human resources? Does it prepare an annual report and publish it?
101. How is coherence of human resource management practices ensured across the country? How are human resources managed at different levels of governance, by what institutions and with what responsibilities?
102. Please explain how are dismissals of civil servants regulated, i.e. the specific conditions for triggering the dismissal prescribed by the legislation for each category of staff (senior managers, middle managers and expert/non-managerial staff), the authority which takes the decision and the legal mechanisms for preventing abusive dismissals etc.
103. Please describe what human resources management information systems are in place. What parts of the public administration are covered by this system(s)? With which other information systems does it interact (e.g. treasury for payroll etc.)?
104. Please describe the legal framework that guarantees professional development of civil servants. Please explain how the training of civil servants is organised and on what legal basis. Is there any institution responsible for mandatory and continuous training of civil servants and what is the scope of its work? Please provide statistics on the number and content of the training provided in the last five years.
105. Please describe the legal framework to promote integrity of civil service. Is there a Code of Ethics applicable to civil servants? If so, how is its application monitored? Are there specific rules applicable to specific categories of civil servants?
106. How is the career development (promotion, transfers, mobility etc.) organised for the civil servants? How is the legal framework regulating these aspects implemented (e.g. indications about the number of people being promoted each year)?
107. Describe the legal framework regulating performance appraisal of civil servants. How often is performance appraisal conducted? What is the outcome of the appraisals, i.e. how many appraisal grades exist? How do appraisal results influence the career and working conditions (e.g. salary) of civil servants and what mechanisms exist to monitor application of performance appraisal recommendations? How are senior managers assessed?
108. Is there a transparent legal or regulatory basis for actions taken by civil servants? In particular, how is impartiality and non-discrimination of actions by civil servants ensured?
109. Describe the remuneration system of civil servants and other employees of public administration. Please provide the relevant legal acts.
110. Please describe how independent oversight of the civil service is guaranteed.
111. Please provide statistics on civil service, on the criteria specified below, disaggregated for each level of governance and, where available, by gender:
- a) Statistics on public administration (data for 2016)
 - i. Number of civil servants
 - ii. Number of political appointees
 - iii. Number of support/administrative staff

- iv. Number of temporary employees
 - v. Number of other employees, if applicable (please explain)
 - vi. Total number of people employed in public administration (Please list the type of institutions that are considered as part of public administration in Bosnia and Herzegovina)
 - vii. Total number of people planned to be employed in public administration (This number should include also the vacant positions that have not been filled but that are allocated to all institutions)
- b) Recruitment in civil service (excluding senior civil servants/other senior employees)
- viii. Number of civil servant vacancies at the beginning of the year
 - ix. Number of *public competitions* organised
 - x. Number of applications received per position
 - xi. Number of successful candidates
 - xii. Number of vacancies filled through public competition
 - xiii. Number of *internal competitions* organised
 - xiv. Number of applications received per position
 - xv. Number of successful candidates
 - xvi. Number of vacancies filled through internal competition
 - xvii. Number of people in the *waiting lists*, if any (after successful competitions)
- c) Mobility in civil service
- i. Number of civil servants promoted
 - ii. Number of civil servants transferred (horizontally)
 - iii. Number of civil servants demoted
- d) Release/dismissal from civil service - Total number of civil servants released/dismissed from civil service in the given year:
- i. Due to resignation
 - ii. Due to retirement
 - iii. Due to disciplinary measures
 - iv. Due to unsatisfactory performance
 - v. Other (please specify)
- e) Appeals in civil service
- i. Number of appeals filed with the relevant institutions for unfair dismissal by civil servants in the given year
 - ii. Number of appeal cases for civil servants decided in the given year
 - iii. Appeals won by civil servants in the given year
 - iv. Appeals won by public administration institutions in the given year
 - v. Number of final appeal cases implemented in the given year

- vi. Total number of appeal cases pending decision
 - vii. Total number of final appeal cases pending implementation
 - viii. Number of appeals filed with the relevant institutions for unfair dismissal by other employees in the given year
 - ix. Number of appeal cases decided in the given year
 - x. Appeals won by other employees
 - xi. Appeals won by public administration institutions
 - xii. Number of final appeal cases implemented in the given year
 - xiii. Total number of appeal cases pending decision
 - xiv. Total number of final appeal cases pending implementation
 - xv. Amount paid in damages based on final court decisions in the given year
- f) Performance appraisal
- i. Total number of performance appraisals for civil servants carried out in the given year (% of all civil servants)
 - ii. Percentage of institutions that have completed performance appraisals
 - iii. Number of appraisals with the best possible grade
 - iv. Number of appraisals with the 2nd best grade
 - v. Number of appraisals with the 3rd best grade
 - vi. Number of appraisals graded as 'non satisfactory'
- g) Senior civil servants/managers
- vii. Total number of senior level managers
 - viii. Number of senior manager vacancies at the beginning of the year
 - ix. Number of senior manager vacancies to be filled according to the annual recruitment plan
 - x. Number of *public competitions* conducted to fill senior manager vacancies
 - xi. Number of applications received per position
 - xii. Number of successful candidates
 - xiii. Number of *internal competitions* conducted to fill senior manager vacancies
 - xiv. Number of applications received per position
 - xv. Number of successful candidates
 - xvi. Number of *senior managers re-appointed* after the expiration of their mandate
 - xvii. Total number of *dismissals of senior level managers*, of which:
 - Due to retirement
 - Due to resignation
 - Due to disciplinary measures
 - Due to negative appraisal

- Due to end of mandate
- Other (please specify)
 - xviii. Number of *appeals* against dismissal of senior managers
 - xix. Number of successful appeals
 - xx. Number of implemented appeal decisions
 - xxi. Number of final decisions pending implementation
 - xxii. Amount paid in damages based on final court decisions in the given year

D. Accountability

112. Describe the legal framework governing establishment and organisation of all public bodies under the executive power along with their lines of accountability. Provide an organisational chart of the executive branch at the different levels of governance.
113. Describe how accountability of administrative bodies is ensured (e.g. are administrative bodies accountable or answerable for their actions to other administrative, legislative or judicial authorities and subject to scrutiny by others)?
114. Explain the legal framework governing the scrutiny by oversight institutions and provide a list of all structures involved (independent institutions).
115. Describe the legal framework and institutional setup to guarantee access to information. Provide information on any fees related to access to information. Please share the relevant laws in English.
116. Does the legal framework require institutions to set up registers for requests of information? If so, how many institutions have such registers and are they regularly updated? Is there one central register?
117. Are there guidelines on the content of information to be proactively disclosed by public institutions? Provide data on how many institutions maintain a webpage and how many are regularly updated.
118. What institutions are involved in monitoring its implementation? Is there a designated supervisory authority with the power to set standards and impose sanctions? What levels of governance does this authority oversee?
119. What are the procedures to guarantee citizens' rights of recourse against public service actions? Describe these (e.g. parliamentary committees, ombudsman's office, internal and external audit, inspectorates, standard-setting authorities). Please share the relevant laws in English.
120. How is implementation of the recommendations formulated by these bodies (particularly the ombudsman's office) monitored and to what extent are they taken into account by the public administration institutions?
121. Do special administrative courts exist? What are their competences?
122. Describe the role of the Ombudsman in the oversight of administrative bodies in terms of ensuring compliance of the laws, public policies and other regulations with the Constitution as well as with the international human rights instruments. Is the Ombudsman authorised to encourage the government to ratify or acceded to relevant international instruments and to

ensure their implementation? (for all questions related to the Ombudsman see also under Fundamental rights)

123. Is there a code of ethics for the Ombudsman in place? If yes, when was it adopted?
124. Does the Ombudsman enjoy external and internal independence when acting in execution of its mandate? What guarantees exist for the independence of the Ombudsman officials (e.g. case lawyers)? Please specify in particular the procedures for their selection and appointment, end of mandate and the allocated financial and human resources. What mechanisms are in place to guarantee a transparent and pluralistic selection and appointment process? Is the funding sufficient for full, independence and effective discharge of Ombudsman's functions?
125. Is access to all official documents granted to the Ombudsman? Is s/he entitled to suspend the execution of an administrative act if he determines that the act may result in irreparable prejudice to the rights of a person? If so, how is this implemented in practice? Does the Ombudsman have the right to contest the conformity of laws with the Constitution and, if so, how is this implemented in practice?
126. Are there field offices of the Ombudsman beyond the main office?
127. Please provide concrete data regarding complaints to the Ombudsman and how they were followed-up for the last five years. Please provide data regarding how the government takes on board recommendations of bodies in charge of administrative control. Indicate if judicial proceedings could be initiated in case the Ombudsman's recommendations are not followed by the administration. Please share the relevant laws in English.
128. Please provide a detailed table indicating the activity of the Ombudsman in the last three years (number of received complains, number of cases solved, number of recommendations, number of followed recommendations). Is there any backlog of cases to be considered by the Ombudsman? If yes, what measures are taken to reduce the backlog?
129. Please specify the number of actions undertaken by the Ombudsman ex officio.

E. Service delivery

130. Please describe the service delivery policy in place. How is a coherent policy between the different levels of governance ensured?
131. Is there an e-government policy? Please describe what are the main objectives and state of play of its implementation.
132. How is user-oriented administration promoted, including administrative simplification and e-services? How many services are available online and how many of them have been simplified?
133. Describe the legal framework and state of play in implementation of e-authentication mechanism/e-signature.
134. Please provide information on the existing one-stop-shops at the different levels of governance. Provide a full list of services that are provided through them to citizens and businesses.
135. Describe the standards for interoperability of IT systems of public institutions. How are uniform standards guaranteed? What is the state of play in implementation?
136. Describe the legal/policy framework to guarantee the quality and equal access to public services. How are needs of special groups ensured (such as persons with disabilities, foreigners, senior citizens etc.)?

137. What mechanisms are in place to ensure that the public service is open and transparent? Can any citizen affected by an administrative action have access to the legal basis for the action? How are reasons for administrative decisions shared with the affected citizens?
138. Describe the legal framework for administrative procedures. How are special administrative procedures regulated? Explain their justification.
139. Describe the citizen-feedback mechanisms in place to measure citizen/business satisfaction with public services. Explain how the feedback translates into improving the accessibility and quality of services.

F. Public financial management (PFM)

140. Describe the results of implementation of the PFM reforms in the past years. What are the key outstanding issues and the key reform priorities that need to be addressed in the coming years in the country?
141. Has Bosnia and Herzegovina adopted a countrywide PFM strategy with a medium-term action plan, covering the key PFM sub-systems and issues in each (i.e. budget preparation, revenue administration and collection, budget execution with cash management, public procurement systems, debt management, public internal financial control, budget inspection, accounting and reporting and external audit, etc.)? If not, is the country planning to adopt a comprehensive reform programme? In what timeframe?
142. In case there is no countrywide PFM strategy, are there separate strategies for each sub-system such as on public procurement, public debt, and public internal financial control? If yes, how is the consistency between the different sub-system strategies ensured?
143. How is monitoring and reporting of PFM reforms ensured? Is civil society involved in monitoring? How often are monitoring reports prepared? Are they published?
144. Please describe the measures that Bosnia and Herzegovina has taken to ensure budget transparency across the different phases of the budget cycle (budget preparation, approval, executing and oversight)? Does the country have a transparency roadmap, e.g. as part of the PFM reform strategy/programme?
145. Please describe the role of the parliamentary working bodies in the adoption of the budget. What is the capacity of these committees to carry out analysis of the draft budget?
146. Please describe the mechanisms for monitoring budget execution and implementation of the supreme audit reports. How is the follow-up to implementation of supreme audit findings and recommendations ensured? Please describe the legal framework for cooperation between the supreme audit office and the respective institutions.
147. How does Bosnia and Herzegovina ensure the presentation of budget information in a more accessible format to the general public than in the standard budget documents? For example, has government prepared a Citizens' Budget? How is public participation in the budget process ensured?

VII. Civilian oversight over security forces

148. Please describe the status and the structure of the security forces, both civil and military, and their respective competences. Please provide - where available - organisation charts and indications about the number of employees.

149. Is there civilian control over the security forces, including intelligence services, and how is it exercised? Please describe the relevant arrangements in place for parliamentary control of security forces.
150. Is there any ongoing or planned reform of the security forces? If so, please provide the main elements.
151. Do any arrangements exist for calling upon military resources under police command in specific crisis situations?
152. What measures have been taken to ensure an increased awareness within the security forces of issues such as human rights and non-discrimination?

VIII. The Judiciary (questions covering also Chapter 23)

A. Organisation and structure of the court and prosecutorial system

153. Please provide brief description of legislation or other rules governing the structure and functioning of the judicial system. Are there any tribunals outside the ordinary judicial system (such as military tribunals)?
154. Please describe the organisational framework of the court system and indicate any ongoing and planned changes.
155. Is the jurisdiction of every court stipulated in clear and predictable terms? How is the conflict of jurisdiction regulated and how is it enforced by the courts?? Are there areas where courts are too small for objective case allocation and/or specialisation? Can the physical distance and lack of communications be problematic in light of access to justice? Please provide concrete examples.
156. Please provide a description of the prosecutorial system. What are the respective roles of prosecutors and deputy prosecutors and what is the hierarchical system between them?
157. Please indicate:
- a) The number of courts (by type of court);
 - b) The main competencies and functions of each type of court;
 - c) The number of prosecutor's offices (by type of prosecutor's office);
 - d) The main competencies and functions of each type of prosecutor's office;
 - e) The number of judges, prosecutors and attorneys at law;
 - f) The number and the exact roles / competencies of bailiffs and public notaries ;
 - g) The disaggregated number of judges by gender;
 - h) The disaggregated number of judges by participation of persons belonging to national minorities;
 - i) The disaggregated number of other legal professions mentioned under (e) by gender;
 - j) The disaggregated number of other legal professions mentioned under (e) by participation of persons belonging to national minorities;
158. How is the principle of the natural judge covered in Bosnia and Herzegovina's legislation and how is it implemented in practice?
159. How many and what types of specialised judges and prosecutors are there?

160. Please describe the system(s) of appeal procedures.

161. Management body(ies): High Judicial Council / Prosecutorial Council:

- a) Describe the composition, role, premises and budget. Is there a single or separate bodies? How is the institutional independence and stability guaranteed and protected? How are members appointed? What is the role, if any, of the legislative and/or executive authority in the nomination/dismissal process?
- b) Is composition mixed (members coming from the judiciary and members not part of it)? Do the members serve full or part time? How long is their mandate? Do members have specific privileges? Can the mandate be renewed and who can renew it? What are their qualifications requirements to become member? How is the career management after serving as a member regulated?
- c) Is the High Judicial Council/Prosecutorial Council adopting its procedural rules? By which majority (simple, qualified) and are remedies available in case of non-respect of the rules?
- d) How is accountability ensured? How is potential conflict of interest scrutinised and prevented? If the conflict of interest of Council(s) Members occurs, what rules do apply and how is their implementation ensured?
- e) Do non judicial/prosecutorial members have the right to vote and what are their exact methods of selection, roles and functions? How disqualification from decision-making of these members is regulated and applied in practice?
- f) Does the Minister of Justice have the right to vote and if yes, in what cases?
- g) Does the High Judicial Council/Prosecutorial Council have its own budget and staff and are these sufficient to allow effective performance of the tasks?
- h) How is the transparency of the work and procedures of the management body(ies) ensured?

B. Independence

162. Are the principles of independence of the judiciary and the autonomy of prosecutors enshrined in the Constitution or equivalent texts? Are such guarantees clearly set out at all levels of governance in the same manner?? How are the rights of the judiciary protected? Have there been any complaints about the independence of the judiciary and the autonomy of prosecutors? If so, how were they resolved? How does the public perceive independence of the judiciary and autonomy of prosecutors and on what type of indicators?

163. Do judges enjoy both external and internal independence when deciding an individual case? What are the measures in place ensuring internal independence of the judiciary? Are the lower courts independent from the Supreme Court or other higher courts? Is the Supreme Court or another high court prohibited from giving instructions, guidance, recommendations, explanations or supervision to the lower courts? Do judicial leadership posts hold any evaluation, appraisal or disciplinary powers? If so what safeguards exist to prevent the undue influence of the internal judicial hierarchy?

164. Do prosecutors enjoy a sufficient level of autonomy when working on an individual case? Does this include the possibility for the lower prosecutors to contest the hierarchical instructions of senior prosecutors and on what basis? How are the independence of courts and the autonomy of the prosecution service ensured from a financial point of view?

165. How can a decision by a prosecutor not to press charges or to drop a case be challenged, in particular in cases where there is no obvious victim apart from the public interest?
166. Threats against the independence of judges and autonomy of prosecutors: Which authorities can act in specific procedures for protecting judicial independence /prosecutorial autonomy when judges or prosecutors consider that their independence/autonomy is threatened? Which measures can be taken in this case?
- a) Issuing a formal declaration/press release?
 - b) Filing of complaint/notifying an authority?
 - c) Sanctions against persons seeking to influence judges in an improper manner?
 - d) Possible reaction by the Prosecution Service?
 - e) Possible reaction by the Supreme Court?
 - f) Possible reaction by the Judicial Council or judicial inspection?
 - g) Possible reaction by the Constitutional Court of the country?
167. Recruitment/nomination: Describe the methods and criteria for the selection/appointment of candidates for judicial office. How are judges and prosecutors recruited (are there competitive and public written exams with anonymous results; are the questions publicly available or not; systematic interviewing of all candidates; comparison of CVs; etc.)? Have there been any complaints about the procedures? If so, how were they resolved?
168. Please describe in detail the appointment procedure carried out for judges and prosecutors: constitutional and legal basis, exact procedure, competent bodies, criteria applied, and legal remedies. How do the procedures of selection/appointment guarantee that the best candidates are finally appointed? Are there deviations from the merit-based appointments, and if yes, on what legal grounds?
169. Is there any plan to revise the selection / appointment procedure of judges and prosecutors? If so, please explain in detail and clarify how the changes envisaged would contribute, in particular, to strengthen independence, accountability and professionalism,
170. Please describe in detail the differences in status, tenure etc. between prosecutors and deputy prosecutors and between judges and assistant judges.
171. Evaluation/Promotion: Is the performance of holders of judicial office assessed? If yes, describe the body in charge as well as the relevant methods and criteria. Are the promotion criteria containing factors such as ability and integrity? What type of career system is established in Bosnia and Herzegovina (based on merit, seniority, mixed)? Is there a fair and transparent system of promotion of judges and prosecutors in place? Are there legal remedies available against final decisions on the matter?
172. Immovability of judges: Are there sufficient legal safeguards regarding the transfer of judges without their consent? If such transfers are allowed, can judges be required to move between courts and regions without their consent? Who and how is the decision to move a judge without consent made? Can judges appeal final decisions of transfer?
173. Is there an incentive-based system for voluntary mobility of judges and prosecutors?
174. What procedure governs the allocation of judges to particular courts and regions? Who decides on such transfers? For which reasons (e.g. organisational, disciplinary)? Is an appeal against the decision possible?

175. Dismissal of judges/prosecutors: Please describe the exact procedures for the dismissal of judges and prosecutors (legal basis, competent authorities to launch the procedure, reasons for dismissal etc.). Which authorities have the power to propose (and who should be consulted) and to decide on the dismissal of judges/prosecutors and on the withdrawal of judges? Are there legal remedies against the final decisions on dismissal of individual judge/prosecutor?
176. Can cases be taken away from judges and if so, by whom and under which circumstances? Has the take-over of cases been proscribed in Law? If yes, please describe its functioning? Can judges complain, and to whom, about the taking-away of cases?
177. Can judges be subject to sanctions if they disrespect the obligation to withdraw from adjudicating a case in which their impartiality is in question or is compromised or where there is a reasonable perception of bias?
178. The allocation of incoming cases within a court/prosecution office: Are the criteria for distributing cases defined (e.g. law, well-established practice)? How are cases allocated (e.g. by court president/chief prosecutors, by court staff, random allocation, pre-defined order) and which authority supervises the allocation?
179. What is the salary scale for judges and prosecutors? How does this compare with other professions (high-ranking civil servants, attorneys, lawyers in private enterprises, etc.) and to the average income? How is the salary of judges and prosecutors set and adjusted in practice? Who is deciding about it?
180. Do judges / prosecutors receive non-monetary benefits such as free housing, real estate etc. or monetary compensations such as reimbursement of transport, meals, etc.? If yes, who decides on granting such benefits and upon which criteria? How does this compare with other civil servants? Who is deciding about it? Please describe all the benefits and/or compensations received by judges and prosecutors.
181. Describe the legal regime of outside incomes of judges and prosecutors? Are there any limitations, regarding amount or other?
182. Is there a probationary period for judges / prosecutors? If so, please describe it.
183. Is the guaranteed tenure of office set out in legislation? Is there a mandatory legal retirement age? Who decides on granting permanent tenure and on the basis of which criteria?
184. Is the selection of judicial apprentices, expert associates and advisers objective and transparent? Do courts and prosecutor's offices have a sufficient number of these professionals? Please explain.

C. Impartiality

185. Impartiality of the judiciary: Please provide information on the constitutional/legal provisions and the institutional arrangements in place providing for the impartiality of the courts and the prosecution service.
186. What are the measures in place to prevent conflict of interest in judiciary and prosecutorial service? Who can decide on it, including the question of recusal? How is implementation ensured and what are the practical challenges in the implementation of these measures? Is the integrity of judges and prosecutors being checked throughout their career, and how?

187. Can judges be subject to sanctions if they disrespect the obligation to withdraw from adjudicating a case in which their impartiality is in question or is compromised or where there is a reasonable perception of bias?
188. Does the law provide remedies against attempts to influence judges and prosecutors in taking decisions on a concrete case? Please describe the relevant procedures.
189. Is there any analysis carried out by public institutions of the public perception of the level of corruption in the judiciary? If so, please provide it

D. Accountability and discipline

190. Is there a code of ethics/code of conduct for members of the judiciary and prosecutors? If so, who has adopted the code? What is its legal status? How is it being effectively implemented? Is integrity training part of the curriculum for initial training?
191. Do the laws provide immunity to judges/prosecutors? If so, what does immunity cover? What is the procedure for lifting the immunity? What is done to ensure that this is clear and transparent? Please give examples of how this has been implemented. What are the possible sanctions if the immunity is lifted?
192. Is there an Inspection Service for the judiciary? Is it within the Judicial Council or the Ministry of Justice? If so, describe its composition, role, way of functioning, budget and number of cases it is dealing with. In case of no specific inspection service, are there other internal control mechanisms established, and if yes, how do they operate?
193. What are the grounds for disciplinary proceedings against judges and prosecutors (important question as only in line with European Standards if only intentional offences and gross negligence lead to disciplinary proceedings)? Who may initiate disciplinary proceedings? Who investigates/prosecutes/adjudicates? Is there an effective legal remedy?
194. Are judges and prosecutors obliged to declare their assets? Which body is responsible for verifying the accuracy of assets' declarations and what happens with its findings? Are these declarations cross checked with other information databases, such as tax or property? Are there sanctions for falsifying declarations?
195. How can a decision by a prosecutor not to press charges or to drop a case be challenged, in particular in cases where there is no obvious victim apart from the public interest?
196. Are judges criminally liable only for offences committed inside and outside their judicial office? Is there a system of civil responsibility of judges for their decisions?
197. Have there been any allegations on corruption in the judiciary and, if so, are there any convictions in such cases? Is there a strategy/action plan to fight corruption in the judiciary? If so, what are the practical results in their implementation? Please provide statistics on indictments and convictions in cases of corruption in the judiciary over past 5 years.

E. Professionalism/Competence

198. Training: How is initial training for judges and prosecutors provided? Please describe the training system for judges and prosecutors. Is it compulsory? How long does initial training take? In the case where initial training is an obligatory requirement for entering the career of a judge or prosecutor, what are the selection criteria for being admitted to such training? If there is a requirement to have passed a final examination, how is such an examination

organised? Are internships for law graduates organised within the judiciary? If so, how is this done?

199. Continuous training: Are specific training courses organised for judges in new areas such as company law, cybercrime, organised and financial crime, corruption, EU law, ECHR case-law, etc., but also on ethics in justice as well as on fundamental rights? Are training needs assessed as part of the overall annual evaluation of judges, prosecutors and other court staff? What is the average time a judge, prosecutor and a court clerk spend annually on in-service training? What percentage of judges, prosecutors and other staff in the judicial sector has received further training over the last 5 years (compared with the profession as a whole)?
200. Is linguistic training a part of training of judges, public prosecutors or lawyers?
201. Is there a body responsible for training? If so, what are its exact role and status (independence)? Give information on its programmes, staff, number of students, financing etc. Are there other training facilities? Are there sustainable and adequate resources (financial, human and material) for the judicial training body
202. Please describe the training system for attorneys at law, if any? Can attorneys be associated in training sessions with judges and prosecutors and if yes, how often?
203. Please provide further details on the training for clerical staff at courts and prosecutors' offices. Do they receive particular initial and vocational training, e.g. on case management, IT, relations with the public or other subjects? Which institution is in charge of offering this training?

F. Quality

204. What is the annual budget of the judiciary, in absolute terms and in percentage of the national budget? Please provide a breakdown for courts and prosecution offices. Please provide an overview for the last five executed years. What is the budget of the judiciary per inhabitant? What is the procedure for deciding the budget? Who is managing the budget in judiciary? How is the financial autonomy of the judiciary guaranteed?
205. Is jurisprudence consistent across the legal system and are measures in place to ensure consistency? Are verdicts and their reasoning electronically available to other judges within a reasonable amount of time? Are court rulings publicly available? Is it easily accessible?
206. Which measures are in place to ensure transparency of justice? Are trials recorded? Are trials open to public, along which modalities?
207. Is there a system of monitoring the day-to-day activity of the courts based on data collection (e.g. number of incoming cases, number of decisions, and number of postponed cases, timeframes for judicial proceedings)?
208. Do Courts/Prosecutor's Offices produce annual activity reports?
209. Is there a system of evaluation of the performance of courts and prosecutor's offices by using indicators (e.g. performance and quality indicators, regular evaluation systems, quality standards that are defined, specialised court staff entrusted with quality policy and quality systems, surveys aimed at persons who were in direct contact with a court/prosecutor's office (professionals, litigants and other courts users, for example witnesses, experts, interpreters, etc.).
210. The availability of alternative dispute resolution methods (ADR)
- a) Is there a judicial mediation mechanism in place?

- b) Are there non-judicial mediation mechanisms in place?
- c) Is arbitration available?
- d) Is judicial conciliation available?

G. Efficiency

211. What is the average length of (a) a civil/ commercial case, including a small value cases, (b) a criminal case and (c) administrative law cases? In case of delays in handling cases, which problems are they mainly linked with? (For example: complex summoning process, prolonged period for collection of evidence; police evidence not being accepted in courts; failure by witnesses to appear; failure by judicial experts to appear; workload associated with enterprise registration; workload associated with high number of appeals; absence of alternative dispute resolution mechanisms; complex case management; lack of technical equipment.) Please describe which problems correspond to which type of case.
212. What is the clearance rate, i.e. the ratio of the number of resolved cases over the number of incoming cases in a given year:
- a) In first instance for civil/commercial, administrative and criminal cases;
 - b) In appeal for the same categories of cases;
 - c) At the Supreme Court;
 - d) At the Constitutional Court;
213. Please provide separate figures for civil/commercial, criminal, administrative and enforcement cases, including for small value cases, on how many cases have been pending for more than 1 year, 2 years or 3 years.
214. Do simplified procedures exist in civil, commercial and/or criminal cases? If yes, please describe them and give statistics on their usage.
215. Are there dedicated measures/plans to reduce the backlog of cases? If so, please provide details for each category, including for small value civil and commercial cases and whether such plans have resulted in significant reduction of the respective backlog.
216. What is the rate of appeals compared with the number of first-instance decisions in civil/ commercial, administrative and criminal matters? (Please provide global breakdown of pending cases.) What is the rate of successful appeals compared to the total number of appeals?
217. Is there a systematic workload assessment in courts and prosecution offices? Is there a human resource strategy for the judiciary, based on an analysis of needs and workload, and bearing in mind possible further changes in the structure of courts, recruitment and training?
218. What is the budget available to pay for judicial experts? By whom and how frequently are experts appointed? Is there a certification system?
219. Which roles / competencies do judges have (including outside normal proceedings such as in the execution of judgements, in registry issues etc.)? Which roles / competencies do prosecutors have (including outside criminal proceedings such as in the execution of judgements, civil or family law cases etc.)?
220. What is the percentage of the civil cases where the executive authorities are asked to enforce the judgement/final decision? Give equivalent information about fines in penal cases (the percentage of the cases where the fine is enforced by the executive authorities out of the total

- number of cases where a fine is imposed). How much time elapses, on average, until the enforcement of judgements? Is there any plan to improve enforcement?
221. Please describe the procedure for executing civil / criminal judgements. How are effectiveness and promptness in the execution of judgments ensured? What legal remedies exist against non-execution of judgments and how frequently are they used? Have structural causes for delays in execution, if any, been addressed by competent authorities and how?
222. Equipment: Is there an IT-supported case management system in the courts? Are systems and software compatible across the country? (The need to manage the computerisation on the national level calls for a central capacity to define needs, implement computerisation, including procurement of software and hardware, as well as to advise and help computerised courts.) Please describe briefly the main tools provided by the system.
223. Is there a Supreme Court database with case law accessible to courts, legal and judicial professions?
224. Are databases of law enforcement agencies accessible by courts?
225. How is the criminal register updated with information on new sentences in criminal cases and on execution of imprisonment including conditional paroles?
226. Is there a centralised electronic criminal register accessible across the country by relevant authorities?
227. General working conditions: Do judges and prosecutors have appropriate offices; computers, secretaries, law clerks, investigators?
228. Do judges and prosecutors have access to the archives and legal databases? How is access to recently adopted laws ensured?
229. Are archives in courts well managed and computerised? Please explain in details.
230. Please provide the numbers of clerical staff. How does this compare with the number of judges and prosecutors? Who is responsible for deciding about the number of the clerical staff? Does clerical staff have concrete job descriptions?
231. Which equipment (computers, e-mail, fax etc.) does clerical staff have at their disposal to perform their functions? Describe how archives are organised and to what extent the management of the archives is IT-supported. Is there sufficient and direct access to legal databases?
232. Judicial reform: How will the shortcomings in the recent reform of the judiciary be addressed? Is there a general strategy of the reform of the judiciary in place, with a corresponding action plan? If yes, please describe the strategy, its timeframe, action plan specific measures and further plans for reform of the judiciary. Who is or will be responsible for the implementation, coordination and monitoring of the further steps?

H. Domestic trials for war crimes, crimes against humanity and genocide

233. Please describe the domestic legal framework for processing war crimes, crimes against humanity and genocide, and provide a translated copy of the relevant laws.
234. Does the legislation include the notion of command responsibility, as defined by the ICTY Statute (Art. 7.3) and the Rome Statute of ICC (Art. 28)?

235. Is there a national strategy on war crimes? Does it foresee any complementarity system between courts? Please describe how the authorities are implementing the strategy at all levels of governance.
236. Which courts and prosecution offices are competent? Describe their financial and human resources situation.
237. Please describe the situation as regards proceedings on war crimes, crimes against humanity and genocide. How many proceedings have been finalised and how many are ongoing?
238. How many persons are indicted for war crimes, crimes against humanity and genocide by courts in Bosnia and Herzegovina? Is this list public? Please attach a copy of it. How many additional indictments in total are foreseen?
239. How many such cases have been processed? How many verdicts were reached? Please provide a list. What is the expected timeframe to process all foreseen war crime cases?
240. How many persons are indicted specifically for sexual violence related war crimes? How many sexual violence related processes have been conducted and verdicts rendered? Please provide a list.
241. Have the authorities taken any measures to monitor and track complex war crime cases involving senior- or mid-level officials, or having a wide geographical or temporal scope? Please provide disaggregated information.
242. Have the authorities undertaken any mapping exercise to understand the extent to which known crimes have been addressed and the crimes still to be prosecuted? Are the authorities aware of any specific accountability gap?
243. Are there trained judicial personnel (prosecutors, lawyers, judges) to process domestic war crimes trials? What kind of training activities have been done, are ongoing and planned? What specialised trainings have been provided to judges, prosecutors and defence lawyers?
244. Is Bosnia and Herzegovina prepared to fully cooperate with ICTY/MICT on domestic trials on war crimes, crimes against humanity and genocide, including by accepting evidence and other supporting material from the ICTY/MICT as well as from the judiciaries of other countries in the region? Is evidence coming from the ICTY/MICT and from other countries acceptable, in theory and in practice, in court proceedings?
245. Is Bosnia and Herzegovina prepared to accept full and transparent international monitoring of domestic trials on war crimes, crimes against humanity and genocide, where relevant to allow monitoring the accountability process as a whole? Does this apply also to access to information on investigations, and if so under which conditions?
246. Have there been extradition requests for alleged perpetrators of war crimes, crimes against humanity and genocide? Is Bosnia and Herzegovina ready to conclude extradition agreements covering alleged war crimes perpetrators with neighbouring countries?
247. Has Bosnia and Herzegovina adopted any comprehensive transitional justice strategy aimed at fighting impunity, providing recognition and redress to victims, fostering trust, strengthening the rule of law and contributing to reconciliation and non-recurrence? If yes, please provide details on its contents and state of implementation.

IX. Anti-Corruption (questions covering also Chapter 23)

A. Policy and strategy

248. Please provide any analysis or research made by the country's authorities or other bodies (e.g. international organisations and NGOs) on the problems of corruption faced by Bosnia and Herzegovina.
249. Please give comprehensive, country-wide overview of the efforts geared towards tackling these issues (i.e. adoption of legislation, international conventions, adoption of strategies and action plans to implement legislation, reinforcement of institutional and human resources capacities to deal with corruption). Which are the main priorities in this field? Which are the bodies responsible for the fight against corruption? How is coordination between different services ensured horizontally as well as across the levels of governance?
250. Is there a national anti-corruption strategy? Was this strategy the subject of broad consultation at all levels (e.g. interdepartmental, consultations with stakeholders in the private sector, civil society and the media)? What is the status of adoption of strategic policy documents, including the action plans, at all levels of governance?
251. Is there a monitoring/evaluation mechanism or is there mid-term review planned and is there an impact assessment planned at the end of the implementation to see whether or not the strategy/action plan generated tangible results? Is there a designated monitoring body, which meets regularly and oversees effectively the implementation? Please provide information about budget allocated in this regard for the last 3 years.
252. Please describe efforts to strengthen implementation of the above and provide concrete results related to the fight against corruption.
253. Is there a dedicated policy/sectorial action plans for areas particularly vulnerable for corrupt practices, e.g.:
- a) Public procurement,
 - b) Privatisation,
 - c) Large budgetary expenditure,
 - d) Construction,
 - e) Land-use planning,
 - f) Health,
 - g) Education,
 - h) Police,
 - i) Customs,
 - j) Justice,
 - k) Taxation,
 - l) Local administration,
 - m) Financing of political parties,
 - n) Conflict of interest
 - o) Others (please specify).
254. Which measures are taken to raise awareness of corruption as a serious criminal offence (e.g. campaigns, media and training)? Who is responsible for awareness-raising? Are measures that include awareness raising included in the national anticorruption strategy and other

policy documents? Please provide some practical example. Is there any separate budget allocated for this and if yes please provide data for the last 3 years.

255. What are the measures, approaches, strategies etc. targeting prevention of corruption? What is the practical experience with their implementation? How effective is the compliance with these mechanisms and what sanctions exist in case of non-compliance?

B. Institutions

256. What specialised anti-corruption bodies exist? Please describe them, indicating their legal and institutional status, composition, functions, powers and resources (i.e. public and private sector corruption). How are the independence and appropriate level of expertise and resources for these bodies ensured?

257. In case there is a dedicated anti-corruption body in line with the UNCAC provisions

- a) Has it sufficient budget, staffing, equipment and a clear mandate? Describe its legal status and mechanisms of accountability.
- b) Does it enjoy the necessary independence and is it protected from political influences? Is it cooperating with other anti-corruption bodies, national security agency, NGOs?
- c) Is able to rely on other agencies for obtaining data? It is well connected with the law enforcement bodies and receives feedback on potential cases handed over to these bodies. Is the non-delivery of requested data punishable?
- d) Has the Agency/Commission/Department or any other authority operational responsibilities (including the power to start administrative investigations) related to:
 - i. Asset declarations and verifications?
 - ii. Conflicts of interest?
 - iii. Political party financing?
 - iv. Lobbying (keeping register)?

258. Do specialised departments to tackle corruption exist within the law enforcement authorities and the judiciary? If so, please describe them, indicating their legal and institutional status, composition, functions, powers and resources (please provide data for last 3 years).

259. To what extent and from which sources are statistical data available on corruption cases (investigations, cases in court, convictions and sanction level), international co-operation in corruption cases, the link between corruption and organised crime and the link between corruption and money laundering?

260. Is there any specific training on combating corruption or training on ethics for public officials, the judiciary and the law enforcement?

- a) How and by whom is the relevant staff trained? Provide detail about the training: Length of the training, subject covered, number of staff participated the last 3 years, has any re-training been scheduled?
- b) Which accompanying offences (e.g. fraud, tax offences and money laundering) are covered by the training?
- c) Does the initial training for new judges, prosecutors and law enforcement agents also contain topics relevant for combating corruption?

261. Public offices: is equal access guaranteed to all citizens? Do regulations exist which are objective and founded on merit-based criteria (in terms of adequate salaries, social rights, rotation in sensitive posts, financial disclosure obligations during office, rules on conflict of interest)? How is the system of legal remedies for protection of rights of public servants organised (e.g., appeal against decisions on recruitment, advancement, disciplinary, etc.)?
262. Is integrity, accountability and transparency of public administration assured, e.g. by means of quality management tools, auditing and monitoring of standards, such as the Common Assessment Framework of EU Heads of Public Administration?
263. Do Bosnia and Herzegovina authorities take any measures to protect whistleblowers in the fight against corruption? If yes, please provide detail on such measures, their legal basis and their implementation.
264. Are internal control and audit bodies in place and do they regularly perform checks and report on them?
265. Are integrity plans in place in key parts of the public administration and judiciary? Are there commonly accepted guidelines available for designing and monitoring integrity plans? Do such plans/guidelines contain safeguards with respect to the use of public resources?
266. Are risk assessments carried out on a regular basis (especially in vulnerable areas within the public administration)? How is their follow-up ensured in terms of taking specific measures (e.g. supervision over public tenders)?
267. Is there is a good level of specialisation (e.g. did staff receive and implement knowledge obtained through the specialised training?) to deal with economic and corruption related crimes at the level of
- a) the police,
 - b) the prosecution,
 - c) the courts?
268. Do these specialised departments/bodies in the prosecution office enjoy the necessary independence when conducting investigations? Is their mandate clear and restricted to serious corruption cases? Do they have the necessary resources (financial, staff and material)?
269. Is there a safe platform for communicating and is the access to the necessary data bases (respecting data protection rules) ensured (or there are other arrangements to exchange information). How is smooth exchange of information and confidentiality of investigation ensured?

C. Domestic legal framework

270. Please provide succinct information on legislation or other rules governing this area. In particular, please mention:
- a) Whether there is a clear definition of corruption (passive and active) and in which type of acts: policy documents and/or legal texts? Which type of conduct can be sanctioned as corruption? Is active and/or passive bribery sanctioned? In the public and/or private sector? Trading in influence? Corruption of foreign and international public officials? What kind of sanctions exist (e.g. possibility of confiscation of proceeds, disqualification measures)? Does legislation contain provisions designed to prevent corruption?

- b) Whether the country is party to the Council of Europe Criminal Law Convention on Corruption, the Council of Europe Civil Law Convention on Corruption, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the United Nation's Convention Against Corruption; and whether the legislation is aligned with the above conventions.
 - c) What are the practical implications of implementation of the above mentioned international conventions including internal measures and anti-corruption strategies and initiatives to improve international anti-corruption cooperation (e.g. International Anti-Corruption Agency)
 - d) Whether the criminal code criminalises the following offences: bribing national and international public officials, money-laundering embezzlement, misappropriation or other diversion by a public official, trading of influence, abuse of office; bribery and embezzlement in the private sector, laundering of proceeds of crime, concealment and obstruction of justice.
 - e) Whether illicit enrichment is criminalised.
271. Protection of the financial interests of the European Union (criminal aspects)
- a) Does the law criminalise fraud against the Union's financial interests, covering both expenditure and revenue?
 - b) Does the law provide for the concepts of criminal liability of heads of businesses and liability of legal persons for these offences?
 - c) Has Bosnia and Herzegovina established jurisdiction over all of these offences?
272. When did Bosnia and Herzegovina become a member of the Council of Europe Group of States Against Corruption (GRECO) and what measures have been taken to implement GRECO recommendations? Which recommendations are pending? Why? Please provide reason and plan of action with clear indicators to fulfil the recommendations.
273. What are the rules guaranteeing the avoidance of conflict of interest in the performance of officials, irrespective of whether they are members of parliament, government, the administration and the judiciary at all levels of governance? Are the bodies that implement conflict of interest legislation in place, and how is their effectiveness ensured? How are the contacts with third parties regulated? Does the legislation provide for public declarations of wealth and/or interest for the mentioned officials? How are such declarations assessed, checked and followed-up? What are the rules on asset declaration for members of parliament, executive office holders and judiciary respectively? Are there specific post-employment restrictions for certain category of public officials after completion of their elected or appointed mandate?? Are there regular awareness raising campaigns (e.g. is the concept of conflicts of interest well understood)?
274. Is there a legal obligation to declare assets? By whom? Which laws specify those obligations? Are declarations of assets made public and are they pro-actively used as a tool to undercover illicit wealth? Is there any independent monitoring agency, national security agency, or NGO verifying the asset declarations? If yes, are their reports public? What is the role of the tax authority, if any in verifying asset declarations?
275. Do clear rules on protection of whistle-blowing exist in both the public and the private sectors? What are the reporting mechanisms? Please explain.

276. Are citizens being made aware on how to report irregularities and are complaint mechanisms easily accessible? Is there a legal obligation to follow up on complaints and to inform citizens accordingly?
277. Do precise codes of conduct exist, which indicate what is and what is not allowed, and which are subject to a permanent monitoring process? How are these codes of conduct enforced? Do effective codes of conduct, and other measures enhancing corporate social responsibility, exist for the private sector to prevent corrupt practices? How are these codes of conducts enforced?
278. Is there a general policy in place to prevent corruption in the private sector, e.g. have accounting and auditing standards been introduced in the private sector? If yes, what has been the result so far of such policy?
279. Do clear rules and reporting mechanisms exist in both the public and the private sectors, including on effective protection of whistle blowing)? Please explain.
280. Are there clear and transparent rules on funding of political parties, social partners and other interest groups? Are they subject to external financial control in order to avoid conflicts of interest between their representatives, public officials and the private sector? What is the practical experience with implementation of these rules?
281. Is there a legislative framework on party financing, and is there any plan to revise it?
282. Does legislation on free access to information exist? What is the experience with its implementation? Is there a Commissioner for Free Access to Information or the body in charge to supervise implementation of legislation? What is the role and remit of the Commissioner for Free Access to Information?
283. Public procurement, privatisation, large budgetary expenditure, construction, and land-use planning: How are these areas monitored? Is the monitoring done efficiently and by an independent body? Is there sufficient follow-up to irregularities? Is there parliamentary oversight? How is financial control regulated? Is there a functioning auditing authority?
284. Is there sufficient training (e.g. on risk assessments) for staff of the anti-corruption agency/body and for various other bodies concerned?
285. Is there a legal basis for cooperation between police and prosecution as well as with other relevant bodies in the fight against corruption? Any internal independent investigation authority established? If yes please provide detail about task, authority, staffing, resources etc.
286. Are sanctions in place and implemented in case of obstruction or refusal to co-operate in the context of an investigation?
287. Is the domestic legislation aligned with the Financial Task Force (FATF) recommendations?
288. Are provisions on immunity, for example covering politicians or magistrates standing in the way of criminal investigations?
289. Are there clear procedures for lifting immunities in line with EU standards and are they being used when needed?
290. Are all allegations of corruption systematically investigated, independently of the status of the suspect/accused (no impunity)?
291. How efficient prosecutors and courts are in prosecuting corruption-related offences and economic crime, comparing to all other offences? Were the anti-corruption sanctions, both criminal and administrative effective, proportionate and dissuasive, and if not, what

corrective measures have been taken? Are there additional consequences of convictions for corruption-related offences such as exclusion from a public office, prevention from further career advancement, confiscation of profits etc.?

(For questions related to money laundering - see also chapter 4 (Free Movement of Capital); public procurement see also chapter 5 (Public Procurement); and fight against organised crime see also chapter 24 (Justice, Freedom and Security)).

FUNDAMENTAL RIGHTS (QUESTIONS COVERING ALSO CHAPTER 23)

I. Substantial rights

292. Please provide succinct information on the country's constitutional order, legislation or other rules governing the area of fundamental rights, and their compatibility with the relevant international conventions.
293. Provide a list of all human rights instruments and related protocols ratified by Bosnia and Herzegovina along with the date of signature and ratification. Include details of any reservations which have been made to those treaties and any declarations recognising the right of individuals to petition committees established by the conventions. In addition, please specify what legislation and provisions have been adopted to ensure compliance with the obligations stemming from these conventions. How are these implemented and monitored? Please indicate which department(s) is (are) in charge of following up on reporting to international monitoring bodies established under the different conventions ratified.
294. What is the rank of these conventions in the domestic legal system, including the constitution? Have Bosnia and Herzegovina introduced the direct applicability of international conventions in domestic law in all cases and at all levels?
295. What steps have been taken to cooperate with UN bodies dealing with human rights issues, including visits by UN special mechanisms (such as special rapporteurs), reporting to Treaty bodies and responding to Treaty body recommendations?
296. What are the competences of the Ombudsman in the field of human rights, the rights of women, rights of children, rights of persons with disabilities and protection of minorities? Does the Ombudsman have investigation power? Does the Ombudsman's mandate also extend for certain aspects to the private sector? How is the financing of the Ombudsman Institution regulated?
297. Provide statistics on cases received in those fields by the Ombudsman in the last five years (with a yearly breakdown and by sector of application), the number of recommendations made, and the number of his recommendations which have been implemented by the relevant authorities. Provide information about the enforcement of Ombudsman's decisions. (see also under Public Administration Reform/Accountability)
298. Provide an overview of the types of recommendations which can be handed down by the Ombudsman.
299. What other independent bodies, supported by the public budget, exist in Bosnia and Herzegovina for the protection and promotion of fundamental rights? What are the tasks and powers of these bodies? Please include notably reference to bodies relating to anti-discrimination and protection of personal data.
300. Please provide a brief description of legislation or other rules governing the mandate, the set-up and functioning of the Ombudsman including its composition and decision-making mechanism. Please indicate whether the Ombudsman has undergone an assessment of

compliance with the Paris Principles and if yes what are the results? What is the state of the play if such compliance assessment has been performed?

301. Please describe how the civil society and academia participate in the work of the Ombudsman.
302. Do police, prison and border guards and other officers receive training on human rights, including training on the rights of women, rights of persons with disabilities, persons belonging to minorities, LGBTI persons?
303. Is the right to join or not to join trade unions legislated for? Please describe the legal framework.
304. Please indicate what steps have been taken to implement the European Social Charter since its ratification by Bosnia and Herzegovina.

A. Human dignity and right to life and to the integrity of the person

305. Please provide an overview of legislation and case law relevant to the right to life (Art. 2 of the Charter of Fundamental Rights of the EU and Art. 2 of the European Convention on Human Rights).
306. Provide an overview of legislation, ratification of international treaties, case law and custom/border guards/practice relating to the death penalty. Is death penalty outlawed at Constitutional level and at all levels of authority?
307. How does the country's legislation cover extrajudicial killings and crimes in the name of honour? Is there a track record in investigation and final convictions for such crimes?
308. Please specify how human dignity and the right to integrity of the person are guaranteed, both within the legal framework and in practice. What strategies and measures are in place to ensure the respect of the right to integrity of the person?
309. In the fields of medicine and biology, do precise rules exist which indicate what is and what is not permitted? Are these rules subject to a permanent monitoring process, in particular with regard to the right to integrity of the person?

B. Prohibition of torture and inhuman or degrading treatment or punishment

310. What measures are there in place to prevent a person from being removed, expelled or extradited to a State where there is a serious risk that s/he would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment? Which bodies are responsible for fact-finding in such cases and do they have an adequate institutional framework to facilitate effective action? Please provide details.
311. Please provide information on specific legislative as well as administrative and technical measures designed to prevent the occurrence of torture, inhuman or degrading treatment or punishment in prisons, police stations and other correctional and security facilities (including psychiatric hospitals, detention centres for migrants, etc.). In this respect, what measures are in place providing for the inspections of places of deprivation of liberty and how often such inspections take place?
312. Is there any independent body which oversees the conditions in such institutions? Give details on disciplinary and criminal sanctions for public agents accused of ill-treatment or torture during the exercise of their duties. Please provide relevant statistics.

313. Is there a National Preventive Mechanism in place, in line with the provisions of the Optional Protocol of the UN Convention Against Torture? If so, please provide details on its set-up.
314. What actions have been taken to ensure effective investigation of ill-treatment allegations by law enforcement officers, and strengthening internal control services dealing with ill-treatment allegations, including cases targeting members of minorities?
315. Are inquiries into cases and allegations of ill treatment of detainees followed up? If so, how is this done? What is done to ensure a thorough, transparent and independent process?
316. To what extent is support to victims provided?

C. Prohibition of slavery, servitude, and forced or compulsory labour

317. Please provide information on specific legislation, strategies as well as measures designed to prevent the occurrence of slavery, servitude and forced or compulsory labour.
318. Has Bosnia and Herzegovina ratified relevant international conventions and agreements in this field? Please indicate which ones.
319. What is the practical experience with implementing the legislation in this area?
(See also questions under chapter 19 - Social Policy and Employment)

D. Respect for private and family life and communications

320. How are the rights protecting and upholding respect for private and family life, home and communications ensured? In which circumstances can they be set aside?
321. Please describe the exact procedure for the application of house searches and special investigative means (such as telephone tapping) and how the protection of fundamental rights is ensured. Is, for example, any case of telephone tapping or house search allowed without a judge's warrant? What is the practical experience with implementing the legislation in this area?
322. Respect of privacy: is privacy safeguarded by law?

E. Right to marry and right to found a family

323. Elaborate how the right to marry and the right to found a family are protected within the domestic legislation.
324. Please provide information on the legal age of marriage, disaggregated by gender.
325. What are the legal provisions on marriage or legal partnership, if any, including for same-sex couples?
326. Please provide information on both legal and practical measures undertaken in order to tackle and combat the forced marriages?

F. Freedom of thought, conscience and religion

327. Please elaborate on the legislative structures in place to ensure protection of the right to freedom of thought, conscience and religion. Please give details and explain any limitations to this freedom permitted by the law.
328. Please provide information on measures taken to uphold freedom of thought, conscience and religion and fight discrimination on such grounds.
329. What is the constitutional status of religions in Bosnia and Herzegovina? Is there any state religion?
330. Please provide statistics on the number of religiously motivated hate incidents for the last five years, disaggregated by bias.
331. Is there a legislative framework for conscientious objection? If so, please provide details.
332. Is there a legislative framework for conscientious objection to military service? If so, please provide details.

G. Freedom of expression including freedom and pluralism of the media

333. Please provide information concerning the legislative framework, elaboration and implementation of legislation regarding the promotion of the freedom of expression and information and freedom and pluralism of the media. Please give details and explain any limitations to this freedom permitted by the law and measures designed to prevent interference with these freedoms.
334. Please provide information on the media legislation.
335. Describe the libel legislation. What types of penalties are used for libel offences? What is the general trend of the court decisions in the area of freedom of expression (including the number of libel suits and other cases involving representatives of the news media)? Please provide statistics on libel cases and related fines, separating data for suits against media and civil society organisations' representatives.
336. Is blasphemy criminalised and are there criminal sentences?
337. Does the legislation on hate speech follow the ECtHR case law where it makes a distinction between, on the one hand, genuine and serious incitement to violence and hatred, and on the other hand the right of individuals (including journalists and politicians) to express their views freely, including speech which "offends, shocks or disturbs the State or any sector of the population" and on the other hand?
338. Does specific legislation exist or are specific actions undertaken with regard to freedom of expression on the internet?
339. Please describe the media landscape (written press and audiovisual sector). How are the audiovisual media financed? Is there a supervisory body for the (audiovisual) media, what is its composition and how does it function? Have recommendations of experts from the Council of Europe and OSCE been taken into consideration when drafting legislation in the field of media?
340. Is there a specific legislation on media coverage during electoral campaigns?
341. Is there a public service broadcaster and does the legal framework provides for its independence? What is the procedure for the appointment of the members of the public broadcasters' steering committees/boards? What is the role of the Communication Regulatory Authority in this regard? How is the editorial line decided upon? Is its funding in line with the *acquis*?

342. Please describe the rules in place with regard to government advertising.
343. Is there a public broadcasting corporation's statute in place? How is the adequate financing of the public broadcasting service ensured?
344. Please describe the rules governing the public financing of media.
345. Have recommendations of experts from the Council of Europe and OSCE been taken into consideration when drafting legislation establishing the Communications Regulatory Authority, in particular Recommendation Rec (2000)23 to Member States of the Council of Europe on the independence and functions of regulatory authorities for the broadcasting sector and its annex contain guidelines on independence and functions of regulatory authorities for the broadcasting sector?
346. Please describe how the written press is supervised. Is there any supervisory body, what are its composition, role and obligations? How does it function and how is it financed?
347. Please indicate how laws on telecommunications have been, or will be, amended to take into account international recommendations regarding the freedom of expression.
348. How independent is the regulatory body for the audiovisual media services? Are the rules on the conflict of interest and dismissal of the members of the Board defined in law? Does the regulatory authority exercise its powers impartially and transparently?
349. What is the level of transparency of media ownership? Are there rules ensuring effective transparency of ownership defined in law? What about their implementation in practice?
350. What are the working conditions of journalists?
351. Are there crimes against journalists being committed and is there a climate of impunity?
352. What is the situation and rules regarding the concentration of media ownership?
353. What is the situation and policies related to media literacy?
354. What is the situation and legislation regarding access of journalists to public sources?
(See also Chapter 10 on Information society and media).

H. Freedom of assembly and association, including freedom to form political parties, the right to establish trade unions

355. How are the freedoms of assembly and association protected by the domestic legal framework, and what laws regulating these rights are in place?
356. Which, if any, justifications are permitted as regards possible restrictions placed on the exercise of these freedoms? Which body may impose such restrictions?
357. How is the freedom of association (set-up of trade-unions, professional associations) implemented in the public administration in general and in the Army, the Police and in the Judiciary in particular?
358. What is the legal status of non-governmental organisations and associations or foundations, including their financing, taxation, and restrictions on membership or activities? Specify the rationale of the State funding for NGOs and the mechanism for monitoring of the use of the funds. Is there a process for registering these organisations? Is it obligatory? Please describe the process in detail.
359. Provide statistics regarding the number of non-governmental organisations and associations or foundations active in the country. Please present a breakdown per sector/activity.

360. Please explain the procedure to form and register a political party, and what are the provisions on dissolution of political parties? Is there any case law in this field?
361. Please indicate the number of trade unions registered.

I. Treatment of socially vulnerable and persons with disabilities and principle of non-discrimination

362. What are the legislative and policy instruments in place to prevent discrimination based on membership of a national minority, ethnic or social origin, sex, race, colour, genetic features, language, religion or belief, political or any other opinion, property, birth, disability, age or sexual orientation? Has a general anti-discrimination law been adopted and when? Is there an overall Anti-discrimination strategy in place?
363. What measures have been undertaken in order to ensure full implementation of the European Court of Human Rights rulings on non-discrimination, including the Sejdić-Finci case and others?
364. Has Bosnia and Herzegovina established specialised services to combat discrimination? If so, which legislative framework, institutional context, composition, functions and powers pertain to these services?
365. How does Bosnia and Herzegovina ensure that natural and legal persons from EU Member States have access to courts free of discrimination compared to Bosnia and Herzegovina citizens?
366. Does specific legislative protection for the rights of persons with disabilities exist? Are there measures designed to ensure their independence and social and occupational inclusion? Please explain.
367. Has Bosnia and Herzegovina ratified relevant international conventions and agreements regarding the rights of persons with disabilities namely the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol?
368. How does Bosnia and Herzegovina ensure legally and in practice the respect of the principle of non-discrimination on the basis of sexual orientation? Has the Freedom of Assembly been exercised freely and without problems for instance in the organisation of gay prides or similar events?
369. Is discrimination on the basis of gender identity prohibited in the legal framework?
370. Is there specific legislative protection for the rights of the elderly? How is it implemented?
371. How are hate-motivated crimes addressed in the criminal code? Do hate crimes constitute stand-alone offences or an aggravating circumstance? What penalties are applied for cases of hate crimes? What grounds are covered by the legislation and how is it implemented?
372. Is hate/discrimination on the internet an issue in the country? What measures have been taken to implement provisions of the Additional Protocol to the Council of Europe Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems?

J. Right to education

373. Please provide information on how, and to what extent, the right to education is guaranteed in legislative and practical terms. Please comment on the allocation of resources and institutional framework in place to facilitate the exercise of this right.
374. Please provide information on measures to prevent ethnicity-based forms of discrimination and segregation in the education system. Are there any relevant court judgments and are they implemented?
375. Please provide information on the implementation of common curricula subjects.

K. Right to property

376. Please provide information on how, and to what extent, the right to protection of property and the peaceful enjoyment of possessions is guaranteed in legislative and practical terms. Is there any limitation for certain categories of persons (e.g. foreigners, EU citizens) or for certain types of property (e.g. agricultural land)? Are there exceptions to these limitations? How is the right to property assured?
377. What are the justifications permitted for restrictions placed on the exercise of this right and which body or bodies may impose such restrictions? Provide information on the main elements of the expropriation legislation (See also Chapter 4 on Free movement of capital.) Are there any relevant ECtHR judgments? If any, please provide details on the implementation of the same.
378. Which body is responsible for maintaining an urban and land cadastre and property register? Please provide information on the existing cadastre and land registry. Are there any plans for modernisations in the land registration and cadastre areas? Please explain.
379. Are there legal uncertainties in relation to property restitution and what are the plans to solve them?
380. Please describe the set up and functioning of the Commission for real property claims of displaced persons and refugees;

L. Gender equality and women's rights

381. Please provide details on constitutional provisions and legislative measures which ensure equality between women and men, commenting particularly on equality in areas such as employment, working conditions and pay, as well as in the access to and supply of goods and services. Is gender reassignment covered by these measures as a ground for discrimination?
382. Has Bosnia and Herzegovina ratified the relevant international conventions? Please indicate when, for each convention.
383. Are there any other practical measures and institutional mechanisms supporting gender equality? Describe the participation of civil society in the work of institutional gender mechanism, if any.
384. Please provide statistics on women's representation in political life, judiciary, law enforcement bodies and public administration, especially concerning management positions, as well as in employment.
385. How is the funding of the Gender Action Plan (GAP) for Bosnia and Herzegovina regulated? Is there a monitoring mechanism for the implementation of the Gender Action Plan in place? Please describe.

386. Give an overview of possible sanctions which exist for both the public and private sectors in case of discriminatory employment practices.
387. Have permanent gender equality bodies been established? Has Bosnia and Herzegovina established specialised services to combat discrimination based on sex? If so, which legislative framework, institutional context, composition, functions and powers pertain to these services?
388. How is gender-based violence and domestic violence treated in the legislation and in judicial practice in terms of prevention, victim support and prosecution? How many cases have been investigated by the prosecutorial office?
389. Has Bosnia and Herzegovina ratified the Council of Europe Istanbul Convention?
390. Is there an effective data collection mechanism for monitoring domestic violence cases?
391. What services are available for victims of gender-based violence and domestic violence? Are there shelters/safe houses financed by public funds? Are protection orders available? Are victims supported by social services to enable them to have the means to leave the abusive relationship? Do victims have access to free legal aid and court representation?

M. Rights of the child

392. Please elaborate on the legislative, administrative, and institutional framework in place to ensure effective protection of the rights of the child. Does an overall strategy on children's rights and related action plan exist? If yes, has been sufficient funding allocated for its implementation?
393. Has Bosnia and Herzegovina ratified the relevant international conventions? Please indicate when, for each convention.
394. Elaborate on the legislative and administrative structures in place to ensure effective protection of the rights of the child. Is an integrated child protection system in place? Are services for protection of children available at local level?
395. How is violence against children treated in the legislation and in judicial practice? How many cases have been investigated by the prosecutorial offices or relevant institutions such as Ombudsman? How is effective protection of children from violence, including exploitation and sexual violence ensured?
396. How is child labour addressed in the legislation and what is the practical experience with its implementation? Please provide information on the existence / extent of child labour and on measures taken to address this issue.
397. Please elaborate on the institutional and legal measures in place to prevent and combat child begging.
398. Please elaborate on legislative and non-legislative actions taken to address discrimination against children from ethnic minorities, (including the Roma minority), children with disabilities, children living in remote areas as well as on grounds such as sex, birth status (married/unmarried parents) or others. Are all children covered by compulsory health insurance?
399. Please elaborate on the measures in place to ensure education of children with disabilities. Is support to children with disabilities made available in regular schools?
400. Which measures have been taken to promote and facilitate the registration of all children?

401. Please describe the procedure for taking care of children without parental care. Are children separated from their parents housed in institutions, if so, what type and is a foster care system in place? What is the percentage of children with disabilities and housed in institutions and what is the average age?
402. As regards access to justice for children, indicate if a strategy or action plan on juvenile justice is in place and assess implementation. Are measures in place to ensure child-friendly proceedings in civil and administrative cases? Are measures for children victims and witnesses in place?

II. Procedural rights

A. Liberty and security

403. Which provisions are in place to ensure that natural and legal persons from EU Member States have access to the courts, free of discrimination compared to citizens of Bosnia and Herzegovina? What is the average length until the enforcement of criminal sanctions through incarceration? Is there a problem of backlog? If yes, please describe the nature of the problem and what strategy is being enforced to address the problem.
404. Does the legislation allow for alternatives to imprisonment sentences, e.g. supervision measures, probation period and conditional release
405. Is there a system of alternative sanctions (instead of prison)? What is the ratio of prison sentences compared with alternative sentences? Are alternative measures to pre-trial detention and imprisonment being developed or in place? If yes, please describe the measures.
406. Is there the possibility for conditioned paroles and conditioned imprisonment sentences and, if so, are the convicted in these cases subject to surveillance by a probation officer during the probation period?
407. Please describe the rules and procedures in place regarding holding for questioning and accommodation of arrested persons in police stations. Are women, children and men all separately held in custody?
408. Are pre-trial detainees separated from convicted prisoners? Are women, children and men accommodated separately in pre-trial detention?
409. Is there a minimum threshold for pre-trial detention? If yes, what is the threshold? (Pre-trial detention can as a main rule only be decided for crimes which can be punished with imprisonment above a certain duration, for ex. 1 year or more, which is the case in some MS.)
410. Please describe the rules and procedures governing pre-trial detention and the rules on extending it. What are the rules regarding the revision of decisions on deprivation of freedom and pre-trial detention (automatic or upon request of the suspected)? For how long can a suspected person be deprived of his freedom before a court review takes place? Is there a maximum time limit for the total duration of pre-trial detention, if so what is it?
411. Please provide statistics on the average duration of pre-trial detention.
412. Please describe the rules governing detention during the trial phase.
413. Please describe the rules governing imprisonment after conviction.

414. How are human and secure conditions for detainees (in respect of international human rights standards) ensured by the police, justice, prosecution and penitentiary systems? What measures are taken if such standards are not respected?
415. Please describe the penitentiary system, the type and number of prison in the country. How are prisons financed? What is the authority supervising the penitentiary system in the country?
416. Please indicate the average size of accommodation per prisoner in square meters.
417. What is the size of the prison population? Please provide a detailed breakdown including by length of sentences, type of crime, gender, age group, etc. Also indicate the size of the prison population per each prison.
418. Is special attention devoted to female prisoners and young offenders? Is separate accommodation available? If yes, please provide a detailed description.
419. Are there special provisions for prisoners with mental disabilities subject to compulsory psychiatric treatment? Are such prisoners incarcerated? Are they separated from others?

B. Right to a fair trial

420. How is the right to a fair trial enshrined in the legislation?
421. Is the presumption of innocence a central part of the criminal justice system and, if so, how is it applied in practice?
422. Is a system of free legal aid available and which ensures equal access to justice including to the most vulnerable groups? If so, please explain the scope and resources of the legal aid service. Is it available in criminal cases? Can free legal aid also be obtained in civil and administrative cases? Please give details on the criteria for receiving legal aid.
423. How are defence lawyers appointed in cases where their fees are paid through the legal aid system? Are they entitled to fees according to normal lawyer tariffs?
424. Please describe the set up and functioning of the Free legal Aid Network.
425. Regarding the rights of defence, please provide information on how the following rights are guaranteed in legislative and practical terms. (Please comment on the allocation of resources and the institutional framework in place to facilitate the exercise of these rights.)
- a) The right of the defendant to be informed promptly in a language which s/he understands of the nature and cause of the accusation against him/her;
 - b) The right to have the free assistance of an interpreter, if one cannot understand or speak the language used in the court;
 - c) The defendant's right to have adequate time and facilities for the preparation of his/her defence;
 - d) The right to defend oneself in person or through legal assistance of one's own choosing;
 - e) The right to examine, or have examined, witnesses against him/her and to obtain the attendance and examination of witnesses on his/her behalf under the same conditions as witnesses against him/her.
426. Provide information about the elaboration and implementation of legislation regarding the following legal concepts:

- a) The principle that a person cannot be prosecuted for something that was not a criminal offence in national or international law at the time when it took place;
 - b) Non-application of a heavier sentence than was applicable at the time the criminal offence was committed;
 - c) Proportionality of the severity of the penalty to the criminal offence.
427. Please provide details on how the right not to be tried or punished twice in criminal proceedings for the same criminal offence is interpreted in domestic law.
428. Please provide details on how the rights of victims of crime are ensured in criminal proceedings. Is there legislation in place concerning the fair and appropriate compensation for the injuries that crime victims have suffered?
429. What guarantees are in place to ensure a public hearing in court? Give details of the circumstances in which limitations may be applied and the extent to which this occurs in practice.
430. Is a comprehensive legal and policy framework in place to allow victims of torture to obtain civil redress in the form of a fair and adequate compensation, including full rehabilitation as possible, in line with United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment? If yes, please provide information on its functioning.
431. Is a comprehensive legal and policy framework in place to safeguard the status of victims of war crimes involving sexual violence in a non-discriminatory fashion throughout the country? If yes, please provide details of its scope and functioning.

III. Respect for and protection of minorities and cultural rights

432. How is the principle of non-discrimination and equal treatment of minorities ensured? Please provide details of constitutional and legislative provisions as well as the institutional framework.
433. Has the Framework Convention for the Protection of National Minorities and other relevant international instruments been ratified? How are they implemented and monitored? Have recommendations by the Council of Europe and other relevant organisations been implemented?
434. Please give an overview on the constitutional and legislative provisions to this effect as well as on the strategic and policy tools adopted for the implementation. To what extent are the rights of persons belonging to minorities respected, protected and monitored?
435. Does an overall strategy on the protection of minorities and related action plan exist?
436. Are there any professional restrictions for minorities (de jure or de facto)?
437. How is the full participation in political life of persons belonging to minorities ensured?
438. Is there a Council for National Minorities and how does it function? How many members does it have and how are its members appointed? Please describe the frequency of meetings and the scope of its activities.

439. What measures have been taken to ensure proper representation of minorities? Please specify any budgetary allocations to this end.
440. How is the cooperation between the National Minority bodies and the government ensured?
441. What is the legal basis providing for information and education in minority languages? Please provide a description of existing language legislation and language training programmes for minority languages. Has the Council of Europe Charter for Regional and Minority Languages been ratified? How are those rights ensured and monitored? Please provide a detailed explanation for each national minority. What arrangements have been taken to ensure translation and interpretation?
442. Provide a description of existing arrangements on education in the language of minority communities and the right to have history and culture of the persons belonging to such communities included in the curricula.
443. What are the measures taken to improve inter-ethnic relations? What is the methodology used to identify ethnically motivated incidents? How are such cases investigated and prosecuted by the law enforcement bodies and the judiciary? Please provide updated figures on the number of ethnically motivated complaints.
444. In the context of implementation of the Constitutional provisions on the protection of national identity of a person belonging to a minority, what measures have been taken to ensure participation of minorities in the political and public life, namely the representation of such persons in elected bodies, the administration (both central and local), police and judiciary? Please provide statistics if available, including their source.
445. Do all citizens, including persons belonging to minorities have access to identity documents and how is this right guaranteed? What measures have been taken to improve the civil registration for the Roma minority, including birth certificate and identification documents? Is the ethnic origin registered in the birth certificate? How many such certificates have been delivered?
446. Please provide statistics concerning the number of people belonging to ethnic, religious and linguistic minority groups in the country, if available. Please indicate the source of these figures (census or other).
447. Please indicate when the last population census was held. Have the Law and all implementing measures on the Census questionnaire been adopted and when? Did the questionnaire include a question on ethnic origin? How is the protection of personal data ensured while gathering the needed statistics on minorities? Please explain.
448. Please provide statistical information, if available, on the situation of minorities as compared with the majority population in respect of: housing; education (participation in primary, secondary and tertiary education); health services, employment and unemployment rates; infant mortality and life expectancy.

C. Measures for Roma integration

449. Please identify on a map the areas with Roma communities. Please specify on the map the percentage of Roma citizens living in these areas compared to the total population.
450. As regards the Roma Integration Strategy and the related Action Plans:
- a) Please list them, their implementation timeframe and related budgets.

- b) Are such documents available also at local level? If yes where, and who is responsible for their implementation and monitoring?
451. Which mechanisms exist to coordinate the implementation between different institutions and ministries and between central and local levels?
452. Please present the political and administrative structures in place, at central and local level, to implement and monitor the Roma integration Strategy and related Action Plans as well as the conclusions of the Roma integration Seminars. Is there a specific coordination structure?
453. Is there an annual monitoring report on the implementation of the Roma integration policy? If yes, does it include an assessment on the effects on the ground?
454. What type of measures (Roma specific or Roma dimension in mainstream initiatives) are given priority to ensure Roma equal access to education, employment, healthcare and housing as well as access to civil documentation?
455. Are the above measures taken based on specific socio-economic indicators? Is the gender dimension taken into account while developing Roma integration policies? Please specify.
456. Please explain the role of civil society and Roma communities in the development, implementation and monitoring of central and local strategies and action plans.
457. Which other independent bodies are involved in Roma integration and what are their means and responsibilities?
458. As regards education, what is the percentage (differentiated by gender) of Roma children that complete compulsory education? What are the main barriers for Roma children to access compulsory education and which are the measures taken to address them? Please also provide data about Roma children in special schools, attendance in pre-school education and completion of secondary, tertiary and vocational education.
459. What is the situation as regards employment for Roma men and women (including employment and unemployment figures)? What are the major issues and which measures are taken to ensure equal treatment of Roma in access to the labour market and to employment opportunities?
460. Do Roma communities have equal access to universally available healthcare services? Which healthcare services (if any) are insurance based, and which measures are taken to ensure equal access to these services? What is the situation as regards sexual and reproductive healthcare? Are Roma children covered by free vaccination programmes?
461. On housing:
- a) Do the Roma communities mainly live in segregated or desegregated areas?
 - b) Do Roma have equal or preferential access to social housing? And on which criteria are such measures taken?
 - c) How many Roma settlements (in percentages by location) have access to public utilities (such as water, electricity, gas and public transport)?
 - d) What legislation is in place to govern evictions and which rules are to be respected in case of evictions? Are these rules in compliance with international obligations, including UN rules?
462. What measures have been taken to improve birth registration data for minorities, particularly the Roma? Is the ethnic origin sometimes registered in the birth certificate, especially for Roma? Are there recorded cases when this happens at local level?

463. Is there legislation or specific measures in place to combat anti-Roma rhetoric and hate speech, and addressing racist, stereotyping or otherwise stigmatising behaviours that could constitute incitement to discrimination against Roma?
464. What measures are in place to combat discrimination faced by Roma children and women, the fight against violence, trafficking in human beings, underage and forced marriages, and begging involving children?
465. What is the mandate of the National Roma Contact Point and what are the specific resources to enable to play its role and to effectively coordinate the implementation and cross-sectoral monitoring of Roma integration policies?

D. Measures against racism and xenophobia

466. What is the legislative and institutional framework for measures against racism and xenophobia?
467. Provide information concerning the existing legal framework on hate speech (both to the online and offline world).
468. What is the practical experience with its implementation in Bosnia and Herzegovina?
469. Are there any specific policies, programmes, strategies, etc. tackling racism and xenophobia?
470. What is the methodology used to identify ethnically motivated incidents? How are such cases investigated and prosecuted by the law enforcement bodies and the judiciary? Please provide updated figures on the number of ethnically motivated complaints.
471. Provide information about ad hoc measures taken targeting specifically the use of ethnically inflammatory discourse /reference to racial, ethnic or religious background.
472. Are there any official bodies with a specific task and powers to combat racism and xenophobia?
473. Please provide statistics on hate, racist and xenophobic crimes as regards both victims and perpetrators, if available.

IV. The EU Fundamental Rights Agency

474. What steps (legislative, institutional and other) is Bosnia and Herzegovina undertaking/planning to take in order to be able to participate as an observer in the Agency's work?

V. Protection of personal data

475. Provide information on any legislation or other rules governing this area, and the coherence of such rules to relevant international conventions and the EU acquis. What is done in order to ensure efficient protection of personal data?
476. Does existing legislation foresee sanctions in case of infringement of its provisions? If yes, please specify.
477. Does existing legislation include the following data protection principles:
- a) Principle of lawful processing: grounds for lawful processing are, for instance, consent of the data subject, where processing is necessary for the performance of a contract, or for

compliance with a legal obligation to which the controller is subject, or where processing is necessary for the performance of a task carried out in the public interest.

- b) Purpose limitation principle: personal data should be processed for a specific purpose and subsequently used or further communicated only insofar as this is not incompatible with the purpose of the transfer.
- c) Data quality and proportionality principle: personal data should be accurate and, where necessary, kept up to date. The data should be adequate, relevant and not excessive in relation to the purposes for which they are transferred or further processed.
- d) Transparency principle: individuals should be provided with information as to the purpose of the processing and the identity of the data controller in the third country, and other information insofar as this is necessary to ensure fairness.
- e) Storage limitation principle: personal data should be kept in a form that permits identification of data subjects for no longer than is necessary for the purpose for which the personal data are processed.
- f) Integrity and confidentiality principles: personal data should be processed in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- g) Accountability principle: the data controller should be responsible for, and be able to demonstrate compliance with the principles from a) to f).

478. Does existing data protection legislation provide for rules to encourage that data protection safeguards are built into products and services from the earliest stage of development (data protection by design and by default), including the use of privacy friendly techniques such as pseudonymisation and encryption?

479. Does existing data protection legislation require the designation of a data protection officer in appropriate cases (e.g. where the processing is carried out by a public authority or body, except for courts acting in their judicial capacity; or where the core processing activities of the controller or the processor require regular and systematic monitoring of data subjects on a large scale, or where the core activities of the controller or the processor consist of processing on a large scale special categories of data (sensitive data) or personal data relating to criminal convictions and offences)?

480. Does existing data protection legislation require the controller to carry out a data protection impact assessment, prior to the processing, where processing is likely to result in a high risk to the rights and freedoms of data subjects?

481. Does existing data protection legislation provide for the possibility of limitations or exceptions to certain data protection principles and data subject's rights for important public interest grounds? If yes, please specify.

482. Does existing legislation contain provisions concerning:

- a) Special categories of data (sensitive data)?
- b) Direct marketing?
- c) Automated individual decisions?
- d) Data breach notification by companies/organisations to the relevant data protection supervisory authority?

483. How does existing legislation cover cross-border transfers of personal data? Please provide information on the application of the principle that trans-border data flows may only take place if the country of destination ensures and adequate level of data protection (adequacy)? The controller or processor has provided for appropriate safeguards (e.g. standard contractual clauses adopted by the Commission), or if one of the specifically set out derogations of Article 49 of the General Data Protection Regulation (EU) 2016/679 applies (for instance, if the transfer is necessary for the exercise or defence of a legal claim)?
484. Please provide information on the supervisory authority responsible for monitoring the application of data protection provisions, in particular on the legal and practical measures taken to ensure its complete independence, and on the organisation of the supervisory authority, including the number of its staff, notably of inspectors, technical and financial resources, premises and infrastructure necessary for the effective performance of its tasks and exercise of its powers..
485. Please provide information, including statistics, on the investigative powers of the supervisory authority, such as powers of access to data forming the subject of processing operations and powers to collect all the information necessary for the performance of its supervisory duties? Does the supervisory authority hear claims by any person in regard to the processing of personal data?
486. Please provide information, including statistics, on the effective powers of intervention of the supervisory authority such as the following:
- a) The possibility for delivering opinions before data processing operations are carried out.
 - b) The possibility for ordering the blocking, erasure or destruction of data.
 - c) The possibility for imposing a temporary or definitive ban on processing.
 - d) The possibility for imposing sanctions on controllers.
487. Please provide information, including statistics, on the powers of the supervisory authority to engage in legal proceedings in case of violation of data protection provisions.
488. Does the supervisory authority have powers to bring to the attention of judicial authorities the violations of data protection provisions? Can the decisions taken by the supervisory authority which give rise to complaints be appealed against through the courts? If yes, please specify and provide statistics.
489. Can the supervisory authority carry out inspections in all areas where the data protection legislation applies?
490. Please indicate whether the existing legislation provides for enforceable rights of the data subjects, such as the right to access their own data, the right to object to the processing of their own data, the right to ask for rectification or erasure of their own data ('right to be forgotten'), the right to data portability, the right to know when their personal data have been breached, and under which conditions?
491. Please clarify whether the data subject exercises his/her rights directly or indirectly (i.e. via a non-profit body, organisation or association active in the field of the protection of data subject rights and freedoms). Please indicate which is the relevant procedure and whether there are any exemptions or restrictions to the exercise of these rights.
492. Please indicate whether access and use by public authorities to personal data for reasons of national security, public interest or law enforcement requirements is regulated by law and whether it obeys to the principle of necessity and proportionality.

493. Please provide information on any legislation or other rules governing the protection of personal data by police and judicial authorities in criminal matters. In particular, do these legislations or rules require that the data collected by law enforcement authorities are:

- a) Processed lawfully and fairly;
- b) Collected for specified, explicit and legitimate purposes and processed in a manner compatible with these purposes;
- c) Adequate, relevant and not excessive in relation to the purpose in which they are processed;
- d) Accurate and updated where necessary;
- e) Kept in a form which allows identification of the data subject for no longer than is necessary for the purpose of the processing;
- f) Appropriately secured, including protection against unauthorised or unlawful processing?

494. Moreover, do these rules require:

- a) that time limits for the erasure of personal data or for a regular review of the need to store such data be established?
- b) that the law enforcement authorities make a clear distinction between the data of different categories of persons, including those for whom there are serious grounds to believe they have committed or are about to commit a criminal offence, those who have been convicted for having committed a criminal offence, victims of criminal offences or persons whom it is reasonably believed could be victims of criminal offences, or those who are parties to a criminal offence, including potential witnesses?
- c) that data subjects have the right to lodge a complaint with a supervisory authority; the right to an effective judicial remedy against a supervisory authority, as well as against a controller or processor; the right to request access to and rectification or deletion of personal data, as well as the right to restrict processing of personal data concerning the data subject; the right to be informed about these rights by the law enforcement authorities (including the name and contact details of the competent authority which determines the purpose and means of the data processing, why their data is being processed complaint with a supervisory authority along with their contact details)?
- d) that authorities take technical and organisational measures to ensure a level of security for personal data that is appropriate to the risk (e.g. where data processing is automated, a number of measures should be put in place including to deny unauthorised persons access to equipment used for processing; to prevent the unauthorised reading, copying, changing or removal of data media; to prevent the unauthorised input of personal data and the unauthorised viewing, changing or deleting of stored personal data)?
- e) that an independent supervisory data protection authority be established, invested with effective investigative, corrective and advisory powers, as well as the power to bring infringements of data protection provision to the attention of judicial authorities?

REGIONAL ISSUES AND INTERNATIONAL OBLIGATIONS - REGIONAL COOPERATION AND GOOD NEIGHBOURLY RELATIONS

495. Please provide a list of all regional initiatives in which Bosnia and Herzegovina participates. Please specify which regional agreements have been signed or ratified.
496. Please provide an overview of the country relations with neighbouring countries, and countries of the Western Balkan region, including with Kosovo*². Explain outstanding bilateral issues, including border issues, and prospects for solutions.
497. How has the SFRY Succession Agreement been implemented? Are there any remaining difficulties? When and how has Bosnia and Herzegovina been included in the process?
498. Is Bosnia and Herzegovina a party to the Rome Statute on the International Criminal Court?

I. International obligations: obligations in relation to Council of Europe, the International Criminal Court

499. Please describe the country's obligations and commitments deriving from membership to the Council of Europe, the measures taken to date to honour these obligations and the envisaged actions for any pending obligations.
500. Are there any exceptions to the Rome Statute applied by Bosnia and Herzegovina including any bilateral immunity agreements granting exemptions from the jurisdiction of the International Criminal Court? Please provide examples.
501. Please provide an overview of the country's contribution to the implementation of peace agreements and to the promotion of reconciliation in the region.

II. Cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) and the United Nations Mechanism for International Criminal Tribunals (MICT)³

502. How is the cooperation with the ICTY/MICT organised both at executive and judicial/operational level? Is there a specific legal framework? What is the procedure followed when the authorities receives requests for assistance (RFAs) from the ICTY/MICT? Which is the ministry/body in charge? How are the RFAs forwarded to the responsible authorities within the country and responses gathered?
503. How much time is needed, on average, to respond positively to a RFA? How many RFAs were answered positively in the period 2014-2016? Of these RFAs, how many summonses for witnesses? How many RFAs are still to be answered? What issues are they related to? Are there delays in answering them and if so, for what reasons? Are specific problems regarding the following encountered:
- a) banking and financial information;
 - b) military documents, including archives and regular reports covering certain periods;
 - c) any statistical data.

*² This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

³ In case of need for confidentiality, a specific channel of communication can be devised for transmission of replies on ICTY/MICT cooperation

504. How many indictments were issued by the ICTY/MICT for individuals holding the citizenship of Bosnia and Herzegovina?
505. How many indictees were transferred to the ICTY/MICT by the authorities? How many of these were voluntary surrenders? Please provide the dates of indictment and transfer.
506. How many cases have been transferred from the ICTY/MICT to Bosnia and Herzegovina? How many of these cases were still in the investigative phase, how many were ready for prosecution and how many were ready for court hearings? In which stage of the proceedings is each of these cases now? Please provide information on transferred indictments (Rule 11bis), investigative files handed over (Category II), as well as "Rules of the Road" files.
507. What are the legislative framework and the mechanisms for the protection of witnesses in place throughout the country? What has been the result of their implementation so far?
508. Do any mechanisms of judicial cooperation and extradition exist with the other countries of former Yugoslavia, and if yes, are they functioning? Please list and describe all existing mechanisms.
509. Taking into account the transition from the ICTY to the MICT, which measures have the authorities taken to provide for continuity in the cooperation, including by ensuring that the relevant ICTY-related legislation is equally applicable to the MICT?
510. Has Bosnia and Herzegovina introduced the necessary legal arrangements to prosecute contempt of court before the ICTY or MICT in its domestic court system?

Missing persons

511. Do the Bosnia and Herzegovina authorities assume full ownership of the accounting for the missing persons? Please elaborate.
512. Is there a legal framework regulating the issue of missing persons from the previous conflict and, if so, how is it implemented?
513. Do all victims and families of missing persons enjoy equal treatment throughout Bosnia and Herzegovina?
514. Do the Bosnia and Herzegovina authorities support non-governmental associations of victims and families of victims / missing persons?
515. Is there an institution in charge of searching for the missing persons, speeding up the process of uncovering the truth about the destiny of missing persons, keeping record of missing persons in Bosnia and Herzegovina as well as fostering the cooperation and coordination with other government institutions with the aim of recovering missing persons? Please elaborate.
516. Do prosecutorial or other authorities in Bosnia and Herzegovina have sufficient capacity to conduct exhumations related to missing persons from the recent war/conflict? How many exhumations have been conducted in the last six years? How many requests for exhumations have been received in the past six years? How many exhumations are ongoing and how many are pending? Please provide details on the locations and the findings of each of the past and present exhumations.

ECONOMIC CRITERIA

THE EXISTENCE OF A FUNCTIONING MARKET ECONOMY

I. Macroeconomic stability

1. Please briefly present the main macroeconomic trends during the period 2006-2015, based on the data requested in the attached tables 1-7⁴:
 - a) Real GDP growth and its breakdown by expenditures;
 - b) Inflation (including core inflation);
 - c) Consolidated aggregate government deficit and debt and its detailed breakdown by governance level;
 - d) Consolidated aggregate government expenditure and revenue and its detailed breakdown by categories;
 - e) Selection of monetary and financial indicators;
 - f) Evolution of the real and nominal effective exchange rates;
 - g) Balance of payments, including trade and current account, capital and financial account and the external financing requirements.
2. Please provide last year's official report on the macro-economic developments in English.
3. Please briefly present the following socio-economic data for the period 2006-2015:
 - a) GDP per capita in Purchasing Power Standards (PPS, in % of the EU28 average);
 - b) Population by gender, age and regional distribution;
 - c) Level and development of the average gross and net wages in the public and private sector, respectively;
 - d) Formation of public sector wages and employment, specified by specific sectors including health, education, public administration etc.
 - e) Share of taxes and social contributions in the total wage bill, including, in particular, social contributions paid by employers and employees, and the bracket structure of income taxes.
4. Are the fundamentals of economic policy in place and how is domestic consensus on the priorities ensured? Please explain the decision making process and stakeholders' involvement.
5. What are the particular structural challenges/priorities for Bosnia and Herzegovina's economic policy, and which measures have been planned to tackle them?
6. Public finances: What is the scope of the public finances system? How is it structured, how was it established, and how did it evolve over time? How have aggregate government revenue and expenditure developed as a share of GDP during 2006-2015, as a consolidated aggregate as well as in terms of categories? Are all public sector accounts included in the reporting? Is the currently used accounting and reporting system in line with ESA 2010? If

⁴ To the extent that data are available, including quarterly and/or monthly frequencies, otherwise up to the most recent year for each data, even if estimates are available. Please ensure consistency of the data in the tables with the data used in the text, when referring to the relevant indicators.

⁴ Ref. Council Regulation 883/2004 and its Implementing Regulation

not, are there concrete plans to align the system with EU standards? What are the reporting requirements between different levels of governance, including the frequencies and time limits of reporting?

7. Extra-budgetary funds: Please list and provide information on all extra-budgetary funds. What is the relationship between the budget and the extra-budgetary funds? Which are the implemented/planned steps to integrate the extra-budgetary funds in the public budget? Please provide the main indicators for these funds. Please describe major activities to improve the management of extra-budgetary funds.
8. Budgetary system: Please describe the features of the planning, programming as well as coordination and execution process of the government budget. What are the competences of the different levels of governance involved in the budgetary system? Is there a fiscal council? If yes, what are the council's legal competences? Please indicate policy objectives, developments and achievements as regards budgetary policy. Are the social partners consulted at the planning/programming stage of the budget cycle? How is the efficiency and effectiveness of public spending ensured, and what regular monitoring and evaluation systems are in place? What are the implemented/imminent systemic reforms to enhance long-term fiscal sustainability?
9. Tax policy: Please describe all authorities collecting taxes at different levels of governance, including their fiscal responsibilities and the nature of the taxes collected. How has the tax regime changed over the last five years (amendments of tax rates, changes to the tax base, introduction and or abolishment of taxes and contributions, etc.)? Is there a steady and predictable flow of revenue for municipalities in order to finance their competences? Is there a mechanism of redistribution of sources among municipalities? Was it recently changed or are there any plans for change? From which budget are sub-state institutions financed? (*detailed information is required in chapter 16 - Taxation*)
10. Public debt: Please provide detailed information on the stock of aggregate public debt (foreign/domestic creditors, currency, instruments etc.), guarantees and arrears. Does this debt include debt of state-owned enterprises? How was debt financing secured since 2006 (main instruments etc.)

II. The functioning of product markets

A. Business environment

11. What is the size of the corporate sector? Please describe the main features of the sector.
12. Please describe the main requirements for market entry and exit for the corporate sector (business register, number of licensing procedures, number of separate administrative procedures, average amount of time and costs for corporation, bankruptcy procedures etc.) throughout the country. How has the average time for company registration evolved since 2006? What has been the development of company bankruptcies over the last ten years, including in terms of annual number of bankruptcies, duration of procedures, and number of affected employees? How many companies are under bankruptcy proceedings? (*detailed information is required in chapter 20 - Enterprise and industrial policy*)
13. Please describe the main challenges when it comes to regulating property rights and enforcing laws and contracts affecting the private sector. What is the average time it takes to register in the real estate cadastre? What is the degree of property registration in the real estate cadastre? Please provide a list of active regulatory and supervisory institutions, including a short description of their legal competences, institutional setup, financing, and

the number of staff. Describe the challenges and coordination of regulatory institutions with respect to market competition, consumer protection, energy and transport sectors.

14. Please describe the initiatives taken to enhance the business environment and the results achieved so far. Please provide focused information on the main obstacles for doing business, including those that hinder operating in a single economic space.
15. What is the estimated share of the informal economy? How is it estimated? What effects does it have on public finances, employment and market competition?
16. To what extent and how does corruption affect the business environment?

B. State influence on product markets

17. Public sector: What is the public sector's aggregate share in the economy, including in terms of value added and employment? What sectors are still publicly controlled and/or owned and to what extent? Please outline the government plans as regards public-owned enterprises.
18. Protected sectors (e.g. utilities, transport, housing): Which sectors are subject to specific protection (market entry, price setting, etc.). Please describe recent developments in this respect, such as specific measures of liberalisation or deregulation. Which sectors are to remain under special protection? Are there provisions of preferred treatment as regards former state-owned enterprises? (detailed information is required in *chapter 8 - Competition policy*)
19. State aid: What is the legal framework for awarding state aid? What are the main features of this framework? How have subsidies and public guarantees developed over the past five years? According to what economic criteria is state aid granted? Please provide data on direct subsidies awarded since 2006. Please provide also information on the size and structure of all schemes for government guarantees on bank loans to the private sector as well as to state-owned enterprises. Is there a medium-term target on scaling down public guarantees? Please provide available annual reports on state aid. (*detailed information is required in chapter 8 - Competition policy*)

C. Privatisation and restructuring

20. Please provide an overview of the privatisation process since 2006 for state-owned and socially owned companies, respectively:
 - a) What have been the main methods of privatisation?
 - b) How many enterprises have been privatised/liquidated/restructured/sent into bankruptcy procedures? Please provide information on the size, employment and activity of these enterprises. In which cases have the sales contracts been revoked? Please explain the factors and the process. Please indicate the share (of total number and total sales value) of privatised companies where sales contracts have been revoked
 - c) Have any enterprises been re-nationalised after their initial privatisation?
 - d) Is the government considering potential cases for renationalisation?
 - e) What activities are necessary to finalise the privatisation process?
 - f) What is the status and portfolio of the agencies in charge of privatisation?
 - g) What are the prospects for the further privatisation and termination of activities of the same agencies?

- h) Please quantify privatisation in terms of sales revenues and fees since 2006. How did the authorities use privatisation receipts? How will the future funds resulting from privatisation be used?
 - i) Has corporate governance improved as a consequence of privatisation? How is the improvement measured?
21. Enterprise restructuring: How many state-owned (or formerly state-owned) and socially owned enterprises have been restructured so far? How many enterprises are being restructured or envisaged to be restructured? Please identify the remaining sectors and state-owned enterprises in need of restructuring. *(detailed information is required in chapter 20 - Enterprise and industrial policy)*
 22. Please provide information about annual aggregate profits/loss of state-owned enterprises in the period 2006-2015. To the extent relevant, please describe briefly the privatisation strategy for the main state-owned and the remaining socially owned enterprises.
 23. Price regime: How has the price control regime developed since 2006? In what sectors are prices still administered (i.e. set explicitly by government) or regulated (i.e. subject to approval by independent regulator)? Please indicate the broad categories of prices which are administered/regulated and the share of administered/regulated prices in total, including quantitative indicators such as the share of administered/regulated prices in the CPI basket. What is the strategy for price liberalisation, in particular in the energy sector? *(detailed information is required in chapters 4 - Free movement of capital and 20 - Enterprise and industrial policy)*

III. The functioning of the financial market

A. Financial stability

24. Please indicate how interest rates are determined? Are any rates administratively set? If so, which ones?
25. Do quantitative ceilings exist on credit expansion? What instruments are available to prevent excessive credit growth and potential exchange rate volatility from eroding the quality of lenders' portfolios?
26. Provide an assessment of access to the international financial markets by the public sector and by the private sector. On what financial terms (commercial vs concessional)? Please provide examples.
27. If relevant, what are the legal arrangements concerning central bank credit to the private sector? If so, please quantify.
28. What are the main characteristics of the interbank clearing and settlement system? Please assess the functioning of these systems. Are there changes envisaged in the payments' system? Please indicate a tentative timeline and main features of envisaged changes.
(detailed information is required in chapter 3 - Right of establishment and freedom to provide services)

B. Access to finance

The banking sector

29. Please describe the evolution of the banking sector (overall size in terms of assets, deposits (in % of GDP), share of value added and in total employment) in the past ten years.
30. Please provide the following information about banks and other credit institutions in Bosnia and Herzegovina, if possible, by type of credit institution (banks, savings banks, mortgage credit institutions, other):
 - a) *total number*;
 - b) *domestic*;
 - c) *non-domestic -EU, of which*:
 - i) subsidiaries and
 - ii) branches.
 - d) *non-domestic non-EU, of which*:
 - iii) subsidiaries and
 - iv) branches.
 - e) *changes in (a) to (d) since 2006*.
31. Assets of the banking system (if possible, by type of credit institution - banks, savings banks, mortgage credit institutions, other):
 - a) total assets of the banking system;
 - b) assets owned by domestic credit institutions (in volume and share of total);
 - c) assets owned by non-domestic EU credit institutions (in volume and share of total), of which:
 - i) by subsidiaries of non-domestic EU credit institutions (in volume and share of total);
 - ii) by branches of non-domestic EU credit institutions (in volume and share of total).
 - d) total assets owned by non-domestic non-EU credit institutions (in volume and share of total), of which:
 - i) by subsidiaries of non-domestic non-EU credit institutions (in volume and share of total);
 - ii) by branches of non-domestic non-EU credit institutions (in volume and share of total).
 - e) changes in (a) to (d) since 2006.
32. Total deposits (if possible, by type of credit institution - banks, savings banks, mortgage credit institutions, other):
 - a) total deposits;
 - b) deposits held by domestic credit institutions (in volume and share of total);
 - c) deposits held by non-domestic EU credit institutions (in volume and share of total), of which:
 - i) by subsidiaries of such credit institutions (in volume and share of total);

- ii) by branches of such credit institutions (in volume and share of total);
 - d) total deposits held by non-domestic non-EU credit institutions (in volume and share of total), of which:
 - i) by subsidiaries of such credit institutions (in volume and share of total);
 - ii) by branches of such credit institutions (in volume and share of total).
 - e) changes in (a) to (d) since 2006.
33. Concentration of the market (respectively as a share of total assets, of loans and of total deposits held by the five largest institutions), indicating whether they are:
- a) domestic;
 - b) non-domestic EU;
 - c) non-domestic non-EU.
 - d) changes in (a) to (c) since 2006.
34. Importance of the public sector in the banking industry:
- a) Number of banks owned by public institutions and the amount of their assets and deposits (in volume and share of total);
 - b) Timetable, objectives and scope of the privatisation;
 - c) Do public banks benefit from special treatment? Do banks directed by public or political party officials benefit from special treatment and how? Do public utilities/companies keep their accounts with commercial banks?
 - d) Is there policy in place/envisaged to recapitalise them?
 - e) Indicate the percentage of bank capital held by public entities on a bank by bank basis.
 - f) Is the government considering or already engaged in any bank re-nationalisation? If yes, please explain the objectives and scope of such operation.
35. Please describe the situation concerning access of private companies to bank credit and the trend compared to previous years. To what extent have issues relating to property registration and bankruptcy hindered access to credit?
36. Please evaluate the degree of competition in the banking system (price competition, new products, changes in market share, and other indicators). Are there any particular concerns about the market share of the largest banks?
37. What is the average interest rate spread (lending/deposit rates in domestic and foreign currency respectively) in banking over the past five years? Please supply data on the profitability of banks during recent years and comment on developments.
38. What is the average maturity of bank loans to the private sector over the past five years? What is the share of loans with maturity of up to one year?
39. Please provide data on foreign currency denominated and foreign currency indexed deposits and loans.
40. How do you assess the stability of the banking sector? What is the situation and trend concerning capitalisation, structure of capital, regulatory capital, risk weighted assets? How has the banking sector been influenced by the global financial crisis?
41. Please provide an analysis and an estimate (as an absolute amount, as a % of total loans) of non-performing loans (NPLs) in banks.

42. What has been the NPLs development over the past five years? Has past rapid credit growth in any way affected the average quality of the loan portfolio?
43. Please provide an analysis of the historical data on the asset and liability structure of the banking sector with analysis.
44. Have there been changes to the banking legislation? Are any (further) adjustments envisaged? Please comment on the practice as well as the legal framework, and how this legislation may help maintaining financial market stability.

The Capital market

(see also chapter 4 - Free Movement of Capital)

45. What is the structure of the capital market? Is the stock exchange operational? How many companies are listed on the stock exchange? Please describe the evolution of the turnover on the stock exchange in the past five years. What percentage of transactions is carried outside the stock exchange? What are plans for the future? In practice, does the capital market provide an alternative source of finance for enterprises? Please quantify
46. To what extent did choices on the early methods of privatisation of state-owned companies affect the development of the stock market? Do limitations on certain investment in real estate and prudential rules on investment in securities of one issuer, etc. mean that the assets of institutional investors are channelled into government bonds?
47. How developed is the equity market? Does it provide, in practice, an alternative source of finance for enterprises? How much was raised on the market in recent years?
48. How developed is the bond market? Who are the main participants in the market and which are main financial instruments used? Are there private issues? Is there a secondary market? Please supply detailed information on the size, activity and structure of the bond market, including average maturity of the most important securities.

The Money market

49. How developed is the market for short-term financial instruments? Who are the main participants in the market and which are the main financial instruments used? Is there a secondary market? Please supply detailed information on the size, activity and structure of the money market.
50. What changes are considered necessary in order to improve market organisation and efficiency?

Non-bank financial institutions

(see also chapter 3 - Right of establishment and freedom to provide services)

51. What is the number of insurance institutions operating in Bosnia and Herzegovina?
 - a) total number;
 - b) domestic;
 - c) non-domestic EU, of which:
 - i) subsidiaries and

- ii) branches
 - d) non-domestic non-EU, of which:
 - i) subsidiaries and
 - ii) branches.
 - e) changes in (a) to (d) since 2006.
52. Concentration of respectively the life and non-life markets (in terms of gross premiums held by the largest undertakings), indicating whether they are
- a) domestic;
 - b) non-domestic EU;
 - c) non-domestic non-EU.
 - d) changes in (a) to (c) since 2006.
53. Please assess the degree of competition in the sector.
54. What is the situation regarding new financial markets and instruments, for example venture capital companies, factoring, leasing, etc.? Is the legal framework in place for such operations? Please provide relevant legal acts and summarise the main features. Please provide any available information on market developments.
55. Please provide information on the establishment of a capitalised pension system. What are the main challenges for its development? What are the planned steps?

IV. The functioning of the labour market

56. Please provide and briefly comment on the following labour market indicators for the period 2006-2015: economic activity rates, employment rates and unemployment rates, long-term unemployment rate and training, by education, gender, age, nationality and in terms of regional divergences.
57. Unemployment: How has unemployment developed since 2006 and per sector? What are the main causes of unemployment? What are the main categories concerned? What is the percentage of long term unemployment as a share of total unemployment? Please provide gender disaggregated data if available.
58. Participation rates: What are the main determining factors influencing labour market participation rates? Please provide a breakdown by sector/population group, including gender disaggregated data if available.
59. Employment: How is the division of employment between the public, the privatised and the private sector? What have been the main sectors of job creation since 2006? How do you assess the relationship between economic growth and employment? Please provide gender disaggregated data if available.
60. Please describe the policy concerning the labour market. What are the key challenges? What are the main steps taken/to be taken to improve the unemployment situation and/or the mismatch between labour supply and demand?

(detailed information is required in chapter 19 - Social Policy and Employment)

THE CAPACITY TO COPE WITH COMPETITIVE PRESSURE AND MARKET FORCES WITHIN THE UNION

I. Education and innovation

61. What is the overall investment in education and R&D (% of GDP, % of public spending)? How many researchers are there per 1000 labour force? Are there sector strategies on education and research? How many patents are issued per year? (see also chapter 26 - Education and culture)
62. What is the ranking of the country in PISA? What are the enrolment and completion rates of early years education, pre-primary, primary, secondary and tertiary education? What is the number of pupils in primary, lower secondary, higher secondary and tertiary education?
63. What is the past and present number of students abroad?
64. Are vocational training and other requalification schemes available? What are the enrolment rates in such schemes? What is the private sector's contribution to professional training and research funding?
65. What is the percentage of employed persons receiving training; total number having received training and their share in the total number of employees, if possible by branch of activity; number of companies having provided training of their employees and their share in the total number of companies. Please also explain the methodology used to collect/elaborate the data.

(see also chapter 19 - Social Policy and Employment - for detailed questions)

II. Physical capital and quality of infrastructure

66. Infrastructure: Please describe how the level (in % of GDP), structure (type per economic sector) and sources (public/private) of gross fixed capital formation has developed in the last ten years. Please indicate the share related to infrastructure investment including changes in roads, rail and telephony lines. Please provide a synthetic assessment on the quality of major infrastructures (transport, telecommunication, energy), indicating areas where investment needs are important.
67. What is the level of digitisation of the economy? What is the level of ICT skills of the general population? What is the usage rate of internet by the public? To what extent is Digital Technology used by businesses? By public services (e-Government)?

III. The sectoral structure of the economy and enterprise policy

68. Please indicate what are the main priorities of structural/microeconomic reform agenda.
69. How has the sectoral economic structure changed since 2006 (in terms of value added to GDP and employment)? What sectors have been the most dynamic in terms of growth and/or job creation?
70. Please provide information on the number of companies grouped by size since 2006. Please describe the main impediments to growth and job creation for local companies, in particular for small and medium-sized enterprises (SMEs).
71. Please provide data for the period 2006-2015 on the structure of enterprise ownership including an estimate of the capital stock, distinguishing between public and private capital;

(detailed information is required in chapter 20 - Enterprise and industrial policy)

72. Please provide information on the main country trading partners (for both merchandise imports and exports) and the overall structure of trade by sector (NACE 2-digit level and SITC 2-digit level).
73. How has the trade integration with the EU developed over time? What are the main EU trading partners and products? How has the export structure changed? Are there indications of a shift from resource- or labour-intensive to capital- or technology- intensive products?
74. Please briefly present the following data for the period 2006-2015:
 - a) labour productivity; evolution by economic sectors;
 - b) unit labour costs, including indicators of international competitiveness (changes in relative unit labour costs, level and changes in average gross earnings, etc.).

ABILITY TO ASSUME THE OBLIGATIONS OF EU MEMBERSHIP - CHAPTERS OF THE EU ACQUIS

CHAPTER 1: FREE MOVEMENT OF GOODS

The **general principle** of the free movement of goods implies that products must be traded freely from one part of the European Union to another. This principle is enshrined in the Treaty on the Functioning of the European Union, in particular Articles 34 to 36, 114(4) to 114(9), and 346 to 348, as interpreted in the case law of the Court of Justice of the European Union. Quantitative restrictions and measures having equivalent effect to a quantitative restriction are prohibited subject to a limited and restrictive set of exceptions. This notably implies the elimination of technical barriers to trade and the compliance with the principle of mutual recognition. Adequate administrative arrangements should be put in place to apply the Regulation (EC) 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision 3052/95/EC and the "strawberry" Regulation (EC) 2679/98. The notification procedure in the field of technical standards and regulations is laid down in Directive (EU) 2015/1535 and provisions on external border checks are provided in Regulation (EC) 765/2008. These need sufficient administrative capacity in order to be properly applied.

In a number of sectors the general principle is complemented by a harmonised regulatory framework. **Horizontal measures** define the quality infrastructure which Member States should put in place in areas such as standardisation, conformity assessment, accreditation, metrology, and market surveillance.

The harmonised European product legislation, which needs to be transposed by each Member State, represents the largest part of the *acquis* under this chapter. It is based on the "old approach" (imposing precise product specifications) or the "new and global approach" (imposing general product requirements). The New Legislative Framework (Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC, together with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93) is a review of the New Approach and lays down common rules on the marketing of products.

Old Approach product legislation covers the areas of motor vehicles, emissions of gaseous and particulate pollutants from non-road mobile machinery engines, chemicals (REACH), chemical labelling, good laboratory practice, legal metrology, pre-packaging, detergents, and fertilisers.

New and Global Approach product legislation covers the areas of non-automatic weighing instruments and measuring instruments, low voltage equipment (LVD), electromagnetic compatibility (EMC), toys, machinery, lifts, noise emissions by outdoors equipment, personal protective equipment (PPE), equipment and protective systems intended for use in explosive atmospheres (ATEX), pyrotechnic articles, civil explosives, medical devices, gas appliances, pressure equipment, simple pressure vessels, cableway installations, construction products, recreational craft, eco-design requirements for energy-related products, aerosol dispensers, and radio and telecommunications terminal equipment (RED). The majority of this legislation reflects the model provision of Decision No 768/2008/EC.

A series of **procedural measures** also require sufficient administrative capacity in order to be properly applied. These include Directive 91/477/EEC on the control of the acquisition and possession of weapons and Directive 2014/60/EU on cultural goods, Directive 69/493/EEC on Crystal Glass, Directive 2009/43/EEC on Defence Products & Defence Procurement, Directive &

2009/81/EC on Footwear, Directive 94/11/EC on Textile Labelling & Mixtures and Regulation 1007/2011 on Medicinal Products Pricing.

The Stabilisation and Association Agreement already lays down specific obligations in the areas covered by this Chapter. When answering the questions below, please make reference to the state of implementation of such obligations.

I. GENERAL PRINCIPLES

These questions are of a general nature and do not refer to the industrial sectors specified in Chapter 20.

A. Legislative alignment

1. How are the authorities of Bosnia and Herzegovina ensuring that a fully functioning internal single economic space is in place throughout the country? Are there any legal, technical or administrative barriers to the free movement of goods within the country? Please explain.
2. What is the legal basis for technical regulations, standards, conformity assessment, accreditation, certification, metrology, and market surveillance?
3. To what extent has the legislation moved towards the principles applied in European harmonised legislation, i.e. minimum requirements, absence of mandatory standards, self-certification and the presumption of conformity?
4. Is a strategy on Quality Infrastructure in place?
5. Please specify which measures exist which require import licenses for imported goods or other kinds of permits for goods originating within the country.
6. How is it ensured that the rules on the import of goods are applied uniformly throughout the country?
7. Please specify how the self-certification principle is addressed in the legislation.
8. Have steps been taken to ensure that legislation and administrative practices are in accordance with Articles 34-36 TFEU and the relevant case law of the European Court of Justice, such as a plan or strategy to ensure compliance?
9. Is the legislation being aligned with old and new approach EU legislation in a uniform manner throughout the country?

B. Implementation capacity, including administrative capacity

10. How is the distribution of competences defined between different levels of governance across this policy area?
11. Please indicate which administrative institutions are competent with regard to standardisation, metrology, accreditation, conformity assessment and market surveillance.
12. How are these functions organised, implemented and co-ordinated?
13. Do the relevant ministries and technical organisations have sufficient numbers of adequately trained staff to master the technicalities of law-making and to ensure adequate co-ordination and enforcement of the law? Please specify.
14. Please indicate in detail the resources and systems available to contribute to the elaboration and implementation of laws.

II. HORIZONTAL MEASURES

These questions are of a general nature and do not refer to the industrial sectors specified in Chapter 20.

15. What mutual recognition or co-operation agreements in the field of standards, testing, certification and conformity assessment has Bosnia and Herzegovina signed? Do such agreements use international standards as a basis? Please provide translated copies of the relevant agreements.

A. Standardisation

16. Does Bosnia and Herzegovina have a standardisation system and an independent standardisation body? Is the Standardisation Institute able to implement European and international standards? Has the Standardisation Institute made a needs' assessment for investment and technical expertise required to participate in the European standards system? Please explain.
17. Are staff numbers and financing of the Standardisation Institute adequate? Please provide figures.
17. How many of the national standards are fully in conformity with European standards (give separate percentages for CEN, CENELEC and ETSI standards)? How many of them have been adopted by "cover page" method?
18. Please indicate if the Standardisation Institute is a member (or working towards membership) of any European and international standards organisations (CEN, CENELEC, ETSI, others). Is there a timetable for achievement of full membership of CEN and CENELEC? What is the relationship with the international (IEC and ISO) standards bodies?
19. Is there a register of the technical regulations in force in Bosnia and Herzegovina?
20. How many national standards are conflicting with European standards? Has the Standardisation Institute started to withdraw national standards that conflict with European standards? Is there an action plan and timeline for the completion of the withdrawal process?
21. How does the Standardisation Institute coordinate with competent ministries?

B. Conformity assessment

22. Does Bosnia and Herzegovina have a conformity assessment system? Please describe the legal framework (laws, bylaws etc.) for conformity assessment and report on the current implementation.
23. Are conformity assessment procedures in line with Decision No 768/2008/EC on a common framework for the marketing of products?
24. How is it ensured that conformity assessment procedures are applied uniformly throughout the country?
25. Has legislation moved towards the principles applied in European harmonised legislation, i.e. minimum requirements, absence of mandatory standards, self-certification and the presumption of conformity?

26. Are foreign test reports recognised? If yes, in which conditions?
27. Who is responsible for designating conformity assessment bodies (CABs) and are the criteria for ascertaining their competences defined in the sectoral legislation? Are ISO standards used in this respect? If yes, which ones?
28. How many CABs are active in the country per EU Directive aligned with?
29. Has the enquiry point for the notification of technical regulations been established? Is it already operational? Which is its endowment with material and human resources?
30. Is such enquiry point empowered to contact all authorities/bodies that produce technical regulations, to remind them of the obligation to notify such regulations at draft stage and ensure a follow-up of each notification?
31. Has such enquiry point developed a network of contacts among economic operators, beneficiaries of the notification procedure, to ensure that an alert system or equivalent is in place?
32. Has the register for technical regulation been established?
33. How many, and which, technical regulations have been adopted/registered up to date?
34. Please describe the marking system and perspective for the introduction of the CE marking.
35. Does the legislation contain a safeguard clause foreseeing the withdrawal of compliant products that are nonetheless found to endanger health and safety?
36. Please describe how the legislation defines the manufacturer's and importer's responsibilities and the manufacturer's general product liability.

C. Accreditation

37. Does Bosnia and Herzegovina have an accreditation system and an accreditation body? Is the accreditation system aligned with Regulation (EC) 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products? Please describe the legal framework (laws, bylaws etc.) for accreditation and report on the current implementation.
38. Does the accreditation body fulfil the requirements of Regulation (EC) 765/2008? Is it independent? Is it a non-commercial body? Does it have the full range of technical and administrative competencies necessary for the purpose of accrediting conformity assessment bodies in line with the European system?
39. Does it have agreements with European or other international organisations?
40. Is it a member or working towards membership of any such organisations?
41. How many conformity assessment bodies have been accredited so far and how many have applied for accreditation?
42. Is there a national plan for the accreditation of conformity assessment bodies and is it being implemented?

D. Metrology

43. Does Bosnia and Herzegovina have a metrology system and a metrology body? Is the metrology body adequately staffed and equipped? Are scientific metrology and legal

metrology treated differently? How is cooperation and coordination ensured?

44. Is there a national programme for the development of the metrology structure? Please provide details.
45. How is traceability to international measurement standards ensured?

E. Market surveillance

46. Does Bosnia and Herzegovina have a market surveillance system and a market surveillance agency?
47. How is it ensured that products on the market throughout the country meet standard requirements? Alternatively, is there a reliable and standardised system of pre-marketing authorisation?
48. In which way independence and impartiality of market surveillance authorities are ensured?
49. What are the available resources, infrastructure (e.g. alert the users, follow up of complaints/accidents etc.) and general principles (e.g. risk assessment) allowing to take the appropriate corrective actions? What penalties apply to infringements? What are the investigative and enforcement powers available for market surveillance?
50. Is the market surveillance agency properly staffed and equipped? Are administrative capacities (human and financial resources, equipment, powers) sufficient to ensure an adequate level of controls?
51. Does Bosnia and Herzegovina have a national programme on market surveillance? Are there controls or inspection plans on a sectoral or territorial basis? Please describe the enforcement policy and detail how priorities are selected and how controls are targeted. Please provide statistics on controls and their results for the last year.
52. How often is testing done? Please provide statistics for the last year.
53. How is coordination ensured between sectors? How is market surveillance coordinated between market surveillance authorities and customs as regards product conformity and safety checks at external borders?
54. Please describe how cooperation is ensured between the market surveillance agency and the market inspectorates.
55. Please describe how coordination is ensured between the product sectors and between the market surveillance authorities and the customs authorities.
56. What are the plans to harmonise the legislation with the Regulation (EC) 765/2008?

III. OLD APPROACH PRODUCT LEGISLATION

A. Harmonisation of laws including technical regulations

57. Please provide information regarding the:
 - a) Present status, including a description of the type of approval system for each sub-sector as listed below;
 - b) Forecast (date of adoption and implementation of the EU directives and regulations).

B. Calibration, standards, testing, certification, conformity assessment, accreditation and market surveillance

58. Please provide information on the relevant regimes for the products:

- a) Short description and
- b) Further evolution.

The answers to the two questions above should cover the following sectors and sub-sectors:

- a) Motor vehicles (including 2/3 wheel vehicles and tractors)
- b) Emissions of gaseous and particulate pollutants from non-road mobile machinery engines
- c) Chemicals
 - i. Limitations, classification, packaging and labelling (REACH, CLP)
 - ii. Detergents
 - iii. Fertilisers
 - iv. Drug precursors
 - v. Pyrotechnics (New Approach Directive)
 - vi. Good laboratory practice (GLP)
- d) Legal metrology, pre-packaging and units of measurement (Old Approach directive)
- e) Aerosol Dispensers (ADD)

IV. NEW AND GLOBAL APPROACH PRODUCT LEGISLATION

A. Harmonisation of laws including technical regulations

59. Please provide information regarding the:

- a) present status, including a description of the conformity assessment procedures correspondent for each sub-sector as listed below
- b) forecast (date of adoption and implementation of the EU directives).

B. Calibration, standards, testing, certification, conformity assessment, accreditation and market surveillance

60. Please provide information on the relevant regimes for the products:

- a) short description and
- b) further evolution.

The answers to the two questions above should cover the following sectors and sub-sectors:

- a) Construction Products
- b) Lifts
- c) Machinery
- d) Cableways
- e) Personal Protective Equipment (PPE)

- f) Electromagnetic Compatibility (EMC)
 - g) Low Voltage (LVD)
 - h) Radio & Telecom Equipment (R&TTE)
 - i) Gas Appliances (GAD)
 - j) Explosive Atmospheres Equipment (ATEX)
 - k) Pressure Equipment (PED)
 - l) Simple Pressure Vessels (SPVD)
 - m) Outdoor Equipment Noise Emissions
 - n) Recreational Craft
 - o) Civil Explosives
 - p) Pyrotechnic Articles
 - q) Toys
 - r) Eco-design
 - s) Energy labelling
 - t) Measuring Instruments
 - u) Non-automatic Weighing Instruments
 - v) Medical devices
61. Is there an established system for monitoring construction products? If so, is there a strategy in place for further approximation with EU legislation? How are interested parties and major players (producers, testing laboratories, state bodies) involved in the process and kept informed?

V. PROCEDURAL MEASURES

A. Measures having an equivalent effect to quantitative restrictions

62. Do measures exist in the laws, regulations or administrative provisions adopted at any level on the production, distribution and marketing of food or industrial products originating from abroad or within the country:
- a) Relating to the price of such products (e. g. fixing the prices above or below which the importation or marketing of a product is prohibited or restricted, laying down profit margins or other price components etc.)?
 - b) Which require automatic or non-automatic import licences or permits for imported goods (e.g. licence for import of automobiles)?
 - c) Which ban the placing on the market of certain specific products (foodstuffs, including vitamins and other food supplements, and chemical substances)?
 - d) Which restrict or prohibit distant selling (mail order, internet sales) of certain products (pharmaceuticals, alcoholic beverages and others)?
 - e) Which make access to the domestic market conditional upon having an agent or representative in the territory of Bosnia and Herzegovina (e.g. legislation which provides for the sale of certain goods subject to authorisation that may be obtained only

- by a person established there)?
- f) Which oblige importers to have storage facilities in the territory of Bosnia and Herzegovina (e.g. legislation applying only to imported goods which require these imported goods to be stored for some time before being marketed)?
 - g) Which impose on the marketing of imported products conditions (relating in particular to shape, size, weight, composition, presentation, identification and packaging, labelling) that are different from those imposed on domestic products or which require or encourage the use of certain type of packaging (shape, size, composition) for the marketing of a certain product, whether domestic or imported (e.g. requirement that some goods may only be sold in a package with special form)?
 - h) Which oblige economic operators to label their product with the "Made in ..." marking (obligatory origin marking)?
 - i) Which encourage or authorise the purchase (by individuals or public authorities) of domestic products alone or give preference to the purchase of such products in advertising campaigns (e.g. promotion actions with the participation of public authorities applying only to goods produced by producers in Bosnia and Herzegovina or from domestic raw materials)?
 - j) Which exclude imported products alone, in full or in part, from the possibility of using domestic facilities or equipment or which reserve the use of such facilities or equipment, in full or in part, for domestic products alone?
 - k) Which subject imported products to controls, other than those inherent in customs clearance procedures, which are not carried out on domestic products (e.g. veterinary, sanitary, phytosanitary and other controls)?
 - l) Which allow only traders holding a production licence or wholesale licence to import some goods (e.g. licensing system for the production and wholesale of some goods, which allow only the licence holder to import these goods)?
 - m) Which create monopolies of sale of some goods (e.g. tobacco products, alcohol products etc.)?
 - n) Which reserve certain trade names for domestic products alone and, if so, on what conditions (e.g. rules which reserve the use of a certain description to products prepared in Bosnia and Herzegovina from domestic raw materials)?
63. Is there any information on the number of times the authorities intervened to prohibit the marketing of products or withdraw products from the market for any reason over the last 2 years, e.g. health risk, incomplete labelling, inadequate consumer information, failure to comply with compulsory standards etc.?
64. What are the general rules applicable in Bosnia and Herzegovina to non-food products? For example, is the marketing of products with a label and instructions written in a foreign language allowed? What particulars must be mentioned on the label of any industrial product intended for sale to consumers?

B. Return of unlawfully removed cultural objects

65. Is there legislation providing for the return of cultural objects unlawfully removed from the territory of an EU Member State?
66. What are the legal provisions ensuring the return of cultural goods in Bosnia and

Herzegovina?

67. If such legislation exists, what categories of cultural goods are covered?
68. Which authority, if any, is responsible for dealing with the return of cultural goods?
69. Are there any plans to modify the existing legislation? Please give details and timetables.

C. Control of the acquisition and possession of weapons

70. Is there have legislation providing for the control of the acquisition and possession of weapons? Please explain and summarise.
71. Is there a legislation laying down the categories of firearms the acquisition and possession of which by private persons is either prohibited or subject to authorisation or declaration?
72. If the legislation is in force:
 - a) Which categories of firearms are covered? Is there any distinction between "civil" firearms and "military" firearms?
 - b) Which are the conditions necessary to be fulfilled in order to obtain the authorisation?
 - c) What kind of information must be given in the declaration?
73. Are there any special rules for collectors and bodies concerned with the cultural and historical aspects of weapons? If so must these collectors and bodies be recognised by the local authorities?
74. Does the legislation, if any, exclude from its scope weapons and ammunition used for hunting or target shooting? If so, what rules are applied?
75. Are there any plans to modify the existing legislation? Please give details and timetables.
76. Is there an overall obligation to mark firearms at the time of manufacturing? What kind of marking is applied?
77. Are there record-keeping obligations to trace transfers of firearms when manufactured or sold by dealers? Who has this obligation (the State, the dealers)? For how many years?
78. How are the firearms tested at the time of manufacturing? Are there state proofhouses?
79. What are the main requirements to "deactivate/neutralise" a firearm? Which techniques are used?
80. Are there statistics about legal holders of firearms in Bosnia and Herzegovina (hunters, marksmen, private persons or companies)? Are there records of illegally possessed arms and are there any plans to seize them?

D. Checks for conformity with the rules on product safety in the case of products imported from third countries

81. Is there legislation providing for conformity with the rules on product safety in the case of imported products? If so:
 - d) Since when has it been in force?
 - e) Please describe its broad outlines (which service is responsible for border controls and coordination regarding imported products, what is the procedure provided for etc.?).

CHAPTER 2: FREEDOM OF MOVEMENT FOR WORKERS

Freedom of movement for workers is one of the fundamental freedoms guaranteed by European Union (EU) law. Pursuant to Article 45 TFEU, every EU citizen has the right to move freely, to stay and to work, with some exceptions in the public sector, in another Member State without being discriminated against on grounds of nationality. EU rules on free movement of workers also apply to the European Economic Area (Iceland, Liechtenstein and Norway). As regards the **general principles related to access to labour market**, the *acquis* under this chapter provides for non-discriminatory treatment (on the basis of nationality, residence and language) of workers who are legally employed in a country other than their country of origin. This includes in particular equal treatment as regards employment-related aspects such as conditions of employment and work, remuneration and dismissal but also the receipt of tax advantages and social advantages (all advantages whether linked to a contract of employment or not that are generally granted to national workers primarily because of their objective status as workers or by virtue of the mere fact of their residence on the national territory).

Furthermore, certain rights are also extended to family members of the worker. The concept and implications of the freedom of movement for workers have been interpreted and developed by the case-law of the ECJ, including the notion of worker itself. In addition, the general principles of freedom of movement for workers include provisions related to supplementary pension rights of employed and self-employed persons moving within the EU. Candidate countries also need to prepare to participate in the **EURES** system (European Employment Services) aimed at promoting the freedom of movement for workers within the EU notably by close cooperation between national employment services to exchange information on employment opportunities. At the operational level, relevant databases of job vacancies, job applications and CVs need to be integrated with the EURES exchange mechanism, and general information on the labour market and on living and working conditions needs to be exchanged.

The right to free movement of workers is complemented by a system for the **co-ordination of social security systems**, i.e. the right for mobile EU workers and their family members to acquire, cumulate or export social security benefits as well as to obtain payment of these benefits without discrimination. This is based on Regulations that do not harmonise but co-ordinate the social security systems of Member States, and thus requires administrative cooperation between Member States. In the health care field, medical expenses will need to be reimbursed for healthcare expenses of insured persons outside of the Member State where they are insured. This includes necessary treatment of nationals falling ill or having an accident during a temporary stay in another Member State, e.g. as tourists. To this end, a **European Health Insurance Card** has to be issued to all nationals. Moreover, as from mid-2019 all social security information will be only exchanged electronically between national social security institutions of different Member States via the EESSI system, which implies that all Member States connect their national institutions to the EESSI IT platform and use structured electronic documents for this exchange.

The Stabilisation and Association Agreement already lays down specific obligations in the areas covered by this Chapter. When answering the questions below, please make reference to the state of implementation of such obligations.

I. ACCESS TO LABOUR MARKET (GENERAL PRINCIPLES)

A. General

1. Do work permit requirements or similar restrictions for EU migrant workers exist, and if so, what are they? Please explain how many types of different work permits there are.
2. Do provisions exist to prevent discrimination on grounds of nationality (direct or indirect) against EU migrant workers as well as their family members (regardless of nationality) in employment, pay and working conditions and if so, what are they?
3. What nationality conditions (if any) apply to employment in the public sector?
4. How are the authorities of Bosnia and Herzegovina ensuring that full freedom of movement for workers is in place throughout the country? Are there still any legal, technical or administrative barriers to the free movement of workers within the country?
5. Please describe which domestic institutions are competent to ensure the free movement of workers within the country.

B. Freedom of movement for workers within the EU (Regulation (EU) 492/2011)

6. Do EU workers have access to available employment under the same conditions as nationals of Bosnia and Herzegovina?
7. Are EU workers protected against discrimination on the basis of nationality as regards conditions of employment and work, dismissal and pay?
8. Are there any language requirements for specific jobs and, if yes, which ones?
9. Do EU workers receive assistance (other than financial assistance) from employment offices?
10. What rights to "tax and social advantages" and vocational training do EU workers have?
11. What trade union rights do EU workers have?
12. What housing rights do EU workers have?
13. What rights to education do the children of EU workers have?

C. Right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (Directive 2004/38/EC)

(N.B.: these questions only relate to the specific provisions for EU citizens exercising an economic activity as salaried workers; please note that all other provisions of the Directive are dealt with under Chapter 23)

14. What documents do EU migrant workers and their family members (including those who are not EU nationals) need in order to enter Bosnia and Herzegovina?
15. What are the residence formalities for EU citizens exercising an economic activity as salaried workers?
16. Do EU migrant workers in Bosnia and Herzegovina have the right to bring their family members with them?
17. Are non-EU national family members of an EU migrant worker in Bosnia and Herzegovina granted a residence permit of the same length of validity as the EU citizen?

18. What are the conditions of eligibility of non-EU national family members of an EU migrant worker in Bosnia and Herzegovina for receiving a residence permit?
19. Are non-EU national family members of an EU migrant worker in Bosnia and Herzegovina granted the permission to work? If so, under what conditions and what are the procedures for granting the work permits?
20. Do work permit requirements or similar restrictions exist for the family members (including those who are not EU nationals) of an EU migrant worker in Bosnia and Herzegovina, and if so what are they?
21. Can an EU migrant worker's right to reside be revoked on grounds of involuntary unemployment, illness or accident?
22. Do the spouse and children under 21 (regardless of nationality) of an EU migrant worker have the right to employment in Bosnia and Herzegovina without a work permit?
23. Are there rules providing for a right to remain for an EU citizen:
 - a) Who has worked in Bosnia and Herzegovina and then reaches retirement age;
 - b) Who has worked in Bosnia and Herzegovina, who has resided continuously for at least 2 years in the country and then becomes permanently incapable of work;
 - c) Who has worked in Bosnia and Herzegovina and then becomes incapable of work because of an accident at work or an occupational disease?
24. What are the residence rights of the family members of EU citizens in the above categories?

D. Facilitating free movement of workers (Directive 2015/54/EU)

25. Are judicial procedures available to mobile workers who consider themselves discriminated?
26. Can associations, organisations, including social partners or other legal entities, engage, either on behalf of or in support of, mobile workers in judicial and/ or administrative procedures?
27. Are there structures or bodies established which promote, analyse, monitor and support mobile workers?
28. Is comprehensive, up-to-date, free information on the rights of mobile workers made accessible to public?

E. Safeguarding the supplementary pension rights of employed and self-employed persons moving within the EU (Directive 98/49/EC)

29. Does Bosnia and Herzegovina have any supplementary (or private) pension schemes?
30. What happens if a member of a supplementary pension scheme moves to an EU Member State?
31. Can payments from a supplementary pension scheme be made to a scheme member residing in an EU Member State?
32. Can workers who are temporarily posted from Bosnia and Herzegovina to an EU Member State continue to make contributions to their supplementary pension scheme?
33. Do supplementary pension schemes provide adequate information to members about their pension rights if they move to an EU Member State?

E. Minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (Directive 2014/50/EU)

34. Are there any specific rules (waiting and/or vesting periods) on acquisition of supplementary pension rights?
35. Do the rules for supplementary pension schemes permit the preservation of dormant rights for scheme leavers and the prorata equal treatment of dormant members with active members? Are there any preservation standards (e.g. indexation, capital returns...)?
36. Do supplementary pension schemes provide adequate information to members on the impact of mobility on their rights?

II. EURES (Regulation 2016/589)

37. What is the legal and administrative framework to facilitate mobility of workers within and beyond the territory of Bosnia and Herzegovina? Are public or private employment agencies, social partners and other concerned organisations involved and how?
38. Is there a country-wide database and website for job vacancies, job applications and CVs? How are vacancies displayed on this website? Does the website also contain information on apprenticeships and traineeships?
39. According to the law what are the obligations regarding the publication of vacancies? Are employers obliged to publish all vacancies with the public employment services? Is it compulsory to display all vacancies on a central website?
40. What are the support services provided to workers (and jobseekers) and employers and by whom? Are they free of charge?
41. Are there any special rules and administrative structures regarding cross-border mobility?
42. Are there any specific services provided to frontier workers, e.g. facilitated access to information on taxation, social security and active labour market measures?
43. Is data on labour shortages and labour surpluses on national and sectoral labour markets collected, analysed and used to improve the functioning of the labour market?
44. Is data on the performance of employment services collected, in particular for mobility services (information and guidance given to jobseekers and employers, number of placements, customer satisfaction)?
45. Is mobility of workers promoted by the Public Employment Service? How?

III. CO-ORDINATION OF SOCIAL SECURITY SYSTEMS

A. Scope of co-ordination

46. Material scope:
 - a) Regulation 883/2004 will apply to the social security branches mentioned in Article 3: are all these branches covered by the legislation?
 - b) As regards Article 9, please list the legislation and social security schemes covered by the Regulation.

- c) Please explain the distinction in the legislation between social security benefits and social assistance as provided for by the Regulation.
- d) Are there special schemes for war victims? Please explain.
- e) Please provide a list of bilateral social security conventions.

B. The main principles of co-ordination

- 47. Equal treatment: Are there any examples in the social security legislation where non-nationals are treated less favourable than nationals?
- 48. Determination of the applicable legislation:
 - a) Are the social security schemes based on the principle of *lex loci laboris* or are they based on residence?
 - b) Are there rules and administrative structures applicable in the case of posting of workers?
- 49. Aggregation of periods:
 - a) Do the social security services of Bosnia and Herzegovina have any experience with applying the principle of aggregation of periods in the relations with other countries?
 - b) Which administrative structures are responsible for this?
 - c) What are the waiting periods for entitlement to benefits equivalent to those covered by the scope of the EU Regulation?
- 50. Export of benefits:
 - a) Do the social security services of Bosnia and Herzegovina have any experience in applying the principle of export of benefits in the relations with other countries?
 - b) Which administrative structures are responsible for this?
 - c) Does the legislation include residence clauses?

C. Co-ordination of different categories of benefits

- 51. Are any difficulties expected in applying the provisions of the various chapters of the Regulation (sickness and maternity, invalidity, old age and death, unemployment, family benefits, etc.)?

D. Administrative capacity

- 52. How is the distribution of competences defined between different levels of governance across this policy area?
- 53. Which administrative structures will be responsible for applying the co-ordination rules for the various chapters of the Regulation (sickness and maternity, invalidity, old-age and death, unemployment, family benefits, etc.)? Please provide an estimation of the number of these structures.
- 54. How do the social security institutions of Bosnia and Herzegovina exchange the information internally?

55. How do the social security institutions of Bosnia and Herzegovina exchange information with the institutions of the countries with which Bosnia and Herzegovina has signed social security agreements?
56. Is there any electronic case handling system(s) in place for internal or external files related to the benefits covered by the Social Security Coordination Regulations? Are there any plans for setting up or further developing existing electronic case handling solutions? If yes, please elaborate.
57. Is there an estimation/statistics of social security coordination cases involving communication with EU countries as well as with Norway, Iceland, Lichtenstein and Switzerland?
58. Is there a national health insurance card? If yes, please explain how it is used in practice. If not, are there any plans to introduce it and what is the timeframe?

CHAPTER 3: RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

The *acquis* under this chapter is of a horizontal nature covering a large variety of fields and professions and involving many public and/or semi-public institutions and bodies.

Member States must ensure that the **right of establishment** of EU nationals and legal persons in any Member State and the freedom to provide cross-border services, as laid down in the Articles 49 and 56 of the Treaty on the Functioning of the European Union are not hampered by national legislation, subject to the exceptions set out in the Treaty.

The core pieces of the *acquis* in this area are **Directive 2006/123 on services in the internal market ('Services Directive')** – which is to a large extent based on the case law of the European Court of Justice – and **Directive 2005/36/EC on the recognition of professional qualifications ('Professional Qualifications Directive')**.

The objective of the Services Directive is to achieve a genuine Internal Market in services by removing legal and administrative barriers to the development of service activities between Member States. This requires a comprehensive examination of the Member States' current and future legal order with the aim of identifying legal or administrative obstacles on national, regional or local level not compatible with EU law.

The implementation of the Services Directive requires Member States to take a combination of legislative and non-legislative, i.e. organisational or practical, measures. The Directive is a horizontal instrument which covers a broad range of different services and which affects a significant number of national laws and regulations.

Member States reserve the provision of an important number of services (covering, amongst others, health and business) to properly qualified professionals. The mutual recognition of qualifications obtained in different Member States thus constitutes a very important element for the effective exercise by EU citizens of their right of establishment and their right to provide occasional or temporary cross-border services. The objective of the Professional Qualifications Directive is therefore to facilitate the access of professionals to the same profession in another Member State, to the extent that the latter reserves access to that profession to properly qualified professionals. This Directive is a horizontal instrument covering all regulated professions not already covered by other instruments of EU law dealing with mutual recognition issues.

Implementing Legislation for the Services Directive

Member States have to provide for national provisions of a binding nature, so that service providers and recipients can rely on the rights granted to them by the Services Directive. Certain of these articles could be implemented by amendments to existing legislation, for example those in the area of authorisation schemes, could in some Member States be implemented by amending national legislation dealing with administrative procedures. In other cases, notably in relation to articles setting out general principles such as its Article 16 or 20, a new horizontal framework law should be considered.

Member States may also need to adapt existing specific legislation containing requirements which the Directive explicitly requires to be modified or abolished. Particular attention needs to be paid to legislation which contains specific rules for service providers established in other Member States. In so far as such rules are incompatible with the Directive, and are not based on other EU instruments, they need to be abolished by amending the legislation concerned.

Non-Legislative Implementing Measures for the Services Directive

Some provisions of the Directive require implementation by putting in place appropriate administrative arrangements and procedures. This is, for instance, the case of the setting-up of points of single contact and electronic procedures. This also concerns the organisation of the identification and assessment of legislation that Member States will have to undertake prior to

deciding whether legislation needs to be amended or abolished (for instance to check whether their authorisation schemes are justified or to screen their legislation and identify relevant requirements).

Furthermore, there are provisions in the Directive obliging Member States to encourage actions by private parties. Finally, the entire chapter on "Administrative Cooperation" requires putting in place the practical arrangements necessary for the competent authorities in Member States to effectively cooperate with each other.

Implementing measures for the Professional Qualifications Directive

Implementing the Directive requires a combination of legislative and non-legislative initiatives. Administrative rules and structures are needed to ensure the proper examination, assessment and recognition of foreign qualifications. These include electronic recognition processes, such as the European Professional Card, which covers specific professions and imposes strict reaction deadlines. The possibility to organise compensation measures should also be considered, to the extent allowed by the Directive and justified after proper assessment. For certain important regulated professions, mainly in the health sector, minimum training curricula must be ensured, in cooperation with the relevant training institutions. It is on the basis of such curricula that those qualifications are automatically recognised in all EU Member States. Finally, a periodic review of national regulations should be considered in accordance with Article 59 of the Directive.

Follow-up Measures

The Services Directive also requires Member States to take measures in connection with the review of legislation and mutual assessment process set out in Article 39 of the Directive. The *acquis* in this chapter also provides for rules concerning **regulated professions** to ensure the mutual recognition of qualifications between Member States; for certain regulated professions a common minimum training curriculum must be followed in order to have the qualification automatically recognised in an EU Member State. Directive 2005/36/EC, adopted on 7 September 2005, is the key piece of legislation in this field. This Directive replaced fifteen existing Directives in the field of the recognition of professional qualifications.

As regards **postal services**, the *acquis* has opened up the postal services sector to competition in a gradual and controlled way, within a regulatory framework which ensures the provision of an affordable universal postal service at a specified quality and establishment of an Internal Market for postal services. The main piece of *acquis* is the Postal Services Directive (Directive 97/67/EC as amended by Directive 2002/39/EC and by Directive 2008/6/EC). Under the 3rd Postal Directive (Directive 2008/06/EC), full market opening was accomplished throughout the EU by 2013. The establishment of independent National Regulatory Authorities (NRAs) in this field is one crucial point for the proper implementation of the EU legislation and well-functioning national postal markets and subsequently Internal Postal Market.

The *acquis* also includes two important Directives dealing with the establishment and the temporary provision of services by lawyers, namely **Directive 77/249/EC to facilitate the effective exercise by lawyers of freedom to provide services** and **Directive 98/5/EC to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained**. These two Directives create a very open and effective regime for the cross-border movement of lawyers using their home country title and have helped create a very dynamic market for legal services in the EU.

The Stabilisation and Association Agreement already lays down specific obligations in the areas covered by this Chapter. When answering the questions below, please make reference to the state of implementation of such obligations.

I. RIGHT OF ESTABLISHMENT

and

II. FREEDOM TO PROVIDE CROSS BORDER SERVICES

A. General

1. How are the authorities of Bosnia and Herzegovina ensuring that a single economic space for services is in place throughout the country? Please indicate how does the legislation define the distribution of competences between different levels of governance and describe which institutions are competent on the issue.
2. Are there any barriers to the free movement of services within the country? If yes, please describe them and indicate their exact nature (legal, technical or administrative).
3. Please analyse the differences and provide the findings of the comparisons between:
 - a) The treatment offered to third countries in terms of establishment of subsidiaries of companies and the rights of establishment within the EU;
 - b) The treatment offered to subsidiaries of foreign companies established in Bosnia and Herzegovina and the treatment the EU offers to subsidiaries of foreign companies established on its territory;
4. Is the exercise or access to a service activity subject to any of the following requirements (be it through an authorisation procedure (see below) or separately)?
 - a) Requirements based directly or indirectly on nationality or, in the case of companies, the location of the registered office, including in particular: (a) nationality requirements for the provider, his staff, persons holding the share capital or members of the provider's management or supervisory bodies; (b) a requirement that the provider, his staff, persons holding the share capital or members of the provider's management or supervisory bodies be resident within the territory;
 - b) A prohibition on having an establishment in a state different than Bosnia and Herzegovina or on being entered in the registers or enrolled with professional bodies or associations of other States;
 - c) Restrictions on the freedom of a provider to choose between a principal or a secondary establishment, in particular an obligation on the provider to have its principal establishment in Bosnia and Herzegovina, or restrictions on the freedom to choose between establishment in the form of an agency, branch or subsidiary;
 - d) The case-by-case application of an economic test making the granting of authorisation subject to proof of the existence of an economic need or market demand, an assessment of the potential or current economic effects of the activity or an assessment of the appropriateness of the activity in relation to the economic planning objectives set by the competent authority;
 - e) The direct or indirect involvement of competing operators, including within consultative bodies, in the granting of authorisations or in the adoption of other decisions of the competent authorities, with the exception of professional bodies and associations or other organisations acting as the competent authority; this prohibition shall not concern the consultation of organisations, such as chambers of commerce or social partners, on matters other than individual applications for authorisation, or a consultation of the public at large;
 - f) An obligation to provide or participate in a financial guarantee or to take out insurance from a provider or body established in Bosnia and Herzegovina (*meaning that financial*

guarantees or insurances subscribed in a body established in another country - but offering coverage for activities in Bosnia and Herzegovina - would not be accepted).

- g) An obligation to have been pre-registered, for a given period, in the registers held in their territory or to have previously exercised the activity for a given period in Bosnia and Herzegovina.
5. Please identify whether the legal system makes access to a service activity or the exercise of it subject to compliance with any of the following non-discriminatory requirements and explain the justification behind each of the requirements:
- a) Quantitative or territorial restrictions, in particular in the form of limits fixed according to population or of a minimum geographical distance between providers;
 - b) An obligation on a provider to take a specific legal form – if so, please indicate the specific legal forms required and their main characteristics;
 - c) Requirements which relate to the shareholding of a company or voting rights – if so, please indicate the sectors in which this is the case;
 - d) Requirements, other than those concerning matters covered by Directive 2005/36/EC or provided for in other EU instruments, which reserve access to the service activity in question to particular providers by virtue of the specific nature of the activity;
 - e) A ban on having more than one establishment in the territory of Bosnia and Herzegovina;
 - f) Requirements fixing a minimum number of employees;
 - g) Fixed minimum and/or maximum tariffs with which the provider must comply – if so, please indicate the sectors in which this is the case;;
 - h) An obligation on the provider to supply other specific services jointly with his service.
6. Please indicate whether the legal system restricts the exercise of service activities jointly or in a partnership and eventually explain the justification for such restriction.
7. Please indicate whether the provisions establishing an obligation for service providers to subscribe to professional liability insurance recognise the equivalent insurance or guarantee requirements from the home country of the provider.
8. What comparisons has Bosnia and Herzegovina drawn between its laws governing the entry and employment of third country nationals as "key personnel" and the laws in force in the EU? Please provide an overview of differences between domestic and EU law governing this issue in tabular form.
9. On the regime applicable to cross-border service providers: Is it possible for an individual or company established in an EU Member State to provide services on the territory of Bosnia and Herzegovina without establishing a subsidiary there? Does the legislation distinguish between the requirements applicable to EU companies wishing to provide services from an establishment in Bosnia and Herzegovina and those who wish to provide cross-border services there from an establishment in an EU Member State? If it does, what is the distinction? Please provide examples by sectors.
10. PSCs: Is there a point of single contact (PSC), where the information on requirements applicable to companies who wish to provide services is available electronically? If yes, does information on requirements applicable which is available in the PSC make a difference between requirements applicable to service providers established in Bosnia and Herzegovina and those providing cross-border services from an establishment in a different State (see question above)?

11. Are service providers able to complete by electronic means any procedures that may be deemed necessary for the provision of a service?

B. Authorisation schemes

12. "Authorisation scheme" means any procedure under which a provider or recipient is in effect required to take steps in order to obtain from a competent authority a formal decision, or an implied decision, concerning access to a service activity or the exercise thereof. What are the main horizontal or sector-specific authorisation schemes which apply to all businesses wishing to trade in, or with, Bosnia and Herzegovina? If yes, for each of the authorisation schemes please specify the following:
 - a) What is the justification in policy terms for each of the authorisation schemes?
 - b) For these authorisation schemes, describe in detail the procedure for obtaining the authorisations in question. How long does it take to obtain each of the identified authorisations?
 - c) Is there a fee for the authorisations? If so, please provide information on its amount. In case of different fees applicable by sector/type of activity, please provide a full list of fees.
 - d) Is the licensing requirement combined with mandatory membership of a chamber of commerce, trade association or other body? If this membership involves a fee, please provide information on its amount.
 - e) What are the requirements which have to be met to obtain a licence or authorisation? To what extent are requirements which the business has already fulfilled in its state of establishment taken into account?

III. POSTAL SERVICES

A. General legal framework

13. To what extent is the legal framework regarding postal services aligned with the relevant EU *acquis* (Directive 97/67/EC as amended by Directive 2002/39/EC and Directive 2008/06/EC)? Please provide details about the license regime; universal service provision; reserved area; requirements for tariff principles; transparency and separation of accounts for service providers; quality of service standards for postal services (e.g. EN 13850); establishment of an independent National Regulatory Authority for the postal sector.
14. Are there any plans to modify the existing legislation and/or to restructure the postal services? Please give details and timetables.

B. Universal Service Obligations (USO)

15. What is the scope of universal postal service in Bosnia and Herzegovina?
 - a) How often is post required to be delivered under the universal service obligation?
 - b) Are postal services exempted from VAT, and what is the scope of the exemption?
 - c) What are the standards of quality of service (target objectives for transit time performance)?
 - d) Are there any rules that require a certain number of access points and points of contact (post boxes and post offices)? Please specify.

e) Are there exceptions to the USO? Please specify.

C. Licensing and authorisations regime

16. How is the licensing regime applied in Bosnia and Herzegovina, in particular the granting, supervision and withdrawal of general authorisations and individual licenses (please refer to Article 9 of the Postal Services Directive)?
17. How many postal operators are there? If possible please indicate the type of services they provide (letter, parcel etc.).

D. Reserved area

18. Is there a reserved area? If so, are reserved services operating as a *de facto* monopoly or are they defined through the postal services legislation?
19. In case of the latter situation, how are the relevant requirements defined in the legislation?

E. Universal Service Provider (USP)

20. How are the obligations of the USP defined in the country? When was the relevant legal framework adopted and what form does it take? Please list the relevant provisions.
21. How many Universal Service providers are there and what is the scope of their coverage?
22. How is the provision of the universal service by USP supervised, in particular regarding the granting of any exceptions or derogations from the universal service requirements? Is this supervision exerted by an NRA (National Regulatory Authority) or other supervising authorities?
23. Is partial or full privatisation of the USP envisaged?

F. Tariffs for Universal Service

24. Describe the tariff structure for the Universal Service and the way in which this is defined, including any relevant legal provisions.

G. Accounting

25. Are systems for the supervision and control of accounting requirements for universal service providers (systems for cost accounting and accounting separation) already in place? If not, what are the time schedules for their implementation?

H. Quality of Service

26. Who sets the quality standards for service providers and supervises them?
27. Is the performance of the universal service providers (measuring quality of service against the standards set for domestic and cross-border mail and ensuring corrective action is taken when necessary) periodically monitored? If not by the National Regulatory Authority (NRA), by whom?

I. Complaints procedures

28. What main measures have been taken to establish complaint procedures? Who has to establish a complaint procedure scheme (e.g. only USP, USP and other postal services providers, etc.)?

J. National Regulatory Authority

29. Has any National Regulatory Authority for the postal sector been established? If yes, please answer the following questions for any NRA established in the country and provide an overview of the legal acts that establish them and regulate their functioning.
30. Is the NRA an autonomous body? To what extent is it independent from universal services providers? How and to what extent is its operational independence ensured?
31. Please provide information on the organisation of the Authority, including the number of its staff. Are there any plans to strengthen the human resources (in terms of full-time equivalent) dealing with postal services available to this body? If yes, please provide the expected timeline.
32. Has the NRA been assigned responsibilities similar to those defined in the postal *acquis* in respect to European NRAs?
33. What are the nomination and selection procedures and terms of office of the NRA's head? What are the NRA's powers?
34. Are there several regulatory bodies dealing with different aspects of postal services, e.g. specific regulatory issues, tariff regimes and prices, market competition, etc.? If yes, please specify which body is responsible for each regulatory issue and provide reference to the legal acts governing their establishment and functioning.

IV. MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

A. Training

35. What is the duration and the content (curricula) of the training leading to access to the profession and/or the professional activities of doctor, nurse responsible for general care, dentist, midwife, veterinary surgeon, pharmacist and architect, given the requirements set out for the mentioned professions in Title III Chapter 3 (articles 24, 25, 28, 31, 34, 35, 38, 40, 44 and 46) of Directive 2005/36/EC on the recognition of professional qualifications?
36. Are the dental profession and the medical profession two legally distinct professions? Please provide details.
37. Does the profession of midwife exist as a specific profession, legally distinct from nurses and doctors? Please provide details.

B. Practice of the profession/professional activity

38. Which professions/professional activities are regulated by the legislation (see definition of regulated professions in Article 3(1)(a) of Directive 2005/36/EC)? What is the scope of the professional field of activities?
39. How are these professions regulated? Does the regulation reserve specific activities to qualified persons? Is the title of the profession protected as well?

40. What are the activities that are reserved to each one of the professions that are regulated?
41. For which professions is access reserved only to nationals of Bosnia and Herzegovina and for what reasons is such reservation introduced?
42. For each regulated profession, which is the regulating authority? Is there a supervisory body?
43. For each regulated profession, is registration with a Chamber necessary?
44. Is there a specific regime for recognition of foreign professional qualifications?
45. Is there any differentiation in the legislation between recognition of professional qualifications and recognition for academic purposes, i.e., recognition with a view to pursuing additional studies in Bosnia and Herzegovina?
46. What are the plans for the alignment of the legislation with the EU Directives on lawyers (Directives 77/249/EEC and 98/5/EC)?
47. What are the plans for the alignment of the legislation with the EU Directives on toxic products 74/556/EEC and 74/557/EEC?

C. Administrative structures

48. Please describe the administrative structures and procedures for granting recognition of foreign professional qualifications in Bosnia and Herzegovina.
49. To what extent is it possible to complete administrative procedures electronically?

CHAPTER 4: FREE MOVEMENT OF CAPITAL

Member States must remove, with some exceptions, all restrictions on movement of capital both within the EU and between Member States and third countries. The *acquis* is based on the Treaty on the Functioning of the European Union, in particular Articles 63-66. The definition of the different types of capital movements relies on Annex I of Directive 88/361/EEC. Relevant case-law of the European Court of Justice and Commission Communications 97/C220/06 and 2005/C293/02 provide additional interpretation of the above Articles.

The *acquis* also covers a substantial set of rules on payments. The main law - Directive 2007/64/EC on payment services in the Internal Market (PSD) and its successor, Directive (EU) 2015/2366 – PSD2, which will start applying from 13 January 2018, are the legal foundations for the creation of an EU-wide single market for payments. The PSD/PSD2 establishes a modern and comprehensive set of rules applicable to all payment services, national and cross-border, in the European Union. The target is to make cross-border payments as easy, efficient and secure as 'national' payments within a Member State, while at the same time enhancing rights of the payment service users. The PSD/PSD2 also seeks to improve competition by opening up payment markets to new entrants, thus fostering greater efficiency and cost-reduction. At the same time the Directive provides the necessary legal platform for the Single Euro Payments Area (SEPA).

From the technical perspective, specific rules for pan-European credit transfers and direct debits in euro are set in the Regulation (EU) 260/2012 – the SEPA Regulation. In terms of charges for payment services, Regulation (EC) No 924/2009 on cross-border payments in the EU eliminates the differences in charges for cross-border and national payments in euro up to the amount of EUR 50.000. It applies to all electronic payments (credit transfers, direct debits, payments by means of debit and credit cards and cash withdrawals at cash dispensers).

Directive 2009/110/EC⁵ on the taking up, pursuit of and prudential supervision of the business of electronic money institutions complements the PSD/PSD2 and enables the use of electronic money within the EU by setting the rules concerning the authorisation and operations of e-money institutions. E-money institutions are the third category of payment service providers, aside the traditional credit institutions (banks) and payment institutions (created by the PSD).

Regulation (EU) 2015/751 regulates interchange fees for card-based payment transactions and imposes several business rules on all card schemes operating in the EU.

Directive 2005/60/EC⁶ (which repeals Directive 91/308/EEC, as amended by Directive 2001/97/EC) requires entities subject to the Directive to apply customer due diligence and to report suspicious transactions, as well as to take relevant supporting measures, such as record keeping, training and establishing internal procedures. A key requirement to combat financial crime is the creation of effective administrative and enforcement capacity, including cooperation between supervisory, law enforcement and prosecutorial authorities. The Directive aligns with and goes beyond the relevant 40 Recommendations on money laundering and nine Special Recommendations on terrorist financing of the Financial Action Task Force (FATF). In addition to Directive 2005/60/EC, the *acquis* in this area also comprises Commission Directive 2006/70/EC⁷, and Regulation (EC) 1781/2006⁸. Those legal acts are being replaced by a new

⁵ Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7)

⁶ Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing. person' and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis

⁸ Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on

AML/CFT framework following the adoption of Directive 2015/849⁹ (4th AML Directive) and Regulation 2015/847¹⁰ (Funds Transfer Regulation), which shall be transposed on 26 June 2017.

In this context it is very important to note that the Commission on 14 July 2016 has put Bosnia and Herzegovina on the list of high-risk countries in accordance with Article 9 of the Directive 2015/849¹¹, which means this country has very important deficiencies on AML.

The acquis also covers Regulation (EC) 1889/2005¹², as well as two Council of Europe (CoE) Conventions (CETS 141 and 198¹³) and EU legislation on judicial and police cooperation (including the Joint Action 98/699/JHA of 3 December 1998, the Council Framework Decision 2001/500/JHA and the Protocol of 30 November 2000 extending Europol's competence to money laundering). In addition, Council Decision 2000/642/JHA of 17 October 2000 and Directive 2015/849 set out arrangements for cooperation between Financial Intelligence Units (FIUs) of the Member States.

The Stabilisation and Association Agreement already lays down specific obligations in the areas covered by this Chapter. When answering the questions below, please make reference to the state of implementation of such obligations.

I. CAPITAL MOVEMENTS AND PAYMENTS

1. Please indicate how does the legislation define the distribution of competences on free movement of capital between different levels of governance and describe which institutions are competent on the issue.
2. On the basis of the attached tables, please indicate the situation for each type of capital transaction (whether the transaction has been liberalised, any conditions attached to the liberalisation, authorisation procedures, applicable domestic legislation, etc.).
3. What are the plans and timetables for complete liberalisation of medium and long-term capital movements? Please distinguish between decisions already adopted, measures programmed, and conditional measures.
4. Please describe the key features of the legislation on foreign exchange operations.
5. Please comment on the strategy for liberalisation of short-term capital movements. How is this strategy linked to other economic developments? How consistent is it with other policy objectives, in particular that of the exchange rate? Given experience elsewhere, are excessive inflows not considered more likely than initial outflows? Which instruments are available to manage inflows?
6. On current account convertibility, has Bosnia and Herzegovina accepted IMF Article VIII status? If not, can Bosnia and Herzegovina provide information on what are the remaining technical issues?

information on the payer accompanying transfers of funds.

⁹ OJ L 141, 5.6.2015,73.

¹⁰ OJ L 141, 5.6.2015, p. 1.

¹¹ Annex 1 to the Commission delegated decision 2016 C(2016) 4180 final of 14 Jul 2016

¹² Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the EU.

¹³ Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (so-called Strasbourg Convention; CETS 141); Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (Warsaw Convention; CETS 198).

7. What are the obligations of the State regarding bonds issued for payment of frozen foreign exchange deposits: principal/interest? What is the market value of these bonds (in percentage)? What can these bonds be used for?
8. What has been the contribution of foreign direct investment (FDI) to the development of the economy? Are there any restrictions applied to FDI? What was the size of FDI inflows (annual and *per capita*) over the last five years? What is the size of FDI stocks? For both flow and stocks, what were the originating countries and into which sectors was it mainly channelled? What share has been brown-field (e.g. in the context of privatisation) and what share green-field investment?
9. Please comment on privatisations of state-owned enterprises (SOEs) in the past and those envisaged in the future.¹⁴ Please provide a brief overview of the completed privatisation processes so far, the main setbacks that occurred during the same time, and discussion of how the country authorities intends to address these setbacks in the future and complete the privatisation process, including a time-line. Which sectors are involved? Do public authorities maintain any special rights (e.g. 'special shares', representation on the board of directors, veto rights on important decisions) in privatised companies? How many residual shares do public authorities own in privatised companies? Who/which institution is in charge of their management? How are public authorities represented in companies where they owns shares? Is there a strategy or an action plan for the management of State capital?
10. Is the financial system sufficiently developed to cope with the greater freedom of capital movements? What are the implications for financial supervision? Is there a clear division of competencies among the authorities that are in charge of financial supervision? Please provide details.
11. Does a substantial inflow of capital provide the opportunity for a more balanced opening of the capital account, by allowing residents to invest abroad? In this context, what are the investment rules applied to institutional investors (e.g. pension funds) regarding investment in foreign securities?
12. Please explain in detail the nature and scope of restrictions on the acquisition of real estate by foreigners (i.e. natural and legal persons from the EU and third countries) in Bosnia and Herzegovina. Please provide details on how the right of foreigners to acquire real estate is regulated by domestic legislation. Please indicate any plans for legislative changes in this area, and the tentative timeline.
13. Please outline considerations involved in plans for the eventual liberalisation of inward investment in real estate in Bosnia and Herzegovina, distinguishing, if appropriate, between agricultural, forest, industrial, residential (urban, rural, coastal), security areas. In this context, what progress has been made on the establishment of a land register?
14. Are there investment agreements with third countries which provide for pre-establishment access of investments? With which countries have investment agreements been concluded? Please provide relevant information on dates of ratification, initial terms of agreements, automatic renewal procedures, and periods for which acquired rights exist. Do such agreements include a regional economic integration organisation clause? Which sectors are normally excluded (e.g. aviation, maritime transport, fishing, audiovisual, etc.) from such agreements? (*c.f. chapter 30 - external relations*)

¹⁴ Please refer to the Organisation for Economic Co-operation and Development (OECD) definition of SOEs, i.e. enterprises where the state has significant control through full, majority, or significant minority ownership. Please include both SOEs which are owned by the central government, as well as SOEs owed by regional and local governments.

II. PAYMENT SYSTEMS

15. What are the general rules governing non-cash payments in Bosnia and Herzegovina?
16. What are the general conditions applicable for cross-border payments between Bosnia and Herzegovina and other countries, in particular EU Member States? Are they different from those concerning national payments? If yes, describe main differences.
17. Are banks the only authorised institutions to execute payment transactions? If not, what other institutions are authorised to perform them? Explain the process and requirements to be fulfilled to grant an authorisation to a non-bank institution, if applicable.
18. Is the information on the conditions governing the use of payment services fully transparent and easily available for payment service users? Are financial institutions required to inform their customers on these conditions? If yes, describe in detail the information that needs to be provided by financial institutions.
19. Are financial institutions required to supply their customers with information (a) prior, (b) subsequent to a payment transaction (either single transaction or a transaction covered by a framework contract)? If yes, describe the information that needs to be provided.
20. Are there any specific rules concerning charges for payment services? Are they regulated in any way? If yes, please describe.
21. What are the rules concerning the authorisation of the payment transaction? Are there specific rules concerning liability for an unauthorised payment transaction? Are there rules concerning the revocability of a payment order? Please describe them.
22. What are the rules in the case of non-execution of a payment or an execution differing from the instructions given by the customer? Are there different rules for national and cross-border payments? Is there any compensation foreseen for the customer?
23. Are there time limits and value dates for executing payment transactions? If yes, please describe them (for national and cross-border transactions). Is there compensation to the payment service user if the deadline limit, value date or the deadline agreed is not complied with?
24. Is there a complaint system in place for the settlement of disputes between the customers and the payment service providers? If yes, explain the system. Are the competent authorities appointed to ensure the compliance with the payments law and to deal with complaints? If yes, explain their competences.
25. Is there an out-of-court redress procedure available? If yes, explain it. Please also refer to legislation governing out-of-court redress in payment system-related settlement of disputes.

III. FIGHT AGAINST MONEY LAUNDERING AND TERRORIST FINANCING

26. Regarding alignment with Regulation (EU) No 648/2012 and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, please respond to the following questions:
 - a) How has money laundering/financing of terrorism been criminalised, which criminal activities are covered by the law and how is money laundering/financing of terrorism defined? What are the penalties? Is self-laundering criminalised?

- b) Which institutions and professions are covered by the legislation and with regard to which activities?
 - c) How and by which competent authority is the integrity of the institutions and professions mentioned under b) checked?
 - d) When/in which situations do customers and beneficial owners have to be identified and verified and which means of identification are accepted? Specify any special measures for non face-to-face account opening or transactions;
 - e) Specify if bearer passbooks or other bearer instruments are allowed in Bosnia and Herzegovina;
 - f) When and what do the institutions and professions mentioned under b) precisely have to report to the FIU (Financial Intelligence Unit) with regard to money laundering/financing of terrorism? Do supervisory or other competent authorities also have to report to the FIU in this respect? Are the reporting institutions forbidden to tipoff clients that information has been or will be reported to the FIU? Does the sanction regime cover tipping off?
 - g) Are the institutions and professions mentioned under b) required to keep records? Specify the contents of that requirement (which documents, retention period etc.);
 - h) Are the institutions and professions mentioned under b) required to apply internal procedures and training of employees with regard to money laundering/financing of terrorism? Specify the measures;
 - i) Specify if the institutions and professions mentioned under b) are supervised with regard to the requirements mentioned under c) to h) and to what extent?
 - j) In what way do competent authorities have to give feedback to the institutions and professions mentioned under b) (specific/case-by-case feedback, general feedback, other)?
 - k) What penalties exist with regard to infringements of the anti-money laundering/financing of terrorism legislation? Apart from administrative sanctions for breaches of anti-money laundering and counter terrorism financing (AML/CTF) law, are there other sanctions in place for AML/CTF breaches, such as criminal prosecution, removal of licence etc.?
27. Please elaborate on the functioning of the FIU, the supervisory authorities and the law enforcement authorities with regard to, inter alia, available resources (staff and budget), operational powers, independence, (inter-)national co-operation between competent authorities and the results achieved in terms of suspicious transactions reports received, supervisory investigations (including detected infringements, sanctions imposed), freezing/seizing orders, financial investigations, confiscations and prosecutions/indictments/convictions.
28. Does Bosnia and Herzegovina demonstrate a high level political commitment to implement Financial Action Task Force (FATF) Recommendations? Has an Action Plan been produced in that regard and if yes:
- a) Which measures are foreseen, and over what time-line?
 - b) How has the FATF Action Plan been implemented?
 - c) Are there bodies in charge to supervise implementation?
29. Is there a regulation preventing the use of the financial system for the purpose of money laundering/financing of terrorism? Describe the main elements of it.

Bosnia and Herzegovina

Arrangements applicable to Capital movements
 Situation as of (month) (year)

Type of transaction	Legislation reference	Description of the current regime
I. DIRECT INVESTMENTS ¹¹		
A. Direct investments on national territory by non-residents		
B. Direct investments abroad by residents		
II. INVESTMENTS IN REAL ESTATE (not included under I)		
A. Investments in real estate on national territory by non-residents		
B. Investments in real estate abroad by residents		

III. OPERATIONS IN SECURITIES NORMALLY TRADED ON THE CAPITAL MARKET (not included under I, IV and V) ¹²		
A. Transactions in securities on the capital market		
1. Acquisition by non-residents of domestic securities traded on a stock exchange		
2. Acquisition by residents of foreign securities traded on a stock exchange		
3. Acquisition by non-residents of domestic securities not traded on a stock exchange		
4. Acquisition by residents of foreign securities not traded on a stock exchange		
B. Admission of securities to the capital market		
1. Admission of domestic securities to a foreign capital market		
2. Admission of foreign securities to the domestic capital market		

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a) Shares and other securities of a participating nature.

b) Bonds

IV. OPERATIONS IN UNITS OF COLLECTIVE INVESTMENT UNDERTAKINGS ¹⁵		
A. Transactions in units of collective investment undertakings		
1. Acquisition by non-residents of units of national undertakings traded on a stock exchange		
2. Acquisition by residents of units of foreign undertakings traded on a stock exchange		
3. Acquisition by non-residents of units of national undertakings not traded on a stock exchange		
4. Acquisition by residents of units of foreign undertakings not traded on a stock exchange		

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- a) Units of undertakings for collective investment in securities normally traded on the capital market (shares, other equities and bonds).
- b) Units of undertakings for collective investment in securities or instruments normally traded on the money market.
- c) Units of undertakings for collective investment in other assets.

B. Admission of units of collective investment undertakings to the capital market		
1. Admission of units of national collective investment undertakings to a foreign capital market		
2. Admission of units of foreign collective investment undertakings to the domestic capital market		

V. OPERATIONS IN SECURITIES AND OTHER INSTRUMENTS NORMALLY TRADED ON THE MONEY MARKET

A. Transactions in securities and other instruments on the money market		
1. Acquisition by non-residents of domestic money market securities and instruments		
2. Acquisition by residents of foreign money market securities and instruments		

B. Admission of securities and other instruments to the money market		
1. Admission of domestic securities and instruments to a foreign money market		
2. Admission of domestic securities and instruments to a foreign money market		

VI. OPERATIONS IN CURRENT AND DEPOSIT ACCOUNTS WITH FINANCIAL INSTITUTIONS		
A. Operations carried out by nonresidents with domestic financial institutions		
B. Operations carried out by residents with foreign financial institutions		

VII. CREDITS RELATED TO COMMERCIAL TRANSACTIONS OR TO THE PROVISION OF SERVICES IN WHICH A RESIDENT IS PARTICIPATING		
A. Credits granted by nonresidents to residents		
1. Short-term (less than one year)		
2. Medium-term (from one to five years)		
3. Long-term (five years or more)		
B. Credits granted by residents to non-residents		
1. Short-term (less than one year)		
2. Medium-term (from one to five years)		
3. Long-term (five years or more)		

VIII. FINANCIAL LOANS AND CREDITS		
A. Loans and credits granted by non-residents to residents		
1. Short-term (less than one year)		
2. Medium-term (from one to five years)		
3. Long-term (five years or more)		
B. Loans and credits granted by residents to non-residents		
1. Short-term (less than one year)		
2. Medium-term (from one to five years)		
3. Long-term (five years or more)		

IX. SURETIES, OTHER GUARANTEES AND RIGHTS OF PLEDGE		
A. Granted by non-residents to residents		
B. Granted by residents to nonresidents		
X. TRANSFERS IN PERFORMANCE OF INSURANCE CONTRACTS		
A. Premiums and payments in respect to life insurance		
1. Contracts concluded between domestic life insurance companies and non-residents		
2. Contracts concluded between foreign life insurance companies and residents		

B. Premiums and payments in respect of credit insurance		
1. Contracts concluded between domestic credit insurance companies and non-residents		
2. Contracts concluded between foreign credit insurance companies and residents		
C. Other transfers of capital in respect of insurance contracts		

XI. PERSONAL CAPITAL MOVEMENTS		
A. Loans		
B. Gifts and endowments		
C. Dowries		
D. Inheritances and legacies		
E. Settlements of debts by immigrants in their previous country of residence		
F. Transfers of assets constituted by residents, in the event of emigration, at the time of their installation or during their period of stay abroad		
G. Transfers, during their period of stay, of immigrants' savings to their previous country of residence		

XII. PHYSICAL IMPORT AND EXPORT OF FINANCIAL ASSETS		
A. Securities		
B. Means of payment of every kind		
XIII. OTHER CAPITAL MOVEMENTS		
A. Death duties		
B. Damages (where these can be considered as capital)		
C. Refunds in the case of cancellation of contracts and refunds of uncalled-for payments (where these can be considered as capital)		
D. Authors' royalties: patents, designs, trademarks, etc.		
E. Transfer of the monies required for the provision of services (not included under VI)		
F. Miscellaneous		

EXPLANATORY NOTES

For the purposes of this nomenclature the following expressions have the meanings assigned to them respectively:

Direct investments

Investments of all kinds by natural persons or commercial, industrial or financial undertakings, and which serve to establish or to maintain lasting and direct links between the person providing the capital and the entrepreneur to whom or the undertaking to which the capital is made available in order to carry on an economic activity. This concept must therefore be understood in its widest sense. The undertakings mentioned under I-1 of the Nomenclature include legally independent undertakings (wholly-owned subsidiaries) and branches.

As regards those undertakings mentioned under I-2 of the Nomenclature which have the status of companies limited by shares, there is participation in the nature of direct investment, where the block of shares held by a natural person of another undertaking or any other holder enables the shareholder, either pursuant to the provisions of national laws relating to companies limited by shares or otherwise, to participate effectively in the management of the company or in its control. Long-term loans of a participating nature, mentioned under I-3 of the Nomenclature, means loans for a period of more than five years which are made for the purpose of establishing or maintaining lasting economic links. The main examples which may be cited are loans granted by a company to its subsidiaries or to companies in which it has a share and loans linked with a profit-sharing arrangement. Loans granted by financial institutions with a view to establishing or maintaining lasting economic links are also included under this heading.

Investments in real estate

Purchases of buildings and land and the construction of buildings by private persons for gain or personal use. This category also includes rights of usufruct, easements and building rights.

Introduction on a stock exchange or on a recognised money market

Access - in accordance with a specified procedure - for securities and other negotiable instruments to dealings, whether controlled officially or unofficially, on an officially recognised stock exchange or in an officially recognised segment of the money market.

Securities dealt in on a stock exchange (quoted or unquoted)

Securities the dealings in which are controlled by regulations, the prices for which are regularly published, either by official stock exchanges (quoted securities) or by other bodies attached to a stock exchange - e.g. committees of banks (unquoted securities).

Issue of securities and other negotiable instruments

Sale by way of an offer to the public.

Placing of securities and other negotiable instruments

The direct sale of securities by the issuer or by the consortium which the issuer has instructed to sell them, with no offer being made to the public.

Domestic or foreign securities and other instruments

Securities according to the country in which the issuer has his principal place of business. Acquisition by residents of domestic securities and other instruments issued on a foreign market ranks as the acquisition of foreign securities. Shares and other securities of a participating nature, including rights to subscribe to new issues of shares and bonds. Negotiable securities with a maturity of two years or more from issue for which the interest rate and the terms for the

repayment of the principal and the payment of interest are determined at the time of issue.

Collective investment undertakings

Undertakings:

- the object of which is the collective investment in transferable securities or other assets of the capital they raise and which operate on the principle of risk-spreading, and
- the units of which are, at the request of holders, under the legal, contractual or statutory conditions governing them, repurchased or redeemed, directly or indirectly, out of those undertakings' assets. Action taken by a collective investment undertaking to ensure that the stock exchange value of its units does not significantly vary from their net asset value shall be regarded as equivalent to such repurchase or redemption. Such undertakings may be constituted according to law either under the law of contract (as common funds managed by management companies) or trust law (as unit trusts) or under statute (as investment companies). For the purposes of this nomenclature, 'common funds' shall also include unit trusts.

Securities and other instruments normally dealt in on the money market

Treasury bills and other negotiable bills, certificates of deposit, bankers' acceptances, commercial paper and other like instruments.

Credits related to commercial transactions or to the provision of services

Contractual trade credits (advances or payments by instalment in respect of work in progress or on order and extended payment terms, whether or not involving subscription to a commercial bill) and their financing by credits provided by credit institutions. This category also includes factoring operations.

Financial loans and credits

Financing of every kind granted by financial institutions, including financing related to commercial transactions or to the provision of services in which no resident is participating. This category also includes mortgage loans, consumer credit and financial leasing, as well as back-up facilities and other note-issuance facilities.

Residents or non-residents

Natural and legal persons according to the definitions laid down in the exchange control regulations in force in each Member State.

Proceeds of liquidation (of investments, securities, etc.)

Proceeds of sale including any capital appreciation, amount of repayments, proceeds of execution of judgements, etc.

Natural or legal persons

As defined by the national rules.

Financial institutions

Banks, savings banks and institutions specialising in the provision of short-term, medium-term and long-term credit, and insurance companies, building societies, investment companies and other institutions of like character.

Credit institutions

Banks, savings banks and institutions specialising in the provision of short-term, medium-term and long-term credit.

Arrangements applicable to Capital Movements (Annex to main monitoring table section I.A.)

Restrictions on direct investment by non-residents under sector specific legislation

Sector	National legislation (reference number, date of entry into	Managing authority / competent ministry	Description of relevant provisions / legal citation (bans, ceilings, authorisation or licensing procedures ... regardless of possible justification)	Comments (e.g. possible justification for restriction in the light of reservations set out in the annexes of the Agreement legislation in the pipeline)
Example: Postal services	Post Law, law n°. / year, OJ p....., date of entry into force	Ministry of	Section x, § y of the Post Law provides for - a ceiling of x % of foreign participation, - an authorisation procedure including the following criteria:.	A draft law providing for the following amendments is currently pending before Parliament.
Agriculture				
Alcohol				
Banking				

Note: This is an indicative and not necessarily exhaustive list. Sectors which are not mentioned explicitly should be cited in the last row 'any other'

Betting (see also gambling, lotteries)				
Broadcasting				
Brokerage				
Coffee products				
Construction services				
Energy and power production				
Fishing				
Forests				
Gambling (see also lotteries)				
Hotels				
Hunting				

Imported goods & services (e.g. agencies)				
Insurance companies				
Investment companies				
Land development				
Lotteries				
Legal / Notary services				
Management companies				
Mass Media (see also print media)				
Mining				
Narcotics				
National security & defence				

Natural reservations				
Natural resources				
Postal services				
Print media (see also mass media)				
Quarrying				
Security services				
Stock Exchange / Securities				
Tele-communication				
Tertiary education				
Tobacco				

Transport (air-, maritime-, railway- and other and related services)				
Any other (e.g. privatised companies/ special rights)				

CHAPTER 5: PUBLIC PROCUREMENT

The *acquis* on public procurement is based on the **general principles** deriving from the Treaties and from the jurisprudence of the European Court of Justice such as transparency, equal treatment, free competition and non-discrimination. These principles apply to all procurement procedures including those falling outside the scope of the EU public procurement Directives, if the procurement presents a cross-border interest (for example, those below the EU public procurement thresholds).

In the EU, the rules on public procurement are set out in the following Directives: Directive 2014/24/EC on public procurement; Directive 2014/25/EC on procurement by entities operating in the water, energy, transport and postal service sectors and Directive 2014/23/EC on the award of concessions contracts. Directive 2009/81/EC provides for the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the field of defence and security.

The Directives also provide a framework introducing electronic procurement including electronic means of communication, dynamic purchasing systems and electronic auctions. The rules on the contracts covered and on advertising are complemented by separate regulations on the Common Procurement Vocabulary (CPV) and on standard forms for publication.

Compliance with the public procurement directives requires an adequate implementation capacity. In particular, there is need for appropriate administrative structures at central level to ensure the key functions of policy-making, drafting of primary and secondary legislation, provision of operational tools, help-desk, monitoring and statistics as well as controls in a coherent manner for all areas related to public procurement. Moreover, contracting authorities/entities at all levels have to possess the necessary administrative capacities to allow for an effective implementation of the public procurement rules.

The effective application and enforcement of EU public procurement legislation depends on the existence of an appropriate administrative and judicial system in the Member States. The EU public procurement *acquis* consists of two directives on **remedies**: Directive 89/665/EEC for the public sector and Directive 92/13/EEC concerning the utilities sector, both modified by Directive 2007/66/EC. The remedies directives contain requirements for the establishment of effective review procedures against any action or inaction of contracting authorities/entities liable to produce legal effects in tenders covered by the directives. The procedures need to guarantee access to independent review, including the powers to adopt interim measures and award damages. Review bodies have to be equipped with the adequate capacity to guarantee the effectiveness of the system as a whole. Furthermore, in line with the principle of judicial protection deriving from the Treaties, the availability of remedies is also required outside the scope of application of the directives.

The Stabilisation and Association Agreement already lays down specific obligations in the areas covered by this Chapter, especially in the Article 74 of the Agreement. When answering the questions below, please make reference to the state of implementation of such obligations.

I. REGULATORY FRAMEWORK FOR PUBLIC PROCUREMENT

1. Please provide the translated texts of the legislative acts in force in the field of public procurement throughout Bosnia and Herzegovina. Please provide an explanation about these acts and about their compliance with the relevant EU legislation. Provide an overview table with the discrepancies between the domestic and EU legislation in this field. Please inform about the plans to align the public procurement rules in Bosnia and Herzegovina with the EU acquis, including a tentative timeline.
2. How are general principles of transparency, equal treatment, competition and non-discrimination integrated in the legislative framework on public procurement?
3. Please provide the definitions used in the public procurement legislation, among others the definitions of public contract and of contracting authority and/or contracting entity as understood under the EU public procurement rules.
4. Does the legislation cover concessions and private public partnerships (PPPs)? Please explain the procedures foreseen in these cases.
5. Please explain the reasons for eventual exclusion of other types of public procurement from the scope of the public procurement legislation of Bosnia and Herzegovina and how such provisions are in compliance with the relevant EU legislation. Please explain the different procedures foreseen in the legislation and rules governing the choice of these procedures.
6. What are the legislative provisions on splitting tenders into lots?
7. Please provide a table with the relevant thresholds stated in the legislation and a description of the procedure that shall be followed for each of them.
8. Are all tenders above a certain threshold published before the launching of the procedure? What are the types of information that the legislation requires to be included in notices of invitation to tender?
9. Please list the selection criteria which may be deployed in tender procedures.
10. What are the rules for defining the technical specifications?
11. What are the award criteria used in tender procedures, and are they dependent on the type of procedure used? Please provide us with data about them. Please provide an overview table with the award criteria for each procedure.
12. Does the legislation allow awarding public contracts considering criteria other than price? If so, which are the other criteria that can be used? Does the legislation foresee the possibility that contracting authorities and/or contracting entities (as understood under the EU public procurement rules) base their decisions on the most economically advantageous tender?
13. Does the legislation require a clear distinction between the exclusion, selection and award criteria?
14. Are there any local, regional or national preferences schemes? If yes, what do they consist of?

15. How are corruption/conflict of interest aspects and related questions taken into consideration by existing legislation? Please list the exclusion criteria in this respect in the tender procedures and state whether they are mandatory or their deployment depends on the contracting authority.
16. In how many cases did contracting authorities reject a tender/cancel the procedure/withdraw from the conclusion of the contract for the reasons of corruptive practices over the last 5 years? Are there any statistical data or examples available? What are the most frequent reasons for the said actions?
17. In how many cases did public officials dealing with procurement signal the existence of a conflict of interest over the last 5 years? Are there any statistical data or examples available?
18. How does Bosnia and Herzegovina regulate the award of public contracts in the area of defence and security?
19. Is there a public procurement strategy and action plan in place? If yes, please explain the scope and the timeframe of the strategy and the mechanisms for monitoring its implementation. Please provide a translated copy of the Strategy.

II. INSTITUTIONAL SET-UP (ADMINISTRATIVE CAPACITY)

20. How is the distribution of competences defined between different levels of governance on public procurement policy? Please describe which domestic institutions are competent on public procurement policy, and their institutional set-up.
21. What are the tasks and powers of these bodies? Do they have the necessary institutional capacity to carry out their tasks? Please provide their organisation chart and the number of staff employed.
22. Please inform about the responsibilities and activities related to monitoring of procurement procedures.
23. Please inform about the activities which the relevant authorities conducted in the area of guidance and training.
24. Are there centralised purchasing bodies set up in Bosnia and Herzegovina? If so, please provide information on their setup and the activities conducted.

III. PUBLICATION

25. Where do contracting authorities and/or contracting entities (as understood under the EU public procurement rules) publish tender notices?
26. Are there publication obligations for award notices? If yes, do they apply for all types of award notices?
27. Are there any legal requirements regarding the publication of signed contracts and contract amendments?
28. Please provide information on the e-procurement applied in Bosnia and Herzegovina? Is there an electronic portal where the procurement opportunities are published?
29. Please provide data on the features (only publication of notices or e-submission etc.) and the use of these portals, in particular the number and type of notices published.

IV. REMEDIES

30. Please outline the review and remedies system in Bosnia and Herzegovina, including the appeal bodies. What review procedures are available in the event of an infringement of public procurement rules? When and to whom are they available? Are there any fees applicable?
31. Are all types of public procurement contracts, including concessions and public private partnerships, covered by the review and remedies system? If not, what are the available means for review and remedies for those excluded from this system?
32. Which institutions are responsible for the review procedures in the field of public procurement? Are they of administrative or judicial nature? What are the formal means of coordination between the institutions? How is their independence from the contracting authorities ensured? Do they have sufficient institutional capacity to carry out their tasks (number of staff, document management systems in place, etc.)?
33. What powers are conferred on these review institutions? What type of measures/actions can they take? Is it possible for them to take interim measures, set aside or ensure setting aside of decisions taken unlawfully, or award damages to persons harmed by and infringement?
34. Please provide data on the decisions of the procurement review body for the last two years (number of complaints received, type of complaints, value etc.). Please provide data on court judgments regarding cases brought against the public review body decisions.
35. Are the decisions of the review body systematically published?

CHAPTER 6: COMPANY LAW

The chapter includes harmonised rules in the field of company law, including financial reporting requirements, intended to facilitate the exercise of the right of establishment.

In the field of **company law**, the Directive on coordination of safeguards which are required of companies for the protection of the interests of members and third parties (2009/101/EC – former 1st Company Law Directive) includes safeguards providing for mandatory disclosure requirements, limiting the grounds for invalidity of the obligations entered into by companies, as well as limiting the grounds for nullity of public and private limited liability companies. Directive 89/666/EEC (11th Company Law) similarly provides for disclosure requirements in respect of branches opened in a Member State governed by the law of another State. The 2nd Company Law Directive (2012/30/EU - recast of 77/91/EEC) contains rules on the formation of public limited liability companies and the maintenance and alteration of their capital. Directive 2009/102/EC (12th Company Law Directive) requires Member States to ensure that their domestic law recognises single-member limited liability companies.

Directive 2011/35/EU (replacing Directive 78/855/EEC, former 3rd Company Law Directive) and 82/891/EEC (6th Company Law Directive) harmonise national rules for the protection of shareholders and of creditors in the context of domestic mergers and divisions of public limited liability companies. Directive 2009/109/EC introduces simplified reporting and documentation requirements in the case of mergers and divisions. Directive 2005/56/EC (10th Company Law Directive) on cross-border mergers of limited liability companies, provides rules and procedures to facilitate cross-border mergers of public and private limited liability companies. Directive 2004/25/EC (13th Company Law Directive) on takeover bids lays down harmonised rules to facilitate cross-border takeovers within the EU, as well as improving transparency and protecting minority shareholders in the context of such takeovers. Directive 2012/17/EU on the interconnection of central, commercial and companies registers prescribes the establishment of the system of interconnection of business registers, comprising a European central platform through which national business registers will make their information available to cross-border disclosure mechanisms, including the e-Justice portal.

The *acquis* also provides for certain European legal forms, in particular the European Economic Interest Group (EEIG - Regulation 2137/85) and the European Company (*Societas Europaea* or SE - Regulation 2157/2001), while leaving several aspects of their internal structure and operation to be regulated through the domestic law of Member States.

The Shareholders' Rights Directive (2007/36/EC) introduces minimum standards for the exercise of certain rights of shareholders in listed companies. Commission recommendations 2004/913/EC, 2005/162/EC and 2009/385/EC, and 2009/384/EC address corporate governance principles regarding remuneration of directors, the independence of non-executive directors and board committees, and remuneration in financial institutions. Commission Recommendation 2014/208/EU on the quality of corporate governance reporting ('comply or explain') provides guidance on how listed companies should explain their departures from the recommendations of the relevant corporate governance codes.

Directive 2004/109/EC requires harmonisation of transparency requirements related to listed companies.

In the field of **accounting and auditing**, the *acquis* includes recognition, valuation and disclosure rules, and layouts for balance sheets and profit & loss accounts for annual and consolidated statements (Directive 2013/34/EU) of public and private limited liability companies. This directive also sets out which companies have to be audited, as well as publication obligations. In addition, Regulation 2002/1606/EC on the application of international accounting standards

requires EU companies with securities listed on a regulated market to draw up their consolidated financial statements in accordance with international accounting standards that have been endorsed by the EU. Under this Regulation, Member States may also decide to apply International Financial Reporting Standards to the individual and/or consolidated financial statements of companies.

Directive 2006/43/EC on Statutory Audits harmonises rules including inter alia the approval and registration of statutory auditors, external quality assurance, public oversight, auditor independence and the application of International Standards on Auditing (ISAs). Amending Directive 2014/56/EU establishes additional requirements to improve audit quality, with a focus on auditor independence, audit reports and public audit oversight. New Regulation 537/2014/EU introduces specific requirements regarding the statutory audit of public-interest entities (PIEs). PIEs are listed companies, credit institutions, insurance undertakings, and other entities designated as such by Member States. The Regulation also imposes specific requirements on the organisation of the public oversight system of statutory auditors and audit firms that audit PIEs.

I. COMPANY LAW

A. Legal Framework

First Company Law Directive (2009/101/EC) on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 48 of the Treaty, with a view to making such safeguards equivalent

1. To what extent is domestic legislation in Bosnia and Herzegovina aligned with the First Company Law Directive? Please indicate the relevant legislation and provide the concordance table, if available. What are the major discrepancies, if any? What are the reasons for these discrepancies?
2. If domestic legislation is not yet aligned with the Directive, are there plans to that extent? Please indicate the expected timeline.
3. Please provide the full list of company forms to which the rules of the Directive are applicable. (Article 1)
4. Please provide the list of documents and particulars that has to be disclosed under Article 2.
5. Is there one or more electronic business register(s) in Bosnia and Herzegovina? Is it a central register? If not, are there any plans in this respect? Please indicate the expected timeline (Article 2)
6. Can companies file documents and particulars to the register by electronic means? (Article 2)
7. Are documents filed in paper form converted to electronic form by the register in accordance with Article 3(3)?
8. Is the content of the registers accessible by electronic means in accordance with Article 3(4)? Is everyone entitled to consult the register without having to prove a legitimate interest in the enquiry? Is there a fee for consultation?
9. Are any fees charged for issuing certain documents (certificates, copies, transcripts, attestations, notifications) contained in the register? If yes, are these fees limited to cover the administrative costs incurred in issuing such documents or are they set in a different way? What is the procedure for issuing these documents? Please provide an overview of the latter, with the reference to the applicable fees. (Article 3(4))

10. How is the disclosure of documents and particulars carried out? Is there an official gazette? (Article 3(5))
11. According to which rules can third parties rely on the disclosed information? (Article 3(6)-(7))
12. Are companies in Bosnia and Herzegovina required to state in their letters and order forms the data prescribed in Article 5?
13. Are there any penalties or fines imposed on companies if annual accounts are not deposited at the register? If so, what is the amount of such fines? (Article 7)
14. Please indicate any preventive, administrative or judicial controls at the time of company formation. Do the instrument of constitution and other documents have to be drawn up in a specific form? (Article 11)
15. Can company formation be declared null and void? If so, under which conditions? Please provide reference to relevant legislation governing the matter. (Articles 12-13)

Directive 2012/17/EU (amending Council Directive 89/666/EEC and Directives 2005/56/EC and 2009/101/EC) regarding the interconnection of central, commercial and companies registers.

16. To what extent is domestic legislation in Bosnia and Herzegovina aligned with the abovementioned Directive? If domestic legislation is not yet aligned with the Directive, are there plans to that extent? Please indicate the expected timeline.
17. Is coordination or cooperation foreseen with business registers from the EU Member States? Is there any MoU, cooperation agreement or equivalent already in force? If so, please provide a copy.

Directive 2004/109/EC and 2013/50/EU regarding harmonisation of transparency requirements related to listed companies (and amending Directives 2008/22/EC, 2010/73/EU, 2010/78/EU).

18. To what extent is domestic legislation in Bosnia and Herzegovina aligned with the abovementioned Directive? If domestic legislation is not yet aligned with the Directive, are there plans to that extent? Please indicate the expected timeline.
19. Are listed companies required to disclose voting rights concentration? What are the thresholds?
20. Is there a central storage mechanism for disclosure of annual and half yearly accounts of listed companies? How can these documents be accessed? Please indicate the eventual fees imposed for access to these accounts.

Directive 2012/30/EU (recast of 77/91/EEC) contains rules on the formation of public limited liability companies and the maintenance and alteration of their capital, and its subsequent amendments (92/101/EEC, 2006/68/EC and 2009/109/EC)

21. To what extent is domestic legislation in Bosnia and Herzegovina aligned with the abovementioned Directive? Please indicate the relevant legislation and provide the concordance table, if available. What are the major discrepancies, if any? What are the reasons for these discrepancies?

22. If domestic legislation is not yet aligned with the Directive, are there plans to that extent? Please indicate the expected timeline.
23. Please indicate if there are minimum capital requirements for companies and if so please provide a tabular overview, specifying any differences for each type of company across sectors or levels of governance.
24. What safeguards are there to protect the company's capital (e.g. rules on contributions in kind, on distribution to shareholders, on acquisition by a company of its own shares, on providing financial assistance to third parties for the acquisition of a company's shares)?
25. What kind of protection is provided for the shareholders in the context of capital maintenance and alteration (e.g. decision-making power on fundamental issues such as increase and reduction of capital, pre-emption rights, and equal treatment of shareholders in the same position)?
26. Is compulsory withdrawal of shares permitted? Please indicate the relevant legislation.
27. What rules provide for the protection of creditors?

Directive 2011/35/EU (replacing former Third Company Law Directive 78/855/EEC) concerning mergers of public limited liability companies, and related Directives 2007/63/EC and 2009/109/EC

28. To what extent is domestic legislation in Bosnia and Herzegovina aligned with the Third Company Law Directive and its subsequent amendments? Please indicate the relevant legislation and provide the concordance table, if available. What are the major discrepancies, if any? What are the reasons for these discrepancies?
29. If domestic legislation is not yet aligned with the Directive, are there plans to that extent? Please indicate the expected timeline.
30. To which company forms are the provisions of the Directive applied? (Article 1)
31. How does the legislation define "merger by acquisition" and "merger by the formation of a new company"? (Articles 2-4 and 30-31)
32. How is a merger agreement concluded? Are the merging companies required to draw up the draft terms of merger in writing? What is the content of the draft terms? (Article 5)
33. What are the rules applicable to the disclosure, evaluation and the adoption of the draft terms of merger? (Articles 6-10)
34. How does the legislation protect the creditors of the merging companies? (Article 13)
35. How is the legality of the merger controlled in Bosnia and Herzegovina? (Article 16)
36. How is the merger registered? What effects does the registration of a merger have?
37. What are the responsibilities of the members of the management and supervisory boards?
38. Under which conditions may the nullity of the decision on merger be declared?
39. Please specify the different rules applying, if any, in case of a merger by the establishment of a new company.

Sixth Company Law Directive (82/891/EEC) concerning the division of public limited liability companies, and its subsequent amendments (2007/63/EC and 2009/109/EC)

40. To what extent is domestic legislation in Bosnia and Herzegovina aligned with the Sixth Company Law Directive? Please indicate the relevant legislation and provide the concordance table, if available. What are the major discrepancies, if any? What are the reasons for these discrepancies?
41. Does the legislation allow the division of companies? If so, for which company forms are the provisions of the Directive applied? (Article 1)
42. How does the legislation define "division by acquisition" and "division by the formation of new companies"? (Articles 2, 21 and 24)
43. How is a division agreement concluded? Are the companies involved in the division required to draw up the draft terms of division in writing? What is the content of the draft terms? (Article 3)
44. What are the rules applicable to the disclosure, evaluation and the adoption of the draft terms of division? (Articles 4-10)
45. How does the legislation protect the creditors of companies involved in the division? (Article 12)
46. How is the legality of the division controlled in Bosnia and Herzegovina? (Article 14)
47. How is the division registered? What effects does the registration of a division have?
48. What are the responsibilities of the members of the management and supervisory boards?
49. Under which conditions may the nullity of the decision on division be declared?
50. Please specify the different rules applying, if any, in case of the establishment of a new company?

Cross-border mergers Directive (2005/56/EC) - on the cross-border mergers of limited-liability companies

51. To what extent is domestic legislation in Bosnia and Herzegovina aligned with the Cross-border mergers Directive?
52. If domestic legislation is not yet aligned with the Directive, are there plans to that extent? Please indicate the expected timeline.

Eleventh Company Law Directive (89/666/EEC) concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another State

53. To what extent is domestic legislation in Bosnia and Herzegovina aligned with the Eleventh Company Law Directive? Please indicate the relevant legislation and provide the concordance table, if available. What are the major discrepancies, if any? What are the reasons for these discrepancies?
54. If domestic legislation is not yet aligned with the Directive, are there plans to that extent? Please indicate the expected timeline.

55. Please provide the list of documents and particular that need to be disclosed when a branch of a foreign company is registered in Bosnia and Herzegovina (Articles 1-3).
56. Does the legislation require the translation of the company's instruments of constitution/memorandum/articles of association and of the accounting documents? If so, are the translation required to be certified? (Article 4)
57. Does the legislation require that branches of companies from outside the EU register their documents and particulars in accordance with Articles 7-9?
58. Are branches of foreign companies in Bosnia and Herzegovina required to state in their letters and order forms the data prescribed in Articles 6 and 10?

Twelfth Company Law Directive (2009/102/EC) on single-member private limited liability companies

59. To what extent is domestic legislation in Bosnia and Herzegovina aligned with the Twelfth Company Law Directive? Please indicate the relevant legislation and provide the concordance table, if available. What are the major discrepancies, if any? What are the reasons for these discrepancies?
60. If domestic legislation is not yet aligned with the Directive, are there plans to that extent? Please indicate the expected timeline.
61. If single member companies are allowed under the domestic legislation:
 - a) What information is required for registration if the sole member is a natural person and a legal person?
 - b) How are decisions taken by the sole member in a general meeting?
 - c) How are legal transactions between the sole member and the company concluded?
62. In case domestic legislation allow an individual entrepreneur to set up an undertaking with the liability limited to a sum dedicated to a stated activity - instead of allowing for formation of single-member companies - are sufficient safeguards laid down in domestic legislation, in line with Article 7 of the Directive?

Thirteenth Company Law Directive (2004/25/EC) on takeover bids

63. To what extent is domestic legislation in Bosnia and Herzegovina aligned with the Thirteenth Company Law Directive? Please indicate the relevant legislation and provide the concordance table, if available. What are the major discrepancies, if any? What are the reasons for these discrepancies?
64. If domestic legislation is not yet aligned with the Directive, are there plans to that extent? Please indicate the expected timeline.
65. How is control of a company, in relation to the obligation to launch a mandatory bid, defined? Are there other conditions which trigger the mandatory bid?
66. Which derogations to the Directive have been provided, in accordance with article 4 section 5 of the Directive, in the law and which derogatory powers have been given to the supervisory authority?
67. In which cases is the publication of takeover bids obligatory? Are there any exemptions from this obligation?

68. What is the mandatory content of a takeover bid?
69. Is the offer price regulated by law?
70. Is the legislation aligned with articles 9 and 11 of the Directive?
71. Is the reciprocity rule of article 12 section 3 of the Directive applied in Bosnia and Herzegovina?
72. What are the thresholds for squeeze-out (article 15) and sell-out (article 16) following a takeover bid?

Shareholders' Rights Directive (2007/36/EC) - on the exercise of certain rights of shareholders in listed companies

73. To what extent is domestic legislation in Bosnia and Herzegovina aligned with the Shareholders' Rights Directive? Please indicate the relevant legislation and provide the concordance table, if available. What are the major discrepancies, if any? What are the reasons for these discrepancies?
74. If domestic legislation is not yet aligned with the Directive, are there plans to that extent? Please indicate the expected timeline.
75. Please detail the specific implementation of the following items:
76. Minimum notice period of 21 days for most General Meetings (GMs), which can be reduced to 14 days where shareholders can vote by electronic means and the general meeting agrees to the shortened convocation period;
77. Internet publication of the convocation and of the documents to be submitted to the GM at least 21 days before the GM;
78. Abolition of share blocking and introduction of a record date in all Member States which may not be more than 30 days before the GM;
79. Abolition of obstacles on electronic participation to the GM, including electronic voting;
80. Right to ask questions and obligation on the part of the company to answer questions;
81. Abolition of existing constraints on the eligibility of people to act as proxy holder and of excessive formal requirements for the appointment of the proxy holder.

Council Regulation (EC) 2157/2001 on the Statute for a European company (SE) - and Directive 2001/86/EC supplementing the Statute for a European company with regard to the involvement of employees – and Council Regulation (EEC) 2137/85 on the European Economic Interest Grouping (EEIG)

82. Have any preparations started to make it possible for legal entities to register as European Companies or European Economic Interest Groupings from the moment of EU accession of Bosnia and Herzegovina? If so, what developments have already taken place (e.g. preparations for the relevant changes in the IT system of the register, preparations for training of officials responsible for registration of such European entities in the future)?

Commission Recommendations 2004/913/EC, 2005/162/EC and 2009/384/EC, 2009/385/EC regarding remuneration of directors and the independence of directors and the committees of the supervisory board, as well as 2014/208/EU on corporate governance reporting ('comply or explain'):

83. Have any steps been taken, or is there any plan to take them, to promote the application of the above-mentioned Commission Recommendations?
84. Has a Corporate Governance code been introduced, or is there any plan to introduce it? What is it based on (e.g. OECD standards)? How binding is the compliance with the code (e.g. voluntary; comply or explain) and how is the compliance monitored?
85. If a Corporate Governance Code exists:
86. What are its main provisions?
87. How is the remuneration of management board members determined? Are details of the remuneration publicly disclosed?
88. Can the supervisory board establish committees? Are there any committees specifically required by law?

Administrative Capacity

89. How is the distribution of competences defined between different levels of governance and which authorities are responsible for company law in Bosnia and Herzegovina? What is the size of the department(s) dealing with this issue?
90. Please provide a comparative table of the types of companies recognised by law, the conditions for their establishment, and the total number of companies in each category.
91. What is the average time-scale between application for registration and effective registration of a company? What is the number of companies registered at this moment and in the last two years? What is the staff of the register? Are there any plans to increase staff? When is this expected?
92. Please identify the administrative or judicial authority responsible for the incorporation of companies.
93. Is there a mechanism in place that allows coordination and cooperation with registers from Member States (e.g. in the context of a cross-border merger of companies)? Please explain.

II. CORPORATE ACCOUNTING AND AUDIT

A. Accounting

Directive 2013/34/EU on the annual financial statements, consolidated financial statements, and related reports for certain undertakings (amending Directive 2006/43/EC and repealing Council Directives 78/660/EEC and 83/349/EEC) and amending Directive 2014/95/EU on the disclosure of non-financial and diversity information by certain large undertakings and groups. Also, Regulation (EC) No 1606/2002 on the application of international accounting standards.

94. What legal instruments are there in the accounting field? Are there any official instructions or recommendations by a standard-setting body?

95. Which enterprises fall within the scope of the general regulations? Are there special regulations for limited liability companies?
96. Is company size and group size requirements compliant with the Accounting Directive?
97. Is the accounting framework that is applicable to small companies compliant with the Accounting Directive?
98. Has the notion of Public Interest Entities (PIEs) been introduced?
99. Is there a requirement to prepare a management report (former annual report)? Is there an audit applicable for the management reports in accordance with the Accounting Directive?
100. Has country-by-country reporting (CBCR) by extractive industry and loggers of primary forest companies on their payments to governments been introduced?
101. Is Bosnia and Herzegovina compliant with consolidation scope exemptions, including requirement to exempt small groups?
102. Are consolidated accounts as well as the accounts of individual companies regulated?
103. Which companies are required to prepare their annual and / or consolidated accounts in accordance with IFRS?
104. Do all consolidated accounts have to be prepared according to IFRS? Which IFRS standards are applied?
105. Which accounting standards are applied for companies that do not apply IFRS?
106. Does Bosnia and Herzegovina require all additional disclosures beyond what is required by IFRS?
107. Are individual and consolidated financial statements published in the business register?
108. What sanctions exist for not complying with financial reporting requirements?
109. Are any reforms of the legal instruments in the accounting area planned? If so, what is their content and when are they programmed for adoption?
110. Is the IAS (International Accounting Standards) Regulation 1606/2002 taken into account in these reforms?

B. Statutory auditors

Directive 2006/43/EC and 2014/56/EU on statutory audits of annual accounts and consolidated accounts; as well as Regulation 537/2014/EU concerning specific requirements for the statutory audit of public-interest entities.

111. What legal instruments are foreseen in the auditing field? Are annual or consolidated financial statements required to be audited? If yes, which audits of annual and consolidated accounts are considered as "statutory audits"?
112. What requirements must be fulfilled to be approved as a statutory auditor (educational qualifications, professional competence, training, experience, ethical rules)?
113. Are statutory auditors and audit firms entered in a public register?
114. Who keeps a register of statutory auditors and audit firms?
115. How many auditors and audit firms are registered to date (or the most recent year for which reliable data is available - please specify which year)?

116. What are the rules for the approval of third-country auditors?
117. Are there any specific requirements for statutory audits and audit firms which carry out audits of public-interest entities?
118. Is any information on the audit market collected and published? If yes, only for the audit of public-interest entities or also for non- public-interest entities?
119. Is there an independent public oversight (PO) for auditors already established?
120. Does an external quality assurance (QA) system for statutory auditors and audit firms exist? If yes, is this external quality assurance system objective and independent from the audit profession?
121. Is the professional body involved in the public oversight and to what extent?
122. Describe who is responsible for inspections/ investigations, preparation of inspection reports and publication of inspection findings, enforcement of penalties?
123. How are QA and investigations undertaken with regard to the statutory audit of public-interest entities?
124. What is the capacity of the body carrying out inspection in terms of number of inspectors and their qualifications?
125. What body establishes the working program and the standards for carrying out of inspections (their scope, the way they are performed etc.)?
126. Is there any track record of inspections already performed and published results?
127. Is there any external expertise used during inspections?
128. What kinds of sanctions are applied to auditor's misconduct?
129. How is such a system of PO/QA financed?
130. Are auditors required to use the International Standards on auditing (ISAs)?
131. Is there a Code of Ethics for auditors?
132. What are the requirements concerning auditor independence and the rules on the conflict of interests?
133. How are the threats to independence of auditors (self-review and self-interest) tackled?
134. Are there any specific confidentiality and professional secrecy rules in place?
135. Does Bosnia and Herzegovina cooperate with the competent authorities from third countries in the area of auditing? Are there any MoUs or other cooperation agreements signed to that end? If so, please provide a copy.

CHAPTER 7: INTELLECTUAL PROPERTY LAW

The *acquis* on intellectual property law specifies harmonised rules for protection of copyright and neighbouring rights, for industrial property rights and contains provisions on civil enforcement.

In the area of **copyrights and neighbouring rights**, the objectives of the Directive on the harmonisation of certain aspects of copyright and related rights in the information society (2001/29/EC) are to adapt legislation on copyright and related rights to reflect technological developments and to transpose into EU law the main international obligations arising from the two treaties on copyright and related rights adopted within the framework of the World Intellectual Property Organisation (WIPO). Directive 93/83/EEC aims at facilitating the cross border transmission of audiovisual programmes, particularly broadcasting via satellite and retransmission by cable. The objective of the Directive on the resale right for the benefit of the author of an original work of art (2001/84/CE) is to provide a balance between the economic situation of authors of graphics and plastic works of art and that of other creators who benefit from successive exploitations of their works. The protection of semiconductor's topographies is harmonised through Directive 87/54/EC. The Directive 96/9/EC on the legal protection of Databases creates a new sui-generis right for database producers, to protect their investment. Directive 2011/77/EU amending the Directive 2006/116/EC (the codified version of original Directive 93/98/EEC) harmonises the terms of protection of copyright and neighbouring rights for each type of work and each related right in the Member States and extends the term of protection for performers and sound recordings to 70 years. Directive 2006/115/EC (the codified version of original Directive 92/100/EEC) harmonises the provisions relating to rental and lending rights as well as on certain rights related to copyright. The Directive 2009/24/EC (the codified version of original Directive 91/250/EEC) harmonises Member States' legislation regarding the protection of computer programmes. Directive 2012/28/EU sets out common rules on the digitisation and online display of so-called orphan works. Directive 2014/26/EU aims at ensuring that rightholders have a say in the management of their rights and envisages a better functioning of collective management organisations as a result of EU-wide standards.

In the field of **industrial property rights**, the *acquis* sets out harmonised rules for the legal protection of trademarks and designs, as well as a partially harmonised regime for patents. The latter relates to the accession to the European Patent Convention; specific provisions on biotechnological inventions, supplementary protection certificates (SPCs) for medicinal and plant protection products and compulsory licences. The *acquis* also establishes a Community trademark and a Community design system.

The Directive 2004/48/EC on the **enforcement** of intellectual property rights such as copyright and related rights, trademarks, designs or patents requires all Member States to apply effective, dissuasive and proportionate civil remedies and penalties against those engaged in counterfeiting of goods and piracy and so create a level playing field for right holders in the EU. Customs Administrations play an important role in preventing entry into the EU of products infringing intellectual property.

The Stabilisation and Association Agreement already lays down specific obligations in the areas covered by this chapter. When answering the questions below, please make reference to the state of implementation of such obligations.

I. COPYRIGHT AND NEIGHBOURING RIGHTS

1. Please describe the domestic legislation in Bosnia and Herzegovina concerning copyright and neighbouring rights. To what extent is it aligned with the EU acquis? Please indicate the relevant legislation and provide the concordance table, if available. What are the major discrepancies, if any? What are the reasons for these discrepancies? If domestic legislation is not yet aligned with the Directive, are there plans to that extent?
2. Does the legislation in Bosnia and Herzegovina provide for protection of semiconductors? If yes, do you consider this protection to be in conformity with Directive 87/54/EEC?
3. Does the legislation in Bosnia and Herzegovina provide for a rental right, lending right and the provisions on certain related rights set out in Directive 2006/115/EC (the codified version of original Directive 92/100/EEC)?
 - a) If yes, please give full references and the principal contents of the legislation. Does the legislation notably provide for a right to equitable remuneration for rental where an author or performer has transferred or assigned his rental right concerning a phonogram or an original copy of a film to a phonogram or film producer? Does the legislation provide that at least authors obtain remuneration for public lending? Does it provide for derogation from the exclusive public lending right and if so, would this be in line with the Directive? Does the legislation provide that a single equitable remuneration is paid by the user to the relevant performers and phonogram producers every time a phonogram published for commercial purposes is used for broadcasting by wireless means or for any communication to the public?
 - b) If no, is there any plan to adopt legislation on the protection of rental rights, lending rights and related rights? Please give details and dates.
4. Is the term of protection of copyright and related rights in Bosnia and Herzegovina in conformity with Directive 2011/77/EU and Directive 2006/116/EC (the codified version of original Directive 93/98/EEC)? If no, how and by when is it planned to align the legislation with this directive?
5. Does the copyright law provide for the legal protection of computer programs?
 - a) If yes, is it fully compatible with Directive 2009/24/EC (the codified version of original Directive 91/250/EC), including with the provisions of this directive on authorship, restricted acts, exceptions to the restricted acts, decompilation and special measures of protection?
 - b) If no, is there any plan to adopt any legislation in this field? Please give details and dates.
6. Does the copyright law provide for the legal protection of databases?
 - a) If yes, is it fully compatible with Directive 96/9/EC, including on scope of protection, protection under copyright and sui generis protection?
 - b) If no, is there any plan to adopt legislation on the legal protection of databases (including sui generis protection)? Please give details and dates.
7. Does the copyright legislation provide for the legal protection of copyright and related rights in conformity with Directive 2001/29/EC? If yes, is it fully compatible with the listed exclusive rights of authors and certain neighbouring right holders?
8. Does the legislation provide, in particular, for a right of communication to the public of works and a right of making available to the public other subject-matter? Does it provide for the

mandatory exception for "temporary copies" (Article 5.1)? Does it provide for other exceptions? If yes, please list them.

9. Does the legislation in Bosnia and Herzegovina provide for a system of fair compensation to right holders for the following: reprography, reproductions made by a natural person for private use, reproductions of broadcasts made by social institutions pursuing non-commercial purposes?
10. Does the legislation provide for the legal protection of technological measures and rights management information?
11. What sanctions and remedies does the legislation provide in respect of infringements of the rights and obligations set out in Directive 2001/29/EC?
12. Does the copyright law provide for a resale right for the benefit of the author of an original work of art?
 - a) If yes, is it fully compatible with Directive 2001/84/EC?
 - b) If no, is there any plan to adopt any legislation in this field? Please give details and dates.
13. Has Bosnia and Herzegovina adhered to the two WIPO Treaties of 1996 (WCT and WPPT)? To which other international treaties and agreements relevant to copyright and related rights is Bosnia and Herzegovina a party?
14. Does the copyright law provide for the protection of satellite broadcasting?
 - a) If yes, do you consider that it is in conformity with the provisions of Directive 93/83/EEC, in particular as regards the principle of acquisition of broadcasting rights in accordance with the terms of this directive? Is there a definition of communication to the public by satellite?
 - b) If no, is there any plan to adopt any legislation in this field? Please give details and dates.
15. Does the copyright law provide for the protection of cable retransmission?
 - a) If yes, do you consider that it is in conformity with the provisions of Directive 93/83/EEC, in particular in relation to the following: principle of mandatory collective management extended to non-members of a collecting society; principle of good faith in the negotiations for cable retransmission and principle of mediation?
 - b) If no, is there any plan to adopt any legislation in this field? Please, give details and dates.
16. Does the legislation in Bosnia and Herzegovina provide for rules on the digitisation and online display of so-called orphan works, i.e. the works that are still protected by copyright but whose authors or other rightholders are not known or cannot be located or contacted to obtain copyright permissions?
 - a) If yes, is it fully compatible with Directive 2012/28/EU?
 - b) If no, is there any plan to adopt any legislation in this field? Please give details and dates.
17. Is the functioning of collective management organisations in Bosnia and Herzegovina in conformity with Directive 2014/26/EU? Does the legislation provide the rules enabling the multi-territorial licensing by collective management organisations of authors' rights in musical works for online use set out in this Directive? If no, is there plan to adopt any legislation in this field? Please, give details and dates.

18. How is the distribution of competences defined between different levels of governance and which authorities are responsible for intellectual property law in Bosnia and Herzegovina? What is Bosnia and Herzegovina's administrative capacity in this area?

II. INDUSTRIAL PROPERTY RIGHTS

A. Patents

19. Please provide information on Bosnia and Herzegovina's accession to the European Patent Convention.
20. Is the legislation fully aligned with the EU *acquis* on industrial property in the field of patents? What are the plans for further alignment, and by when?
21. Is the legislation aligned with the Directive 98/44/EC on the legal protection of biotechnological inventions? If no, please indicate what are the plans for further alignment and by when.
22. Are supplementary protection certificates (SPCs) for medicinal products and/or plant protection products available in Bosnia and Herzegovina? If yes, since when? Are they aimed at aligning with the EU *acquis*? If no, please indicate what are the plans for further alignment and by when.
23. Are there rules governing the grant of compulsory licences and are they aligned with Regulation 2006/816/EC on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems in relation to the Doha Declaration/TRIPS and Public Health? If not, what are the plans for further alignment and by when?
24. What is Bosnia and Herzegovina's administrative capacity in this area (patent examiners, etc.), and what are the future plans? How many patent applications did Bosnia and Herzegovina receive on an annual basis for the last 3 years, and how many patents were granted?
25. Are there litigations on patents? If so, please provide statistics.

B. Trademarks

26. What are the plans for full alignment with the EU *acquis* on industrial property in the field of trade marks? What are the plans for further alignment, and by when?
27. Has Bosnia and Herzegovina already modified its trademark law in order to comply with EU *acquis* (Trademark Package), in particular with the recent Directive 2015/2436 to approximate the domestic laws of EU Member States relating to trademarks (codified version)?
 - a) If yes, is the law now fully in conformity or are further amendments required; if so, which and by when is it planned to adopt them?
 - b) If no, give a target date by which Bosnia and Herzegovina will programme the appropriate amendments.
28. Are there specific provisions relating to the protection of trade marks with reputation/well-known trademarks?

29. What is Bosnia and Herzegovina's administrative capacity in this area (trade mark examiners, etc.), and what are the future plans? How many trade mark applications did Bosnia and Herzegovina receive on an annual basis for the last 3 years, and how many trade marks were registered?
30. Are there litigations on trademarks? If so, please provide statistics.
31. Are there specific provisions relating to the protection of collective marks?

C. Models and Designs

32. What are the plans for full alignment with the EU *acquis* on industrial property in the field of designs? What are the plans for further alignment, and by when?
33. Has Bosnia and Herzegovina already modified its legislation in order to comply with the content of Directive 98/71/EC on the legal protection of designs?
 - a) If yes, is the law now fully in conformity or are further amendments required; if so, which and by when is it planned to adopt them?
 - b) If no, give a target date by which Bosnia and Herzegovina will programme the appropriate amendments.
34. Are there, or are there plans to adopt, provisions relating to the protection of unregistered designs?
35. Are the registrability criteria for designs compliant with the public policy or morality principles?
36. Can a design protected by a registered design right be also eligible for protection under the law of copyright?
37. What is Bosnia and Herzegovina's administrative capacity in this area (designs examiners, etc.), and what are the future plans? How many design applications did Bosnia and Herzegovina receive on an annual basis for the last 3 years, and how many designs were registered?
38. Are there litigations on models and designs? If so, please provide statistics

III. TRADE SECRETS

39. What are the plans for full alignment with the EU *acquis* on industrial property in the field of trade secrets? What are the plans for further alignment, and by when?
40. Has Bosnia and Herzegovina already modified its legislation in order to comply with the content of Directive 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure?
 - a) If yes, is the law now fully in conformity or is any further amendment required; and if so, which and by when is it planned to adopt them?
 - b) If no, please provide a target date by which Bosnia and Herzegovina will programme the appropriate amendments.

IV. ENFORCEMENT

41. Which area(s) of intellectual, industrial and commercial property law still require further major changes/adaptations to fully comply with the SAA and the EU *acquis*, and for what reasons?
42. Does Bosnia and Herzegovina have plans to accede in the next five years to any international conventions relating to intellectual, industrial and commercial property of which it is not yet a member? If so, which convention(s) and when?
43. Please describe which domestic institutions are competent on the enforcement of intellectual property law, and their institutional set-up. What are the tasks and powers of these bodies? Do they have the necessary institutional capacity to carry out their tasks? Please provide their organisation chart and the number of staff employed.
44. Are there specialised courts or tribunals to hear intellectual or industrial and commercial property cases? How many such cases were the subjects of court rulings in the period 2014 to 2016?
45. Does Bosnia and Herzegovina provide for a specific border regime preventing importation, exportation and transit of counterfeited and pirated subject matter? Please explain how the prevention of import of counterfeited goods is ensured?
46. What is the exact number of counterfeited goods (please specify subcategories) and copyright related material which the customs and police forces have registered/seized during the last 3 years (presented per year)?
47. Which system of exhaustion of intellectual, industrial and commercial property rights does Bosnia and Herzegovina apply? In particular, does Bosnia and Herzegovina apply a system of national or international exhaustion of trademarks? Does Bosnia and Herzegovina apply a system of national or international exhaustion of the distribution right (copyright and related rights)?
48. Does Bosnia and Herzegovina provide for an effective system of enforcement of intellectual property rights (both copyright and related rights and industrial property rights) to combat piracy and counterfeiting? If yes, is it fully compatible with Directive 2004/48/EC on the enforcement of intellectual property rights?
49. In which cases is it possible to obtain provisional and precautionary measures?
50. Are infringements of intellectual property rights (both copyright and related rights and industrial property rights) covered by criminal law provisions?
51. What are the possibilities for the right holder to obtain damages from the infringing party?
52. Are infringements of intellectual property rights covered by administrative law provisions? Does the legal framework properly tackle the issue of intellectual property infringements over the Internet? Are these infringements covered by specific legal provisions (civil, administrative or criminal)?
53. Do judicial authorities have the possibility to order the destruction of counterfeit or pirated goods? Does Bosnia and Herzegovina ensure the timely destruction of such goods? Please provide examples over the last 3 years. Who covers the cost of destruction?
54. Do the administrative and operational enforcement authorities dispose of sufficient and sufficiently trained staff? Please explain the capacity of the competent institutions to ensure IPR protection, number of staff and budget. What is the average length and cost of the judicial procedures for the main type of infringements (patents, trademarks, copyright, etc.)? Please also provide data on fines and penalties per year and intellectual property crime.

55. Please describe the cooperation and coordination mechanisms put in place between relevant administrations (including market inspectorate, intellectual property office, police, customs, etc.), as well as cooperation with rights-holders. What are the channels of communication and mechanism for cooperation, and how do these work in practice? What are the plans to improve enforcement capacity? Are there any special units to tackle internet piracy?
56. Do the enforcement bodies have *ex-officio* powers to act against intellectual property infringements?
57. If there is no stem of enforcement of intellectual property rights, what measures, procedures and remedies does Bosnia and Herzegovina envisage adopting in order to dispose of an efficient system to fight against piracy and counterfeiting?
58. Is there a strategy in place (including consumer awareness) to support awareness raising on the usefulness of IPR as well as the enforcement of intellectual property rights and the fight against counterfeiting and piracy?
59. Is any special training and/or awareness raising and/or support to SMEs as regards IPR and its enforcement provided? If so, please provide details.
60. Is there any overall assessment of the main characteristics and significance of intellectual property infringements in Bosnia and Herzegovina (including main rights infringed, sectors concerned, economic impact, domestic production vs. import/transit)? Please provide detailed statistics.
61. What measures do authorities take to ensure the public (consumers as well as retailer) understands the importance of using and respecting intellectual property rights?
62. Is there any policy to develop inter-industrial code of conduct to enforce intellectual property rights in Bosnia and Herzegovina?

CHAPTER 8: COMPETITION POLICY

The competition *acquis* covers both anti-trust and state aid control policies. It includes rules and procedures to fight anti-competitive behaviour by companies (restrictive agreements between undertakings and abuse of dominant position), to scrutinise mergers between undertakings, and to prevent governments from granting state aid which distort competition in the internal market. Generally, the competition rules are directly applicable in the whole Union and Member States must co-operate fully with the Commission in enforcing them. The Competition *acquis* is based on Article 37 (State monopolies of a commercial character), Articles 101-105 (Rules applicable to undertakings), Article 106 (Public undertakings and undertakings with special or exclusive rights) and Articles 107-109 (Rules applicable to state aid) of the Treaty on the Functioning of the European Union (TFEU).

The *acquis* under this chapter is to a large extent linked to the obligations arising from the Stabilisation and Association Agreement (SAA) between the EU and Bosnia and Herzegovina.

In the field of **anti-trust**, national competition authorities must closely co-operate with the Commission in European Union (EU) competition procedures. Since 1 May 2004, all national competition authorities are also empowered to apply fully the provisions of the Treaty in order to ensure that competition is not distorted or restricted. National courts may also apply directly EU anti-trust rules so as to protect the individual rights conferred to citizens by the Treaty.

In the field of **state aid**, the decision as to whether or not aid granted by Member States is compatible with the Common Market can be taken only by the European Commission.

The term **liberalisation** refers to Protocol No 27¹⁶, in which it is stated that the internal market as set out in Article 3 TFEU includes a system ensuring that competition is not distorted. For this purpose, there is a specific surveillance system in the case of public undertakings and undertakings to which Member States grant special or exclusive rights. With respect to the liberalisation of specific sectors, reference is made to the relevant sector specific negotiating chapters.

The SAA already lays down obligations in this field, including State aid which restricts competition and affects trade between the Contracting Parties, insofar as they may affect trade between the EU and Bosnia and Herzegovina. Practices contrary to the Agreement shall be assessed on the basis of EU rules. When answering the questions below and when appropriate, please make reference to the obligations under the SAA.

It is important to determine the compatibility of Bosnia and Herzegovina's competition law and implementation capacity with the following essential parameters of the EU system. You are invited to provide a copy of the relevant legislative texts (in an EU working language). When responding to the specific questions below, please elaborate your reply.

¹⁶ Annexed to the Treaty on European Union and TFEU

I. ANTITRUST INCLUDING MERGERS

1. Please describe the legislation concerning antitrust and mergers. Which authorities are responsible for the issue? Does the competition law reflect the contents of Article 101 and 102 of TFEU?

A. Scope of application

2. As to the scope of application, does the competition law cover:
3. All sectors of the economy;
4. Public and private enterprises?
5. Does the law cover goods and services?
6. Does the law incorporate the principles of Article 106(2) TFEU?

B. Restrictive agreements

7. Does the law cover agreements, decisions of associations of undertakings and concerted practices?
8. Does the law contain a general prohibition of restrictive agreements?
9. Does the law lay down the nullity of restrictive agreements, i.e. are they unenforceable before the courts?
10. Does the law provide for an exception from the prohibition of restrictive agreements, or how are exceptions provided for?
11. Does the law provide for the possibility of block exemptions to be established (based on EU principles)?
12. Do the conditions for exceptions from the prohibition of restrictive agreements (both individual and group) correspond to Article 101(3) TFEU?

C. Abuse of dominant position

13. Does the law contain a general prohibition of abuse of dominance?
14. Does the law contain an exemption or defence for abuse, in line with the provisions of Article 102 TFEU?
15. To what extent does the legislation reflect the EU regulations, guidelines and communications adopted for the implementation of Article 102 TFEU?

D. Mergers

16. Does the definition of mergers cover the establishment of control (including de-jure and de-facto control) and joint ventures?
17. Does the law provide for an obligation of prior notification?
18. What are the criteria for notification (e.g. turnover)?
19. Does the notification have a suspensive effect?

20. Describe the steps in the investigation procedure. Is there a preliminary phase? An in-depth investigation phase for potentially problematic mergers? Do these phases have to be completed within prescribed deadlines?
21. What are the criteria for prohibition (e.g. Significant Impediment of Effective Competition - "SIEC"- establishment or reinforcement of dominance)? Is there an exemption for reasons of public interest in order to take into account a specific national interest in line with the provision of Articles 63 and 64 TFEU?
22. To what extent does the legislation reflect the EU regulations, guidelines and communications adopted for the implementation of Article 102 TFEU?
23. Do the Parties to a transaction have the possibility to offer commitments to address competition concerns in relation to a transaction? Are there provisions on divestitures or remedies?

E. General procedures

24. Please describe the authority entrusted with implementing competition law, including the institutional set-up and information on the staffing situation (organisational structure, number of staff, etc.).
 - a) By whom and according to which procedure and criteria are its board members appointed?
 - b) On the basis of which internal procedures and voting mechanisms are decisions reached?
 - c) Is this authority able:
 - (i) to take decisions independently, free from political interference and to neither seek nor take instructions from any government, or other institution, body, or office;
 - (ii) to exercise their powers transparently and impartially, with appropriate rules on conflict of interests;
 - (iii) to have adequate and stable human and financial resources.
25. Can the competition authority act on its own initiative? On the basis of a complaint?
26. Which investigative powers does the law provide to the competition authority? How do they compare to the investigative powers laid down in Regulation 1/2003/EC and Regulation 139/2004/EC?
27. Which fining powers does the law provide for in case of violations (a percentage of the turnover)?
28. Is there a policy of immunity from fines or reduction of fines in cartel cases (leniency)?
29. Is there a settlement procedure in cartel cases?
30. Is there a commitment procedure in abuse of dominance cases?
31. Does the law provide for interim measures?
32. Does the law contain prescription periods? What is their duration?
33. Does the law contain provisions for the protection of professional and business secrecy?
34. Does the law contain provisions on legal privilege?
35. Does the law provide for sector inquiries?
36. Does the law provide for the right to be heard, including the right of access to files?

37. Does the law lay down the rights of third parties?
38. Does the law provide for judicial review of the competition authority? If yes, how many decisions of the competition authority have been upheld and cancelled on appeal by the courts?
39. Does the law provide for the publication of the decisions of the competition authority?
40. Can parties bring cases before domestic courts on a possible breach of competition rules that affects their interests?
41. Does the law foresee the possibility of private damages actions in cases of infringement of competition rules?
42. Is the competition authority consulted on draft laws that may affect competition?
43. Please provide information on the enforcement record of the authority charged with implementing competition law. In particular, for the years 2014, 2015 and 2016, indicate the number of negative decisions or decisions imposing remedies in cases concerning anticompetitive agreements, abuses of dominant position and mergers. For each year, specify the number of decisions imposing fines and the amount of the fines.

II. STATE AID

44. Which authorities are competent on State aid issues? Is there a law on State aid control which reflects Article 107 and 108 TFEU? Under the State aid legislation, what is the definition given to State aid? Under the State aid legislation, is there a general prohibition of State aid? What are the criteria laid down in the legislation for compatibility of State aid?
45. To what extent does the legislation reflect the EU regulations, guidelines and communications adopted for the implementation of Articles 107 and 108 and Article 106 TFEU (e.g. on certain State aid instruments, or on State aid to certain sectors or for certain objectives)?
46. Please describe the State aid authority, including the institutional set-up and information on the staffing situation (organisational structure, number of staff, etc.). By whom and according to which criteria and procedure are its board members appointed? To what extent is this institution independent from State aid granting authorities? Is it attached to or part of another administration, e.g. a ministry? Is this authority able (i) to take decisions independently, free from political interference and to neither seek nor take instructions from any government, or other institution, body, or office; (ii) to exercise their powers transparently and impartially, with appropriate rules on conflict of interests; (iii) to have adequate and stable human and financial resources.
47. Is there a system in place which foresees a prior notification of aid measures? Does the notification have a suspensive effect on the implementation of the aid measure?
48. What are the competences of the State aid authority? How do they compare to the powers laid down in Regulation 659/1999/EC as amended by Regulation 734/2013/EC?
49. To what extent are the State aid authority's decisions binding?
50. Can the State aid authority ask for the recovery of unlawful and incompatible state aid, with interests?
51. Can the State aid authority investigate measures ex officio? Can the State aid authority proceed to market investigations into sectors and aid instruments?
52. Is the State aid authority also able to control existing State aid?

53. Is there a system in place to examine complaints by third parties?
54. Is the state aid authority subject to certain deadlines to adopt decisions? Which ones?
55. Are fiscal aid measures as well as aid to sensitive sectors (for instance coal sector, steel sector, synthetic fibres) subject to comprehensive State aid control? Is the banking sector subject to state aid rules?
56. How many decisions on aid measures were adopted in 2014, 2015 and 2016? How many concerned non-notified aid measures? How many negative or conditional decisions were adopted in each of these three years? Have there been any decisions ordering the recovery of unlawful aid since the law on State aid control came into force?
57. How many complaints has the State authority received in these three years? How many complaints has the State authority handled (rejection or decision) in these three years? Can parties directly lodge complaints before the courts?
58. Has an inventory of the existing State aid schemes (i.e. instituted before the establishment of the State aid authority) been established? What is the state of play regarding the alignment of these schemes?
59. Have GDP per capita figures been harmonised at NUTS II level, in accordance with SAA Article 71?

A. Liberalisation

General aspects

60. Is the competition and state aid legislation fully applicable to public undertakings and undertakings with special or exclusive rights, in accordance with Article 106 TFEU?
61. Which public or private undertakings have been granted exclusive or special rights?
62. What are the subject, scope and duration of the relevant exclusive or special rights?
63. According to which procedure have the exclusive and special rights been granted?
64. What is the justification for granting the exclusive rights?
65. Is there an obligation for the companies with exclusive or special rights to fulfil tasks of a general economic interest? If so, please specify.
66. Are there specific State aid rules on the financing of services of general economic interest?
67. Are there monopolies of a commercial character within the meaning of Article 37 TFEU? Does the legislation ensure that there is no discrimination between nationals and foreigners regarding the conditions under which goods are produced and marketed?

Sectoral aspects

Sector-specific aspects are dealt with in the relevant chapters.

CHAPTER 9: FINANCIAL SERVICES

The *acquis* covered by this chapter includes rules for the authorisation, operation and supervision of financial institutions and regulated markets. Financial institutions covered by the *acquis* can operate across the EU in accordance with the 'Single passport' and the 'home country control' principles either by establishing branches or by providing services on a cross-border basis. The *acquis* covers three major areas for which these principles apply: banking services, investment services and insurance services.

In the field of **banks and financial conglomerates**, the *acquis* sets out requirements for the authorisation, operation and prudential supervision of credit institutions, as well as requirements concerning the calculation of capital adequacy requirements applying to credit institutions and to investment firms. Together, the Capital Requirements Directive and the Capital Requirements Regulation implement the **new capital requirements framework** based on the Basel III accord developed by the Basel Committee on Banking Supervision (BCBS).. The two measures ensure consistent application throughout the Union of the international standards in the areas of credit risk, market risk, operational risk, liquidity risk and large exposures. In the area of liquidity risk, detailed provisions are laid down in the Commission Regulation 2015/61. As regards recovery and resolution of credit institutions and investment firms, the **Banking recovery and resolution directive (BRRD)** lays out a comprehensive set of measures which ensures that failing banks and investment firms can be resolved in a timely and orderly manner without the support of taxpayer money. The BRRD provides banks and authorities with the adequate tools to prepare for crises (by drawing Recovery and Resolution Plans); national authorities equipped with the necessary tools to intervene in a troubled institution at a sufficiently early stage to address developing problems; national authorities have harmonised resolution tools and powers to take rapid and effective action when bank failure cannot be avoided; authorities cooperate effectively when dealing with the failure of a cross-border bank; and banks contribute to resolution financing arrangements to support the costs of restructuring. The BRRD takes into account the cross-border nature of some banks. It provides for strong coordination between national authorities under the leadership of the group resolution authority to ensure that resolution tools are applied to a cross-border financial group in a coherent manner across different jurisdictions. Where subsidiaries are particularly significant in one or other Member State, the BRRD provides the possibility for the local authority to undertake specific distinct plans and steps to protect local financial stability.

The *acquis* in this sector also lays down rules relating to supplementary supervision of financial conglomerates and to the taking up, pursuit of and prudential supervision of the business of electronic money institutions. Credit institutions are required to join an officially recognised deposit guarantee scheme, which must provide for a minimum protection of €100,000 per depositor. The *acquis* lays down rules regarding the annual and consolidated accounts of banks and other financial institutions. Directive 2007/44 regulates the supervisory approvals of mergers and acquisitions in the financial sector.

In the field of **insurance and occupational pensions**, several directives set out rules concerning the authorisation, operation and supervision of life assurance and non-life insurance undertakings as well as institutions for occupational retirement provision. Directive 2009/138/EC (Solvency II) became fully applicable on 1 January 2016. It is a harmonised, sound and robust prudential framework for insurance firms in the EU. It is based on the risk profile of each individual insurance company in order to promote comparability, transparency and competitiveness. It comprises the Directive, implementing rules, a number of regulatory technical standards and implementing technical standards, risk free rates and other technical information.

The Insurance Distribution Directive or IDD (Directive 2016/97/EU) regulates the activities of all

distributors of insurance products: intermediaries, insurance companies, their employees, bank-assurance, ancillary insurance intermediaries (e.g. travel agents or car rental companies), including online distribution. The Directive determines the information that should be given to consumers before they sign an insurance contract, imposes certain conduct of business and transparency rules for distributors, clarifies the rules for cross-border business and addresses the supervision and sanctioning of insurance distributors if they breach the provisions of the Directive. It also includes additional requirements for the sale of insurance products with investment elements.

In the field of motor insurance, there are rules harmonising requirements concerning insurance against civil liability in respect of motor vehicles with a view to protect victims of accidents and facilitating the free movement of goods and people, in particular by abolishing frontier controls on motor insurance. Directive 2003/41/EC regulates the activities and supervision of institutions for occupational retirement provision; the European Parliament and the Council agreed on 30 June 2016 on a revision of this directive (to be published in Official Journal early 2017).

In relation to **Financial Market Infrastructure**, other key legislation includes the Settlement Finality Directive (98/26/EC), the Financial Collateral Directive (2002/47/EC), the Amended Settlement Finality and Financial Collateral Directive (2009/44/EC), the Regulation on OTC derivatives, central counterparties and trade repositories, the European Market Infrastructure Regulation (EMIR) (Regulation 648/2012), the Central Securities Depositories Regulation (CSDR) (Regulation 909/2014) and the Regulation on Transparency of Securities Financing Transactions (SFTR) (Regulation 2015/2365).

In the field of **securities markets and investment services**, the Directive on Markets in Financial Instruments (MiFID) and its implementing measures set out a comprehensive regulatory regime covering the authorisation, operation and supervision of investment firms and regulated markets. As of 3 January 2018 MiFID will be replaced by a more comprehensive framework commonly referred to as MiFID2. The new framework aims to make financial markets more efficient, resilient and transparent. It introduces a market structure which closes loopholes and ensures that trading, wherever appropriate, takes place on regulated platforms. It introduces rules on high frequency trading. It improves the transparency and oversight of financial markets – including derivatives markets - and addresses the issue of excessive price volatility in commodity derivatives markets. It will improve conditions for competition in the trading and clearing of financial instruments. Building on the rules already in place, the revised MiFID also strengthens the protection of investors by introducing robust organisational and conduct requirements or by strengthening the role of management bodies. The new framework also increases the role and supervisory powers of regulators and establishes powers to prohibit or restrict the marketing and distribution of certain products in well-defined circumstances. A harmonised regime for granting access to EU professional markets for firms from third countries, based on an equivalence assessment of third country jurisdictions by the Commission, is introduced.

The Prospectuses Directive and its implementing measures reinforce the protection for investors by guaranteeing that all prospectuses, wherever in the EU they are issued, provide them with the clear and comprehensive information they need to make investment decisions. The acquis also prescribes minimum transparency requirements for listed companies concerning both periodic and ongoing information. A review of the Prospectus Directive is currently being negotiated by the EU co-legislators.

A revamped EU legal framework against market abuse consisting of the Market Abuse Regulation and the Directive on Criminal Sanctions for Market Abuse applies as of 3 July 2016 substituting an earlier directive from 2003. This new rulebook increases investor protection and confidence by

allowing deeper and more integrated financial markets, and contribute to the creation of the Capital Markets Union. It strengthens the fight against market abuse across commodity and related derivative markets, explicitly ban the manipulation of benchmarks, such as LIBOR, and reinforce the investigative and sanctioning powers of regulators..

The legislation on investment funds (UCITS) sets out common basic rules for the authorisation, supervision, structure and activities of investment funds to facilitate the cross-border distribution of units of funds in the EU and to ensure adequate investor protection. The recast UCITS directive of 2009 introduces provisions on fund mergers and master-feeder structures. It replaces simplified prospectus with key investor information, improves notification procedure and strengthens supervisory co-operation mechanism. The transposition deadline is 30 June 2011.

As regards **supervision**, in September 2009 the Commission brought forward proposals to replace the EU's existing supervisory architecture with a European System of Financial Supervision (ESFS), consisting of three European Supervisory Authorities – the European Banking Authority (EBA), the European Securities and Markets Authority (ESMA), and the European Insurance and Occupational Pensions Authority (EIOPA). The three European supervisory authorities (ESAs) and the European Systemic Risk Board (ESRB) were established as from January 2011 and their main role is to upgrade the quality and consistency of national supervision, to strengthen oversight of cross-border groups, to establish a European single rule book applicable to all financial institutions in the financial market as well as to prevent and mitigate systemic risks to the financial stability of the Union. The 28 national supervisors are represented in all three supervising authorities. Individual ESAs have specific roles: for example ESMA is the EU supervisor of credit rating agencies, while EBA and EIOPA carry out "stress tests" of their respective sectors. ESMA can ban products that threaten the stability of the overall financial system in emergency situations. In addition, the ESRB has been tasked with the macro-prudential oversight of the financial system within the Union.

Moreover, in June 2012 it was agreed to create a banking union, based on a single rulebook for banks in all Member States. Since November 2014, the common implementation of these rules in the Eurozone is being overseen by the European Central Bank (ECB). This impartial supervision is part of the Single Supervisory Mechanism (SSM) and aims at preventing bank failures through measures such as the Capital Requirements Directive and Regulation. However, in the event of a bank failure, the Single Resolution Mechanism (SRM), comprising the Single Resolution Board (SRB) and the Single Resolution Fund (SRF), will ensure that taxpayers continue to be protected from a bank crisis. Additionally, the common rules protect EU consumers as well as preventing panic withdrawals in the event of a bank crisis: the Directive on Deposit Guarantee Scheme (DGS) guarantees that deposits up to 100,000€ are safe at all times and everywhere within the EU. Since the DGS is currently national in nature, the Commission has brought forward proposals for a single pan-European Deposit Insurance Scheme (EDIS), to be reviewed in 2019.

The Stabilisation and Association Agreement already lays down specific obligations in the areas covered by this Chapter. When answering the questions below, please make reference to the state of implementation of such obligations.

I. BANKS AND FINANCIAL CONGLOMERATES

A. General questions

1. What is the situation with regard to right of establishment and cross-border supplies of services in Bosnia and Herzegovina for EU credit institutions? Which conditions apply? Are there specific conditions regarding the opening of branches by foreign banks? Regarding the establishment of a foreign subsidiary?
2. Are foreign credit institutions, once authorised, treated in every respect as a domestic undertaking?

B. Legal framework

3. How is the distribution of competences defined between different levels of governance and which authorities are responsible on banks and financial conglomerates in Bosnia and Herzegovina?

Conditions of admission

4. What are the essential requirements for the authorisation to take up the business of credit institutions (legal form, level of own funds, minimum number of shareholders, number and conditions concerning the persons who direct the business, others?)

Conditions of operation

5. What are the provisions concerning prudential ratios? Indicate the average level of these ratios for the industry:
 - a) Solvency ratio;
 - b) Liquidity ratio;
 - c) Leverage ratio
6. Is there a deposit guarantee scheme? Describe its main elements.
7. What are the activities which a credit institution is authorised to carry on?
8. Which accounting prudential and statistical information is the bank required to give to the supervisory authority in respect of its business? Please indicate periodicity of such information. Are there any sanctions for delays or failures to submit such information in time?
9. Is there a specific regulation concerning the annual accounts and consolidated accounts of banks? Explain the main rules applying to the format of the balance sheet and to the publication of the annual accounts.
10. How are capital requirements determined? Can banks use their own models for determining risk and regulatory capital?
11. Is there a regulation concerning the capital adequacy relating to risks other than credit risks?
12. Is there a regulation concerning the large exposures? Describe its main elements.
13. Is there a regulation concerning the supervision on a consolidated basis? Describe its main elements. Are there plans to change the regulation? If so, please outline main changes, desired outcomes and a tentative timeline.
14. Are the institutions issuing electronic money regulated? If so, in which way?

Supervisory authorities

15. Which is the competent authority to grant a license to a credit institution and to supervise it? Please indicate name and address. Has this authority other functions? Which? Does the supervisory authority publish an annual report? If so, could it provide the Commission with a translated copy or a summary? Please provide information on the number, importance and outcome of investigation carried out by the supervisory authority over the last five years. What are the plans for improving enforcement capacity of the supervisory authority over the next 5 years?
16. How is the operational independence of the supervisory authority ensured, in line with international standards (Basel Committee, the International Organisation of Securities Commissions (IOSCO) and the International Association of Insurance Supervisors (IAIS) core principles)?
17. Are professionals employed by the supervisory authority subject to limitations (time or other) regarding the possibility to be employed as senior staff in commercial banks? Please explain.
18. Does the supervisory authority have institutional cooperation with other domestic supervisory authorities and with home supervisory authorities of foreign banks present in the market?
19. Explain how do the supervisory authorities in Bosnia and Herzegovina coordinate with the European Central Bank and other countries' Central Banks, notably home supervisory authorities of foreign banks established in Bosnia and Herzegovina?
20. What specific measures have been taken in order to improve the evaluation of credit risk and the quality of the loans' portfolios? Are international standards in relation to the recognition of bad debts and provisioning in place?
21. Are there particular areas of difficulty in banking supervision? What is the degree of independence of the supervisory authorities and how has this changed in recent years and/or are expected/planned to change? How efficient is co-ordination of supervisory authorities and institutions?
22. How many professionals are employed by the supervisory authority? What are the professional qualifications required?
23. What powers does the supervisory authority possess in order to require supplementary periodical information? Can the authority carry out on-the-spot verification?
24. How can the supervisory authority ensure that managers and directors act in a fit and proper way? Can it intervene directly if they do not?
25. What are the powers of intervention of the supervisory authority in case of undertakings in difficulties? Under what circumstances may the authorisation of a credit institution be withdrawn?
26. Are any special measures applied for the supervision of financial conglomerates, as defined in Directive 2002/87/EC? If so, please describe them.

Recovery and resolution

27. Does Bosnia and Herzegovina have a special pre-insolvency, early intervention or resolution system for banks? What are the conditions for this regime to apply? What are the powers of the authorities? If applicable, please provide an overview of the current and planned legislation regarding bank resolution and bank insolvency procedures.

28. Has a national resolution authority been set up? If not, is there an intention to create such an authority and if so, is the national resolution authority envisaged to be an independent legal entity or part of the Central Bank?
29. Please indicate whether institutions or the competent authorities have so far drafted/adopted any type of recovery plan?
30. Please indicate whether institutions or competent authorities have so far drafted/adopted any type of resolution plans?
31. Please explain whether there is any type of resolution financing arrangement in place and if yes, how does it work?
32. Has the Deposit Guarantee Scheme (DGS), if any, been used in the past in order to facilitate proceedings around the failure of a bank?

II. INSURANCE AND OCCUPATIONAL PENSIONS

A. General questions

33. Briefly describe the main features of the insurance market in terms of its relative importance and recent developments (with data including the most recent trends and by share in the financial sector), types of insurance, and ownership structure of insurance operations.
34. What is the situation with regard to right of establishment and cross-border supplies of services in Bosnia and Herzegovina for EU insurance companies? Which conditions apply?
35. Are foreign insurance companies, once authorised, treated in every respect as a domestic undertaking?
36. Is there a legal monopoly in one or more insurance branches (e.g. motor insurance, accident insurance)?
37. Which measures are envisaged/or have been taken to liberalise the insurance market?

B. Legal framework

38. How is the distribution of competences defined between different levels of governance and which authorities are responsible on insurance and occupational pensions in Bosnia and Herzegovina?
39. Please indicate the principal legislation adopted in this area and its implementation.

Supervisory Authority

40. What is the set-up and structure of the financial supervisory authority in Bosnia and Herzegovina? Who supervises the insurance company's business overall, its state of solvency and its technical provisions and the assets covering them (please indicate name and address)?
41. Which authority is in charge of the financial supervision over occupational pension funds?
42. What powers does the supervisory authority have:
 - a) In order to require the necessary supplemental information;
 - b) To carry out on-site inspections;
 - c) In order to ensure that managers work in a fit and proper way;
 - d) In case of insolvency;

- e) To sanction and remedy violations of the law?
- 43. To whom does the supervisory authority report to?
- 44. How many actuaries and officials in charge of supervisory functions are employed by the supervisory authority? Please provide information on the number, importance and outcome of the investigations carried out by the supervisory authority. What are the plans for improving enforcement capacity of the supervisory authority over the next 5 years?
- 45. What are the requirements of professional secrecy with respect to the members of the supervisory authority?
- 46. Which provisions exist with regard to the exchange of information with supervisory authorities of third countries?
- 47. Does the supervisory authority publish an annual report? Could it provide the Commission with translated a copy or a summary of the report? What are the powers of intervention in case of insolvency, abuses of authorisation?
- 48. How is the operational independence of the supervisory authority ensured, in line with international standards and the International Association of Insurance Supervisors - (IAIS) core principles)?

Conditions of admission and licensing

- 49. Which conditions are required of new insurance companies by law before taking up the business of direct insurance? In particular, what are the requirements regarding:
 - a) prior authorisation;
 - b) schemes of operations / soundness of business plan;
 - c) suitability of shareholders / owners;
 - d) limiting itself to the business of insurance;
 - e) legal form;
 - f) needs test?
- 50. What are the rules with regard to the change of control of an insurance company (e.g. approval requirement, notification, standards to be met)?
- 51. What are the rules applicable to insurance intermediaries operating in Bosnia and Herzegovina? What conditions do they have to fulfil before they may take up their business (e.g. registration, tests, professional requirements)?

Conditions of operation

- 52. Does the law impose requirements as regards prior approval of premia or policy conditions for non-compulsory or compulsory insurance? Which measures have been taken or are envisaged to liberalise the insurance market?
- 53. What are the rules concerning the establishment of technical provisions? Are life/non-life insurance companies obliged to employ actuaries?
- 54. What is the definition of solvency margin?
- 55. What are the solvency margins broken down by life/non-life insurance companies operating in the market?
- 56. What are the minimum levels of capital / minimum guarantee fund?

57. What are the rules for investing funds of an insurance company (e.g. diversification, limits on the amounts)?
58. What are the rules with respect to insurance and the means of electronic commerce?
59. What are the rules relating to distance marketing of insurance contracts?
60. What information has to be provided to a customer with respect to concluding a contract?

Information provided to the supervisory authority

61. Which rules apply to insurance companies with regard to the format of the balance sheet, net or gross presentation, acquisition costs (profit and loss accounts), valuation of investments (historical vs. current value), unrealised investment gains?
62. What specific rules apply to the publication of annual accounts of insurance companies?
63. Which annual accounting, prudential and statistical information is the insurance undertaking required to give to the supervisory authority in respect of its business?
64. What are the rules relating to requests of the supervisory authority for additional information?
65. What are the rules governing on-site inspections / on the spot inspections?

Compulsory insurance

66. Which insurances are compulsory (i.e. medical, hunting, architect, building, aircraft, lawyer's liability insurance)?
67. What are the specific legal provisions relating to compulsory insurance to be fulfilled by an insurance company?

Motor insurance

68. Is motor insurance compulsory in Bosnia and Herzegovina?
69. What are the damages covered (esp. both damages to things and injuries to persons)? Are there exclusions in the persons covered?
70. Is there a maximum amount of coverage specified in the law? If yes, what is the level of this coverage?

Third Country Branches or Agencies

71. What are the principles and conditions for authorisation of an undertaking whose head office is outside the country?

Other

72. Are there any insurance classes (e.g. credit insurance) for which a specialisation requirement exists to the exclusion of other classes, meaning that an insurance company offering that class of insurance can only operate in this area to the exclusion of the others?
73. What are the rules on portfolio transfer (e.g. authorisation, publication, rights of policy holders)?
74. What are the rules concerning the winding up of an insurer (e.g. notification, approval, publication, rank of insurance claims, rank of creditors)?
75. What is the set-up of the supervision of insurance groups and financial conglomerates (e.g. different capital adequacy rules, solvency requirements, intra-group transactions)? Is there an additional supervision of these entities?

76. What steps have already been and are expected to be undertaken to (i) supervisory methodology, (ii) organisation or (iii) staff in anticipation of the coming into force of Solvency II?

III. FINANCIAL MARKET INFRASTRUCTURE

77. How is the distribution of competences defined between different levels of governance and which authorities are responsible on financial market infrastructure in Bosnia and Herzegovina?
78. To which extent is the Financial Market Infrastructure in Bosnia Herzegovina aligned to:
- a) the Settlement Finality Directive (98/26/EC)?
 - b) the Financial Collateral Directive (2002/47/EC)?
 - c) the Amended Settlement Finality and Financial Collateral Directive (2009/44/EC)?
 - d) the Regulation on OTC derivatives, central counterparties and trade repositories (EMIR) (Regulation 648/2012)?
 - e) the Central Securities Depositories Regulation (CSDR) (Regulation 909/2014)?
 - f) the Regulation on Transparency of Securities Financing Transactions (SFTR) (Regulation 2015/2365)?
79. Please, provide details about existing mechanisms to reduce the systemic risk linked to the insolvency of a participant in payment and securities settlement system and to which extent they are in line with the Settlement Finality Directive (98/26/EC).

IV. SECURITIES MARKETS AND INVESTMENT SERVICES

A. General questions

80. Is there an authority in charge of supervising regulated markets? If yes, please indicate name and address.
81. Does the supervisory authority publish an annual report? If yes, please provide the Commission with a copy or a summary of the most recent report.
82. Is this authority also in charge of supervising collective investment undertakings?
83. Please provide information on the number, importance and outcome of investigation carried out by the supervisory authority over the last five years.
84. What are the plans for improving enforcement capacity of the supervisory authority over the next five years?
85. Is there a central securities register? Please provide details.

B. Legal framework

86. How is the distribution of competences defined between different levels of governance and which authorities are responsible on securities markets and investment services in Bosnia and Herzegovina?
87. Please indicate the principal legislation adopted in this area and its implementation.

Investment firms

88. Please outline the legal framework adopted for the operation of investment companies, mutual funds, pension funds.
89. Is the provision of investment services subject to authorisation in the country? Is there any exception (undertakings which do not provide services for third parties, investment services not carried out on a professional basis)?
90. How are investment services defined? Which activities require previous authorisation to be carried on? Which institutions can provide investment services? Are credit institutions and/or insurance undertakings authorised to carry on any of these activities? Do they need specific authorisation?
91. What conditions are new investment firms required to meet by law before taking up their businesses (legal form, initial capital, good repute and sufficient experience for persons who direct the business, fit and proper test for shareholders)?
92. Is the acquisition of holdings in investment firms subject to specific requirements?
93. Are there prudential ratios (solvency, liquidity)? Are they applied on a consolidated basis?
94. Please explain whether there is an investor compensation scheme and how it works to compensate investors in case an investment firm is not able to return back assets.
95. What is the situation with regard to right of establishment and cross-border supplies of services in Bosnia and Herzegovina for EU investment firms? Which conditions apply?

Credit Rating Agencies

96. The EU framework for CRAs is defined by Regulation 1060/2009 (CRA I) as amended by Regulations 513/2011 (CRA II) and 462/2013 (CRA III). Are you already familiar with the main elements of this regime?
97. Does Bosnia and Herzegovina follow international developments on CRAs (e.g. G-20, FSB, IOSCO)?
98. Does Bosnia and Herzegovina have a system for the approval and registration of CRAs? If so, how many CRAs are active in the country's capital market?
99. Does Bosnia and Herzegovina have in place a system for CRA supervision?
100. Are Bosnia and Herzegovina authorities familiar with the responsibilities of the European Securities and Markets Authority (ESMA) in the area of CRAs?
101. Does Bosnia and Herzegovina have specific concerns in relation to sovereign ratings?
102. Does Bosnia and Herzegovina promote the use of alternatives to external credit ratings? If so, please explain.
103. Does Bosnia and Herzegovina encourage competition in the credit rating market? If so, please explain.
104. Does Bosnia and Herzegovina collect and publish information on the credit rating market?
105. Does Bosnia and Herzegovina have agreements with other jurisdictions for the (mutual) recognition of foreign CRAs? If so, please explain.

Collective Investment Undertakings

106. Are collective investment undertakings subject to authorisation requirements?

107. Which legal forms and structures of collective investment undertakings are provided? Are there rules governing the investment policy of a collective investment undertaking (eligible assets, investment limits)? Are there risk-management processes employed to monitor and measure the overall risk of a collective portfolio? Do supervisors have powers to impose sanctions for breaches of the rules governing collective investment undertakings? What are the applicable sanctions? Are there specific requirements for collective investment undertakings intended for retail investors that differ from those intended for professional investors –if so, how are retail investors defined and what are the specific requirements?
108. Are the assets of collective investment undertakings entrusted to a depositary? Are such assets separate to the depositary's own assets? Which further obligations have to be fulfilled by the depositary? Is the depositary subject to prior approval? Which requirements apply for the depositary? What are the tasks of the depositary and which ones can be delegated to a third party? Is the depositary liable for the loss of the assets held in custody?
109. Are companies providing collective investment management services (management companies, investment companies) subject to authorisation? What are the authorisation requirements? Which additional activities of a management company may also be authorised? Which operating conditions apply? Are there any rules governing the remuneration of managers of collective investment undertakings?
110. Which information has to be supplied to the unit holders (full and simplified prospectus, annual report)?
111. What is the situation of collective investment undertakings from EU Member States in Bosnia and Herzegovina? How is the right of establishment and cross-border supplies of services of EU management companies being dealt with?
112. Are any of the following fund types subject to regulation and supervision: hedge funds, venture capital funds, social entrepreneurship funds?
- (Chapter 4 provisions on free movement of capital also have to be respected).*

Markets

113. Are there regulated markets? Please list them. How are such markets defined? Are there rules which limit the number of persons which have access to those markets? Can credit institutions become members of a regulated market?
114. Are there Multilateral Trading Facilities (MTFs - alternative trading venues)? Please list them. How are they defined? Which institutions can operate MTFs? Are there rules limiting access to those markets?
115. What are the information requirements vis-à-vis competent authorities and investors on transactions performed on regulated markets?
116. Which instruments can be traded on regulated markets? What are the conditions required for the admission of these instruments to listing on the regulated markets?
117. Which instruments can be traded on MTFs?
118. Can EU-issuers be listed on regulated markets?

Supervisory authorities

119. As regards the regulatory and supervisory framework, what are the main features of the legislation on the Securities Market? Is supervision considered to be satisfactory? As in banking (above), what steps are planned to address potential problems of co-operation between supervisors on a consolidated basis?

120. Describe the powers and duties of supervisory authorities on the securities sector (to carry out on-the-spot inspections, to require supplementary information, to cooperate with third countries authorities). Which authority is in charge of supervising regulated markets and MTFs? Is it an independent authority? Which entities are subject to its supervision? Does the supervisory authority publish an annual report? Are supervisory authorities bound to secrecy as to information received from third countries competent authorities in particular? How many people are employed by these supervisory authorities? What are the professional qualifications required? What is its budget?
121. Which annual accounting prudential and statistical information are investment firms and listed companies required to give to the supervisory authority in respect of their businesses? Which information are collective investment undertakings and/or their management companies required to submit? What powers does the supervisory authority have to require supplementary information? Are there any sanctions envisaged in case of non-compliance/non-submission/delayed or incomplete submission? Please describe and refer to the relevant regulatory framework.
122. What are the powers of intervention of the supervisory authority in cases of investment firms in difficulties?
123. Is there a right of appeal to the Courts against any decisions taken by the supervisory authority?
124. How is the supervisory authority's operational independence ensured?
125. What are the supervisory authority's investigative powers?
126. Is the supervisory authority capable of imposing administrative sanctions and measures?

Market structure information

127. What is the number of (broken down by type of product/market):
- a) Regulated markets and/or MTFs;
 - b) Broker-dealers on regulated markets;
 - c) Credit institutions providing investment services;
 - d) Portfolio managers;
 - e) Total collective investment undertakings (number of undertakings as well as total amount of assets under management), of which:
 - Domestic;
 - Non-domestic EU;
 - Non-domestic non-EU

CHAPTER 10: INFORMATION SOCIETY AND MEDIA

The *acquis* includes specific rules on electronic communications, on information society services (in particular electronic signatures, electronic commerce and conditional access services), and on audio-visual media services.

In the field of **electronic communications**, the *acquis* aims to eliminate obstacles to the effective operation of the internal market in telecommunications services and networks, to promote competition and to safeguard consumer interests in the sector, including universal availability of basic modern services. The Stabilisation and Association Agreement provides for cooperation between EU and Bosnia and Herzegovina in the area of electronic communications infrastructure and associated services, including **information society** development. The objective as stated in the relevant provision on information society is to achieve ultimate alignment with the European Union *acquis* as from the entry into force of that agreement. Regarding electronic communications networks and services, the Stabilisation and Association Agreement provides for a 1 year period after entry into force of the SAA on 1 June 2015 for adoption of the *acquis* in this sector.

As regards **audio-visual policy**, the *acquis* aims to establish a transparent, predictable and effective regulatory framework for audiovisual media services in line with European Standards. It entails the legislative alignment with the Audiovisual Media Services Directive, which creates the conditions for the free circulation of audiovisual media services on the basis of the country-of-origin principle, but also provides for minimum standards on the protection of minors and consumers, measures to safeguard media pluralism and to combat racial and religious hatred, and a reference to cooperation between independent regulatory bodies. The *acquis* further entails EU recommendations on protecting children/minors online and the European film heritage. The MEDIA 2007 programme aims at strengthening the competitiveness of European audiovisual enterprises. Since 2015 Bosnia and Herzegovina already participates in the European Union support mechanisms (MEDIA programmes).

The Stabilisation and Association Agreement already lays down specific obligations in this area. When answering the questions below, please make reference to the state of implementation of such obligations.

I. ELECTRONIC COMMUNICATIONS AND INFORMATION TECHNOLOGIES

A. Basic data

1. Please provide basic data on the state of the telecommunications services market. The indicators should be chosen so as to enable the market of Bosnia and Herzegovina to be presented in a similar way as appears for enlargement countries in the regular reports on the implementation of the EU regulatory framework. The reference date is either 30 June 2015 (for regulatory data) or calendar year 2015 (for statistical data).
2. Please describe the Information and Communication Technologies (ICT) market (basic data).

B. Legislative and institutional framework

3. Please describe the legislative framework of the sector, with reference to primary and secondary legislation.
4. Please describe the institutional framework of the sector, with reference to government bodies, the role of the parliament and possible parliamentary committees and the role of representative organisations of public and private sector players and of consumers.

5. What are the legislative and regulatory provisions to ensure fair trading and consumer protection in the sector?
6. What are the mechanisms for market surveillance?
7. What are the procedures for dispute resolution regarding consumer-operator disputes, operator-operator disputes and operator-regulator disputes? Please also provide information on the number of different disputes and their resolution.
8. Of which relevant international organisations does Bosnia and Herzegovina hold membership?
9. Please provide full details on the administrative capacity of the National Regulatory Authority and its organisation. Also provide information on the administrative capacity of the relevant Ministry in charge of electronic communications.
10. Explain how the regulatory and institutional set-up secures sufficient transparency and legal predictability for market players and potential investors.
11. Taking into account the Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (Framework Directive), and in particular its Articles 3(2) and Article 3(3), what are the provisions to ensure the independence of the National Regulatory Authority?

C. Policy and regulatory frameworks

12. Please describe the policy for the telecommunications sector. If a strategy document covering the sector exists, provide a translated copy.
13. What is the timetable for legislative approximation to the *acquis*? What is the policy and timetable for the implementation of full liberalisation in the sector?
14. What is the situation and policy as regards universal service obligations?
15. Please describe the competence, structure and degree of independence of the regulatory body for telecommunications: operational independence, possibility for political interference, financial independence (surplus regulation). Provide information on its establishment, nomination procedures (selection procedures and dismissal clauses for board members and director), budgetary and human resources and administrative powers. To what extent is there a separation of regulatory and operational competencies? In the response to these questions, please describe not only the legal provisions but also how the legal provisions are implemented in practice (and provide information going back up to five years on the implementation of such provisions).
16. Can decisions of the regulatory body be appealed? If yes, describe the procedure and its results over the past 2 years.
17. How does the allocation of frequencies and numbers/codes take place? Please indicate where relevant the involvement by "Conférence Européenne des Administrations des Postes et Télécommunications" (CEPT) and International Telecommunications Union (ITU).
18. Please provide details on the implementation and enforcement of competitive safeguard measures, in particular:
 - a) CS (carrier selection)/CPS (carrier pre-selection) incl. calls to non geographical numbers;
 - b) Implementation of number portability;

- c) SMP (significant market power) regulations (market analysis procedure and imposition of remedies on SMP operators, including price control, and accounting separation), please also provide information on which markets will be analysed (and include planning));
 - d) Access and interconnection, cost orientation, RIO (reference interconnection offer) (*including* the approval procedure by the regulatory authority) and the number of interconnection agreements;
 - e) RUO (reference unbundling offer) (full unbundling, shares access and also including bitstream access) and number of unbundled & shared loops;
 - f) Roaming and MVNO (mobile virtual network operator) access.
 - g) Rules on infrastructure sharing for broadband development
19. Describe the 'rights of way' procedures in Bosnia and Herzegovina.
20. Implementation of the European Emergency number 112: describe the cooperation provisions between all the relevant authorities in the sector (i.e. the cooperation between the competition authority and the regulatory authority in charge of electronic communications).

D. Description of sector

21. What is the current stage of sector liberalisation? Please provide information for all market segments (fixed telephony, mobile telephony, fixed and wireless internet) on:
- a) Infrastructure, including all "alternative" infrastructures;
 - b) Liberalised services.
22. What are the number of operators and the types of authorisation? Please provide information for the following sub-sectors:
- a) Public voice telephony (Public Switched Telephone Network (PSTN), alternative infrastructures, e.g. utilities);
 - b) Public land mobile communications (analogue and digital non-GSM (Global System for Mobile Communications), GSM, DCS 1800 (GSM operating at higher frequency), UMTS (Third Generation Digital Mobile System), WiMAX (Worldwide Interoperability for Microwave Access), LTE, GSM/EDGE data traffic etc);
 - c) Private land mobile telecommunications (e.g. taxis, transport, emergency services);
 - d) Satellite communication;
 - e) Data communication;
 - f) Cable television;.
 - g) Others (not covered by the above).
23. What are the manufacturers and manufacturing activities for network equipment and terminals in Bosnia and Herzegovina?
24. Which are the main public telecommunications operator(s)? Please refer to:
- a) Ownership and control of the operators;
 - b) Type of authorisation;
 - c) Principal subsidiaries;

- d) Revenue/net income;
 - e) Number of employees;
 - f) Number of main lines;
 - g) Number of subscribers for the main operators (in case of mobile telephony, distinguish between pre-paid and post-paid customers).
25. What strategic telecommunications alliances exist in Bosnia and Herzegovina? Please provide information on partners, shareholders, fields of activity and the approvals by the competition authorities.
 26. What type of cost accounting system is used by the main public network operator(s) and/or the operators with significant market power? Is it mandatory to use the cost accounting system in justifying their prices? How are the retail prices regulated? How are the wholesale prices (i.e. for interconnection) regulated?
 27. Please provide information on the number of internet users, based on the different (access) technologies. Please provide information on how the prices for internet use are determined.
 28. Describe the situation as regards infrastructure access to cables and ducts, as well as the extent of facility sharing.

II. INFORMATION SOCIETY SERVICES

A. Policy

29. Please describe the institutional framework of the sector, with reference to the relevant government bodies, the role of the parliament and possible other organisations or institutions. Also describe the policy for the development of the information society. If a strategy document exists, please provide a translated copy. Is there any policy initiative similar to the Digital Agenda for Europe or the Digital Single Market Strategy?
30. Is there a broadband strategy and if so, how is it coordinated in Bosnia and Herzegovina? What are the broadband targets in penetration and speeds?
31. What body is in charge of the information society policies, including its implementation? How is the coordination of activities, developments and policies performed and ensured in the sector?
32. What is the budget allocated to the policy, what is the administrative capacity and what are the implementation mechanisms?

B. Basic data on Internet access

33. Please provide Internet access rates and speeds for:
 - a) schools, both primary and secondary education;
 - b) households;
 - c) enterprises, per size (SMEs, medium, large) and sector if possible.

C. Research

34. What is the specific public policy for promoting and supporting research on Information Society Technologies (ISTs)? If a strategy document exists, please provide a translated copy.
35. What are the main universities, research institutes or centres active in IST research? In which domains?

D. Public sector

36. What are the public services offered on-line to citizens and businesses?
37. Please report on the degree of alignment with the Directive 2003/98/EC on the reuse of public sector information.
38. What are the penetration/usage rates of these services?
39. What is the institutional set up and what are the regulatory instruments and procedures for data security and the protection of privacy in the sector?
40. Please provide information on the (existence of) applicable rules regarding data retention, unsolicited communications (spam), itemised billing, comprehensive subscriber directories.
41. Provide information on the domain name registry or registrars. Please provide also information on the number of registered domain names and sub domains, and also provide an overview of the annual price charged (excl. VAT).

E. Private sector

42. What is the rate of companies conducting e-business, per size and sector if possible? Which applications?
43. Are there any incentives offered to companies using ICTs? What kind of incentives?

F. e-Commerce

44. Please report on the alignment with the directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on Electronic Commerce), as well on the implementation of the provisions of the directive in Bosnia and Herzegovina.
45. Is there legislation or other requirements specific to the provision of information society services (defined as any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services)? If so, please give details on the alignment to the relevant *acquis* and the implementation.

G. Electronic pay-services (conditional access — Directive 98/84/EC)

46. Has Bosnia and Herzegovina ratified Convention 178 of the Council of Europe on the legal protection of services based on, or consisting of, conditional access?
47. Has Bosnia and Herzegovina ratified Convention 185 of the Council of Europe on cybercrime?

48. What kind of protection is provided to protect the remuneration of providers of services protected by conditional access?
49. Do you consider that this protection conforms to Directive 98/84/EC?

H. Electronic signature

50. Please report on the alignment with the directive on a Community framework for electronic signatures 1999/93/EC.
51. Have measures been taken to ensure the legal recognition of electronic signatures? Please provide the applicable law(s) and regulation(s).
52. Please detail the institutional setting related to electronic signature; i.e. which are the bodies responsible for supervision of certification service providers (including information on accreditation schemes) and those designated for the conformity assessment of secure signature-creation-devices. Please provide details regarding the supervision and/or accreditation schemes.

I. Accountability and cooperation

53. How is the accountability of the relevant authorities in this area ensured?
54. Has a contact point been appointed (in the Ministry, regulatory authority, and other authorities if relevant) to cooperate with authorities in other European countries?

J. Administrative Capacity

55. Please provide information (per institution/authority) on the number of staff and the respective responsibilities of the staff and provide an indication on the (available and necessary) level of administrative capacity in the sector.

III. AUDIOVISUAL POLICY

These questions are related to the *acquis* in the field of audiovisual policy: the provisions of the Audiovisual Media Services Directive (Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services); the Recommendation of the European Parliament and of the Council of 16 November 2005 on film heritage and the competitiveness of related industrial activities and the two Recommendations on the protection of minors: the Council Recommendation of 24 September 1998 on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity and the Recommendation of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry.

A. General framework

56. Is the media legislation aligned to European standards on media in accordance with fundamental democratic principles?
57. What is the legislative framework governing the audiovisual media services and television broadcasting (i.e. linear audiovisual media services including satellite and cable)? When was (were) the main piece(s) of legislation adopted? Please provide a translation.
58. What is the timetable for legislative approximation to the *acquis*?
59. What is the policy established or foreseen with regard to the switch-over to digital broadcasting and the use of digital dividend? Can Bosnia and Herzegovina please provide a translated copy of the policy, as well as the information on the implementation of the actions of a policy document, and the foreseen timeline for the transition from analogue to digital broadcasting?

B. Audiovisual Media Services Directive

60. What are the competent authorities in the field of audiovisual policy? How are the competencies shared between them? Are there any plans to modify the regulatory structures in place?
61. With reference to the regulatory body for audiovisual media services, please refer to the following:
 - a) Have recommendations of experts from the Council of Europe and OSCE been taken into consideration when drafting legislation establishing the regulatory body, in particular Recommendation Rec(2000)23 to Member States of the Council of Europe on the independence and functions of regulatory authorities for the broadcasting sector and its annex containing guidelines on independence and functions of regulatory authorities for the broadcasting sector?
 - b) Legal safeguards for the bodies' independence, including rules or other mechanisms against interference from political sphere, and/or market players: nomination/appointment/dismissal of Board members and duration of their mandate, disqualification (incompatibilities) rules for members and rules on conflicts of interest, ethics and remuneration etc.;
 - c) Bodies' organisational, technical, financial and human resources considering also the tasks related to on-demand audiovisual media services, particularly online services, according to the Audiovisual Media Services Directive (e.g. protection of minors): the analysis shall cover notably issues of personnel (number of employees, required level of expertise in comparison with their tasks and their status), issues of technical and financial resources, whether they are a separated entity or are converged with telecoms regulator;
 - d) Considering also the tasks related to on-demand audiovisual media services, particularly online services, according to the Audiovisual Media Services Directive (e.g. protection of minors): monitoring, regulatory and sanctioning powers conferred to the bodies, their ability to create their own structures and to decide on their long term goals, impact of their regulatory functions and decisions on the audiovisual sector and the appeals procedure;
 - e) Accountability and transparency mechanisms (towards stakeholders, citizens);
 - f) The level of cooperation with other regulatory bodies within Bosnia and Herzegovina and with other countries.

62. Please refer to the procedure for assignment of frequencies for television broadcasting in Bosnia and Herzegovina. Which authority is responsible for assigning the frequencies, selecting the television broadcaster and setting the conditions for broadcasting?
63. What is the regime governing the granting of licences and the allocation of frequencies or satellite capacity? What are the conditions attached to the granting of licences and the assignment of frequencies or satellite capacity? What are the capacities and mechanisms for monitoring the use of licences? Please indicate number of cases in which a licence was taken away due to failing to comply with the conditions of the licence.
64. What are the distribution systems in place (terrestrial, cable, satellite)? What (if any) are the "must carry" regulations (obligations for the network to distribute certain channels)?
65. What are the arrangements as regards technical broadcast standards?
66. What legal measures apply to encryption of broadcast signals?
67. Which public and private broadcasters are licensed or authorised and how are they financed?
68. What are the criteria used for determining jurisdiction over audiovisual media services in Bosnia and Herzegovina?
69. Are there any restrictions on reception or retransmission of audiovisual media services from other European States? Please refer to both television broadcasting and on-demand audiovisual media services.
70. Are there any specific measures applying to the retransmission of audiovisual media services in Bosnia and Herzegovina?
71. Please provide details of any international commitment(s) which may affect audiovisual services, in particular, in the framework of Bosnia and Herzegovina's accession to the WTO.
72. What (if any) are the provisions in the audiovisual legislation setting standards in the fields of audiovisual commercial communications, in particular the ban on incitement to hatred, accessibility of people with visual or hearing disabilities, respect of copyrights of cinematographic works, television advertising including teleshopping and sponsorship, product placement, surreptitious advertising, ban on tobacco advertising and limitation of alcohol advertising and medical products; protection of minors (please refer to the watershed and the protection of minor from detrimental advertising in both television broadcasting and on-demand audiovisual media services) and public order; and the right of reply?
73. Has Bosnia and Herzegovina introduced specific regulations in the field of television advertising that can be considered to be a more detailed or stricter rule compared with the rules in the audiovisual media services directive (for instance: ban on political advertising, ban on alcohol advertising, restrictions concerning children's programmes etc)?
74. Has a list of major events to be broadcast on free-to-air television been adopted? If so, please provide us with the list of such events and the conditions of transmission.
75. Has any measure been taken concerning access by other broadcasters to events of high interest to the public which are transmitted on an exclusive basis by a broadcaster? Are there possibilities for other broadcasters to access such events and broadcast short reports?
76. Have audiovisual media services providers developed codes of conduct on inappropriate commercial communications for foods and substances high in fat, sugar and salt directed to children?
77. What (if any) regulatory measures are used to encourage or require the audiovisual media services of, or the investment in, certain types of programmes (e.g. cultural, educational) or

programmes of specific geographical, linguistic or sectoral origin (independent productions, European works, national works, programmes made or broadcast in certain languages etc)? Please refer to television broadcasting and on demand audiovisual media services. Are there such measures as regards other media (cinema, theatres, video etc.)?

78. What definitions are used to distinguish television broadcasting from other audiovisual services?
79. What (if any) are the regulations covering other audiovisual services, in particular interactive, on-demand audiovisual media services, including Internet?
80. What rules and regulations govern public and private television broadcasting? What rules ensure the editorial independence of the public broadcaster? Please refer to the source of financing of the public broadcaster.
81. What are the legal provisions governing exclusive rights for the broadcast of major events (cultural, sporting, parliamentary sessions etc)?

C. Cinema

82. Please indicate the estimated overall amount of the audiovisual industry sector for 2015. What are (if any) the financial support systems in place for the audiovisual sector (including cinema)?
83. What legal and/or financial arrangements are in place for international co-productions (cinema and/or TV)?
84. What legal regime applies to radio sound broadcasting?
85. What limitations (if any) are there on the ownership of television and/or radio stations? Are there any specific limitations to foreign investors? What is the legal framework on the ownership of television and/or radio stations?
86. What systems are in place as regards statistics pertaining to the audiovisual sector?
87. Is there any certification system for tickets sold in officially recognised cinema theatres?

D. Film heritage

88. What legislative, administrative or other appropriate measures have been adopted to ensure that cinematographic works forming part of the audiovisual heritage are systematically collected, catalogued, preserved, restored and made accessible for educational, cultural, research or other non-commercial uses of a similar nature, in all cases in compliance with copyright and related rights?
89. How is the notion of cinematographic works forming part of the audiovisual heritage defined?
90. Please list the Film Heritage Institutions in Bosnia and Herzegovina, including also those of regional or local character, as well as their websites (if any).
91. Please describe the type of deposit in Bosnia and Herzegovina as: Legal Deposit, Compulsory Deposit of all funded films, Voluntary Deposit, Other (please specify).
92. Is there any provision/practice in Bosnia and Herzegovina concerning the collection of non-film material?
93. Please describe the databases used by the Film Heritage Institutions. Are they searchable via internet?

94. What measures/programmes have been taken in order to ensure preservation of deposited cinematographic works?
95. Which are the measures to encourage projects for the restoration of cinematographic works with high cultural or historical value?
96. Have any legislative or administrative measures been adopted to allow designated bodies to make deposited cinematographic works accessible for educational, cultural, research or other non-commercial uses of a similar nature, in compliance with copyright and related rights? Please provide details on the measures taken.
97. What steps have been taken to promote professional training in all fields related to film heritage?
98. Is there a strategy for the national film heritage and annual plans for specific issues (digitisation, restoration, education etc.)?

E. Protection of minors

99. Has an association of Internet Service Providers (ISPs) been established in Bosnia and Herzegovina? Please give details of the ISP association(s).
100. Has a code of conduct been drawn up by the ISPs? If possible, please provide a copy or the web address where it can be accessed.
101. Are there any legal requirements which apply specifically to ISPs and how they should deal with illegal or harmful content accessed over the Internet? If so, what are they?
102. Are there any specific requirements for ISPs to inform the police or judicial authorities about illegal content offensive to human dignity, which is available over the Internet?
103. Has a "hotline" for reporting harmful or illegal content been established? If so, please give details (including web and e-mail address) of the hotline(s), including their method of financing.
104. Have any efforts been made, either by industry or public authorities, to develop a filtering and rating system for the Internet in Bosnia and Herzegovina? If so, what progress has been made and what are the difficulties encountered?
105. What measures have been taken to spread awareness of safer Internet issues? Have these been part of a larger plan for "media education"? Have they been supported by public funds or by private funding (e.g. from industry or from voluntary associations) or by a mixture of public and private funding?
106. Please describe any initiatives which have been taken to control online chat-groups, in particular measures taken in order to avoid any abuse, which could be harmful to minors.
107. Please describe measures which have been taken in order to improve media-literacy (e.g. teaching children how to make a responsible use of new media).
108. Is there any specific regulation or self-regulation concerning the specific question of the right of reply with respect to online-media?
109. Have broadcasters established a system of self-regulation relating to the protection of minors? Please give details of this, particularly with regard to membership. Does it include a code of conduct regarding the protection of minors and harmful content?

110. Are on-screen warning icons required, either by law or by codes of conduct, for potentially harmful television programmes? Are acoustic warnings before such programmes required, either by law or by codes of conduct? Where such measures are used, are they considered to be effective?
111. Are there any specific legal provisions concerning the sale of video games? (This question concerns the physical sale of video game software, not the provision of software over the Internet for downloading onto computers).
112. Is there any self-regulatory system in place which covers questions relating to age-rating for video games, such as the system of self-rating which has been announced by the Interactive Software Federation of Europe (ISFE)? If so, please give details.

CHAPTER 11: AGRICULTURE AND RURAL DEVELOPMENT

The agricultural chapter covers a large number of binding rules, many of which are directly applicable regulations. The proper application of these rules and their effective enforcement by an efficient public administration are essential for the functioning of the Common Agricultural Policy. This includes the setting up of management systems such as a paying agency and the Integrated Administration and Control System (IACS), and also the capacity to implement rural development actions.

EU membership requires integration into the Common Market Organisation of a range of agricultural products, including arable crops, sugar, animal products and specialised crops.

The required administrative structures are not always specified in the *acquis*. In many cases the *acquis* simply uses terms such as the "competent authority" to refer to the administrative structure that is needed. This means that it is left to each Member State to decide which institution is responsible for effective implementation of the *acquis*. However, the functions that EU Member States must have the capacity to carry out - through the administrative structures they establish - are clearly specified in the *acquis*.

I. HORIZONTAL

1. How is the distribution of competences defined between different levels of governance across the agriculture and rural development policy area?
2. Please provide, with an indication of recent and expected future developments, a general description of:
 - a) The national and regional farm income policy, production and structural policy (in particular rural development policy)
 - b) The budget earmarked and used for this general agricultural policy framework
 - c) The administrative structure in place at the national and/or regional level (e.g. Ministry of Agriculture, Intervention/Paying Agencies, Advisory Bodies, etc.) involved in agricultural policy formulation, execution, monitoring, and control.
 - d) If there is a paying agency in charge of the management of agricultural policy please submit information on the way it operates. If no, please provide information on the institution in charge of the management of the agricultural policy of Bosnia and Herzegovina (Ministry of Agriculture, regional offices, marketing boards, agricultural chambers, etc.) In both cases, information on the structures of the organisation(s) involved should also be provided.
 - e) Please provide flowcharts describing how applications for aids are prepared, distributed/collected, processed, controlled, authorised and paid, underlining the main responsibilities, processes and procedures with regard to the management and internal control system (if existing).
 - f) Farmers' organisations and their role in the agricultural and rural development policy formulation, implementation and monitoring as well as regarding their advisory role for farmers;
 - g) Farm advisory services and farmer's register;
 - h) The method and frequency of information transmission to beneficiaries/general public (on aid or project financing applications and on other general agricultural and rural development issues).

3. Please provide general information on the trade policy and mechanism applied in Bosnia and Herzegovina regarding agricultural products including bi-lateral and multi-lateral agreements, import/export schemes, tariff quotas, systems of licenses, safeguard clauses etc, as well as operational structure in place; please also specify whether the EU Combined Nomenclature is applied. (Product specific measures should be described under section II).
4. Please provide a description, including financial details, of measures (State aid) or any other policies specifically applied in the sector of primary agricultural production, processing and marketing of agricultural products, as well as in the forestry sector (but not covered elsewhere in replying to this questionnaire). This should include direct and indirect input subsidies; social policy measures primarily directed to the agriculture sector; tax policy measures primarily directed to the agriculture sector; policies directed to privatisation of land and other factors of production (including the agro-food processing sector); measures which are aimed at developing a land market; credit subsidies; risk management tools and others.
5. Please provide information on publicly funded services to agriculture. The description should be provided only if public resources are involved. It should indicate the amount of public contribution and financing originating from any other resources for the period starting from year 2000. Examples are research; guidance/advisory service, training; marketing support; inspection; farm land surveying; advisory service, other.
6. Please describe the land cadastre system and mechanism of its implementation, administering and monitoring, and if existing, any system used for the identification of agricultural parcels.
7. Please indicate the existence of any Geographical Information System(s) used for the purpose of management and dissemination of the agricultural policy. If any exists, please also describe it and specify its purposes.
8. Please inform on the existence of any type of cross-compliance systems (e.g. reduction in agricultural support paid to farmers if environmental, animal welfare, public, animal or plant health standards are not complied with).
9. Please inform on the state of implementation of the law on agriculture and rural development as well as on whether Bosnia and Herzegovina envisages adopting any new framework acts, indicating whether there is any approved strategy and action plan in this area.
10. Please inform where Bosnia and Herzegovina stands in the preparations for IPARD pre-accession assistance including institutional set up, rural development strategy and programme. Please describe the main structures (if they already exist) as referred to in the IPA II Implementing Regulation (Commission Implementing Regulation 447/2014, L132, see in particular Article 55)..
11. Please inform on the existence of microeconomic instruments providing an overview of farm economics, in particular on the income of agricultural holdings, sectoral analysis and distribution of direct payments comparable to the [EU Farm Accountancy Data Network \(FADN\)](#). If they exist, please describe them, including their structure and legal basis.

II. MARKET MEASURES

12. A full description of the policies applied or planned is requested for each of the products or product categories listed below covering:
 - a) The aims, the functioning and the main quantitative elements of all the product- specific agricultural policy measures applied and planned: market intervention (buying-in, public/private storage, etc), production quotas, production or export levy, tax, import

duties and equivalent charges and other border measures like tariff rate quotas and other preferential imports production control, export refunds, etc.

- b) The management of import quotas explaining whether a system of import/export licences is used, and whether such a system provides for securities (bank guarantees) and controls (physical checks on products exported with a refund).
- c) The management and control of production subsidy schemes describing the procedure for registration of farmers' plots in the national farm register, procedure for lodging applications, data to be submitted, administrative and on-the-spot controls to be performed and sanctions to be applied.

Arable crops, specialised crops and products:

- Cereals;
- Rice;
- Sugar;
- Dried fodder, seeds, hops;
- Olive oil and table olives;
- Flax and hemp;
- Fruit and vegetables;
- Processed fruit and vegetables;
- Bananas;
- Wine;
- Live plants and products of floriculture;
- Raw tobacco;

Animal products:

- Beef and veal;
- Milk and milk products;
- Pigmeat;
- Sheepmeat and goatmeat;
- Eggs;
- Poultrymeat;

Specialised crops and products:

- Ethyl alcohol of agricultural origin;
- Apiculture products;
- Silkworms;
- Potatoes.

13. Where the individual measures are applied to more than one product category, they should be included within the description for each product category concerned. The descriptions should include at least the following information:

- a) Name of the policy measure; whether currently applied or planned (planned date of likely introduction);
 - b) Legislative basis (name and reference number of the relevant legal act);
 - c) Objectives and general description of the scheme;
 - d) Eligibility criteria of policy measure;
 - e) Basis for payments and for their regional differentiation (also the basis for determining the regions);
 - f) Amounts spent since 2000; total and per unit (ranges, if regionally differentiated);
 - g) Specific levies or taxes;
 - h) Use to which the levies/taxes are put (paid into general budget or destined for finance of particular activities, in which case please specify);
 - i) Administration of the scheme.
14. In addition, the description for the fruit and vegetables sector should include an indication, if relevant, of the economic importance of producers' organisations (including number and percentage of production covered by such organisations), legislation applicable in this field (also for inter-branch organisations) and any measures aimed at encouraging the organisation of the sector. It would also be useful to provide details of any representative markets for determining production and import prices. Information should also be included on the processing of fresh fruits and vegetables (which products, any rules on jams and fruit juice production) and on any subsidies given for the processing activities as well as details of the legal relationship between processors and producers of fresh products.
15. For each of the following sectors, a detailed description should be given of:
- a) The existing regulatory requirements and the arrangements for their administration and enforcement including legislative basis (name and reference of relevant legal act); objectives and general description of the legislation; approximated or not to EU legislation (or degree of approximation); participation in international standard schemes; description of administrative and enforcement arrangements (including resources, human, financial, and infrastructure, and if possible the administrative organisational chart).
 - b) Agricultural marketing requirements and standards (grading, sizing, mandatory/voluntary standards), labelling requirements (especially origin labelling) and the checks performed on imports/exports to assess compliance with these requirements (procedures, certificates, sanctions, etc):
 - Dairy products;
 - Beef and veal, sheepmeat and goatmeat;
 - Pigmeat, poultrymeat, eggs and honey;
 - Fruit and vegetables;
 - Wine and derived products;
 - Floriculture;
 - Olives and olive oil.
16. Regarding the wine sector, please describe the status of preparations for the establishment of a wine cadastre.

III. DIRECT PAYMENTS TO FARMERS

17. Please describe the direct payments regimes applied (i.e. income support granted directly to farmers), and in particular:
 - a) Most recent figures referring budget and number of beneficiaries per each scheme
 - b) The eligibility conditions;
 - c) The management and control system applied to each of them (in particular, registration of farmers' and their agricultural areas in a national farm register/land register, registration of animals,, procedure for lodging applications and eventually registration of such applications, any other registers in use for agricultural holdings/products/trees and vineyards, data to be submitted, administrative and on-the-spot controls to be performed (including extent as percentage of total controlled applications per scheme and procedures), sanctions to be applied);
 - d) The interaction of the different parts of the management and control system as well as the interaction with any possible system used for the identification of agricultural parcels or cadastre system (see point 5 under I - Horizontal);
 - e) The number of beneficiaries;
 - f) The budgetary amounts devoted to each regime;
 - g) Any payments coupled from production (e.g. area payments granted on the basis of an obligation of the beneficiary to produce), including coupled payments not linked to agricultural land;
 - h) Any specific rules on the transfer of the holding (sale, lease) in relation to the eligibility for direct payments;
 - i) Any other information that would be useful for comparing these regimes with the EU ones.

IV. RURAL DEVELOPMENT POLICY

18. Describe the institutional framework for rural development in Bosnia and Herzegovina; decision-making structure and responsibilities (top-down/decentralised method).
19. Detail and describe links between rural development and sectoral and territorial policies.
20. Information should be provided on all publicly funded rural development activities, whether they are implemented as part of integrated programmes, or as stand-alone schemes, and should include activities financed both nationally and regionally. Rural development activities may include, but are not limited to:
 - a) Increasing the competitiveness of the agricultural and forestry sector through support for investment and restructuring, including investments on farms and forests, support for processing and marketing, land improvement, re-parcelling, irrigation and water management, early retirement, vocational training, provision of advisory and extension services, establishment of producer groups, and establishment and operation of quality schemes for agricultural products;
 - b) Enhancing the environment and countryside through support for sustainable land management, including supporting farming in mountain areas or other areas with particular handicaps, schemes to protect biodiversity, habitats and landscapes, support for environmentally friendly farming and forestry methods, afforestation, measures aimed at

climate change mitigation and adaptation, water management (quality protection and quantity saving), soil protection, genetic resource conservation in agriculture;

- c) Enhancing the quality of life in rural areas and promoting diversification of economic activities, including the provision of basic services (e.g. roads, electricity, water, sewerage, local municipality/village authorities' buildings, etc. for the rural population, the renovation and development of villages, rural tourism, development of new economic activities to diversify the rural economy, and support for local development activities, small rural development projects at local level under own initiatives);
- d) The description of each measure/activity should include the following information:
- e) The name of the policy measure and sub-measure;
- f) The legislative basis (name and reference of the relevant legal act);
- g) The objectives, rationale, and general description;
- h) The beneficiaries, eligibility and selection criteria;
- i) Details of the support provided (payment levels and composition of payments - share of private and public funds);
- j) The amount spent per year over the last 5 years, and budget foreseen for future years, per policy measure;
- k) Number of beneficiaries and average support per beneficiary;
- l) Administration of the scheme (body responsible, processing and selection of applications);
- m) Evaluation of the scheme.

V. QUALITY POLICY

- 21. Please indicate whether a clear domestic policy, with related instruments, exists for recognition and protection of geographical indications and traditional names for agricultural products, foodstuffs, wine and spirit drinks. If so describe the instruments for registration and protection.
- 22. In case there is a scheme in place, please indicate the number of geographical indications that are protected.
- 23. Please describe the administrative structures in charge of quality policy implementation and monitoring as well as their responsibilities. Please inform whether Bosnia and Herzegovina envisages adopting any new framework act. Please detail any other quality schemes in existence with regard to product origin or other quality characteristics.

VI. ORGANIC FARMING

- 24. Please provide information on the existing schemes and the arrangements for its administration and enforcement including:
 - a) Legislative basis (name and reference of relevant legal act);
 - b) Objectives and general description of the legislation;
 - c) Approximated or not to EU legislation (or degree of approximation);
 - d) Details of the support provided;

- e) Description of administrative and enforcement arrangements (including resources, human, financial, and infrastructure, and if possible the administrative organisational chart).
- 25. Please describe the accreditation and certification system for organic farming including the control system in place as well as its relevance for import/export (e.g. EU list of third countries).
- 26. Please describe the sector and its organisation (e.g. importance of cooperatives) with statistical data including farm structure, production, trade (export/import).

VII. AGRICULTURAL STATISTICS

- 27. Please provide a brief description of the organisational structure and responsibilities for statistical collection and monitoring, underlining the co-operation between the Ministry of Agriculture and central/local statistical offices concerning agricultural statistics.
- 28. Please provide basic information about the last census in the area of agriculture (year, coverage, involved bodies, costs etc.) and explain Bosnia and Herzegovina's preparation for the next census in the area of agriculture and its financing.

A. General and product specific statistics

- 29. The agricultural sector should be described (in a table) by the following statistical information (as far as it is available), each time for the most recent 10-year period (i.e. 2006-2015):
 - a) Utilised agricultural area (UAA) on both a national and regional basis (in addition the situation in 1991 - if available): arable land; fallow land; land under permanent crops; vineyards and orchards, permanent grassland; kitchen gardens; greenhouses;
 - b) Forest area;
 - c) Evolution of farm structures (indicating when farm structure surveys had been carried out): farm size structure by region (where applicable); distribution of farms by cultivated area; distribution of farms by main type of production; distribution of farms by herd size; area used by farms smaller than 2 ha,
 - d) Agricultural population and its evolution, preferably based on the Labour Force Survey: share of total active population; regional distribution; full-time and part time farmers; distribution by age and sex;
 - e) Farm incomes for full time farmers (gross added value per annual work unit (AWU)) including comparison with average gross wages of employment outside agriculture;
 - f) Contribution of the agricultural sector to Gross National Product (GNP) by region;
 - g) Area (hectares), yield (ton/hectare) and production (tons) of soft wheat, durum wheat, barley, cereal maize, rye, oats, other cereals, basic or certified seed (varieties mentioned in the annex to Regulation 1308/2013), rape seed, soybeans, sunflower seed, other oilseeds, dried fodder, peas, field beans and sweet lupins, potatoes, turnips, flax and hemp and silkworm (annual production and growing area), sugar beets, rice, fruit and vegetables (by the most important products), bananas, hops, tobacco, cotton, fodder roots, hay (dry and silage) and silage maize area, and live plants/flowers (in value);
 - h) Number of livestock, slaughters, and average carcass weight for calves, male beef cattle, cows, pigs, chicken, other poultry, as well as sheep and goats;

- i) Number of dairy cows, milk yields, production of milk, deliveries of milk to dairies showing volume and fat content, the distribution of volume of deliveries and number of producers by herd-size category, the volume of direct sales by milk product type and number of producers making direct sales, volume of on- farm consumption of milk indicating separately feed and food use;
- j) Number of non-dairy cows (other cows) and number of specialised beef cattle, sheep and goats;
- k) Degree of self-sufficiency of the principal agricultural products including the main fruit and vegetables, eggs, honey and wool;
- l) Market balance sheets for the principal crops (soft wheat, durum wheat, barley, corn maize, rye, oats, other cereals, rape seed, sunseed, soybeans, refined sugar and isoglucose), the principal meats (beef, pork, poultry, as well as sheep and goat meat) and the principal dairy products (butter, skimmed milk powder, whole milk powder, cheese). The balance sheets should include production, domestic use (human consumption, feed use when applicable), imports, exports, beginning and ending;
- m) Wine (surface of the vineyards and annual production including alcohol and grape must);
- n) Production of ethyl alcohol of agricultural origin broken down by alcohol- producing product;
- o) Production and use of certified seeds;
- p) Olive oil; number of olive trees and market prices for each product category, specifying the stage of production and the quality. Please indicate whether a computerised information system such as the Geographical Information System of olive cultivation exists and if yes, please describe it;
- q) Production and use of tobacco (product categories, stage of production and the quantity for each category, the volume of direct sale by product type and number of producers, including the information on existing registry/ies)
- r) Economic accounts for agriculture;
- s) Agricultural budget according to measures (support of markets, direct payments, social security, rural development) and total agricultural support;
- t) Trade flows (volume and value) by product category:
 - i. Imports (indicating the amount of preferential trade):
 - A. *from the EU;*
 - B. *from Serbia, the former Yugoslav Republic of Macedonia, Albania, Montenegro and Kosovo;*
 - C. *from the rest of the world, specifying the three most important partners.*
 - ii. Exports (indicating the amount of preferential trade):
 - D. *to the EU;*
 - E. *to Serbia, the former Yugoslav Republic of Macedonia, Albania, Montenegro and Kosovo;*
 - F. *to the rest of the world, specifying the three most important partners.*

B. Rural development statistics

30. Please indicate whether a classification/definition of rural areas exists, and if so, please describe the basis for the classification, and the results across the country.
31. Please provide the following information for each region of the country for the most recent 10-year period (i.e. 2006-2015):
 - a) Per capita GDP;
 - b) Percentage of total workforce employed in agriculture, preferably based on the Labour Force Survey;
 - c) Value-added per AWU;
 - d) Population density per km² and trend in recent years. Is the rural population declining?;
 - e) Surface of the environmentally protected areas;
 - f) Unemployment figures.
32. Please indicate the percentage of the total population which lives in rural areas, and the percentages of the total and rural population for 2015 or the most recent year available:
 - a) Piped water (water consumption in agriculture compared to the total consumption);
 - b) Mains electricity;
 - c) Connection to a sewage system;
 - d) Fixed telephone network, or coverage by a mobile telephone network;
 - e) Elementary school education;
 - f) Secondary school education;
 - g) Advanced level education.
33. Please provide statistics concerning compensatory allowances for hill and mountain areas: the number of holdings, Utilised Agricultural Area (UAA) and the number of livestock units (LU) in the following three categories:
 - a) Altitudes above 800 m;
 - b) Slopes above 20 % (below 800 m);
 - c) Altitudes between 600 m and 800 m and slopes above 15%.
34. Please provide statistics concerning compensatory allowances for areas with significant handicaps:
 - a) Areas where the yields of grass or cereals are below 80% of the national average: number of holdings, total UAA and total LUs;
 - b) Areas where key economic indicators (e.g. value added, gross and net income per farm and per AWU, etc.) are below the national average: number of farmers, total UAA and total LUs.
35. Please provide statistics on investments in rural areas: the number and proportion of holdings where the income per AWU is < 1.2 times the average of non-agricultural workers in the area and which provide at least 50% of the holder's total farm income.

36. Please provide statistics on young farmers and early retirement: Age profile of farm holders by five-year bands, including the number under 40 years old and numbers in receipt of any retirement benefits.
37. Please provide statistics on producer groups:
 - a) Percentage of production by value that is handled by producer groups for each of the main sectors of production. Give details for the fruit and vegetable sector;
 - b) Percentage of holdings that are members of producer groups in each sector. Give details for the fruit and vegetable sector.
38. Please provide statistics on marketing and processing for each of the main sectors:
 - a) Percentage of output that is processed and existing processing capacity;
 - b) Forecast increase in the proportion processed and in capacity over the next ten years;
 - c) Capacity in need of modernisation.

CHAPTER 12: FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY

This chapter reflects the EU's integrated approach aiming to assure a high level of public health, animal health, animal welfare and plant health within the European Union through coherent farm-to-table measures and adequate monitoring, while ensuring the effective functioning of the internal market. In this domain a candidate country is requested to ensure the transposition of the EU *acquis* and its progressive implementation by a properly structured and trained administration.

Implementation requires appropriate administrative structures to be able to carry out inspection and control including appropriate laboratory capacity. Coordination between the different authorities in charge of the transposition and/or implementation is crucial. In addition, training of the various control inspectors, food- and feed business operators is necessary.

I. GENERAL

For each of the following points, please describe the current status and the foreseen evolution with a precise timetable.

1. Please provide flowcharts/organisation charts outlining levels of competencies and showing management lines to describe the structure and organisation of the services in charge of food safety veterinary and phytosanitary policy. The distribution of competencies and the links between central, regional and local level should appear clearly (degree of decentralisation/devolution of competence should be defined).
2. Please indicate resources and planned resources (human, material and financial) allocated to each sector.
3. Please provide a description of the administrative structure, as well as of the evolution foreseen. Please include two sets of organisation charts: one with the current structure and another one with the planned future structure (the dates foreseen for the establishment of new administrative entities should be indicated).
4. Please describe the legislative competences in the fields of food safety, veterinary and phytosanitary legislation:
 - a) specification of the competent authorities (for legislation) and how legislation is (or will be) passed (primarily through parliamentary procedure or ministerial orders or decrees);
 - b) explanation of how co-ordination is (or will be) ensured in terms of alignment, implementation, and policy-making to ensure that the food chain is fully covered;
 - c) legal possibility to adopt legislation which will be implemented progressively and which can incorporate EU notions and cross-reference to other pieces of EU legislation.
5. Please provide detailed information on the control activities and enforcement in the fields of food (and feed) safety, veterinary and phytosanitary policy, including details on the organisation of the controls as regards the frequency, the choice of establishments, the procedure for sampling and procedures in case of infringements. Please specify which bodies are in charge of control activities and enforcement and their respective responsibilities. Please describe mechanisms of co-ordination.
6. Implementation: For each of the following items covered by the food safety, veterinary, and phytosanitary policy, listed below please give details of the measures taken to ensure proper implementation of the legislation with reference as relevant to the following activities (indicative list), as well as sanctions in case of non-implementation/non-compliance:

- a) laboratories used in hygiene, veterinary, phytosanitary controls, food- and feedstuff analysis (chemical, microbiology, GMOs, etc.); present or planned activities (with timetable) to comply with EU systems, timetable of accreditation according to EU law with name of accreditation body, methods of sampling and analysis (in general, for contaminants, for food contact materials etc.), and chain of command; provide specific description of the system of reference laboratories if existing; if not, indicate where Bosnia and Herzegovina stands with preparations for relevant legislative act(s) to provide for their enforcement.
- b) management of crises;
- c) risk management and risk assessment;
- d) the setting up of the Rapid Alert System for Food and Feed (RASFF).

II. VETERINARY POLICY

- 7. Please provide information on the legislative framework on veterinary policy;
- 8. Please provide information on the respective fields of responsibilities, organisation and powers of the competent institutions and authorities, in particular regarding rules on control.
- 9. Please provide a clear table of all the framework acts that cover or impinge upon the veterinary domain with an explanation of their coverage as far as the EU veterinary acquis is concerned. Please indicate whether Bosnia and Herzegovina envisages adopting new framework acts.
- 10. Please provide information on the control system in the internal market:
 - a) Live animals; semen, ova and embryos;
 - b) Animal products;
 - c) Certification;
 - d) Mutual assistance;
 - e) Safeguard measures;
 - f) Computer system (TRACES);
 - g) Funding of checks.
- 11. Please provide information on the control system for imports:
 - a) Live animals;
 - b) Products including food, feed and animal by-products;
 - c) Safeguard measures;
 - d) Border Inspection Posts (BIPs);
 - e) Computer system (TRACES);
 - f) Funding of checks;
- 12. Please provide information on the identification of animals and registration of their movements:
 - a) Bovine animals (including central bovine database);
 - b) Ovine and caprine animals;

- c) Porcine animals;
 - d) Equidae.
13. Please provide information on the animal disease control legislative framework and implementing mechanisms, including respective fields of responsibilities, organisation and powers of the competent authorities and institutions. Also please provide information on animal disease control measures:
- a) Notification of animal diseases; Foot and Mouth disease; Classical swine fever; African swine fever; African horse sickness; Avian influenza; Newcastle disease; Fish and mollusc diseases; Bluetongue disease; Transmissible Spongiform Encephalopathies; Zoonosis and other diseases;
 - b) Trade in live animals, semen, ova and embryos;
 - c) Non-commercial movements of pet animals;
 - d) Prohibition of substances and residue monitoring;
 - e) Import requirements for live animals and animal products;
 - f) Bilateral veterinary international agreements with EU Member States, candidate countries and other third countries (if any).
14. Please provide information on the animal welfare legislation:
- a) Farm animals, laying hens including information on conditions of production, chickens kept for meat production, calves, pigs;
 - b) Animals during transport;
 - c) Animals at the time of slaughter or killing.
15. Please provide information on the zootechnical legislation.
16. Please provide information on the expenditure in the veterinary field.

III. PLACING ON THE MARKET OF FOOD, FEED AND ANIMAL BY-PRODUCTS

17. Please provide information on the legislative framework on the placing on the market of food, feed and animal by-products,
18. Please provide information on the respective fields of responsibilities, organisation and powers of the competent institutions and authorities.
19. Please provide a clear table of all the framework acts that cover or impinge upon the food, feed and animal by-products domain with an explanation of their coverage as far as the EU acquis is concerned. Please indicate whether Bosnia and Herzegovina envisages adopting new framework acts.
20. Hygiene rules: Please provide information on:
- a) Specific rules for animal products, including information on the situation concerning agri-food establishments and the microbiological quality of raw milk.
 - b) Control rules including implementation of HACCP (Hazard Analysis and Critical Control Points) by food operators. Also please provide statistics on the number of establishments (according to the activity) applying HACCP.
 - c) Specific control rules for animal products.

- d) Rules for animal by-products including information on the system of collection of cadavers and materials and situation of establishments.
21. Funding of checks: Please provide information on specific rules for feed hygiene, including information on the applicable legislation and procedures for approval/registration of feed establishments.

IV. FOOD SAFETY RULES

22. Please provide information on the legislative framework on food safety rules;
23. Please provide information on the respective fields of responsibilities, organisation and powers of the competent institutions and authorities.
24. Please provide a clear table of all the framework acts that cover or impinge upon the food safety domain with an explanation of their coverage as far as the EU acquis is concerned. Please indicate whether Bosnia and Herzegovina envisages adopting new framework acts.
25. Please provide information for each item listed below:
- a) Labelling, presentation and advertising of foodstuffs including nutrition and health claims and nutritional labelling;
 - b) Additives authorised and purity criteria;
 - c) Food enzymes and food colours;
 - d) Extraction solvents;
 - e) Flavourings;
 - f) Food contact materials;
 - g) Food supplements;
 - h) Food for particular nutritional uses;
 - i) Quick-frozen Foodstuffs;
 - j) Contaminants;
 - k) Novel foods;
 - l) Ionising radiation;
 - m) Mineral waters and spring waters.
26. Please provide information on bilateral international agreements on food safety rules with EU Member States, candidate countries and other third countries (if any).

V. SPECIFIC RULES FOR FEED

27. Please provide information on the legislative framework on feed;
28. Please provide information on the respective fields of responsibilities, organisation and powers of the competent institutions and authorities.
29. Please provide a clear table of all the framework acts that cover or impinge upon the feed domain with an explanation of their coverage as far as the EU acquis is concerned. Please indicate whether Bosnia and Herzegovina envisages adopting new framework acts.
30. Please provide information for each item listed below:

- a) Placing on the market and use of feed;
 - b) Authorised additives in feedstuffs;
 - c) Undesirable substances in animal feed.
 - d) Conditions governing the preparation, placing on the market and use of medicated feedstuffs.
31. Please provide information on bilateral international agreements on feed with EU Member States, candidate countries and other third countries (if any).

VI. PHYTOSANITARY POLICY

32. Please provide information on the legislative framework on phytosanitary policy;
33. Please provide information on the respective fields of responsibilities, organisation and powers of the competent institutions and authorities, in particular regarding the inspection service both for the internal market and at border crossings.
34. Please provide a clear table of all the framework acts that cover or impinge upon the phytosanitary domain with an explanation of their coverage as far as the EU *acquis* is concerned. Please indicate whether Bosnia and Herzegovina envisages adopting new framework acts.
35. Please provide information on Plant health, harmful organisms:
- a) General control measures;
 - b) Specific control measures;
 - c) Protected zones;
 - d) Registration of operators (plant passports);
 - e) Imports;
 - f) Inspections and notification of interceptions;
 - g) Expenditure in the phytosanitary field;
 - h) Status of harmful organisms listed in the EU *acquis*.
36. Please provide information on Plant health, plant protection products:
- a) Placing on the market of plant protection products;
 - b) Setting up and controls of maximum residue levels.
37. Please provide information on Quality of seeds and plant propagating material regarding the marketing of seed and propagating material of agricultural crops and vegetables, vine, forestry, ornamentals and fruit plants:
- a) Registration of varieties, catalogues;
 - b) Seed certification;
 - c) Approval of propagating material.
38. Please provide information on Plant variety rights.
39. Please provide information on International bilateral phytosanitary agreements with EU Member States, candidate countries and other third countries (if any).

VII. GENETICALLY MODIFIED ORGANISMS

40. Please provide information on the legislative framework on genetically modified organisms (GMOs);
41. Please provide information on the respective fields of responsibilities, organisation and powers of the competent institutions and authorities.
42. Please provide a clear table of all the framework acts that cover or impinge upon the genetically modified organism domain with an explanation of their coverage as far as the EU acquis is concerned. Please indicate whether Bosnia and Herzegovina envisages adopting new framework acts.
43. Please provide information on the rules concerning the release of GMOs into the environment;
44. Please provide information on the rules concerning genetically modified food and feed.

CHAPTER 13: FISHERIES

The *acquis* in this chapter consists of a number of Regulations, which do not need transposition into national legislation, but which require the introduction of measures to allow the administration and the operators to correctly implement the Common Fisheries Policy (CFP) rules. The scope, the objectives and the principles of the CFP are laid down in the Basic Regulation on the Common Fisheries Policy (Regulation of the European Parliament and of the Council (EU) No 1380/2013). The CFP provides rules for the conservation of marine biological resources, the limitation of the environmental impact of fisheries and the conditions of access to waters and resources. It also comprises the common market organisation for fishery and aquaculture products, a structural policy with a dedicated fund (European Maritime and Fisheries Fund), specific rules for the management of the fleet capacity, the control of fishing activity and on enforcement. The CFP promotes measures based on sound scientific advice and provides a framework for the collection, management and use of fisheries data. Specific management measures for the sustainable exploitation of fisheries in the Mediterranean Sea are laid down in Regulation (EC) No 1967/2006 (Mediterranean Regulation), while specific measures are laid down for the stock and fisheries under the purview of the relevant Regional Fisheries Management Organisation, notably GFCM¹⁷ and ICCAT¹⁸. Specific rules also apply for the management of some stocks, such as the European eel (Regulation 1100/2007). With regard to **resource and fleet management**, the *acquis* contains specific rules for the adjustment of fishing capacity in order to seek a balance between fleets and stocks as well as for the measurement of engine power and vessel tonnage. Member States are requested to collect and update data related to the fishing capacity in a specific fishing fleet register according to Commission Regulation (EC) 26/2004. **Inspection and control** are mainly the responsibility of Member States who need to ensure the administrative capacity for effective implementation, in line with the EU legal framework established by Council Regulation (EC) 1224/2009 which establishes inter alia detailed rules for the registration and reporting of catches and the operation of a satellite-based vessel monitoring system. Regulation (EU) No 508/2014 lays down provisions for the European Maritime Fisheries Fund (EMFF) on financial support for the implementation of the Common Fisheries Policy, relevant measures relating to the Law of the Sea, the sustainable development of fisheries and aquaculture areas and inland fishing as well as for measures under the Integrated Maritime Policy. In order to benefit from the EMFF, EU Member States are required to adopt a strategic document and an Operational programme (OP). Member States should also have the necessary administrative management and control capacity in place in order to ensure a sound and efficient implementation of the OP. The **market policy** *acquis* is defined by Regulation (EU) 1379/2013 of the European Parliament and of the Council and provides rules on professional organisations, common marketing standards, consumer information, competition rules and market intelligence. In addition to general **state aid** rules, the *acquis* contains specific state aid rules applicable to the fisheries and aquaculture sector. Given its exclusive competence in the field of conservation of marine biological resources, the EU is party to a number of **international agreements** and organisations. Existing bilateral fisheries agreements and conventions with third countries or international organisations need to be adapted or denounced prior to accession.

¹⁷ Regulation (EU) 2015/2102 of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU) 1343/2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (OJ L 308, 25.11.2015, p. 1).

¹⁸ Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) 302/2009.

I. GENERAL

A. Fisheries legislation

1. Please describe the main elements of the legislation of Bosnia and Herzegovina concerning fisheries. How is the distribution of competences defined between different levels of governance across this policy area?

B. Administrative structure

2. Provide an organisation chart describing the organisation of the fisheries administration and the fisheries inspection. Describe the relations between these bodies and the hierarchy in the system.
3. Are there plans to introduce other bodies or otherwise change the organisational structure in the short or medium term?
4. Describe the decision-making process and how competencies are delegated.
5. Describe the information flow between authorities. Are there cases where the information flow is not working properly? What is being done to counteract these deficiencies?
6. Describe the administration in place for market policy (notably as regards control of the implementation of common marketing standards, in ports and on wholesale markets, and of consumer information; control of quantities that are withdrawn from the market; collection of market information in the NUTS regions; collection and transmission of data concerning the price reference regime; application of the recognition conditions for producer organisations).
7. Is there any structural policy specifically for fisheries? If yes, information on the competent authority and a short description of the procedures should be provided.
8. Are there any plans to administer any future structural aid to the fisheries sector? If so, please elaborate.

C. Economic data

9. Describe the evolution in catch quantity, first sale value and export value in the fisheries sector (catching, processing, marketing and support services), including aquaculture, over the last years.
10. Describe the evolution in overall employment in the fisheries sector, including aquaculture, over the last years.

II. RESOURCE AND FLEET MANAGEMENT

A. Fishing fleet

11. What are the principal fisheries in Bosnia and Herzegovina and what is their geographical distribution?
12. Where are fishing vessels located and what are their areas of operation? What type of gear do they use? How many fishing vessels compose the fishing fleet?
13. Is there a definition of professional fishing vessels?

B. Fleet register

14. Does Bosnia and Herzegovina have a fleet register? If yes, describe the administrative structure for the fleet register and specify its status.
15. What is the composition of the fishing fleet according to the following vessel length categories: 0-6 / 6-12 / 12-15 / 15-24 mt, etc.?
16. If there is a fleet register, which of the following characteristics are recorded for each vessel?
 - a) information on ownership;
 - b) tonnage, power of the main engine;
 - c) length overall of the boat (LOA);
 - d) fishing gears used/authorised;
 - e) other (please specify).

C. Fishing licenses

17. How is the issuing of fishing licenses organised?
18. What is the mechanism to withdraw licenses when the conditions for these are not met?
19. Does Bosnia and Herzegovina apply specific rules for recreational/leisure fisheries?
20. Is there a legal distinction between professional fishermen and recreational fishermen?

D. Catches and landings

21. Please provide statistics for catches and landings per type of fishery.
22. Is subsidised fishing carried out? If yes, how is it regulated?

E. Management of resources

23. Are there any management measures in place concerning the exploitation of marine fisheries resources in domestic and in international waters, including measures to reduce the impact on sensitive habitats?

F. Other

24. Are there any producer organisations?
25. Are there any specific provisions on consumer information?
26. Are there any marketing standards?

III. INSPECTION AND CONTROL

A. Financial means

27. What budgetary means have been allocated for fisheries control (in Euro)? Are these means increasing or decreasing?
28. How have these means been allocated?

B. Human resources

29. How many personnel are involved in fisheries control? What is the distribution of personnel among the relevant authorities? Are resources increasing or decreasing?
30. What is the working schedule of fisheries inspectors (full time/part time, hours etc.)? How many are directly involved in actual fisheries control (inspections)? How many are administrators? If officials have different tasks, what proportion of their time is spent on fisheries control?
31. What is the educational background of the control personnel? Is training provided, and what does it consist of?

C. Powers of control

32. Where is inspection powers defined?
33. Describe the powers of control available for each type of control personnel.
34. Do inspectors have a clear notion of the extent and the limits of their powers?

D. Control equipment

35. What control equipment is available for control activities? How is the equipment distributed among the different authorities?
36. What is the state of the control equipment? How old is it? Are there plans for renewal of the equipment?
37. Is the equipment adequate for the tasks to be carried out? Describe the needs.
38. What is the level of computerisation?

E. Collection of data

39. Is any data collected on fisheries? If yes, which of the following data are collected and at what frequency (please specify further)?
 - a) Economic variables (income, costs, capital value, investment, employment, effort, number of fishing units, value of landings);
 - b) Biological variables (total catches of fish, total landings, species composition; biological data on species: length, age, weight, sex, maturity, fecundity).
40. Is any data collected on aquaculture and processing industry? If yes which of the following data are collected and at what frequency (please specify further)?
 - a) Economic variables (income, costs, capital value, investment, volume of sales, employment, number of enterprises);
 - b) Biological variables (for aquaculture: species cultured, method used).
41. Who is involved in data collection (public authorities, scientific institutes)? Where is data stored? In which format? Who has access to the data?
42. How is the collection of fishing data organised?

43. What scientific data is collected and who utilises it? Is scientific data used for stock management?
44. Does Bosnia and Herzegovina have quotas and if yes, what data are collected for quota management and verification (logbooks, landing declarations, sales notes, auction data, transport data, buyers information)? How is this data used for control purposes?
45. Are there any instruments or procedures for cross-checking of data?
46. Is Bosnia and Herzegovina collecting socio-economic and production data on aquaculture?
47. Are there marine aquaculture plants? Where are they settled? What species are reared?
48. Are some fishing vessels equipped with one of the following electronic equipment?
 - a) vessel monitoring system (VMS; i.e. a satellite tracking device);
 - b) automatic identification system (AIS);
 - c) other (please specify).

F. Inspection activities

49. Provide statistics for inspections carried out.
50. What officials are responsible for carrying out inspections?
51. Is there a strategy in place for inspection activities? How are the targets set?
52. Are there guidelines issued for how inspections are to be carried out?
53. What does an inspection consist of? What are the methodology and the strategy as regards inspections?
54. Are inspections documented and, if so, how?
55. What is the level of practical inspection capability and skills? What is lacking?
56. Are professional fishermen obliged to fill and submit a fishing logbook per fishing day?

G. Legal Procedures for sanctioning infringements

57. What is the legal framework for sanctioning infringements?
58. Please indicate the type of sanctions applied in the fisheries sector (administrative and/or criminal, with the indication of the principal and the accompanying sanction)
59. Which authorities are competent for the detection and follow-up of fisheries infringements and which authorities are responsible for sanctioning?
60. What administrative sanctions are available?
61. What are the levels of fines to be applied? What are the actual sanction levels?
62. What are the possibilities to seize catches and gear? To what extent are catch and gear confiscated?
63. What means of appeal exist?
64. What are the requirements as regards evidence? Is it necessary to prove intent?
65. Please provide statistics on detected infringements and on the sanctions imposed

IV. STRUCTURAL ACTIONS

66. What is the administrative and legal capacity to prepare and manage a structural policy for the fisheries sector?
67. How will the fisheries administration prepare for establishing the programming documents and the management and control system required in the EMFF Regulation?

V. MARKET POLICY

68. Please provide information on market policy and operational structure in place regarding:
 - a) Producer organisations, inter-branch organisations or any other structure provided for in the law to bring together operators from the production stage or from different stages of the supply chain (e.g. production, processing, marketing),
 - b) The existence of marketing standards (e.g. freshness, size, packaging, presentation and labelling) that must be respected in order to place products on the market,
 - c) Consumer information,
 - d) Specific provisions for the application of competition rules to the fishery and aquaculture sector,
 - e) Collection of market data regarding fishery and aquaculture products,
 - f) Trade with third countries,
 - g) Any existing intervention mechanism in support of operators in the sector.
69. How will further administrative arrangements be established for implementing the market policy, and arrangements for the electronic transmission of relevant market data to the Commission?

VI. STATE AID

70. Please provide information on state aid given to the fisheries and aquaculture sector over the last three years. State resources include all resources of the public sector, including resources of decentralised, federated, regional or other public bodies and, under certain circumstances, resources of private bodies.

VII. INTERNATIONAL AGREEMENTS

71. Is Bosnia and Herzegovina a contracting party to any international, multilateral or bilateral fisheries agreements? If yes, please indicate the number of vessels and the volume of fish concerned by these agreements.
72. Are there formal partnership agreements or fishing in other countries' waters on the basis of private agreements?

CHAPTER 14: TRANSPORT POLICY

EU transport policy is aimed at sustainable mobility, combining Europe's competitiveness with the welfare of its citizens, and thereby contributing to greater safety, security and enhanced rights. It is an essential component of Europe 2020, and contributes to the EU's social and territorial cohesion. The objectives of EU transport policy are: to improve the functioning of the internal market by promoting a safe, competitive, resource-efficient, environmentally sound, user-friendly and effectively integrated transport system offering a high level of sustainable mobility throughout the Union, protecting the environment, promoting labour and qualification standards for the sector and protecting safety and security of the citizens. The EU's sustainable transport policy requires the integrated, interoperable and interconnected transport system to meet society's economic, social and environmental needs.

Transport policy is governed by Title VI, Articles 90-100 of the Treaty on the Functioning of the European Union (TFEU). A significant part of the *acquis* consists of binding and directly applicable legislation in the form of regulations and decisions. The remaining *acquis* in this chapter mostly consists of directives that need to be transposed into the legal system of the country.

The *acquis* under this chapter covers road transport, rail transport, inland waterways transport, combined transport, aviation, maritime transport and satellite navigation.

Parts of the *acquis* in this chapter are covered by the European Common Aviation Area Agreement (ECAA), notably through its Annex I.

I. BASIC TRENDS AND DATA OF THE TRANSPORT SECTOR

1. Basic data should be provided by completing the attached charts.

II. STRATEGY FOR THE SECTOR

2. How is the distribution of competences defined between different levels of governance across the transport sector?
3. Please provide information on the national transport strategy and action plans, including all sub-sectors, and its progressive implementation, together with appropriate timelines as well as financial needs and sources. Please include a short summary of the documents.
4. Please provide a translated copy of the related legislation and implementing legal acts in the area of transport (for sub-sectors see part III), and specify which acts correspond with which EU legal acts.
5. Please provide information and the translated texts of the agreements and conventions that have been concluded with third countries or international organisations in the field of transport, please group them as general and for each of the sub-sectors.
6. Please provide structure and organisational charts and information on staffing levels of the relevant transport authorities at all different levels of governance, including independent agencies and regulators if any, and their key contacts. Please submit updated figures of the staffing levels.

III. MARKET STRUCTURE AND BASIC TRENDS FOR EACH MODE OF TRANSPORT

A. Public service contracts and state aid

7. Please describe the implementation of acquis concerning public service contracts and general rules as defined by Regulation 2007/1370/EC on public passenger transport service by rail and road. Please provide information on:
 - a) The requirements the operators have to fulfil on the concerned areas of public service;
 - b) The duration of the contracts;
 - c) The award of public service contracts (including rules on awards to internal operators and direct awards);
 - d) The publication requirements;
 - e) The review/appeal procedures.
8. Are there any individual State aid measures or State aid schemes in force in the following transport sectors?
 - a) Air transport;
 - b) Inland waterways;
 - c) Maritime transport;
 - d) Rail transport;
 - e) Road transport:
 - Transport of freight,
 - Transport of passengers (urban, suburban, regional, long distance)
 - f) Combined transport.¹⁹
9. What is the existing legislation governing the granting of State aids? How and by whom is this legislation enforced?
10. Are there any public service obligations imposed on transport operators? In which transport sectors?

B. Road Transport

Conditions of access to profession and market

11. What are the rules governing access to the occupation of road haulage operator and road passenger transport operator engaged in national and/or international transport of passengers and goods (Regulation 1071/2009)? How and by whom is this legislation enforced? To which extent are the four criteria for access to the occupation of road transport operator met? Has the country established a national electronic register of road transport undertakings taking into account the minimum requirement for data to be entered into the register (Commission decision C(2009) 9959)?

¹⁹ As defined in Article 1 of the Council Directive 92/106/ECC of 07.12.1992, OJ N° L368 of 17.12.92.

12. What are the rules governing market access for road haulage operators in national and international road goods transport, including on cabotage (Regulation 1072/2009)? How and by whom is this legislation enforced?
13. What are the rules governing market access for passenger transport operators for national and international road passenger transport, including on cabotage (Regulation 1073/2009)? Are authorisations required for:
 - a) Regular services
 - b) Special regular services;
 - c) Own-account operations;
 - d) Occasional services?
14. How do companies obtain these authorisations? What is the normal validity period of authorisations? Do companies benefit from exclusive rights? How and by whom is this legislation enforced?
15. What are the rules related to the use of vehicles hired without drivers for the carriage of goods by road? Do they comply with the minimum level of liberalisation given in Directive 2006/1/EC?

Social and technical rules and vehicle registration data exchange

16. What are the rules applicable to drivers' hours in domestic and international transport (driving and rest times, daily and weekly driving limits, daily and weekly rest periods, breaks – Regulation 561/2006) and drivers' working time (Directive 2002/15/EC)? How and by whom is this legislation enforced? What is the minimum number of controls carried out at the roadside and at the premises of companies (Directive 2006/22/EC)? What are the penalties?
17. Please provide detailed answer for the following questions concerning driving licences:
 - a) What are the modalities concerning the attribution of driving licences? What is the minimum age for drivers?
 - b) What are the driving licence categories?
 - c) Please provide information on the driving licence model and on the theoretical and practical driving exams (Directive 2006/126/EC on driving licences).
 - d) Which institution is in charge of the organisation and supervision of driving exams?
 - e) Is the possession of the appropriate driving licence sufficient for entry into the profession of commercial vehicle driver? If no, is complementary initial training, sanctioned by a certificate of professional proficiency (CCP) or an equivalent document required?
 - f) Is periodic training required for working as a professional driver? How and by whom is this legislation enforced?
 - g) Which authority issues permits for the establishment of driving schools and according to what procedure are they issued (Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers)?

18. What are the limits of maximum weights and dimensions for road vehicles (including maximum axle weights)? Is the road network accessible to vehicles in compliance with Directive 96/53/EC as amended by Directive 2015/719? If not, what would be the timeframe to make it accessible?
19. Is there legislation concerning the installation of digital tachographs in trucks and busses (Regulation 165/2014)? Does legislation concerning the installation of speed limiting devices on these vehicles exist (Directive 92/6/EEC as amended by Directive 2002/85/EC)? How and by whom is this legislation enforced? What is the minimum number of controls carried out at the roadside and at the premises companies? What are the penalties?
20. Is there legislation on technical vehicle inspection and control (Directive 2009/40/EC, as from 20 May 2018 repealed by Directive 2014/45/EU on roadworthiness tests for motor vehicles and their trailers)? How and by whom is this legislation enforced? What are the scope and frequency of these controls? Are technical inspections of vehicles also conducted at the roadside (Directive 2000/30/EC, as from 20 May 2018 repealed by Directive 2014/47/EU)? If yes, how often on average per year? Which body is in charge of it?
21. Is there legislation on vehicle registration documents (Directive 1999/37/EC, as amended by Directive 2003/127/EC and, as of 20 May 2018, by Directive 2014/46/EU)? What data do these documents contain? How Council Regulation 2411/98/EC on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered is implemented?
22. Is there legislation on the setting up of a databank on road accidents? Are the data collected in line with the content of the European road accidents database CARE (Council Decision 93/704/EC)?
23. Is there a scheme for the refurbishment of existing road tunnels so as to upgrade their level of safety (Directive 2004/54/EC as amended)? Is there a plan for implementing a road infrastructure safety management (Directive 2008/98/EC)?
24. Is there legislation on installation and use of speed limitation devices (Directive 92/6/EEC as amended by Directive 2002/85/EC)?
25. Is there legislation on transportable pressure equipment (Directive 2010/35/EU)?
26. Is there legislation concerning the use of seat belts and child restraint systems (Directive 91/671/EEC as amended by Directive 2003/20/EC)?
27. Is there legislation on the retrofitting of mirrors to heavy goods vehicles (Directive 2007/38/EC) and on the tread depth of tyres of certain categories of motor vehicles and their trailers (Directive 89/459/EEC)?
28. What are the plans to implement Directive 2015/413/EU facilitating the cross-border exchange of information on road safety related traffic offences?
29. What is the administrative capacity of enforcing the legislation concerning social and technical regulations in the field of road transport?
30. Is there legislation on bus and coach passengers' rights equivalent to Regulation (EU) No. 181/2011?

- a) What are the rules on the minimum requirements for the information to be provided to passengers before and during their journey?
- b) What are the rules on availability of tickets? Are there any rules on non-discriminatory contractual conditions (including non-discriminatory fares)?
- c) What are the rules on the liability of the carriers in the event of delays or cancellations of services (including the choice between continuation of the journey, re-routing and reimbursement and assistance to stranded passengers)?
- d) What are the rules on transport conditions (including accessibility, assistance and information to be provided) for persons with reduced mobility?
- e) What are the rules on the handling of complaints and the body (or bodies) responsible for the protection of passengers' rights? Is that body independent from the industry?
- f) What are the penalties provided for in case passenger rights are not respected by operators?

Road and other user charges

- 31. What road user charges system, including minimum annual vehicle taxes and minimum excise duty for fuel, has been implemented in Bosnia and Herzegovina for both heavy goods vehicles and private light vehicles? What are the fee levels and what are the modalities for collecting them? Do these fees also apply to third country operators? What is the total amount of road fees collected per year? How reliable is the collection system? How is the collection system controlled in terms of reliability? What are the collected funds used for?
- 32. Are tolls collected electronically? What are the modalities of this electronic toll collection system? Is it compatible with the requirements of Directive 2004/52/EC and Decision 2009/750/EC?
- 33. Are other charges to heavy goods vehicles [and other road vehicles] applied? If yes, describe their scope (national, foreign, EU vehicles), amount, method of calculation and payment, authorities responsible for managing in the light of the Eurovignette Directive (Directive 1999/62/EC, as amended by Directives 2006/38/EC and 2011/76/EU) and Protocol 3 to the SAA on Land transport.
- 34. What is the procedure applied to the selection of contractors for road maintenance and development of road infrastructure?

International agreements and conventions

- 35. On which date did Bosnia and Herzegovina sign and ratify (or intends to do so):
 - a) The United Nations ADR agreement;
 - b) The United Nations ATP agreement;
 - c) The United Nations ECE legislation on motor vehicle type approval;
 - d) The United Nations AETR agreement;
 - e) The 1968 Vienna Convention of the United Nations (please provide date of accession).

C. Rail transport

Social and technical rules and standards

36. Please describe ongoing work, including plans, for the transposition of the relevant acquis, and in particular in relation to:
- a) The first railway package of 2001 (Directives 2001/12/EC, 2001/13/EC and 2001/14/EC), as well as recast of the first railway package (Directive 2012/34/EU establishing a single European railway area):
 - b) The second rail package of 2004 aimed at improving safety, interoperability and opening up of the rail freight market (Directives 2004/49/EC and 2004/51/EC)
 - c) The directives on "interoperability" (Directives 96/48/EC, 2001/16/EC and 2004/50/EC), which were recast in Directive 2008/57/EC):
 - d) The third railway package of 2007 on the opening up of the international rail passenger market, certification of train drivers, public passenger transport services by rail and road as well as rail passengers' rights and obligations (Directives 2007/58/EC and 2007/59/EC, Regulation (EC) No 1370/2007).
37. What regulations make the general framework for operations of railway sector in Bosnia and Herzegovina? Which agreements provide the grounds for application of those regulations?
38. Please list the laws of the legal framework governing the railway transport in the country.
39. Is there legislation on rail passengers' rights equivalent to Regulation (EC) No. 1371/2007?
- a) What are the rules on minimum requirements for the information to be provided to passengers before and during the journey, including the availability of information in accessible formats for persons with disabilities?
 - b) What are the rules on availability of tickets, through tickets and reservations?
 - c) What are the rules on liability of railway companies for passengers and luggage and in the event of delays, missed connections and cancellations of services?
 - d) What are the rules on transport conditions (including accessibility, assistance and information to be provided) for persons with disabilities or reduced mobility?
 - e) What are the rules to ensure the personal security of passengers in railway stations and on trains?
 - f) What are the rules on the handling of complaints and the body responsible for the protection of passengers' rights? Is that body independent of any infrastructure manager, charging body, allocation body or railway undertaking?
 - g) What are the rules and penalties provided for in case passenger rights are not respected?
40. Who sets the technical and environmental standards, technical specifications applicable for rolling stock and for other rail subsystems? Are these standards in accordance with EU legislation on interoperability and with international standards?
41. Who sets and enforces the safety standards? Are the rules and standards made public? Who delivers the safety certificates? Does an independent railway safety authority exist?

42. Is there a specific fiscal regime for rail transport operations?

Conditions of access to market and profession

43. What are the rules governing market access (e.g. regarding railway licences, safety certificates, safety certification of rolling stock and of staff)? Have all railway operators been awarded a license and a safety certificate?
44. Does the public railway company have management autonomy in relation to the public authorities? Is there accounting separation between operations and infrastructure? Is the public railway company financially sound (no accumulated debt burdens imposed by the public authorities)?
45. What is the procedure of adopting the network statement? Does the infrastructure manager need approval of the public authorities to adopt it, including setting the charges for using the infrastructure?
46. Can new entrants have access to the rail network, provided that they have a licence which recognises their capacity as a railway carrier and they fulfil other relevant requirements (e.g. safety certificate, etc.)? How are train paths allocated to avoid any discrimination, and how are infrastructure usage fees defined and applied?
47. Has Bosnia and Herzegovina established a regulatory body, a safety authority, an accident investigation body and a notified body? What staff numbers, competences and budgets have been made available to these authorities? Can these institutions take decisions without the approval of the ministry? In case of disagreements or complaints, can a railway undertaking lodge a complaint with an appeal body (regulatory body) and can the regulatory body launch an investigation on its own initiative?
48. Has the safety authority a right to put rolling stock into service? How does the safety authority enforce safety rules?
49. Has the safety authority adopted the criteria on train driver training centres and is there a right of access to these training centres? Has the safety authority established a register of driver licenses?
50. Are there any rules that the infrastructure manager should be independent from any railway undertaking? Does the law provide incompatibility rules applied for the members of infrastructure management board, the management of the holdings and the railway underway undertakings? Do such rules exist for the first years after quitting a management position in one of these entities and taking up another one? Does the regulatory body have to approve the appointment or dismissal of the members of the infrastructure management board? What safeguards have been put by the infrastructure manager to ensure business confidentiality of data that are sensitive to competition between railway undertakings, in particular relating to access to ICT systems and offices?
51. Has Bosnia and Herzegovina aligned existing and/or concluded new rail border crossing agreements in recent years on its international border crossings in compliance with EU railway legislation? In which way do these agreements permit open access by domestic or foreign operators? If they do not provide open access and are thus not yet aligned to EU legislation, what are the plans to make them compliant?
52. Is Bosnia and Herzegovina party to any multilateral agreements regarding international railway organisations (OTIF and OSZD)?

D. Maritime and inland waterway transport

53. Is there a master plan for the rehabilitation and maintenance of inland waterways infrastructures improving navigability in the Sava river tributaries? What are the budget allocations for such infrastructures? Please detail the pipeline of waterborne infrastructure projects in 2016-2020.
54. Please provide a brief description of any navigation or potential navigation transport activities in the country
55. What are the reasons preventing recovery/growth of the navigation activities concerning both maritime and inland waterways transport?
56. Please outline the legislation that covers this area. Are there any rules concerning safety, security, environmental and pollution prevention aspects of transport by sea and on lakes/rivers? Which institution(s) is/are in charge of registration and control of ships/boats?
57. What is/are the competent administration(s) for maritime and for inland waterway transport?
58. Is there any regional convention in place in terms of coordinating and promoting navigation between the countries of the region and activities of the respective navigation authorities?
59. What are the numbers and categories of vessels registered under the flag of Bosnia and Herzegovina involved in maritime and/or in inland waterway transport? What are the port(s) and port facilities serving such traffic in Bosnia and Herzegovina?
60. What are the relevant International Conventions that Bosnia and Herzegovina applies in relation to safety, security, environmental and pollution prevention aspects of transport by sea and on lakes/rivers? What are the plans of Bosnia and Herzegovina to become party to all basic IMO Conventions and Codes pertaining to maritime safety and security?
61. Are there any requirements regarding access to the profession of carrier of passengers and/or goods by waterway? Are there any rules concerning crew working time and manning in the maritime and inland waterway sector? What are the competent authorities responsible for enforcing the relevant legislation and requirements? What are the inland waterways port facilities (if any) serving also sea going traffic?
62. According to which technical requirements are the vessels of the domestic inland navigation fleet certified?
63. Which authority is responsible for the inspection of the vessels (both seagoing ships and inland waterway vessels)?
64. Which authority is responsible for the issuing of the vessel certificates (both seagoing ships and inland waterway vessels)?
65. What is the technical state of the domestic navigation fleet?

Passenger rights

66. Is there legislation on the rights of passengers travelling by sea or by inland waterway equivalent to Regulation (EU) No. 1177/2010?

67. What are the rules on minimum requirements for information to be provided to passengers before and during the journey?
68. What are the rules on availability of tickets? Are there any rules on non-discriminatory contractual conditions (including non-discriminatory fares)?
69. What are the rules on the liability of the carriers in the event of delays or cancellations of services (including the choice between continuation of the journey, re-routing and reimbursement and assistance to stranded passengers)?
70. What are the penalties provided for in case passenger rights are not respected by operators?

E. Inland transport of dangerous goods (road, rail, inland waterways)

71. Is there, and at which level, legislation concerning inland (road, rail or inland waterway) transport of dangerous goods, transportable pressurised equipment and designation/professional qualification of safety advisers to these transports (Directives 2008/68/EC; 2010/35/EU; 2000/18/EC)?
72. How and by whom is this legislation enforced? What are the scope and frequency of these controls? How many vehicles are subject to daily controls?
73. Is the reporting format for registering the frequency and outcome of such checks in conformity with Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road, or is such conformity planned?
74. Are there standards for the movement of ammunition and explosives in accordance with the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) – revised consolidated version ECE/TRANS/242, vol. I and II.

F. Multimodal and combined transport

75. What is the current volume of multimodal and combined transport? What the trends in annual volumes of multimodal and combined transport? Are there any issues preventing the faster growth of such transport?
76. Are there any studies concerning the potential for multimodal and combined transport?
77. What are the existing promotion measures/instruments available for national/international combined transport (see Combined Transport Directive 92/106/EEC), such as:
 - a) Granting of subsidies for combined transport terminals;
 - b) Granting of operational subsidies;
 - c) Exemption from general restrictions imposed on road transport (driving ban, maximum authorised weights and dimensions etc.) when performing combined transport operations;
 - d) Specific fiscal treatment
78. What are the current and planned measures with regard to digitalisation of transport and logistics, aiming to improve traffic and transport management through more accurate information on traffic and infrastructure conditions and on the location of vehicles and/or goods?

G. Air transport

79. Does competition and state aid law apply to air transport? If yes, are competition and state aids rules applied to air transport different from those applied to other sectors?
80. How and by whom are these rules enforced? Are legislation and/or practice with regard to state aid in compliance with the 2014 "Guidelines on State aid to airports and airlines" (Communication from the Commission - 2014/C 99/03)?
81. Are there public service obligations or similar schemes introduced in the air transport sector?
82. Are there national air carrier(s)? Are there any plans in place concerning establishment or expansion of national air carriers?

Access to market and profession

83. How can air carriers obtain authorisation to operate specific routes, whether they are domestic or international? Do certain air carriers hold exclusive rights on specific air routes? How is the ECAA Agreement taken into account in relation to the authorisation of air services? Who is responsible for the authorisation of air services?
84. What are the rules on setting air fares and rates? How and by whom are these enforced?
85. What are the conditions for the certification of airports? What are the conditions for the licensing of air carriers (AOC and operating licence)? Which bodies are competent for certification and licensing in these areas?
86. What are the insurance requirements in the air transport sector?
87. What are the rules for ground-handling, slot allocation, and Computer Reservation Systems? How and by whom are these enforced?
88. Which bilateral agreements with non-ECAA countries are in force? What type of regime is established under these agreements?

Technical and social standards

89. How and by whom are airport charges set? Are they set in a transparent and non-discriminatory manner? Are they cost related? Are there any consultation mechanisms?
90. Is airport management separate from airport ownership?
91. How are aviation safety requirements implemented and applied in the field of design, production, operation, maintenance of aircraft, parts and appliances and persons and organisations involved in the design, production, maintenance and operation of such products, parts and appliances, as well as certification of aerodromes and air navigation service providers?
92. Please describe the aviation safety requirements in Bosnia and Herzegovina in the following areas:
 - a) Personnel, licensing of pilots and crew;
 - b) Flight time limitations and training requirements of pilots and cabin crew as well as qualifications for training organisations;

- c) Product certification;
 - d) Issuance of airworthiness certificates;
 - e) Continued airworthiness of aircraft;
 - f) Maintenance of aircraft, parts and appliances
 - g) Certification of aerodromes and air navigation service providers
93. Which body is responsible for exercising regulatory control for aeronautical products, persons, organisations, aerodromes and air navigation service providers?
94. Which body is responsible for their oversight and for enforcing aviation safety requirements?
95. What is the legislation in force on accident investigation and mandatory accident and incident reporting?
- a) Are the data available on air misses (almost collisions), which have occurred during the last ten years?
 - b) Is there a specialised administration that coordinates investigation procedures, monitors reports and data?
 - c) What rules are in force to ensure the confidentiality of information processed during occurrence reporting, incident and accident investigation by persons involved in the design, production, maintenance, operation and training in safety?
 - d) When is an independent accident investigation body expected to be established?
 - e) Is cooperation with other countries considered in this area?
96. Are there measures to monitor and limit noise and emissions levels around airports (i.e. noise zoning, land-use rules) and to contain or reduce air pollution resulting from air transport activities? Is there a progressive phase-out programme for Chapter 2 aircraft?
97. Is the Flight Information Region of Bosnia and Herzegovina already recognised by ICAO?
98. Please provide information on the name, legislative and regulatory status and ownership of the organisation responsible for provision of Air Navigation services (ANSPs). What is the number of employees? Which authority is in charge of the designation and certification of the ANSPs? Are the designation and certification of ANSPs carried out following the applicable Single European Sky acquis (Regulations 549/2004, 550/2004, 551/2004 and 552/2004 – SES I package, amended by Regulation 1070/2009 – SES II package)?
99. Is a National Supervisory Authority in air traffic management effectively established? When and by which legal instrument?
100. What are the rules regarding safety oversight, standards setting, investment planning, provision of services, service planning and revenue collection? How does the level of fees for over-flight compare with the level of fees charged for flights to or from domestic airports?
101. What are the rules for licensing of air traffic controllers? Has Bosnia and Herzegovina adopted and implemented the Air Traffic Controller License Directive 2006/23/EC?

102. Has Bosnia and Herzegovina implemented the flexible use of airspace concept, and which authority is responsible for it? Has Bosnia and Herzegovina undertaken steps to participate in any initiative conducive to establish a functional airspace block?

Aviation security

103. Which bodies are responsible for the coordination and monitoring of the implementation of aviation security measures? Please specify which responsibilities each body holds. Please explain how the body (bodies) responsible monitors the implementation and the enforcement of aviation security measures (e.g. national civil aviation security programme, national quality control programme).

104. What is the applicable legislation on civil aviation security concerning air carriers, aircrafts and airports and to which extent it is compliant with the EU aviation security acquis (Regulation (EC) 300/2008 and supplementing/implementing legislation)? Please provide references to legislation, rules, and any other instruments that are applied.

105. Please specify if the mentioned legislation applies to all airports, and if not, to which type of airport it applies (e.g. civil/military airports, airports handling only certain types of traffic)?

106. Please provide the names, ICAO codes, and IATA codes of the airports to which the applicable legislation applies. If the applicable legislation does not apply to all airports, please specify which airports are not covered and why.

107. Is ECAC Doc No. 30 (PART II) in the field of aviation security fully applied and transposed into national legislation in Bosnia and Herzegovina? Please provide references to the applicable legislation and please specify the level of application of ECAC Doc No. 30 (PART II) and indicate the timeframe for full application.

108. Please specify time, place and scope of the last audit conducted by ECAC in Bosnia and Herzegovina.

109. Please explain how aviation security measures are financed.

International organisations and conventions

110. Please specify the international organisations in the field of aviation of which Bosnia and Herzegovina is a member (ICAO, ECAC, JAA, Eurocontrol)? On what date did Bosnia and Herzegovina adhere to these organisations? Please indicate the date or intended date of joining the organisations Bosnia and Herzegovina is not yet member of.

111. What is the timeline for the implementation of the ECAA Agreement? Is there an Action Plan developed and followed for this purpose? What actions have been taken to follow the recommendations in the latest ECAA Assessment Report?

Social and consumer protection

112. What are the rules for safety and health protection in the air transport sector? What are the rules for the working time of mobile workers in air transport?

113. Are there special consumer protection rules in the air transport sector? Are there rules establishing a right for compensation and assistance to passengers in the event of denied boarding, cancellation or long delays of flights? Are there any legislative or administrative rules protecting the rights of persons with disabilities and persons with reduced mobility when travelling by air? Are there specific bodies in charge of the enforcement of the rights addressed in this question? As Bosnia and Herzegovina is a signatory to the European Common Aviation Area Agreement, to what extent have Regulations 261/2004, 1107/2006 and 2027/97 been already integrated into the law?

114. What are the rules on the liability of air carriers in the event of accidents?

Administrative capacity

115. Please describe the bodies responsible for the administration of civil aviation in Bosnia and Herzegovina with their names, legislative and regulatory status and the relations between them? Please indicate the number of persons employed by each body. How is the training of the employees organised? How are these bodies financed?

H. Satellite navigation

116. Does Bosnia and Herzegovina intend to take part in the activities of the Galileo satellite navigation programme?

ANNEX I

I. BASIC TRENDS OF TRANSPORT DEMAND

A. Development of goods transport demand (tonne-km) 2010 - 2016*

Data for latest year available

(million tonne-km)	2010	2011	2012	2013	2014	2015	2016 (est.)	National traffic	International traffic	Of which traffic with EU
Road										
Rail										
Inland waterways										
Oil pipelines										

B. Development of passenger transport demand (passenger-km, national and international) 2010 - 2016*

(million passenger-km)	2010	2011	2012	2013	2014	2015	2016 (est.)
Private Car							
Bus							
Trams							
Railways							
Aviation							

*changes in time series should be indicated and explained if occurring

II. BASIC TRENDS AND MARKET STRUCTURE FOR EACH MODE OF TRANSPORT

A. Road goods transport

	2010	2014	2015	2016 (est.)
Number of enterprises at 31.12				
- private				
- state-owned				
Number of persons employed at 31.12				
- - private enterprises				
- - state-owned enterprises				
- of which drivers:				
- - private enterprises				
- - state-owned enterprises				
Goods vehicle stock number at 31.12				
< 3,5t loading capacity				
> 3.5t loading capacity				
Gross value added of the sector				
Amount (national currency)				
Amount (EUR)				
Amount as % of GDP				
Final energy consumption for road transport in tonne of oil equivalent				

B. Road passenger transport (interurban bus transport)

	2010	2014	2015	2016 (est.)
Number of enterprises at 31.12				
- private				
- state-owned				
Size of enterprise:				
- From 0 to 9 persons employed				
- From 10 to 19 persons employed				
- From 20 to 49 persons employed				
- From 50 to 249 persons employed				
- 250 persons or more				
Gross value added of the sector				
Amount (national currency)				
Amount (EUR)				
Amount as % of GDP				
Energy consumption				
Tons (fuel)				

C. Rail transport

	2010	2014	2015	2016 (est.)
Number of enterprises at 31.12				
Infrastructure managers:				
Railway undertakings:				
- private				
- state-owned				
Supply industry (operators of				

service facilities and manufacturers of railway equipment):				
- private				
- state-owned				
Employees number at 31.12				
- Infrastructure management				
- Railway operations				
Rolling stock number at 31.12				
- Diesel locomotives				
- Electric locomotives				
- Steam locomotives				
- Electric railcars				
- Diesel railcars				
- Goods wagons				
- Passenger railway vehicles				
Rolling stock by age, number at 31.12 (most recent data for one year only)				
< 3 years old				
3 - 5 years old				
6 - 15 years old				
15 - 30 years old				
> 30 years old				
Gross value added of the sector				
Amount (national currency)				
Amount (EUR)				
Amount as % of GDP				
Final energy consumption in tonne of oil equivalent				

D. Air transport

1. General data	2010	2014	2015	2016 (est.)
Carriers, number at 31.12				
Licensed air carriers				
Energy consumption				
Tonnes of oil equivalent				
Gross value added of the sector				
Amount (national currency)				
Amount (EUR)				
Amount as % of GDP				
Data by carrier				
Carrier (name) _____				
Type of operation (scheduled, charter, freight)				
Main destination				
Transport demand				
- Total Passengers carried, domestic				
- Total Passengers carried, international				
- Total Passengers carried, scheduled				
- Total Passengers carried, non-scheduled				
- Revenue Passenger-km scheduled				
- Revenue Passenger-km non-scheduled				
- Freight (tonnes)				
- Freight (tonne-km)				
Ownership (state/private)				
Total fleet number at 31.12				
- self-owned				
- leased				
Average age of planes				
Employees (number)				
Financial results (profit/loss)				
Freight Tons				

Please fill out a separate table for each airport

2. Airport data by airport		2010				2014				2015			
		Passengers		Freight		Passengers		Freight		Passengers		Freight	
		Units	PKT	Tons	TKT	Units	PKT	Tons	TKT	Units	PKT	Tons	TKT
Airport name													
Commercial aviation													
Domestic	Scheduled												
	Non-scheduled												
To/from EU airport	Scheduled												
	Non-scheduled												
Other international destination	Scheduled												
	Non-scheduled												
Business/general aviation													

PKT = passengers-km transported

TKT = tonne-km transported

3. Capacity data by airport		2010		2014		2015	
		ASK	No. of flights	ASK	No. of flights	ASK	No. of flights
Airport name							
Commercial aviation							
Domestic	Scheduled						
	Non-scheduled						
To/from EU airport	Scheduled						
	Non-scheduled						
Other international destination	Scheduled						
	Non-scheduled						
Business/general aviation							

ASK = Available Seat-km

CHAPTER 15: ENERGY

The objectives of EU energy policy are competitiveness, security of supply and sustainability and protecting the population against the risks arising from nuclear energy and ionising radiation. The energy acquis consists of rules and policies notably regarding competition and state aid, including in the coal sector, conditions for equal access to resources for prospection, exploration and production in the hydrocarbon sector, the internal energy market (opening up electricity and gas markets), nuclear energy, nuclear safety, nuclear safeguards and radiation protection, as well as promoting renewable energy sources and energy efficiency. As regards international agreements, the chapter contains the Energy Charter Treaty and related instruments.

As regards security of supply, the acquis requires Member States to hold oil stocks equivalent to 90 days of average daily net imports or 61 days of average daily inland consumption, whichever of the two quantities is greater, and to report regularly to the Commission on oil production, imports, supply costs and fuel prices. A body for managing crisis situations needs to be established.

For natural gas Member States and gas companies need to be prepared for supply disruption, through clear and effective emergency plans and incorporating fully the EU dimension of any significant disruption. Member States must ensure that in the event of a disruption of the single largest infrastructure, they are able to satisfy total gas demand during a day of exceptionally high demand. Reverse flows are to be established in all cross border interconnections between EU countries. Member States must also define general, transparent and non-discriminatory policies on security of electricity supply, compatible with the requirements of a competitive single market for electricity.

EU rules aiming at completing the internal energy market are based on the EU rules on competition. Member States must ensure open and competitive markets for electricity and gas, adhering to the principles of transparency, non-discrimination, third-party access, cross-border transmission, security of supply and sustainability. Transmission and distribution system operators are to be unbundled. Universal electricity services must be guaranteed and vulnerable customers be granted adequate protection. An independent regulatory authority must be designated as responsible for the efficient functioning of the markets. An independent transmission system operator (TSO) is equally crucial for the functioning of the internal electricity and gas markets, including establishing transparent, cost-reflective and non-discriminatory tariffs.

The promotion of renewable energy and energy efficiency is part of the Europe 2020 Growth Strategy and 2030 agenda for sustainable development. The EU target for renewable energy is to reach a share of 20% and 27% energy produced from renewable sources in final energy consumption by 2020 and 2030 respectively. Effective measures have to be in place to stay on the trajectory as defined in a National Renewable Energy Action Plan (which each country must develop). By the same dates a 20% reduction and 27% in Europe's annual primary energy consumption is to be achieved. The energy efficiency acquis requires measures to increase efficiency at all stages of the energy chain: generation, transformation, distribution and consumption. The measures focus in particular on the building and energy services sectors, where the potential for savings is greatest. Other measures include clearer product labelling and the introduction of smart meters. An enforcement body is required in particular for labelling and minimum efficiency standards.

Regarding the use of nuclear energy, Member States must establish a national legislative,

regulatory and organisational framework for the nuclear safety of installations, including a competent and independent regulatory authority, as well as a framework for the management of spent fuel and radioactive waste. They must also ensure the application of Euratom safeguards. The European Council has repeatedly emphasised the importance of a high level of nuclear safety in candidate countries. Member States must ensure the protection of workers and the population from the risks arising from ionising radiation, by complying with the Euratom *acquis* on radiation protection, covering authorisation and reporting of practices and operational protection of workers and the population in normal circumstances, strict controls on radioactive sources, supervision of shipments and of radioactive waste, environmental monitoring, control of contamination of foodstuffs and an appropriate framework for emergency preparedness. As regards nuclear material supply, the Euratom Supply Agency has exclusive rights to conclude contracts for the supply of nuclear materials. Undertakings also need to have relevant capacities for nuclear material accountancy and control (nuclear safeguards).

Parts of the *acquis* under this chapter are covered by the Energy Community Treaty which lays down specific obligations in these areas. When answering the questions below, please make reference to the state of implementation of such obligations.

I. GENERAL

1. Please provide the latest data information using a Eurostat-compatible methodology²⁰ (please specify the methodology used) on energy supply (both capacity and actual production, including a breakdown per energy source), energy use, energy prices and energy balances (past, present and if available forecasts). Please use a structure concerning sectors and fuels similar to the one published in DG Energy's Annual Energy Reviews or in the publication "Europe Energy and Transport - Trends to 2030". For this purpose, data should be provided by filling in the summary template below).

Summary Questionnaire on the energy situation: Bosnia and Herzegovina - energy production

Primary Production	Data				Forecasts		
	2000	2005	2010	2015 ²¹	2020	2030	2040
Solid fossil fuels							
- Oil							
- Natural gas							
Nuclear							
Hydro and wind							
Geothermal							
Other renewable energy sources							
TOTAL							

²⁰ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:304:0001:0062:EN:PDF>

²¹ Latest year available.

2. Please provide a short description highlighting the energy situation including the organisation of the sector and infrastructure developments. Do energy prices reflect the costs (electricity, gas, heat, coal, oil)? Please give an overview of main energy prices and compare them with their costs. How has any eventual privatisation process developed in the sector and what are the perspectives (please provide information per sub-sector)? Is the organisation of collection of (energy) data satisfactory in order to reply to reporting requirements of the EU in the energy (sub) sectors?
3. Please provide information on the distribution of competences, the legislation in force and the existing and planned strategy documents (energy policy, energy saving or policies in sub-sectors) on energy matters. If available, please provide a translated copy of the national strategy documents and legislation relating to the policy for the energy sector. A short summary of the reports and legislative acts would be appreciated.
4. Both for reports and legislative acts, please specify which report/act of legislation corresponds with which EU strategy or EU legal act (please provide this information for all questions related to energy). What is the general assessment on their (non-) compatibility with energy strategies and legislation of the EU?
5. Please provide information and, if possible, the translated texts of the agreements and conventions that have been concluded with third countries or international organisations in the field of energy.
6. Please provide information on the fiscal measures (VAT, excise duties, CO₂ energy tax, and other taxes/levies) applied to energy products. Does the system favour indigenous energy sources? How will further tax harmonisation in the EU affect the energy balance?
7. Please provide an organisation chart and information on staffing levels of the relevant energy authorities (ministry, agencies, regulator, etc.) and their key contacts. Please provide an up-to date figures of the staffing level: what are the positions foreseen.
8. What are the likely investment needs in the various energy sub-sectors for the period until 2030? What type of financing is foreseen (public, private) and what are the sources of financing?
9. What are the investment plans in the medium and long term in the various energy sub-sectors? What type of financing is foreseen (public, private)?

II. SECURITY OF SUPPLY

10. What is the level of oil stock reserves in Bosnia and Herzegovina, calculated according to EU methodology, and how are stocks calculated and controlled? What is the level of storage capacity available for those stocks?
11. Please provide a realistic timetable for reaching EU oil stock requirements (in case Bosnia and Herzegovina falls short of such requirements according to Directive 2009/119/EC of 14 September 2009 on the maintenance of stocks of crude oil and/or petroleum products). What are the expected difficulties for implementing this legislation (financial, legal, availability of storage capacity, setting up of institutions, other)?
12. What are the existing or envisaged mechanisms in Bosnia and Herzegovina to face a disruption in oil supply and mitigate the effects of such disruption?

13. What is the legal framework governing emergency oil stocks? In the event that Bosnia and Herzegovina has a dedicated oil stocks body, what are its tasks, staffing and budget?
14. What is Bosnia and Herzegovina's position on IEA membership and, if appropriate, by what date has such membership been requested or will it be requested?
15. Does Bosnia and Herzegovina have the intention to coordinate closely its positions in the IEA with those of the EU/European Commission? What would be the preferred mechanism for such coordination?
16. In terms of gas supplies, in particular have Bosnia and Herzegovina authorities:
 - a) Foreseen the roles and responsibilities of various market participants in order to ensure security of supply;
 - b) Prepared any emergency measures;
 - c) Foreseen any monitoring and reporting mechanisms in order to mitigate future gas supply disruptions?
17. How has Bosnia and Herzegovina taken into account of the findings of the 2014 gas sector stress tests?

III. INTERNAL ENERGY MARKET

18. Could compliance with the relevant acquis concerning the establishment of an internal energy market (see below) lead to any problems in Bosnia and Herzegovina? If so, which are particularly difficult and for what reasons? (Please provide separate answers)
19. Please explain the rules on prospection, exploration and production of hydrocarbons as per Directive 94/22/EC.
20. Does Bosnia and Herzegovina consider that it would have difficulties implementing Directive 2013/30/EU on the safety of offshore oil and gas operations?
21. Please explain the rules on price transparency as per Directive 2008/92/EC, Council Decision 99/280/EC, Commission Decision 99/566/EC of 26 July 1999 implementing Decision 99/280/EC.
22. Please explain the rules on opening up of the internal electricity and gas markets as per Directives 2009/72 and 2009/73, together with Regulation 714/2009 on conditions for access to networks for cross-border exchanges in electricity, Regulation 715/2009 on conditions for access to the natural gas transmission networks and Directive 2005/89 concerning measures to safeguard security of electricity supply and infrastructure investment.
23. What measures is Bosnia and Herzegovina taking to ensure compliance with Regulation (EC) 714/2009, on conditions for access to the network for cross-border exchanges in electricity, including its application in the context of the Energy Community Treaty?
24. What are the policy and plans on electricity, gas or oil exchanges and network interconnections with neighbouring countries and/or regions? What projects are being carried out as regards electricity and gas interconnectors? Who provides the funding and what agreements exist with respect to access to those networks?

25. What steps have been taken to implement the commitments taken in the framework of the Energy Community Treaty, in particular concerning the establishment of a regional electricity market (under the Berlin Process / Western Balkans 6)?
26. Please briefly describe the legal, procedural, technical and environmental frameworks for authorisation of networks. What is the average timescale to complete procedures governing authorisation for the construction of power and gas installations/networks etc.? Are there any plans to improve the timescale and address the difficulties, in line with Regulation (EU) No 347/2013 on guidelines for trans-European energy infrastructure? If so, when and how?
27. What is the legislative/regulatory framework for competition in the energy sector? Which are the specific issues that require an adaptation of the existing legislation? In which energy sub-sectors are there State aids (please specify) and in which are there trade barriers and what are these barriers? Which monopolies (e.g. refinery, import/export monopoly, exclusive or special production, transportation or distribution rights) exist in the energy sector in Bosnia and Herzegovina and what are the plans on them? What is the legislative situation regarding Independent Power Producers?
28. What is the structure of electricity and gas markets (ownership, concentration, separation of activities)? What are the main sources of energy? What is the structure of tariffs for transmission/distribution? Who approves tariffs or tariff methodology? Are there cross subsidies? Are all consumers connected to either the transmission or the distribution network? What is the rate of collection of bills?
29. Is there an energy regulator in place? What are its competencies, staff and budget? Is there room to extend the staff given the substantial increase of regulatory competencies foreseen by the Third package? Please give an indication as to how the independence of this regulatory authority is guaranteed (appointment procedure, budget of the regulatory body, etc.).
30. Is there an independent Transmission System Operator for electricity in place organised in line with Third package? Is it integrated vertically and what are its competencies?
31. What measures are present to ensure a stable investment climate in the electricity sector? What measures have been foreseen for transmission and generation to ensure continuity of electricity supply? Are these measures non-discriminatory? Is there any monitoring and forecasting of investment intentions in transmission and generation and, if yes, on what time-scale?

IV. RENEWABLE ENERGY

32. Please provide information on current and planned measures promoting renewable energies in electricity, heating & cooling and the transport sector (nature of measures, budget available, etc.). Please refer to the support schemes already in place or planned, subsidies, incentives, various tax exemptions etc. Please indicate accordingly which support measures are already in place and which are planned. For the planned measures, please provide a calendar for their implementation.
33. Is there framework legislation in place (Renewable Energy Law) in line with Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources? If not, what is the calendar for its

adoption? Does secondary legislation already exist? If not, what is the calendar for its adoption? Which piece of legislation corresponds with which acquis and what is the state of compatibility?

34. Has Bosnia and Herzegovina adopted a Renewable Energy Action Plan in line with the methodology foreseen in the 2009/28/EC Directive?
35. What renewable energy sources is Bosnia and Herzegovina foreseeing to use for the production of energy (incl. electricity, heating and cooling)?
36. Have studies to assess the impact of the European acquis in the field of renewable energy been undertaken? If not, will there be such studies undertaken?
37. What difficulties are foreseen in the gradual adoption of these EU rules? What timetables for application are there foreseen?
38. In relation to Directive 2009/28/EC on the promotion of the use of energy from renewable sources, what is the current situation (i.e. the shares of renewable energy in energy consumption, shares of various types of sources of renewable energy - e.g. hydro, wind, biomass, geothermal, solar, biofuels, etc.) and what are the ambitions for the contribution of renewable energy sources in energy consumption by the year 2020 (or possible intermediate years? Please use the methodology of Directive 2009/28/EC for calculating these shares. Please provide a detailed overview of the current situation.
39. Is there any legislation in place on giving priority or guaranteed access to the electricity grid to electricity from renewable source? If not, is there a calendar for its adoption?
40. Has any evaluation of the existing administrative procedures for the authorisation of renewable energy projects been done yet (with the view to streamline and expedite them)? If not, are there plans to do one? If yes, please provide details on its main conclusions. Is there any legislation on streamlining and expediting these administrative procedures? If yes, please provide details on its main provisions.
41. Please provide information (i.e. installed capacity, source of renewable energy, timetable for the commissioning) on ongoing or planned projects using renewable energy sources.
42. Where does Bosnia and Herzegovina stand as regards reaching the EU target that 10% of fuels used in the transport sector should come from biofuels? What measures has Bosnia and Herzegovina taken to reach the 10% target?
43. Please provide information on energy technology and other programmes aiming at promoting energy efficiency and renewables. Could details of these programmes be provided, including the level of public subsidies?

V. ENERGY EFFICIENCY

44. Does Bosnia and Herzegovina have or intend to elaborate a National Energy Efficiency Action Plan according to the methodology foreseen in Directive 2012/27/EU on energy efficiency? Please provide information on its time framework, sectors addressed and expected/achieved savings. If energy efficiency/savings targets exist, please provide information on how they are defined and measured.
45. Please provide information on the main current and planned legislative and non-legislative measures promoting energy efficiency (nature of measures, budget available, etc.). Is there a law on energy efficiency?

46. Which institutions are, or will be, in charge of the implementation and monitoring of energy efficiency measures and programmes?
47. Has Bosnia and Herzegovina established any system for encouraging energy savings and improving energy efficiency (such as white certificates schemes or voluntary agreements with energy industry or other actors)?
48. Are there any measures to promote energy efficiency in the public sector and exploit its exemplary role (e.g. energy efficiency public procurement)?
49. Are there any support schemes (financial, fiscal or other) for:
 - a) the improvement of energy efficiency in buildings;
 - b) the improvement of energy efficiency in industry and households;
 - c) the improvement of energy efficiency in transport.
50. Is there any policy to promote the development of energy efficiency services companies (ESCOs) or the uptake of energy performance contracts by energy consumers?
51. Does Bosnia and Herzegovina have legislation in place that requires or ensures that final customers of electricity, natural gas, district heating and/or cooling and domestic hot water in Bosnia and Herzegovina are to be provided with individual meters that reflect actual energy consumption?
52. Does Bosnia and Herzegovina have legislation in place that requires or ensures that billing is to be performed by energy distributors, distribution system operators and retail energy sales companies, based on actual energy consumption?
53. Is legislation aligned with Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, the Ecodesign and Energy Labelling Directives, their implementing measures and the Energy Star Regulation? Is there a mandatory energy labelling scheme and are there minimum energy efficiency requirements for household appliances? If not what are the plans for their introduction and when? What structures are envisaged for the enforcement of these measures? Is the legislation aligned with regulation 1222/2009/EC on the labelling of tyres with respect to fuel efficiency and other essential parameters, and if not what are the plans for alignment?
54. Is legislation aligned with Directive 2010/31 of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings? Is energy efficiency considered in building codes, in application of this Directive? Are there any minimum energy performance requirements for certain types of buildings (new and existing, residential and non-residential)? Is there any energy performance label for buildings?
55. Does Bosnia and Herzegovina have any policy or programme to promote the development of very low energy buildings? Does Bosnia and Herzegovina have provisions for minimum shares of renewable energy sources in energy supply to buildings?
56. Are there efficiency and/or monitoring requirements for heating, ventilation and/or air-conditioning (HVAC) and lightening?
57. In Bosnia and Herzegovina, are data collected with regard to the nature and the energy performance of the building stock? If so, please elaborate on the system in place.
58. Does the legislation contain any requirements regarding energy audit schemes for final energy consumers (e.g. business, industry)?

59. Are there policy framework and support schemes (financial, fiscal or other) with regard to highly efficient cogeneration? Has Bosnia and Herzegovina considered any measures to enhance the role of district heating to promote energy efficiency in urban areas? Are there any plans to promote the use of high efficient cogeneration and renewable energy in district heating and cogeneration?

VI. NUCLEAR ENERGY

60. Please submit any nuclear policy papers/statements/declarations regarding the peaceful utilisation of nuclear energy in Bosnia and Herzegovina. Please submit any plans for the present and the future regarding nuclear energy, including the possible financing of these plans.
61. Please submit a list of Agreements concluded with EU Member States in the field of cooperation in peaceful uses of nuclear energy? Please provide the translated texts of all international agreements on cooperation in the field of nuclear energy and radiation protection with third countries or international organisations.
62. Is Bosnia and Herzegovina a member of the International Atomic Energy Agency (IAEA) and/or the Nuclear Energy Agency of the OECD and if not, does it intend to become member?
63. What are Bosnia and Herzegovina's existing or planned nuclear research activities? In case of research reactors, of which types are they and which nuclear fuel do they use? (See also question 15 under chapter 25)
64. Please provide the list of international conventions in the field of nuclear energy and radiation protection to which Bosnia and Herzegovina is a contracting party as well as the corresponding legislation aiming to implement and enforce these conventions in the domestic legal order.
65. What is the position of Bosnia and Herzegovina regarding third party nuclear liability (the Vienna Convention and the Paris Protocol)? Please give a progress report regarding the ratification process.
66. Please provide information for all major nuclear sites and nuclear installations in Bosnia and Herzegovina on their activities, processes, throughputs and inventories of Uranium, Plutonium and Thorium.
67. Please provide information on any future plans or projects for nuclear installations storing, handling, processing or final disposing Uranium, Plutonium and Thorium.

VII. OTHER NUCLEAR ISSUES (INCLUDING RADIATION PROTECTION)

A. Nuclear safety, radioactive waste management and decommissioning

68. Please provide information on the structure of the national Competent Regulatory Authority (CRA), if any, especially in the fields of nuclear safety and radioactive waste management, including radiation protection and radiological emergency preparedness. Please provide the following information in detail:
 - a) The legal framework of the CRA;
 - b) The powers of the CRA concerning nuclear safety and radiation protection, the licensing of operating and/or new nuclear facilities, including fuel and waste treatment facilities, and the implementation of nuclear safeguards;
 - c) The structure and responsibilities of the various departments of the CRA;
 - d) The degree of autonomy and independence of the CRA, method of appointment and reporting relationship of the officers of the CRA.
69. What is the existing and planned capacity for storing spent fuel and radioactive waste? How such sites are licensed and what is the state of their licensing?
70. Does Bosnia and Herzegovina have a national waste management programme covering all types of radioactive waste and all management stages including final disposal? Please provide details (incl. the related documents).
71. How does the legal framework for waste management take into account Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste?
72. Does Bosnia and Herzegovina have any agreements in force with any other country providing for the transfer of radioactive waste generated in Bosnia and Herzegovina?
73. Please provide any other information on the legal and regulatory framework for nuclear safety. How has this taken into account Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations? Please note that Articles 6, 8a, 8b, 8c and 8d do not apply to countries without nuclear installations, unless they decide to develop any activity related to nuclear installations subject to a licence under their jurisdiction.
74. Please specify if the legislation provides for public participation/review during the licensing process.
75. Does Bosnia and Herzegovina use/apply the IAEA/NUSS codes and standards?

B. Nuclear material supply, safeguards and physical protection

76. Please provide the texts of the international agreements and conventions that have been concluded with third countries or international organisations in the field of nuclear material supply, accountancy and safeguards.
77. Please provide the texts of legislation and policy in the field of nuclear material supply, accountancy and safeguards.

78. Does Bosnia and Herzegovina adhere to the Nuclear Suppliers Group (NSG) Guidelines? Does it have legislation to enforce the guidelines of the NSG and the capability to maintain the necessary controls?
79. Who in Bosnia and Herzegovina can buy, own and sell nuclear material?
80. Who in Bosnia and Herzegovina can physically hold nuclear material?
81. With regard to the fuel used in the reactors, which country/countries is/are the source of enrichment services?
82. Please describe what is Bosnia and Herzegovina's policy regarding import, export and trade of nuclear equipment, nuclear materials, new and irradiated nuclear fuel. Please give details of any authorities responsible for controlling and/or monitoring such trade.
83. Given that Bosnia and Herzegovina is party to the Treaty for the Non-Proliferation of Nuclear Weapons, does it have a comprehensive safeguards agreement in force with the International Atomic Energy Agency (IAEA)? If so, please provide a copy. If not, will there be such an agreement in force in the near future?
84. Has Bosnia and Herzegovina signed a Protocol Additional to the Safeguards Agreement on the basis of the document published as INFCIRC/540 and, if yes, since when is this Protocol in force?
85. Has Bosnia and Herzegovina made a voluntary offer to the IAEA concerning extended reporting on movements of nuclear materials and equipment, pursuant to IAEA document GOV/2929 of 22.01.1993? If so, please provide a copy.
86. Does Bosnia and Herzegovina envisage any regulatory problems in adapting its legislation to ensure that it conforms to the provisions of chapter VII of Euratom as regards the implementation of Euratom safeguards in all nuclear installations on its territory?
87. Please provide information on components and equipment related to the nuclear fuel cycle present in Bosnia and Herzegovina that are subject to any agreement or convention concluded with third countries or international organisations.
88. Does Bosnia and Herzegovina participate in any fusion research programme that involves the use of Tritium and who are the suppliers of this Tritium?
89. Are any problems envisaged in suspending the existing Safeguards Agreement between Bosnia and Herzegovina and the IAEA and adhering to the Agreement INFCIRC/193 between the EU, the IAEA and the non-nuclear weapon Member States of the European Union? Please answer the same question concerning the Protocol Additional to the Safeguards Agreement between Bosnia and Herzegovina and the IAEA.
90. Did Bosnia and Herzegovina adhere to the Convention on Physical Protection of Nuclear Material (CPPNM) and its recent amendment, the Convention on Physical Protection of Nuclear Material and Nuclear Facilities (CPPNMNF)?
91. Does Bosnia and Herzegovina belong to the IAEA Illicit Trafficking Database?

C. Radiation Protection

92. What is the status of compliance with the Euratom Treaty and Euratom acquis provisions concerning radiation protection? In particular:

- a) Is there an online network of dose rate measuring stations and off-line sampling programme to monitor environmental radioactivity (Air, water, soil and foodstuffs)? Are there plans to start providing automatic dose rate data to the EURDEP system soon?
 - b) Regarding environmental assessment and review of the licensing of new sites and nuclear installations, please state if the legislation provides for environmental assessment requirements and public participation/review during the licensing process.
93. What is the status of compliance with the Euratom Treaty and Euratom acquis provisions concerning radiation protection? Please provide a copy of existing legislation together with relevant regulations or decrees in the following areas:
- a) Health protection of the population;
 - b) Health protection of workers;
 - c) Medical applications of ionising radiation;
 - d) Nuclear and radiological emergency preparedness, in particular response during an emergency situation, cooperation with neighbouring and third countries regarding coordination protective measures and organisation of radiological protection; international early exchange of information and information to the general public; does Bosnia and Herzegovina consider participating to the European Community Urgent Radiological Information Exchange system (ECURIE) and within which schedule?
 - e) Contamination of foodstuffs and feeding stuffs;
 - f) Shipments of radioactive waste and spent fuel;
 - g) Control of high activity sealed sources and orphan sources. Do the arrangements comply with the IAEA Code of Conduct on the safety and security of radioactive sources?
 - h) Shipments of radioactive substances;
 - i) Protection against exposure to radon in dwellings and drinking water;
 - j) Justification and regulatory control of practices;
 - k) Education and training in radiation protection;
 - l) Protection against exposure to natural radiation sources (cosmic radiation, NORM, radon, gamma radiation from building materials).
94. What is the timetable for compliance with Euratom Treaty and derived legislation provisions on radiation protection? Please provide any draft amendments or draft new legislation under consideration for the future.
95. Does Bosnia and Herzegovina implement the latest Basic Safety Standards Directive (Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation) and the Euratom Drinking Water Directive (Council Directive 2013/51/Euratom laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption)?
96. Please provide an overview of the existing arrangements and facilities for carrying out monitoring of radioactivity (air, water and soil and foodstuffs);

97. Is there an online network of dose rate measuring stations and off-line sampling programme to monitor environmental radioactivity? Are there plans to start providing automatic dose rate data to the European Radiological Data Exchange Platform (EURDEP) system soon?

CHAPTER 16: TAXATION

The **indirect taxation** *acquis* consists primarily of harmonised legislation in the field of Value Added Tax (VAT) and excise duties. *Value Added Tax* was first introduced in the Community in 1967, eventually leading to the Sixth VAT Directive from 1977 which was later recast in Directive 2006/112/EC and is still in place today. It provides for the application of a non-cumulative general tax on consumption. This is levied on all stages of production and distribution of goods and services. The VAT *acquis* provides for an equal tax treatment of domestic and non-domestic (import) transactions. VAT is also based on the neutrality principle whereby the tax applied is proportional to the price, whatever the number of intermediate transactions.

In the field of *excise duties* the *acquis* contains harmonised legislation as regards energy products, electricity, tobacco products and alcoholic beverages. EU legislation establishes the structure of the duty that should be charged, together with a system of minimum rates for each product group. Goods are subject to duty when they are produced within the EU or imported from a third country. However, in principle, the duty is payable only to the Member State in which the goods are released for consumption (with certain limited exceptions), and at the applicable rates in that Member State. The EU legislation lays down provisions on production, holding, movement and monitoring of excisable goods. As a result of the introduction of the single market, all systematic fiscal controls at the EU's internal borders were abolished on 1st January 1993. Nevertheless, to ensure that excise goods pay duty where they are released for consumption, their holding and movement for commercial purposes within the Internal Market continued to be closely monitored.

The *acquis* in the area of **direct taxation** concerns certain aspects of corporate taxation and capital duty. The focus is on eliminating distortions for cross-border economic activities between enterprises within the Union. The *Code of Conduct* for business taxation represents a political commitment by Member States to tackle harmful tax measures. Member States are required not to introduce new harmful tax measures, and to rollback existing ones.

The EU legislation in the field of **administrative cooperation and mutual assistance** between Member States' tax and customs authorities provides tools to share information in order to ensure that both indirect and direct taxes can be effectively levied. Tax relevant information is exchanged among tax administrations, both automatically and on request. It also allows Member States to provide recovery assistance to each other.

To ensure the effectiveness of the automatic exchange of information, the *acquis* in the area of **operational capacity and computerisation** covers different areas of taxation. In the field of VAT, the *acquis* on the Value Added Tax Information Exchange System (VIES) provides for direct electronic interchange of data between national VAT administrations within the timeframe established in the relevant EU legislation. This allows national administrations to monitor and control intra-EU trade and detect possible irregularities. In addition, a specific IT system (VAT Refund) has become operational on January 1st 2010 to ensure the electronic treatment of applications for the refund of VAT paid in other Member States than the Member State of Establishment of the Economic Operators. The IT-system VAT Mini One-Stop Shop (MOSS) allows the exchange of information among Member States related to the special scheme for telecommunications, broadcasting and electronically supplied services. Regarding excise duties, the EU *acquis* requires IT systems to allow Member States to exchange information on authorisations given to producers and traders of excisable products (SEED) and to track in real time the status of movements of goods under excise duty suspension (EMCS). EMCS also provides for the exchange of information for administrative cooperation purposes. In the area of direct taxation other IT systems allow the automatic exchange of standardised information on certain types of income.

I. INDIRECT TAXATION

A. General

1. Please indicate how does the legislation define the distribution of competences on taxation between different levels of governance and which institutions are competent on the issue.
2. Please specify the elements of the VAT and excise legislation of Bosnia and Herzegovina which might result in:
 - a) A higher level of taxation on imported products than that imposed on similar domestic products (Article 110 TFUE);
 - b) The repayment of tax on exported products which exceeds the internal tax imposed on them (Article 111 TFUE);
 - c) Differing treatment of requests for reduced rates or exemptions from VAT or excise duty.

B. Value Added Tax

3. Please provide a translated copy of Bosnia and Herzegovina's VAT legislation, including secondary legislation, administration guidelines, etc.
4. Please give a detailed description of the VAT regime in force in Bosnia and Herzegovina, particularly in the following areas:
 - a) Definition of taxable persons,
 - i. The response should include the VAT treatment of government bodies and public institutions; non-resident taxable persons, liberal professions, non-profit organisations, closely connected businesses, etc.;
 - ii. How many VAT taxable persons are there in Bosnia and Herzegovina?
 - b) Scope of taxable transactions (supplies of goods and services, VAT on immovable property, rules on self-supply, private use);
 - c) Territorial scope of the tax;
 - d) Importation (taxation, suspension regimes, exemptions, etc.). How are goods that have been placed under a suspension regime treated in respect of VAT?
 - e) Exportation and other exempt supplies granting a right to deduct input VAT
 - f) Exemptions not granting the right to deduct input VAT;
 - g) Rules on the place of supply of goods and services;
 - h) Chargeable event and chargeability of the tax; cases where the reverse charge applies;
 - i) Rules on VAT rates. Please describe the exact scope of any reduced rates, included zero rates (other than those described in the letter d) above)
 - j) Describe the scope and procedures in respect of the right of deduction and refund of VAT. In particular, where input VAT exceeds output VAT, can all taxable persons opt for a refund? How long on average does it take to refund VAT to taxable persons? Do more favourable arrangements apply to some e.g. big exporters? Describe any restrictions on the right of deduction i.e. is VAT on certain types of expenditures not deductible?
 - k) Special schemes (e.g. small businesses, second-hand goods, works of art, collectors' items and antiques, flat-rate scheme for farmers, travel agents, investment gold, others);

- l) Rules governing registration of taxable persons, tax returns, record keeping, invoicing and payment;
 - m) Administration and appeals (assessment and collection, penalties, appeal procedure, international mutual assistance and recovery of VAT claims);
 - n) Taxable persons not established within Bosnia and Herzegovina. Describe any special rules concerning representation, right to VAT refund, etc.;
 - o) Control procedures:
 - i. Is VAT control incorporated with the control of other taxes or is it separate?
 - ii. How many tax officials are involved in VAT control, excluding Customs?
 - iii. What is the experience of Bosnia and Herzegovina in the exchange of information for tax purposes?
5. Please provide information regarding rules governing travellers' allowances on import;
 6. Does Bosnia and Herzegovina operate free zones? If yes, please provide the text of the relevant act. Which regime is applied in the free zones for VAT and excise purposes? Are the free zones excluded from the territorial application of VAT and/or excise duties? Is VAT applied on construction material to build or renovate the free zones facilities?
 7. What are the targets of Bosnia and Herzegovina for future developments of the country's VAT legislation (short/long term)? Please specify these in terms of timetables and anticipated problem areas.

C. Excise duties

8. Please provide a translated copy of Bosnia and Herzegovina's excise duty law, including secondary legislation, such as administration guidelines, etc.
9. Please give a detailed description of the excise legislation in force in Bosnia and Herzegovina, particularly in the following areas:
 - a) Taxable scope (product categories liable to excise duty). The following are of particular interest:
 - i) Alcohol and alcoholic beverages;
 - ii) Cigarettes and other manufactured tobacco;
 - iii) Mineral oils (petrol, diesel heating oil, etc.), other energy products (natural gas, coal, biofuels, electricity); any product used as motor fuel (e.g. ethanol), addition or extender to motor fuel and hydrocarbons used as heating fuel;
 - iv) Motor vehicles (excise duties, registration taxes, circulation taxes);
 - v) Other product categories constituting a substantial part of excise income.
 - b) How is the taxable amount defined for each excise good (e.g. by volume, mass, ad valorem, etc.)?
 - c) Excise duty exemptions or reductions.
 - d) What is the rate of duty applied for each product concerned? Is the rate level the same for similar imported products? If not, explain why.
 - e) Chargeable event and chargeability of the duty.

- f) Rules concerning the importation and exportation of excise goods, including travel allowances.
 - g) Registered/non-registered traders.
10. Does Bosnia and Herzegovina have a tax warehousing system for some/all product categories subject to excise? If not, what system does Bosnia and Herzegovina apply:
 - a) To domestic products?
 - b) To imports?
 11. How far down the distribution chain does each warehousing system generally reach? Do general warehouses exist to which any importer may consign his products? How is duty financially secured (e.g. guarantee)? What physical security is required? How are movements between warehouses and between the frontier and warehouses handled?
 12. Does Bosnia and Herzegovina operate other suspension schemes, i.e. tax arrangements applied to the production, processing, holding and movement of products where excise duties are being suspended? Is there a special tax regime with any non-EU countries requiring no excise duty payment or tax stamping?
 13. Does Bosnia and Herzegovina apply special regimes for certain producers, such as farmers, small producers, small breweries, fishermen, etc.?
 14. Does Bosnia and Herzegovina allow Direct Delivery as specified in article 17(2) of Directive 2008/118/EC?
 15. What are the provisions for tax free shops (airports, at land borders, etc...)? What are the traveller's allowances for third countries?
 16. Rules governing administration and records, including authorisations (for the production, import and storage of excise goods), guarantees, registration, invoices.
 17. Assessment and appeals (assessment and collection, procedure for claiming the credit and refund, penalties, appeal procedure, international mutual assistance and recovery of excise claims).
 18. Control procedures (in particular, what use is made of tax stamps and other fiscal markings, including fiscal markings for mineral oils).
 19. What specific measures are taken to tackle illicit international trade in excisable goods (e.g. cigarettes)?
 20. Does the legislation of Bosnia and Herzegovina provide for transitional and temporary excise duty measures?
 21. What specific measures are applied to control and tax home-produced / for own consumption alcoholic beverages?
 22. Does the country fully comply with article 35 of the SAA on the prohibition of fiscal discrimination?
 23. What are the targets of Bosnia and Herzegovina for future developments in the country's excise legislation (short/long term)? Please specify these in terms of timetables and anticipated problem areas; in particular in terms of aligning to the EU acquis.

I. DIRECT TAXATION

24. Does the legislation of Bosnia and Herzegovina allow for a deferral of the taxation of capital gains until their actual realisation (i.e. until disposal of the assets to which they relate) in cases of mergers, divisions, transfers of assets and exchange of shares involving companies established in the country? If yes, please provide an overview table of the relevant legislative provisions regulating each of the above-mentioned issues.
25. What are the essential features of Bosnia and Herzegovina's regime for the taxation of the disposal of fixed (long-term) assets of corporations?
 - a) What kind of exceptions/exemptions does Bosnia and Herzegovina apply to the taxation of capital gains of corporations?
 - b) Do the same rules apply within a trade or business of an individual? If not, what are the rules for individuals?
 - c) What are the applicable rules for individuals in the framework of their portfolio management?
26. What are the rules in case of cross-border transfer of assets within the same company? Does the legislation provide for the taxation of deemed capital gains on the assets transferred within the same company? What are the rules in case a company transfers its tax residence to another country? Does the legislation provide for the taxation of deemed capital gains on the assets of that company?
27. Does Bosnia and Herzegovina apply a special tax regime for business reorganisations?
 - a) What are the reorganisations covered?
 - b) How does this special tax regime work?
 - c) Does this tax regime apply in cross-border situation? If yes, under which conditions?
28. Please provide information on the taxation of the raising of capital by companies.
29. Does the legislation of Bosnia and Herzegovina contain a definition of tax residence for individuals and companies? Please explain and provide an overview of relevant legislative provisions.
30. Please explain the taxation of non-residents on source income from Bosnia and Herzegovina, stressing any differences with the taxation of residents, for what concerns:
 - a) Taxable base
 - b) Deduction of expenses
 - c) Exemptions
 - d) Tax rate
 - e) Tax incentives
 - f) Specific regime for permanent establishments, if any.
31. Does the legislation of Bosnia and Herzegovina allow for levying withholding taxes on payments (dividend, interest, royalties or rent etc.) to other legal entities (natural persons or corporations) residing in and/or outside Bosnia and Herzegovina?
 - a) What are the main features of the taxation regime on income from capital (personal and corporate)?

- b) Are there withholding taxes on income from capital (interest on bank deposits, debt instruments)? Please indicate tax base, tax rates, exemptions, fiscal treatment of residents (on domestic and foreign income) and non-residents, automatic reporting etc.
 - c) Are turnover taxes or stamp duties applied to securities, credit contracts, insurance contracts, etc.?
 - d) What treatment applies to dividends distributed by foreign companies to companies that are resident in Bosnia and Herzegovina? What mechanisms apply to avoid double taxation on dividends?
32. How is foreign income, received by resident taxpayers, treated in Bosnia and Herzegovina? What kind of system does Bosnia and Herzegovina apply to prevent double taxation?
 33. Which is the general policy of Bosnia and Herzegovina on transfer pricing? Does the legislation of Bosnia and Herzegovina contain any specific rules in transfer pricing? Please explain and provide an overview of relevant legislative provisions.
 34. Does the legislation contain any specific rules in thin capitalisation and Controlled Foreign Corporations? Please explain.
 35. Does the legislation contain a general anti-abuse rule?
 36. Does the legislation contain any specific rules on mismatches between Bosnia and Herzegovina and another state?
 37. Please provide a translated copy of Bosnia and Herzegovina's legislation on the taxation of income, profits and/or capital gains, including other related legislation, such as regulations concerning investment incentives or administrative guidelines, etc. Please describe the procedures for payment of personal income tax and calculation methods used. How is control carried out?
 38. Does Bosnia and Herzegovina apply any preferential tax schemes? If so, please provide a detailed description of these schemes (the main purpose of the scheme, the minimum requirements, the tax benefits, if it is time-limited, the kind of beneficiaries, etc.).
 39. For all direct taxes levied by the sub-national levels of governance, what are the rules that determine what jurisdiction has the right to levy personal and corporate income tax on each taxpayer? Are there any situations in which a taxpayer may be liable to pay income taxes in more than one jurisdiction?

II. ADMINISTRATIVE COOPERATION AND MUTUAL ASSISTANCE

40. Please indicate how Bosnia and Herzegovina cooperates with other countries in the field of administrative cooperation and mutual assistance in tax matters.
41. What is the policy of Bosnia and Herzegovina to promote good governance in tax matters notably the international standard on exchange of information for tax purposes, on transparency of tax system and on fair tax competition?
42. With which countries does Bosnia and Herzegovina have Double Tax agreements or Exchange of Information agreements for taxation of capital and income? What kinds of income and capital sources are covered by such agreements? Are there any restrictions on the availability or use of such information? Please provide a version of an article on exchange of information for tax purposes which Bosnia and Herzegovina is negotiating with the country's contracting partners in relation to Double Tax agreements or Exchange of Information agreements.

43. Does Bosnia and Herzegovina have agreements with other countries for the exchange of information in the field of VAT and are such exchanges regularly carried out?
44. Does Bosnia and Herzegovina have agreements with other countries for the recovery of taxes, and/or the serving of official tax notices?
45. Is there any type of restrictions on to exchanging bank information for tax purposes with foreign tax authorities? What is the policy of Bosnia and Herzegovina as regards access to beneficial ownership information?

III. TAX POLICY AND ADMINISTRATION. OPERATIONAL CAPACITY AND COMPUTERISATION.

A. Tax Policy

46. Please describe the current and envisaged tax policy of Bosnia and Herzegovina (notably, introduction of new taxes and/or abolition of existing ones).
47. How is legal coordination in taxation matters ensured among different levels of governance?

B. General Tax Administration

48. Please provide information on the organisational structure of the administration responsible for taxation in Bosnia and Herzegovina, including excise duties. If available, please provide an organigram.
49. Describe the laws governing the tax administration and taxpayers' rights and obligations.
50. Please provide a copy of Bosnia and Herzegovina's legislation on Tax Administration.
51. Please provide a copy of tax returns for personal income tax, corporate income tax and VAT.
52. Please provide a copy of the application form for being registered as a (VAT) taxable person.
53. Please provide information about internal control and audit procedures.
54. What measures are in place to support taxpayers to comply with their tax and excise obligations?
55. Who is in charge of enforcing taxation legislation at different levels of governance?
56. How is compliance ensured when the tax subjects have revenues/expenses in different administrative jurisdictions?
57. Please give a detailed description of the infrastructure of the VAT, excise and direct tax administration of Bosnia and Herzegovina, including staff levels and IT systems. How many staff positions are vacant?
58. Please describe the current state of computerisation of Bosnia and Herzegovina's administrative IT systems.
59. What are Bosnia and Herzegovina's plans regarding preparations towards full interconnectivity of the country's IT systems with the European Union IT taxation systems (VIES, VAT Refund, EMCS, etc.)?
60. Please provide information and statistics for 2014/2016 on measures against tax evasion. In particular, how much additional tax was claimed by the Tax Office, what proportion of the additional tax was collected, how many tax crimes were investigated by the Police, how

many of these were prosecuted, and to how many convictions did they lead? What sentences were imposed?

61. Please explain the objections and administrative appeal system in case a taxpayer does not agree with a decision taken by the tax authorities.
62. Please explain how the tax control of Bosnia and Herzegovina is organised and resourced and how it functions. Furthermore, which is the country's control strategy for VAT, direct taxation and excise duties? In this context, please highlight which is the authority (or authorities) that are setting the overall control strategy and which are the main features of this strategy.
63. Please provide information on corruption in the Tax Office. How are such cases dealt with? Have any cases reached the courts?
64. Please describe the cooperation with the Customs Authorities.

C. Revenue statistics

65. Please provide a detailed description and relevant statistics of the overall revenue structure (taxes and social contributions) and of its main components (according to OECD revenue classification.)
66. How much, as a percentage of total tax State revenue, is generated by VAT, excise duties, taxes on income, profits and capital gains respectively?
67. Which proportion of due taxed did the authorities collect in 2015? Please fill the table below.

	% collected on time	% collected late	% not collected at all
VAT			
Excise duties			
Corporate income tax			
Personal income tax			

68. What is the estimation of the grey economy and how is it calculated?
69. Please provide statistics on the number of taxpayers for personal and corporate income tax
70. Please provide statistics on the number of taxpayers importing and exporting goods and services.

CHAPTER 17: ECONOMIC AND MONETARY POLICY

The *acquis* in the area of monetary policy contains specific rules requiring the independence of central banks in Member States, prohibiting direct financing of the public sector by the central banks and prohibiting privileged access of the public sector to financial institutions. In the area of economic policy, the *acquis* contains requirements on Member States' budgetary frameworks. Member States are also expected to co-ordinate their economic policies, including structural reform plans, and are subject to the Stability and Growth Pact and the Macroeconomic Imbalance Procedure. New Member States are also committed to complying with the criteria laid down in the Treaty on the Functioning of the European Union (the Treaty) in order to be able to adopt the Euro in due course after accession. Until then, they will participate in the Economic and Monetary Union as a Member State with a derogation from the use of the Euro and shall treat their exchange rates as a matter of common concern.

The *acquis* in the area of economic and monetary policy is mainly governed by Title VIII (Articles 119 to 144) of the TFEU and by relevant implementing legislation. However, there is also an important directive on the requirements of budgetary frameworks. Treaty provisions of Chapter 4 (specific to Member States whose currency is the euro) and those defined in Article 139 of the Treaty do not apply to Member States with a derogation. The *acquis* consists mainly of Treaty provisions and protocols (primary legislation) and the provisions of instruments enacted by the EU institutions by virtue of them (secondary legislation e.g. regulations, decisions). Nonetheless, as indicated in Article 131 of the Treaty, each Member State shall ensure that its national legislation including the statutes of its central bank is compatible with the Treaties and the Statute of the European System of Central Banks (ESCB) and of the European Central Bank (ECB). In addition, the *acquis* on economic policy includes Directive 2011/85, which lays down the requirements for the budgetary frameworks of Member States and requires transposition into national legal and administrative order.

I. ECONOMIC POLICY

A. Capacity for economic policy coordination

1. How is the distribution of competences defined between different levels of governance across the economic policy area?
2. Please provide comprehensive information about the coordination and cooperation between all levels of governance and stakeholders (e.g. line ministries, the Ministry of Finance and/or the Central Bank) to define the economic policy. Economic policy includes fiscal and monetary policy, but also the formulation and implementation of structural reforms to strengthen competitiveness and growth.
3. Which are the consultative bodies involved in the economic policy decision-making process? To what extent are social partners involved? If relevant, what is the time given to social partners and other consultative bodies to provide their input?
4. How is the economic policy coordination governed by the legislation?
5. Please provide an overview of the current and foreseen measures/policy instruments/structures/mechanisms to ensure the coordination of the economic policies with other EU Member States. Does Bosnia and Herzegovina submit the Economic Reform Programme on time?
6. What is the level of implementation of the jointly adopted annual policy guidance related to the Economic Reform Programme? Please explain

B. Acquis

Directive 2011/85 on requirements for budgetary frameworks

7. Does Bosnia and Herzegovina intend to align with the ESA 2010 methodology for the purpose of statistical reporting to the EU?
8. How is the credibility of the macroeconomic and fiscal forecasts ensured? How common are mid-year budget revisions?
9. Does Bosnia and Herzegovina have numerical fiscal rules? Are there sanctions in place in case of non-compliance?
10. If Bosnia and Herzegovina has fiscal rules and sanctions for non-compliance are these adhered to/used?
11. Does Bosnia and Herzegovina have a fiscal council in place that makes independent assessments of fiscal policy making?

Medium-term budgetary frameworks

12. Does Bosnia and Herzegovina have a medium-term budgetary framework covering three years? If yes:
13. Which are the general objectives taken into account into the preparation of this framework and the budget law?
14. Does the framework contain objectives for the general government deficit and debt and projections for major expenditure and revenue items?
15. Does the framework include a sensitivity analysis?
16. Is the annual budget legislation consistent with the provisions of the medium-term expenditure projections?

Transparency of general government finances and comprehensive scope of budgetary frameworks

17. How are the budgetary responsibilities of public authorities in the various sub-sectors of general government defined?
18. Does Bosnia and Herzegovina have availability of data for all sub-sectors of general government?
19. What are the plans for ensuring timely submission of the bi-annual fiscal notifications to the Commission (Eurostat)?
20. Are accounting rules and procedures consistently applied across all sub-sectors of general government?

C. Acquis alignment

21. Which legal acts may contain provisions that are non-compliant with the acquis?
22. Which reforms may be needed in order to comply with the relevant Treaty provisions and a possible timetable for adoption?
23. As regards Articles 122 and 143 of the Treaty, what does the legislation state in the field of international treaties regulating the receipt of foreign assistance? Under which conditions is financial assistance from abroad allowed?

II. MONETARY POLICY

A. Acquis

24. Please provide a translated copy of the most important monetary and financial laws, including the relevant articles of the Constitution and the central bank law and statute.

Central bank functional, institutional, personal and financial independence

25. What is the degree of functional independence of the central bank? Does the central bank have at its disposal all instruments and competencies necessary to conduct an efficient monetary policy and is it authorised to decide autonomously how and when to use them?
26. What is the degree of institutional independence of the central bank from public authorities (President, Government, especially Ministry of Finance, Parliament etc.)? What is the specific role of those actors vis-à-vis the central bank? Describe the situation both in legal terms (information based on the central bank law) and in practice.
27. Please indicate whether the central bank act provide for the following prohibitions for third parties:
- a) To give instructions;
 - b) To approve, suspend, annul or defer decisions;
 - c) To censor decisions on legal grounds;
 - d) To participate in decision-making bodies of the central bank with a voting right;
 - e) To require ex ante consultation on the central bank's decisions.
28. Does the central bank have any ex ante reporting obligations towards other authorities regarding its monetary policies?
29. How is the management of the central bank organised (composition and responsibilities of the governing bodies, in particular the managing board)?
30. Which provisions from the law ensure democratic accountability and transparency of the central bank?
31. What are the appointment and removal conditions and procedures for the central bank governor and the other members of the decision-making bodies of the central bank?
32. Please indicate whether the central bank law comply with the following requirements:
- a) Minimum term of office of the Governor should be at least 5 years (indicate the current term of office);
 - b) Grounds for dismissal of the Governor may not be different from the following: if the Governor no longer fulfils the conditions required for the performance of his/her duties or if he/she is guilty of serious misconduct;
 - c) Security of tenure of other members of decision-making bodies of the central bank (how long is the term of their office?) and grounds for their dismissal should be similar to those here above mentioned;
 - d) Membership of a decision-making body involved in the performance of the central bank's tasks is incompatible with the exercise of other functions that might create a conflict of interest (are members authorised to hold part-time jobs?);
 - e) Right of judicial review of any dismissal decision by independent courts?

33. Is the central bank in a position to avail itself of the appropriate means to ensure that its tasks can be properly fulfilled? Does a consultation on and/or right exist for a third party to amend, approve or control by any means the central bank's draft budget and annual accounts? If yes, where is it regulated?
34. What are the provisions governing the distribution of the central bank's profits?
35. Does the *ex post* review of the central bank's accounts reflect adequate safeguards to prevent it from infringing on the bank's independence?

Prohibition of monetary financing of the public sector and privileged access of the public sector to financial institutions

36. Please provide a translated copy of laws and regulations governing the access of government to financial institutions (e.g. laws and other regulations governing the asset allocation of banks, savings and co-operative banks, insurance companies, social, pension and special funds, other institutional investors, investors compensation schemes, tax laws, etc.).
37. What are the principles regulating the emergency liquidity assistance? To whom can the central bank provide the emergency liquidity assistance? Where is it regulated in the law?
38. Can the central bank provide solvency assistance to financial institutions?
39. Please indicate the respective provisions in these documents, as well as any other elements, which might constitute privileged access of the government to financial institutions. In particular, the following questions have to be addressed:
 - a) Are there legal provisions requiring or encouraging (through tax or other advantages) banks, insurance companies, pension funds, social security funds, investor compensation fund or other financial institutions to invest (e.g. a certain portion of their assets) in domestic government securities or other government liabilities?
 - b) To what extent has the central bank contributed to the financing of the public sector? Describe the situation both in legal terms and in practice. Describe the rules governing central bank credit to the government (limits, repayment, maturity, etc.), if such rules exist.
 - c) Is the central bank authorised to buy domestic public debt instruments directly on the primary market? Can it buy public debt instruments from EU Member States?
40. Is there an emergency liquidity mechanism/overdraft facility or any other type of credit facility provided by the central bank to the central governments, regional, local or other public authorities, or any other public bodies governed by public law or public undertakings? If yes, on which conditions and where is it regulated?

Monetary and exchange rate policy

41. What are the main objectives of the central bank? Who formulates the monetary policy?
42. Is the maintenance of price stability the primary objective of the central bank? Without prejudice to that objective, does the central bank support the general economic policy objectives of the government?
43. Is the central bank act in accordance with the principle of an open market economy with free competition, favouring an efficient allocation of resources, and acting in compliance with the principles set out in Article 119 of the Treaty?
44. Which is the official currency unit used for conducting monetary policy? Where is it referred to in the law?

45. Do the basic tasks of the central bank include the following: definition and implementation of monetary policy, conduct of foreign exchange policy, holding and management of the official foreign reserves of the country, and promotion of the smooth operation of payment systems?
46. How do you assess compliance by Bosnia and Herzegovina with the Treaty as it states that Member States should join with derogation for introducing the Euro?
47. How is monetary policy carried out (what are the specific reserve requirements, refinancing facilities, open market operations, major central bank interest rates, other monetary instruments)? What have been the main recent developments in the use of monetary instruments? To what extent have direct instruments of monetary control (such as credit ceilings, interest rate controls etc.) been replaced by indirect, market-based instruments (such as open market operations, financing facilities etc.)? Is the framework for monetary policy sufficient to allow policy makers to conduct successful stabilisation policies? Are open market and credit operations, if any, based on collateral arrangements?
48. Which factors hinder the conduct of monetary policy (e.g. elasticity of loans and domestic expenditure to interest rates, competition in the banking sector, changes in the structure of financial markets)?
49. Describe the major characteristics and objectives of the exchange rate regime and policy: anchor, choice of the central rates, width of the fluctuation bands, etc.
50. How is the exchange rate policy implemented? What are its instruments (interventions, monetary policy, fiscal policy, capital control)? What is the intervention policy - if any - (currencies used, financing, and sterilisation)?
51. Are any reforms of the exchange rate policy envisaged? If yes, why? What part does the prospect of EU accession play in this respect?
52. Are there any attempts to measure equilibrium (real) exchange rates? What has been the recent evolution of the equilibrium real exchange rate?
53. What is the link between the exchange rate policy and monetary policy?
54. How will the liberalisation of capital movements affect the monetary and exchange rate policies? How vulnerable is the economy to a significant appreciation or depreciation of the currency?
55. What is the situation of foreign exchange reserves? Are there any targets for the size of these? How are the reserves managed?
56. How has the gross external debt stock developed? Please indicate the main sources of growth and its structural elements (e.g. maturity, creditor, currency composition, etc.)? What will the past debt accumulation mean in terms of medium and long-term growth of amortisation? How has the servicing of the external debt been managed?

B. Acquis alignment

57. What are the necessary reforms in legislation (central bank law, laws on banking sector, insurance companies, pension funds, social security funds, compensation funds, interest rates, exchange rate law etc.) with a view to EU membership requirements? Which reforms are already underway?

CHAPTER 18: STATISTICS

The *acquis* in statistics consists almost exclusively of legislation which is directly applicable in the Member States, such as European Parliament and Council Regulations and Commission Decisions or Regulations. Furthermore, there are a wide range of methodological handbooks and manuals in the various statistical domains such as agriculture, economic and monetary policy, demographic and social statistics and research which are relevant for statistical production. International agreements provide a further base for the statistical production.

The Statistical Requirements Compendium constitutes a comprehensive list of all EU legislation, gentlemen's agreements, as well as the related methodological material with which Member States must comply in the field of statistics. The [2016 version](#) of the Compendium will constitute the basis on which to build the replies to this part of the questionnaire.

Furthermore, the amended [Regulation 223/2009 on European Statistics](#) contains further provisions for the national Statistical Institute regarding professional independence, coordinating role of in the statistical system as well as towards administrative data providers. [The European Statistics Annual Work Programme 2016](#) and the [European Statistical Programme 2013-17](#) (Regulation (EU) No 99/2013) constitute a valuable source to verify the way in which the EU *acquis* develops.

1. Statistics might be collected by other institutional actors than the National Statistical Institute. In order to provide an overall picture of the system of official statistics, please give a description of the institutional arrangements concerning data collection, production and dissemination of official statistics in Bosnia and Herzegovina. This should include a listing of the specific responsibilities of the various actors. How is the coordination of the main producers of statistical data (Statistical office, Central Bank, Ministry of Finance, other national authorities (ONAs) carried out? What are the plans to enhance the reliability, regularity and mutual compliance of statistical data?
2. Please describe the organisational structure, staffing levels and the level of independence of the National Statistical Institute. How have these issues developed in recent years, and what plans are there for the future? Can the government influence the (choice of) data published by the National Statistical Institute? Please refer especially to measures aiming to increase the professional independence of the Institute.
3. The amended regulation 223/2009 on European Statistics strengthened provisions on professional independence, coordinating role of the statistical institutes in the statistical system and access to administrative data among other things. In this context, please describe how the governance of the statistical system is ensured, in particular how professional independence and the coordinating role of the Director General and the National Statistical Institute in the statistical system are provided for. What are the plans to strengthen these aspects of governance of the statistical system?
4. The results of the 2013 population and housing census were published in June 2016. The International Monitoring Operation made recommendations regarding archiving and destroying census material, and therein ensure adequate protection of personal information. How were these recommendations implemented? In addition, how will the census data be used to update household samples and which collected census data will be preserved for such purposes?
5. Please describe the compliance of the statistical system of Bosnia and Herzegovina with the requirements as stated in the latest version of the Compendium, especially as concerns:

- The current situation;
- Steps being taken to comply with the requirements (legislative and other measures to be taken, such as the implementation of the European Statistics Code of Practice, deadlines to achieve compliance);
- Major obstacles to be solved before being fully compliant.

This description should be provided for the following main areas and questions:

- a) Statistical infrastructure, including the legislation on official statistics;
- b) Classifications and registers;
- c) Demographic and social statistics;
- d) Macroeconomic statistics, including compliance and plans for increasing compliance with the ESA2010 regulation in all relevant areas, and introduction of institutional sector codes compliant with ESA2010;
- e) Business statistics;
- f) Statistics on agriculture, forestry and fisheries, including plans to conduct an agriculture census;
- g) Multi-domain statistics, including environment and energy statistics.

CHAPTER 19: SOCIAL POLICY AND EMPLOYMENT

On the basis of Article 153 of the Treaty on the Functioning of the European Union (TFEU), the Union supports and complements the activities of the Member States in the area of social policy.

The *acquis* in the social field includes minimum standards in areas such as labour law, equal treatment of women and men in employment and social security, as well as health and safety at work. Specific binding rules have also been developed with respect to non-discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (Article 19 of TFEU).

The European Social Fund (ESF) is the main financial for promoting employment and social inclusion. It supports Member States in pursuing the priorities and headline targets of the Union strategy for smart, sustainable and inclusive growth (the “Europe 2020 Strategy”. (Implementation rules are covered under Chapter 22 "Regional policy and coordination of structural instruments" which deals with all structural instruments).

The Member States participate in EU policy processes in the areas of employment policy, social inclusion and social protection. The social partners from the Member States participate in social dialogue at the European level.

In the field of disability, the EU has adopted a strategy aimed at mainstreaming disability issues into relevant Union policies and at acting to enhance the integration of people with disabilities.

International agreements related to employment, labour and social issues, such as the relevant ILO Conventions or the UN Convention on the Rights of People with Disabilities, need to be taken into consideration.

In relation to chapter 23 "Judiciary and Fundamental Rights", it should be noted that trade unions rights are covered by chapter 19 only. As regards anti-discrimination and equal opportunities, these issues are essentially covered by chapter 19 with a specific focus on employment aspects, whereas chapter 23 covers cultural and minority rights as well as violence against women.

I. LABOUR LAW

A. The Legal Framework

1. How is the distribution of competences defined between different levels of governance and which authorities are responsible for labour legislation in Bosnia and Herzegovina?
2. Does the labour legislation of Bosnia and Herzegovina contain a definition of:
 - a) Employed worker (employee)?
 - b) Self-employed worker (self-employed person)?
 - c) Civil servant/official?
 - d) Labour contract and status?
 - e) Employer?
 - f) Establishment, undertaking and group of undertakings?
3. Does the labour legislation apply to other categories of workers, apart from persons in paid employment?

4. Which categories of workers are not covered by the labour legislation? Please indicate in particular whether part-time, fixed-term or temporary agency works are covered or not?
5. Are workers in the public and private sectors treated differently? Are workers in profit and non-profit sectors or cooperatives treated differently?
6. Which aspects are covered by the labour legislation (i.e. primary legislation passed by Parliament) and which aspects are dealt with by ministerial regulatory action?
7. What are the main sources of law: international, constitutional, legislation, regulation, collective agreements, custom/conventions, case law?
8. Is there a hierarchy of norms in respect of these sources of law?
9. Does the system provide for collective labour agreements which have an *erga omnes* effect or does it only provide for agreements which may be extended to all workers in the sector and territory concerned (e.g. at regional or national level)?
10. At what levels are collective agreements generally concluded (national, industry-wide, group, company, and establishment)? Is there a hierarchy between the collective agreements concluded at different levels?
11. Does the labour legislation apply a "concessionary" principle whereby a norm lower down the legal hierarchy may modify the content of a higher-ranking norm provided that the effect is favourable to workers?
12. Does the labour legislation contain provisions on the protection of workers' personal data?

B. The Institutional Framework

13. In what way do public authorities intervene in social matters (e.g. procedure for drawing up norms; government institutions responsible; administrative institutions responsible for applying norms)?
14. Please present an overview of administrative capacity in this field. Which Ministry or organisation is responsible? Which other administrative bodies are involved? Please inform about staff numbers and responsibility levels.
15. Which court or courts are competent to deal with individual and collective labour disputes?
16. Is there a labour inspectorate responsible for the monitoring of working conditions and the application of labour law? Please inform about staff numbers and organisation.
17. What is the institutional and procedural set-up to ensure alignment with the Directive 2009/50/EC on Conditions of entry and residence of non-EU nationals for the purposes of highly qualified employment?
18. What is the institutional and procedural set-up to ensure alignment with the Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers?
19. What is the institutional and procedural set-up to ensure alignment with Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer?

20. What is the institutional and procedural set-up to ensure alignment with Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals? Which institution is in charge to ensure that sanctions against employers of irregularly-staying migrants, on a case by case basis?

C. Employment and Employment Protection

Recruitment

21. Are employers free to take on whatever workers they wish? Are there specific anti-discrimination provisions (racial ethnic origin, religion or belief, disability, age or sexual orientation)?
22. Does the State hold a monopoly over placement services for certain workers?
23. Has provision been made for protecting applicants' private data?
24. Please give details of the legislative or regulatory framework relating to the above three questions.
25. What legal forms are there governing employment relations (e.g. open-ended contracts; fixed-term contracts; temporary work; part-time work; other forms)?
26. Are these various relations subject to formal conditions (e.g. written contracts with certain compulsory clauses)?
27. Are employers required to provide their workers with information on their conditions of work? What kind of information has to be supplied? Does this also cover workers who are required to work in another country?

Employment protection

28. What legal provisions apply to the suspension of a labour contract for maternity and parental leave?
29. Does the legal system make provision for a system of compensation where a labour contract is suspended for economic reasons (e.g. supply difficulties)?
30. Does the legal system include certain rights (material or procedural in terms of information and consultation) with regard to collective redundancies?
31. What is the definition of collective or economic redundancy/dismissal?
32. Do workers' and their representatives have a right to be informed and consulted?
33. Who are the workers' representatives in such cases and in what way are they designated?
34. Under what conditions do they exercise these rights?
35. Do the public authorities have a role to play in the procedure (e.g. is there a requirement to give notice of planned redundancies to the public authorities to give them a certain time to seek solutions to the problems likely to be caused by such redundancy measures)?
36. Does the legal system include rights in respect of individual redundancy/dismissal?
37. Does the system guarantee that labour contracts continue to apply where an economic entity is transferred to a new employer?

38. What conditions apply in such cases?
39. In such cases, does the system provide protection for dismissal? Are the transferor and the new employer required to inform and consult workers' and their representatives? Do these rights apply where the transferor is in the process of being declared bankrupt?
40. Does the legal system provide for unemployment benefit? Is such provision made in the labour law or in the social security law?

D. Conditions of Work and Pay

Conditions of work

41. What penalties can employers impose in cases of non-performance of work?
42. Does the legal system give workers certain basic rights, such as human dignity at work?
43. What is the minimum age for employment?
44. From what age and under what conditions may children perform minor jobs? Please provide information on the measures in place to fight child labour.
45. What other steps have been taken to protect their physical and moral integrity?
46. Are there specific provisions concerning the number of hours that people of less than 18 years may work? If so, what do they specify?
47. Are there general arrangements concerning working time? What is the definition of working time? Are there specific rules for workers employed as seafarers, in inland waterway transport, in the civil aviation or in the rail?
48. What is the maximum weekly working time?
49. What is the maximum overtime work during the week and per calendar year?
50. Are there compulsory rest periods? In case of specific rules for certain types of workers (e.g. drivers, seafarers, air- and railway crews etc.), please provide details.
51. What are the different ways of organising working time (e.g. annualisation; flexitime; overtime, etc.)?
52. What is the system of paid leave?
53. What protection is there for night workers?
54. Do social partners have a role to play in implementing the various forms of organising working time?
55. Does the system provide protection of workers with part-time or fixed-term contracts and workers supplied by temporary-work agencies?
56. Are temporary agency workers entitled to the same working and employment conditions, including pay, as permanent workers of the user undertaking to which they are assigned?
57. Are there specific rules for working conditions in the fishing sector?
58. What protection is there in the event of major change in working conditions?

Pay

59. Is there a guaranteed minimum level of pay? Is this a statutory minimum or is it subject to collective agreement? How is pay determined? What are the relevant criteria?

60. In what way is the payment of wages and salaries guaranteed?

61. Do workers enjoy a general privilege over the employers' goods and assets for payment of wages and salaries?
62. Are there additional guarantees where the employer is insolvent? More particularly, does the system provide for the creation of special guarantee institutions to protect the claims of workers owed money because of the employers' insolvency? How do such institutions work and how are they managed?
63. Are there schemes for worker participation in profits, shareholding, etc.?

Posting of workers

64. Are there any rules and administrative structures applicable in the case of posting of workers as established by the Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services? If so, are there any specific rules on the enforcement of these rules as envisaged in Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services?

Information and consultation of workers' representatives

65. How are workers represented at plant, undertaking and group levels?
66. Are there any rules concerning information and consultation of workers at undertaking or establishment level?
67. Are there any rules concerning information and consultation of workers at transnational level?
68. Are there any rules on board level participation of employee representatives?

E. Industrial Disputes

69. Is there a special court to deal with disputes under collective agreements?
70. Is there a right to strike?
71. How is the right to strike regulated?
72. What restrictions are there on the right to strike in the private and public sectors?
73. Are lockouts allowed?
74. How are lockouts regulated?
75. Are there special methods for dealing with industrial disputes, e.g. conciliation, mediation and arbitration?

A. Undeclared work

76. What are the estimations of the extent of undeclared work and its underlying causes?
77. Which initiatives and/or measures are taken against undeclared work?
78. What is the legal and administrative framework of addressing the issue of undeclared work?
79. Are specific measures taken in monitoring, preventing, deterring, transforming undeclared work into regular employment and combating it as provided for in the Council resolution on transforming undeclared work into regular Employment (2003/C 260/01) and recently

adopted Decision (EU) 2016/344 of the European Parliament and of the Council of 9 March 2016 on establishing a European Platform to enhance cooperation in tackling undeclared work?

II. HEALTH AND SAFETY AT WORK

A. General

80. Please explain the distribution of competences among levels of governance regarding health and safety at work in Bosnia and Herzegovina and provide a general overview of the legal framework and of the policies and strategies in the field of health and safety at work, including their implementation. Also please provide a list of related strategic and policy documents indicating the principal goals and the time period covered.

If possible, present the information on the legal framework in a table. In this respect it is suggested to draw up a three column table consisting of:

- a) EU Directives in the area of health and safety at work (see list attached),
- b) corresponding legislative acts
- c) comments regarding the level of alignment (i.e. the main provisions fully, partially, or not aligned with, and any plan for further alignment)

and, if necessary for certain acts, a short summary of the contents.

Regarding legislative acts please indicate in the table their full title, as well as number and reference as to their publication (later in the text, the number and abbreviated title of particular acts may be used).

The aforementioned table should be accompanied by a short summary explaining how the legislation is organised - which is the act of primary legislation governing health and safety at workplaces and which are the acts of secondary legislation.

B. By Directives

Framework Directive (89/391/EEC)

81. Does Bosnia and Herzegovina have similar legislation in the field covered by the Framework Directive? If there is a national framework law on health and safety at work, please list the sectors and activities which are excluded from the scope of this law, and indicate which is the legislation applicable to excluded sectors and activities.
82. If several legislative acts exist in this area, please describe how they are coordinated and how they supplement each other.
83. Is the legislation applicable to both the public and private sectors?
84. How has the law taken up the principle of the employer's objective responsibility (Article 5)? Specifically, is it expressly stated that the workers' obligations do not affect the employer's responsibility? Are cases of *force majeure* provided for?
85. Are the obligations of employers laid down in the Framework Directive provided for in the law? As regards workers, does the law address workers' responsibility for occupational health and safety issues and if so, which are their obligations?

86. How does the law provide for taking into account the general principles of prevention that employers must apply when taking measures to protect the health and safety of workers (Article 6)?
87. Does the law provide for the assessment of risks to be set out in written form (Article 9)? Does the law provide for this document to be available to workers, their representatives and labour inspectors? How is this requirement included in the law and implemented in the undertaking?
88. Article 9 states that the employer must keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days and draw up reports on occupational accidents suffered by his workers.
- a) Are these obligations included in the law?
 - b) With a view to the requirements put forward in EC Regulation 1338/2008 of 16 December 2008 on EU statistics on public health and safety at work, please answer the following questions:
 - i. Have the following data been partially or completely gathered? Employer's economic activity; job, age and sex of the victim; type of injury and body part injured; geographic location, date and time of the accident.
 - ii. Have the following data been partially or completely gathered? Size of the undertaking; nationality of the victim; victim's employment situation; consequences of the accident - number of days lost, permanent incapacity or death resulting from the accident.
 - iii. When a work-related accident occurs, are extra data collected on the causes and circumstances of the accident, such as: Type of place (e.g. building, field, road), type of work (e.g. maintenance), specific physical activity (e.g. repairing or transporting a tool), tools used for the specific activity (e.g. pliers, wheelbarrow), anomaly (e.g. broken fastener, tyre puncture, sideslipping), cause of the anomaly (e.g. grease, carpet in poor condition), contact - the way the injury occurred and what produced it (e.g. being burnt by acid, having a leg cut by a cable)?
 - iv. Is there a list of officially recognised occupational diseases? (There is a European schedule of occupational diseases on this matter: Commission Recommendation of 19 September 2003 (2003/670/EC).
 - v. What data is being collected? What extensions are planned?
89. How is the principle set out in Article 6(5) (no involvement of the workers in financial cost) included?
90. Does the law address the measures that employers must take concerning fire- fighting, first aid and the evacuation of workers according to Article 8 of the Directive? How is the part of the Directive concerning serious, imminent and unavoidable danger addressed (Article 8 (3,4,5))?
91. How is the consultation and participation of workers and workers' representatives provided for in Article 11 regulated?
92. How is it ensured that workers' representatives have the means required to accomplish their tasks (working time, etc., cf. Article 11(5) of the Directive)?
93. How is the right to appeal to the competent authorities set out in Article 11(6) granted to workers and their representatives?

94. Article 7. How does the legislation set out that all undertakings must:
- a) Designate one or more workers to carry out activities related to protection and prevention; or
 - b) If no competent personnel can be found within the undertaking, enlist competent external services or persons?
95. How does the law define the capabilities and aptitudes of the services and persons in charge of prevention and protection (Article 7)? How are the employers' capabilities and aptitudes verified if they take on this role themselves? Is prior authorisation required to set up external services?
96. When is the training of workers carried out (Article 12):
- a) When they take up a post?
 - b) When they are moved to another job?
 - c) When organisational changes affect the workstation?
97. Are there legislative provisions for the surveillance of workers' health (Article 14)?
98. Law enforcement (Article 4)
- a) What is the system of monitoring and control of health and safety at work matters? Is there a single body responsible for the inspection of labour, or are various bodies responsible for different areas?
 - b) In case there are different bodies responsible for controlling and supervising implementation of legislation on safety and health at work, how are their activities coordinated? In special cases, do they hold joint inspections? What are the main problems in coordinating the various bodies involved? What is the number of labour inspectors responsible for the surveillance of health and safety at work matters and what is the approximate number of employees in Bosnia and Herzegovina?
 - c) As regards the powers of labour inspectors to take measures to ensure the correct application of the law: Can they apply legal penalties? If so, what kind (monetary and/or criminal and/or administrative)? Do they have discretionary power? How many injunctions are issued? When the inspectors detect a problem, how far do they pursue the matter? Do they send a letter? Does the undertaking respond? How do they follow up? What percentage of detected infringements leads to legal action being taken? What is done with the money from fines? Is some or all of this money allocated to a fund for health and safety at work?
 - d) How is it ensured that the labour inspectors are independent of the undertakings and organisations they inspect? Are the inspectors assigned to the same workplaces (i.e. must they inspect the same undertaking each year)?
 - e) What rules govern the composition of the inspection team (are there one, two or more inspectors)? Are special cases provided for?
 - f) As regards work-related accidents: How are they declared to the Labour Inspectorate? Is the information centralised? How do you assess non-declaration? How does the system of insurance for work-related accidents function?
 - g) What are the most serious problems in the field of inspection (e.g. lack of resources, lack of money for missions, weak penalties)?

Workplaces (Directive 89/654/EEC):

99. What is the definition of 'Workplace' in the legislation?
100. Which are the pieces of legislation dealing with the characteristics of the 'workplace'?
101. Is there any plan to apply legislation identically in all locations (new, existing, old) or differently according to whether they existed at a certain date?
102. What approach has been decided on to include the minimum requirements set out in the Annex to this Directive (for example: outdoor workstations, the persons with disabilities)?

Work equipment (Directive 2009/104/EC of the European Parliament and of the Council of 6 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (codified version))

103. Are there provisions in place relating to the use of work equipment?
104. What is the scope of the term "work equipment" under the domestic legislation?
105. How are the various legislative acts coordinated, if there is more than one?
106. What approach has been or will be taken to include the rules on checking certain machines (those that are dangerous or subject to deterioration)?
107. Is there already a distinction or is it planned to distinguish between new equipment and equipment that is already in use?
108. Is there a duty for inspection of work equipment and is such an inspection system in place for the effective technical control of work equipment?
109. Does the law provide for rules regarding the use of work equipment provided for a temporary work at a height?

Personal Protective Equipment (Directive 89/656/EEC):

110. Is there legislation in place on personal protective equipment (PPE)?
111. Are there general rules on the use of PPE and on cases on situations where employers must provide PPE?
112. Does the law ensure no involvement of workers in financial costs for the provision, maintenance, repair and replacement of PPE?
113. Is the general principle that PPE shall only be used as a last resort reflected in the law?
114. Is there assistance (information, etc.) on the choice of PPE?

Display screen equipment (Directive 90/270/EEC):

115. Are there specific rules for the use of screen equipment?
 - a) If answer is yes: How is screen equipment defined?
 - b) If answer is yes: Which measures shall be taken by the employer under the legislation?
116. Do labour inspectors receive particular training in this regard?

Manual handling of loads (Directive 90/269/EEC):

117. Does the legislation contain particular provisions regarding the prevention of accidents and injuries caused by manual handling of loads? If so, please give an overview on the key provisions.
118. Does this activity make part of the (i) preventive actions of the labour inspectorate, and (ii) of the control activities of the labour inspectorate?

Temporary or mobile constructions sites (Directive 92/57/EEC):

119. Briefly describe the legislation in this field.
120. Does the legislation provide for the involvement and obligations of various persons - the client, the project supervisor, the coordinators for safety and health matters at the project preparation and execution stages?
121. Are there rules in place for sites where several undertakings are present at the same worksite, in particular as regards coordination of work?
122. Is there a duty for the client or project supervisor to draw up a safety and health plan?
123. Does the legislation take into account self-employed workers working alongside with other undertakings?
124. Are there duties relating to the project planning and the project implementation phase?
125. Is there the duty for prior notice of works to the competent authorities for works of a larger extent?
126. How do you assess the administrative capacity of the labour inspectorate with regard to the construction sector?

Safety and health signs at work (Directive 92/58/EEC)

127. Is there legislation on this issue?

Extractive industries: mineral-extracting industries through drilling (Directive 92/91/EEC) and surface and underground mineral-extracting industries (Directive 92/104/EEC)

128. Which extractive industries are covered by the scope of the legislation? (In other words, what are the definitions of mineral-extracting industries through drilling and underground mineral-extracting industries?)
129. Is there an adaptation period envisaged for old work-sites?
130. Do workers receive health surveillance in the extractive industries (mines, quarries, etc.) (Article 8 of the Directives)?
131. What legislation is or will be applicable to undertakings that extract by dredging? (Article 12 of Directive 92/104/EEC) (sandpits, etc.).
132. Does the legislation require that the employer must have a health and safety document (Article 3(2) of the Directives)?

133. How does the legislation include the requirement that the employer responsible for the workplace (Article 3(3) of the Directives) must coordinate the implementation of all the measures concerning the safety and health of the workers and state, in his safety and health document, the aim of that coordination and the measures and procedures for implementing it?

134. Are there any special measures for SMEs?

Fishing vessels (Directive 93/103/EC):

135. Is there particular legislation in place for health and safety on board fishing vessels?

136. To which type of vessel does this legislation apply?

137. Are there rules in place for life saving equipment?

138. Does the legislation provide for regular inspections of fishing vessels (Article 3(2))? Which body is responsible for inspection? How would you assess the administrative capacity of the inspection bodies for the fishing sector in general?

Medical treatment on board of fishing vessels (Directive 92/29/EEC)

139. Is there legislation covering the medical equipment of vessels?

140. Is there at least one centre providing workers with free medical advice by radio (Article 6)?

141. Which authority is responsible for the annual inspection (Article 7)?

142. Does the legislation provide for training in medical and emergency measures (Article 5(2)) and special training regarding medical supplies and for their regular up-date (Article 5(3) and Annex V)? How is this done in practice?

Chemical agents (Directive 98/24/EC as amended by Directives 2000/39/EC and 2006/15/EC):

143. Is there legislation on the protection of workers from the risks related to chemical agents?

144. To what extent does the legal system include the approach of replacement of hazardous chemical agents?

145. Is there a total ban of the use of certain chemical substances?

146. Please explain the nature and scope of the employer's obligation to carry out risk assessment (Article 4).

147. What prevention strategy has been or will be drawn up to protect workers' health, and what kind of measures will be taken to eliminate risk, or reduce it to a minimum (Article 5)?

148. Is there mandatory health surveillance for workers who are exposed to chemical agents (Article 10)? If so, please specify the criteria for determining the categories of workers subject to this mandatory health surveillance.

Indicative occupational exposure limit values for chemical agents at work (Directives adopted in implementation of Council Directive 98/24/EC - Commission Directives 91/322/EEC, 2000/39/EC, 2006/15/EC and 2009/161/EU)

149. Is there a list of chemical substances for which exposure limit values have already been set?
If so, how many substances are on the list?
150. Are the limits indicative or binding?

Explosive atmospheres (Directive 1999/92/EC):

151. Does the legislation specifically cover the risks arising from explosive atmospheres?
152. In case it does cover such risks, which protection measures are provided for by the legislation?

Biological agents at work (Directive 2000/54/EC):

153. Is there specific legislation at national level?
154. Does the legislation provide for a classification of biological agents?
155. What general principles are applied or planned to be applied to:
- a) Risk assessment;
 - b) Risk elimination;
 - c) Risk reduction?
156. Does the legislation include an obligation to replace dangerous substances by less dangerous?
157. Is there a notification system for the use of certain biological agents and a duty to notify accidents to a competent authority?
158. To what extent does the legislation apply to activities with non-deliberate involvement of biological agents (e.g. food industry, agriculture, waste processing, etc.) and does the labour inspectorate also cover this aspect upon inspection visits to undertakings in these areas?
159. Is there health surveillance for workers?

Directive 2010/32/EU implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU²²:

160. Have the Bosnia and Herzegovina authorities envisaged the alignment with this Directive and if so, what has been and is being carried out in this respect (e.g. impact assessment)?

Vibrations (Directive 2002/44/EC):

161. Is there specific legislation on protection from exposure to vibration in place?
162. Which is the scope of this legislation?
163. Does the legislation set up exposure limit and action values, and if yes, which ones?

²² This recently adopted Directive has to be implemented into the legislation of EU Member States by 11 May 2013.

Asbestos (Directive 2009/148/EC - codified version)

- 164. Are products containing asbestos currently sold and processed?
- 165. What is the definition of the term "asbestos" in the legislation (Article 2)?
- 166. What is the limit value for exposure of workers (Article 8) (EU 0.1 fibres/cm³ as an eight-hour time-weighted average)?
- 167. What method is used to collect airborne fibres?
- 168. Is applying asbestos by means of spraying prohibited (Article 5)?
- 169. What authority is responsible for administering the notification system (Article 4)? k) Is there a register of recognised cases of mesothelioma?
- 170. Is there any requirement to draw up a complete plan of work before any demolition work is begun and what is the content of such a plan (Article 13)?

Noise (Directive 2003/10/EC):

- 171. Does the legislation specifically cover risks from noise at work?
- 172. Have a daily noise-exposure value for workers been set? If so, what is it?
- 173. Does the legislation set exposure action levels on noise? If so, what is the action value? If not, is there any plan to set one?
- 174. Is a threshold (ceiling) limit value for noise already present, or it is planned to be set? If so, what is its value?
- 175. Is there a framework of preventive measures including health surveillance to effectively protect workers against noise? If so, how are these measures related to the limit values?
- 176. Are labour inspectors trained in regard to this physical agent and are they actively advising employers and workers on this risk?

Carcinogens (Directive 2004/37/EC):

- 177. Does Bosnia and Herzegovina have legislation in the field covered by the Directive?
- 178. Is the EU classification or a different classification used to define substances as carcinogens?
- 179. Does the law oblige carcinogens to be replaced by less dangerous substances?
- 180. Are there provisions on health surveillance prior to taking up duty and in regular intervals?
- 181. Are medical records kept? For how long and by whom?
- 182. Does the legislation provide for limit values on benzene, vinyl chloride monomer and hardwood dusts and are they similar to the EC values?

Artificial optical radiation (Directive 2006/25/EC):

- 183. Is there specific legislation covering protection from risks regarding the exposure to artificial optical radiation?

184. In case there is such legislation, does it lay down exposure limit values for non-coherent radiation, other than that emitted by natural sources of optical radiation (Article 3(1))?
185. Are there any obligations imposed on employers to take measures to prevent the exposure exceeding the limit values?

Classification, Labelling and Packaging of substances and mixtures (Directive 2014/27/EU)

186. Is the legislation in the field of health and safety at work in line with the new system for the classification and labelling of substances and mixtures within the Union, based on the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) at international level, established by Regulation (EC) No 1272/2008?

C. Effective implementation of related EU acquis

187. Certain Directives in the area of health and safety at work require employers to take specific preventative and protective measures, to make available to workers specific work equipment to ensure workers' protection and to make substantial changes in workplaces (that includes requirements laid down, for instance, in Directive 2009/104/EC concerning the minimum health and safety requirements for the use of work equipment by workers at work, Directive 98/24/EC on the protection of health and safety of workers from the risks related to chemical agents at work, Directive 2003/10/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise), Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work, Directive 2006/25/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (artificial optical radiation), and others). As putting into place these measures entails certain financial costs, the authorities are invited to comment on the issue whether an impact assessment was carried out (or is planned to be carried out) as regards socio-economic implications of the implementation of the Directives and whether there are measures envisaged to assist employers in order to ensure effective implementation of the Directives concerned.

III. SOCIAL DIALOGUE

188. What are the social dialogue mechanisms in Bosnia and Herzegovina? What is their legal basis? How is the distribution of competences defined between different levels of governance in this policy area?
189. What are the trade unions and employers' organisations recognised at different levels of governance? Please provide a list of their names, dates of creation and coverage. How are these organisations entitled to recognition as social partners' organisations (e.g. criteria set out by law, code of labour, etc.)?
190. How are social partners involved in the EU integration process? Is there any tripartite committee for this purpose? What role do social partners play in different preparatory activities/discussions in the framework of integration?

A. Tripartite social dialogue

191. Has a cross-industry tripartite social dialogue been established and if so, how is it functioning?

192. What are the trade unions and employer organisations that participate in this tripartite process and what are the main criteria for their participation?
193. What are the main sectors covered by tripartite consultations?
194. Have there been tripartite national agreements concluded over the past few years? Do they represent an important feature of labour and social law in the country?
195. Are there any plans to modify or develop tripartite bodies in the future?

B. Bipartite social dialogue

196. Please assess the state of development of autonomous bipartite social dialogue. Please describe how the social partners are structured at the sectoral and branch levels of collective bargaining?
197. At what levels are collective agreements signed mostly? Please supply information about the coverage by collective agreements?
198. Have there been important strikes, demonstrations or conflicts in recent years? Please describe shortly the reasons/issues.
199. What is the state of social dialogue in public administration and state enterprises? Are collective agreements signed in sectors such as education, health etc.? What is the situation with regard to trade union recognition and signature of collective agreements in public administration and state enterprises?
200. Is there collective bargaining or involvement of workers at enterprise level? What forms of workers' participation have been developed at enterprise level (participation in decision-making, information/consultation, financial participation etc.)?
201. What are the rules governing the unionisation in the public sector and for civil servants? Please describe limitations if any.

IV. EMPLOYMENT POLICY AND EUROPEAN SOCIAL FUND

A. Employment Policy

202. What is your overall view of the labour market situation in Bosnia and Herzegovina and the main issues/challenges? Please provide information on the impact of the financial and economic crisis on their labour market and on measures taken to address this. Please provide gender- and age-segregated data on labour market as regards activity rate, employment rate and unemployment rate.
203. Please describe the institutional framework for employment policies in Bosnia and Herzegovina (main policy documents, main objectives of employment policies/strategies).
204. Please present an overview of administrative capacity related to employment policy. Which Ministry is responsible? Which other administrative bodies are involved? Please inform about staff numbers and responsibility levels for employment policy.
205. Does a public employment service (employment office) exist? If yes, what is its legal status and how is it organised? What are the main tasks/functions of the public employment service? What is its relationship with the Ministry in charge of labour issues? What are its resources and its staff?

206. Please describe the implementation of employment programmes and measures: legislative framework, responsible bodies, ways of financing, monitoring, follow-up etc.
207. How do labour market policy delivery systems function? What are the registration rates of the unemployed? What is the registration share of men and women? What is the role of the official information services?
208. What are the active labour market measures in place? What is the share of unemployed addressed by these measures? How is the active labour market policy funded and what is the expenditure allocated?

B. European Social Fund (ESF)

209. Is there a Social Fund equivalent or similar to the European Social Fund (ESF)?
210. What is the administrative capacity for dealing with such a funding instrument?
- a) Ministries, administrations involved;
 - b) Inter-ministerial co-ordination;
 - c) Vocational education and training systems;
 - d) Public employment services;
 - e) Participation of other authorities/partners (partnership)?
211. How is the programming capacity conceived?
- a) Establishment of strategic and programming documents;
 - b) Implications of structural funds principles: additionality, partnership, co-financing, thematic concentration, assessment of ex-ante conditionalities?
212. How is the implementing capacity conceived?
- a) Preparation, selection and appraisal of operations;
 - b) Financial management and budgetary procedures;
 - c) Monitoring;
 - d) Evaluation;
 - e) Audit and financial control?
213. How is it planned to prepare for future ESF implementation? Which assistance is foreseen to be used (IPA assistance)?

V. SOCIAL INCLUSION

A. Evaluation of current data situation and structures

214. Is there an official definition of absolute and/or relative poverty and/or social exclusion? What is the absolute/relative poverty line? How is it defined? Which equivalence scale is used? How often is the poverty line(s) revised/adjusted?

215. Please provide data – where possible disaggregated by gender and age – on the 2015 social inclusion indicators of the Social Protection Committee of the European Union²³ and explain the source for the income data and the methodology used where appropriate.
216. If possible, provide data or proxy allowing for time comparisons on people whose living conditions are severely constrained by a lack of resources (experiencing at least 3 out of 9 deprivations: people who cannot afford i) to pay their rent, utility bills, loans etc. ii) to keep their home adequately warm, iii) to face unexpected expenses, iv) to eat a meal with meat, chicken, fish, or vegetarian equivalent every second day, v) a week's holiday away from home once a year, vi) a car, vii) a washing machine, viii) a colour TV or ix), a telephone.
217. In how far do you consider these indicators to be relevant for the description of the current and future situation of poverty and social exclusion in Bosnia and Herzegovina?
218. Is income or/and expenditure used for measuring monetary poverty?
219. In addition, what would you consider as the most meaningful and/or in the public debate most frequently used:
- a) Non-monetary indicators for poverty and social exclusion;
 - b) Administrative data sources.
220. Identify vulnerable groups and present data/estimates about their size (e.g. persons with disabilities, unemployed, those in the informal sector/subsistence agriculture, ethnic/cultural communities (please specify), families, children and young people, women, elderly, single parent families etc.) and describe the underlying processes that cause vulnerability. What are the policy responses with regard to the individual groups?
221. Territorial disparities: Describe social exclusion in terms of urban/rural and of regional factors. Describe the regional distribution of ethnic/cultural communities.
222. Who has the political responsibility for designing and implementing social inclusion policies at national, regional and local levels? Who is responsible for policy coordination among the relevant departments in the administration at national, regional and local levels?
223. Describe the organisational structure of institutions involved in these policies, the role of social service providers, NGOs, advocacy groups, the co-ordination among the institutions and the coverage of their activities. Which are the financing authorities and mechanisms?

B. Evaluation of future challenges

224. What are the main challenges for combating poverty and for promoting social inclusion in the society? How do you assess the impact of the financial and economic crisis on the vulnerable groups?
225. Are there any expected impacts of reforms in other areas of social protection (pension, health, employment) on social exclusion and poverty? Are there any plans to e.g. extend coverage or e.g. reduce the benefit level of the social protection system?

²³ http://ec.europa.eu/employment_social/spsi/common_indicators_en.htm

C. People with disabilities

Institutional and operational aspects

226. Has Bosnia and Herzegovina adopted any policy document containing the main principles of disability policy? Is there any corresponding Action Plan (stating out the way how the actions described in the policy document will be implemented)? Is there a specific coordination body overseeing the implementation of the disability policy?
227. Has the European Disability Strategy 2010-2020 been taken into account when drafting and designing the disability policy? If yes, please highlight any concrete measures where the European Disability Strategy 2010-2020 has been of help or inspired policy makers to develop certain actions.
228. Does the disability policy operate on the basis of the mainstreaming concept? If yes, please give any examples of where and how the mainstreaming approach was used and worked successfully. How is the application and implementation of the mainstreaming concept ensured across various policy areas?
229. In most EU Member States, national disability councils (comprising NGOs, organisations representing the persons with disabilities, disability experts, civil servants and other stakeholders) have been established. Have similar bodies been established in Bosnia and Herzegovina? If yes, are these bodies actively involved in the decision-making process related to persons with disabilities? If no, is there any plan to contribute to the creation of such bodies?
230. At which level of governance are disability issues administered and dealt with? If at the central level, are there decentralised bodies? If at the local level, is there country-wide coordination of disability policies?
231. Are there any initiatives to raise awareness of disability issues among the general population and to foster greater knowledge among people with disabilities of their rights and of how to exercise them?

Legislation

232. Is the protection of persons with disabilities as a specific segment of vulnerable population provided for in the constitution or does a specific "disability law" exist in the legislation? Does the labour legislation explicitly prohibit discrimination in hiring and employment on the basis of disability?
233. Variations in terminology and definitions of disability used in different sectors of law and policy can lead to inconsistent application of the law and sometimes even result in denial of benefits. Please briefly describe the different definitions of disability that the legislation operates with. To what extent are such legislative definitions uniform and coherent?

Data and statistics

234. The lack of reliable statistical information is a serious obstacle to effective policymaking in the disability area. Has a centralised data collections system, containing the relevant data, been developed in Bosnia and Herzegovina? Which are the main sources of disability related information and how is it ensured that the collection of these sensitive data is not violating the provisions on personal data security? What are the arrangements for convergence with the

data gathering exercises, which the EU conducts in the area of disability? How is the relevant cooperation with the responsible bodies (such as Eurostat) organised?

Pensions and Benefits

235. In most of the EU countries, social protection available to people with disabilities includes right to health and pension insurance, the right to employment and occupational rehabilitation, child allowances and social welfare rights. Please briefly describe which different forms of social protection are available for persons with disabilities. Is an effort made to assure decent living conditions for people with disabilities? How are decent living conditions defined?

236. Social benefit system can sometimes have de-motivating effects in the sense that a disabled person who is able to work still chooses to go on social benefits instead of working. Different means can be applied to boost the efficiency of the system and to prevent a situation like this. Please briefly describe what measures have been taken in order to increase flexibility of the system and stimulate persons with disabilities capable of working to take up work?

Employment and Education

237. Describe shortly the different means by which active participation and inclusion of people with disabilities in the labour market are promoted. To what extent is the quota system applied and which are the other incentives and measures aimed at encouraging disabled persons' entry into the labour market?

238. Describe shortly the system of vocational training available to persons with disabilities. How is it ensured that the training is adjusted to the needs of the market?

239. Describe how Bosnia and Herzegovina is promoting inclusive education and lifelong learning for pupils and students with disabilities. What are the plans for the next 5 and 10 years?

240. The transition period between the school and the first job poses a challenge and is crucial in ensuring successful integration of persons with disabilities into the labour market. Is there any specific programme in place targeting this challenge? Does some kind of follow-up guidance programme for the vocational training of the graduates exist?

241. Has a legal basis for supported employment been established in Bosnia and Herzegovina? Describe briefly the supported employment services system. Elaborate on any provisions for facilitating the transition from protected employment into the open labour market.

De-institutionalisation and independent living

242. To what extent is de-institutionalisation considered to be a priority for Bosnia and Herzegovina? Which measures aimed at promoting de-institutionalisation and community-based alternatives have been carried out?

243. Is there any form of training for independent living programmes?

Accessibility and participation

244. Which are the measures in place or foreseen to ensure accessibility to goods and services (including public services) and to ensure that assistive devices for people with disabilities are

available and affordable? How well does the market in the assistive technology function in Bosnia and Herzegovina?

245. Which are the measures in place or foreseen to improve the accessibility of sports, leisure, cultural and recreational organisations, activities, events, venues, goods and services (including audiovisual media services); what is being done to promote participation of persons with disabilities in sports events and to organise disability- specific sports events?
246. How is accessibility to voting locals and electoral material assured? What is being done to facilitate the use of sign language and Braille in dealing with the official institutions? What are the corresponding plans for action?

VI. SOCIAL PROTECTION

A. Main influencing factors for social protection

247. Please provide the following main economic and financial indicators (if available, according to Eurostat methodology and time span covered - 10 years):
- GDP: absolute in EURO; growth rate; GDP per head in PPS;
 - Social protection expenditure as percentage of GDP;
 - Social protection expenditure as percentage of state budget.
248. Please provide the following main demographic indicators: female/male:
- Population: absolute (Eurostat);
 - Age structure: proportion of the population aged less than 15 years; proportion of the population aged more than 60 years; demographic dependency ratio (population aged 65+ over population aged 15-64), net population increase; proportion of people over 75;
 - Fertility: birth rate per 1000 inhabitants, total fertility rate, mean age of women at child bearing, net reproduction rate;
 - Life expectancy at birth (by gender), at age 40 and 65, healthy life years expectancy at birth and at 65;
 - Is life expectancy data by socio-economic status (e.g. by income quintiles/deciles) available? If so, please provide the key data;
 - Migration: emigration and immigration: crude rate of net migration, main trends, main developments in absolute figures, percentages of population, age groups, regions and ethnic groups.
249. Please provide the following main social indicators:
- Unemployment rate (by gender); further information on vulnerable groups affected by unemployment (young people under 25, persons with disabilities, migrants etc.) male/female;
 - Employment and labour market developments: employment rate of women; employment rate of older workers (55-64); highlight regional and sectoral differences and significances;
 - Income distribution (income quintile share ration, GINI index; poverty: at risk of poverty rate and threshold,, definitions, highlight vulnerable groups);

- d) Family structure: main trends, number of children per family; age of mother; divorce rate; percentage of one-parent families; percentage of single households.

250. How does the described background affect social protection?

- a) Which are the economic forecasts for the next 2-3 years?
- b) Are there any demographic projections? For which period? How are old-age dependency ratios (population aged 65+ over population aged 15-64) expected to evolve over the coming decades?
- c) Are there any forecasts for labour market developments?
- d) Outline the general trends and influences of economic, demographic and social developments on the social protection system of Bosnia and Herzegovina.

B. Overview of the social protection system

251. Please provide information on the general philosophy and the main principles and mechanisms of the social protection system: is the system Beveridge-type or Bismarck-type, what are the main distributional effects of the system, who is included/excluded?

252. Please provide the following specific information (please refer to the Mutual Information System on Social Protection (MISSOC)²⁴ as a model):

- a) Organisational chart of the social protection system (involved ministries, statutory insurances etc.); discussion of the chart: main institutional responsibilities for the fields of social protection (legislation and administration);
- b) Centralisation/De-centralisation: Description of the main institutional levels in the social protection system, role of employers and employees, role of NGOs;
- c) Supervision structures.

253. Please provide information on financing of social protection:

- a) Main financing sources of the social protection (taxes, social contributions, other taxes or state subsidies) and institutions involved (State, para-fiscal organisations, regional authorities, NGOs, private households etc.);
- b) Main financing principles for the fields of social protection (pay-as-you-go, funded financing);
- c) Financial administration of social protection: contribution rates, contribution base and tax base; is there an upper (lower) ceiling?

254. Please provide an overview of allowances: benefits and services provided by social protection (coverage, qualifying conditions, level of benefits, length of provision, taxation of benefits):

²⁴

- a) Health care;
- b) Sickness;
- c) Maternity;
- d) Invalidity / disability;

²⁴

Eurostat - ESPROSS functions :
http://epp.eurostat.ec.europa.eu/portal/page/portal/employment_and_social_policy_indicators/omc_social_inclusion_and_social_protection/overarching

- e) Old age;
- f) Survivors;
- g) Employment injuries and occupational diseases;
- h) Family benefits;
- i) Unemployment;
- j) Minimum resources/social assistance;
- k) Long-term care;
- l) Housing.

255. How are the various benefits and allowances delivered to the beneficiaries? How is the accessibility and efficiency of the system ensured?

256. Please provide an overview of all the allowances and beneficiaries provided by social protection.

257. Who is in charge of collecting and processing social data? Are there any specialised social research institutes? What is the structure and level of cooperation between the different responsible bodies?

C. Pensions

Evaluation of the current system

258. What is the public-private mix in Bosnia and Herzegovina? What role do mandatory, occupational and individual pension schemes play for income security in old age (different pillars of the systems)? Is there a universal system for the whole population? Are there any statistics on the composition of income in old age (social transfers, family support, labour income, additional private income)?

259. Describe the level and structure of benefits: the replacement rate, the pension distribution, adjustment and indexing of pensions and the issue of poverty among pensioners. Is the pension system adequate with regard to income security in old age, the intergenerational distribution and the reduction of poverty in old age?

260. Describe any problems of financing the pension system in Bosnia and Herzegovina.

261. What are the economic incentives set by the pension system with regard to labour market participation, employment policies? Are there any other incentives (e.g. support for employers hiring older workers)?

262. Are there certain groups excluded from the system (coverage)? Is there a possibility of 'opting out'? If so, are there any problems caused by the exclusion of certain groups? Is the system equitable with regard to gender equality and other groups of the population?

263. Does the public consider the system as transparent and administratively effective? Does the system meet general acceptance in the population? How is information collected about public opinion on the transparency and administrative effectiveness of the system?

Evaluation of future challenges

264. Assess the financial sustainability of the system (of each pillar) with regard to demographic, economic and social changes.

265. Are there pension finance projections for the future? Which future developments are indicated?
266. What are the main challenges for the old-age security of Bosnia and Herzegovina in the future?

Evaluation of recent and planned reforms

267. Describe recent major reforms which have been implemented. What were the main objectives of the reforms?
268. Describe the discussion and status of planned reforms. What is the expected impact of these reforms? What is the timeline for their adoption and implementation?

D. Health and long-term care

269. Please explain how the delivery of health and long-term care is organised. What is the structure of the healthcare system in Bosnia and Herzegovina? What is the share of resources devoted to the primary and secondary care?
270. Please explain how the healthcare system in Bosnia and Herzegovina is financed (is there compulsory insurance or budget financing)? Please indicate the respective parts of taxes and social contributions, the breakdown between compulsory coverage and voluntary complementary coverage and further information on out-of-pocket payments (if available).
271. What is the level of total healthcare expenditure in % of GDP? What is the proportion of public and private financing? What is the incidence of out-of-pocket payments (official and unofficial) in healthcare (if available)?
272. What is the accessibility of healthcare system? Please describe existing inequalities in access (geographical, financial, social)? Are certain groups excluded from the public system for legal reasons (coverage)?
273. Is the healthcare system sustainable from the financial point of view? Is it sustainable from the point of view of human resources? Is any outmigration of staff or staff shortages observed? If yes, are there any strategies in place to retain staff?
274. What are outcomes of the health system as measured by different indicators? International comparison would be welcome. How is the quality of care controlled (is there an independent body in charge of controls)? How are the technologies in the care system assessed (is there an independent body in charge of the assessment)?
275. What is the organisation of the supply of long-term care services (is there a specific budget, specific plans etc.) compared to demand? What is the role of institutional and non institutional care? What is the proportion of public and private supply?
276. Are there any specific measures to improve access quality and sustainability of the health care sector?
277. Are there any specific measures to improve access quality and sustainability of the long-term care sector?

VII. ANTI-DISCRIMINATION AND EQUAL OPPORTUNITIES

A. Anti-discrimination

The EU acquired important new competences in 1999 to combat discrimination on grounds of racial and ethnic origin, religion or belief, age, disability and sexual orientation. These competences are set out in Article 19 of TFEU. On that basis, the Council adopted two Directives in 2000:

- Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. This Directive covers direct and indirect discrimination in the fields of employment, education, social protection (including social security and health care), social advantages, goods and services (including housing).
- Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. This Directive covers employment discrimination on the grounds of religion or belief, age, disability and sexual orientation. It includes specific requirements on reasonable accommodation for persons with disabilities.

The EU has also established an action programme to combat discrimination to support the transposition of the Directives and to promote a range of non-legislative activities (research, networking and awareness-raising).

278. Which is (are) the department(s) responsible for measures to combat discrimination on the grounds outlined above?
279. What kind of legislative and non-legislative measures exist in Bosnia and Herzegovina to tackle discrimination?
280. What kind of judicial remedies exist in case of discrimination in the fields of employment, education, health care, social security, housing and access to goods and services? To what courts or other tribunals could victims of discrimination take their cases?
281. Does the reversal of the burden of proof apply in cases of discrimination, i.e. does the respondent have to prove that he did not discriminate if discrimination can be presumed?
282. Are there specific legal provisions prohibiting discrimination and providing for remedies? Does such legislation define various types of discrimination (direct, indirect, harassment and instructions to discriminate)? Does the legislation protect individuals against victimisation?
283. Does legislation prescribe exceptions to the principle of equal treatment and positive action? If yes, please describe those exceptions, as well as the circumstances when the positive actions can be taken
284. Which sanctions and remedies can be applied in discrimination cases? Can the victim claim compensation? If so, does compensation cover the full extent of the loss suffered or are there any limits envisaged by the legislation?
285. Which bodies (such as "equality bodies") exist to promote the fight against racial and ethnic-based discrimination, and discrimination on other grounds? What are their powers? What are the guarantees for effective and independent performance of their powers?
286. Which NGOs exist to promote the fight against discrimination? How are they involved in concrete actions, including policy-making and the defence of discrimination cases in the courts? Please indicate whether NGOs have the right to represent or act on behalf or in support of the victims of discrimination in court/administrative proceedings.

287. Does the legislation impose on an employer a duty of reasonable accommodation of disabled persons, to enable them to have access to, participate in, and advance in employment?

B. Equal treatment of women and men

Equal opportunities (Directives 79/7, 92/85, 2004/113, 2006/54, 2010/18 and 2010/41)

288. Does the legislation or case law on sex discrimination cover – and provide a definition of – direct and indirect discrimination, harassment, sexual harassment and instruction to discriminate?

289. Which sanctions and remedies can be applied in sex discrimination cases?

290. Are there any legal provisions concerning damages to be awarded by court in case of discrimination on grounds of sex? If so, are there any upper limits defined by law for such cases?

291. Is there a system of administrative sanctions in case of discrimination based on sex? If so, please give details.

292. Are there provisions on the burden of proof concerning court suits and other procedures in cases of sexual discrimination? If so, does the respondent have to prove that he did not discriminate if discrimination can be presumed?

293. Does the legislation protect individuals against victimisation?

294. Do institutional structures exist for the promotion of gender quality? If so, please indicate their administrative capacity and the guarantees for independent performance of their powers.

295. Is the principle of equal pay for equal work or work of equal value for men and women guaranteed by the Constitution, by Law, and/or by collective agreement?

296. Do pay gaps exist between women and men? How is the gender pay gap defined and measured?

297. Is direct discrimination forbidden by law in the field of access to employment, training, promotion and working conditions?

298. Is there a rule established either by law or jurisprudence that there is no justification whatsoever to ask a woman about pregnancy when applying for a job of whatever kind?

299. Does the legislation ensure equal treatment as regards self-employed activity? What is the legal position of spouses of self-employed workers in terms of status, social protection and rights?

300. Is there a general prohibition of night work for pregnant women, or measures ensuring they are not obliged to perform night work?

301. Are pregnant workers protected against dismissal during the time of pregnancy and maternity leave?

302. Do the law or collective agreements forbid the exposure of pregnant or breastfeeding women to agents and working conditions which would jeopardise their safety or health?

303. Does the employer have to assess the risks to the safety and health within the workplace and to ensure that exposure is avoided?

304. Does the legislation provide for a continuous period of maternity leave of at least 14 weeks allocated before and/or after confinement, and includes compulsory maternity leave of at least

- two weeks allocated before and/or after confinement ? Are the rights connected with the employment contract and a payment or adequate allowance ensured?
305. Do the law or collective agreements give an individual right to parental leave of at least 4 months? Is at least one month of parental leave granted on an individual non-transferable basis to both parents? How is this treated/implemented in both public and private sector?
306. What provisions on parental leave grant parents the right to return to the previous or equivalent job, protection against dismissal or any less favourable treatment, and the maintenance of acquired rights?
307. Please provide information on:
- a) the activity rates of women and men;
 - b) the employment rates of women and men;
 - c) the unemployment rates of women and men;
 - d) part time work for women and men;
 - e) educational attainment of women and men (upper secondary school, 20-24);
 - f) share of members of Parliaments (women and men);
 - g) share of senior ministers of government (women and men);
 - h) the gender pay gap between women and men;
 - i) the proportion of female entrepreneurs;
 - j) the availability of childcare facilities.
308. What measures are put in place to encourage the reconciliation between professional and private/family life of both women and men?
309. What measures are put in place to encourage a balanced participation of women and men in economic and political decision-making?
310. What measures are put in place to encourage labour market participation of particular groups of women such as disabled women, single mothers, older women, women living in rural areas etc.?
311. Are there any legal provisions in place covering occupational social security schemes? If so, do such schemes already exist in Bosnia and Herzegovina?
312. Does the legislation ensure equal treatment concerning access to goods and services available to the public, offered outside private and family life? If differences in treatment are allowed, please indicate under which conditions.
313. Is gender used as an actuarial factor for insurance products? Are health insurance premiums for women higher than for men and are pregnancy and maternity related costs taken into account for the purpose of calculating premiums?
314. Is there a general social security scheme covering the working population in Bosnia and Herzegovina? If so, does the legislation ensure equality of treatment in matters of social security? Does it contain differences in the pensionable age for men and women, or in the survivor pension benefits available to men and women?
315. If there is a general social security scheme, does it also apply to civil servants, including the police and armed forces? Is there any specific scheme for civil servants, or are there within the general scheme specific rules for civil servants? Does it contain differences in the

pensionable age for men and women, or in the survivor pension benefits available to men and women?

ANNEX

Main EU Directives in the field of health and safety at work:

- **Directive 89/391/EEC**²⁵ of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work;
- **Council Directive 89/654/EEC**²⁶ of 30 November 1989 concerning the minimum safety and health requirements for the **workplace** (first individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2009/104/EC**²⁷ of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC - Codification of Directive 89/655/EEC, as amended by Directives 95/63/EC and 2001/45/EC);
- **Council Directive 89/656/EEC**²⁸ of 30 November 1989 on the minimum health and safety requirements for the use by workers of **personal protective equipment** at the workplace (third individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 90/269/EEC**²⁹ of 29 May 1990 on the minimum health and safety requirements for the manual handling of **loads** where there is a risk particularly of back injury to workers (fourth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 90/270/EEC**³⁰ of 29 May 1990 on the minimum safety and health requirements for work with **display screen equipment** (fifth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2004/37/EC**³¹ of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to **carcinogens or mutagens** at work (sixth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC - Codification of Directive 90/394/EEC);
- **Directive 2000/54/EC**³² of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to **biological agents** at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) - Codification of Directive 90/679/EEC);
- **Council Directive 92/57/EEC**³³ of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile **construction sites** (eighth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);

²⁵ OJ L 183, 29.6.1989, p.1.

²⁶ OJ L 393, 30.12.1989, p.1.

²⁷ OJ L 260, 3.10.2009, p. 5.

²⁸ OJ L 393, 30.12.1989, p.18.

²⁹ OJ L 156, 21.6.1990, p.9.

³⁰ OJ L 156, 21.6.1990, p.14.

³¹ OJ L 229, 29.6.2004, p.23.

³² OJ L 262, 17.10.2000, p.21.

³³ OJ L 245, 26.8.1992, p.6.

- **Council Directive 92/58/EEC**³⁴ of 24 June 1992 on the minimum requirements for the provision of safety and/or health **signs** at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 92/91/EEC**³⁵ of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in **the mineral-extracting industries through drilling** (eleventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 92/104/EEC**³⁶ of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in **surface and underground mineral-extracting industries** (twelfth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 93/103/EC**³⁷ of 23 November 1993 concerning the minimum safety and health requirements for work on board **fishing vessels** (thirteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 98/24/EC**³⁶ of 7 April 1998 on the protection of the health and safety of workers from the risks related to **chemical agents** at work (fourteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- Commission Directives establishing indicative exposure limit values:
 - **Commission Directive 91/322/EEC**³⁸ of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work,
 - **Commission Directive 2000/39/EC**³⁸ of 8 June 2000 establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/E on the protection of the health and safety of workers from the risks related to chemical agents at work,
 - **Commission Directive 2006/15/EC**³⁹ of 7 February 2006 establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC;
 - **Commission Directive 2009/161/EU**³⁹ of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC;
- **Directive 1999/92/EC**⁴⁰ of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from **explosive atmospheres** (fifteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2002/44/EC**⁴¹ of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risk arising

³⁴ OJ L 245, 26.8.1992, p.23.

³⁵ OJ L 348, 28.11.1992, p.9.

³⁶ OJ L 404, 31.12.1992, p.10.

³⁷ OJ L 307, 13.12.1993, p.1.

³⁷ OJ L131, 5.5. 1998, p.11.

³⁸ OJ L177, 5.7. 1991, p.22.

³⁹ OJ L 338 of 19.12.2009, p. 87.

⁴⁰ OJ L 23, 28.1.2000, p.57.

⁴¹ OJ L 177, 6.7.2002, p.13.

from **physical agents (vibration)** (sixteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);

- **Directive 2003/10/EC**⁴² of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from **physical agents (noise)** (seventeenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2004/40/EC**⁴³ of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from **physical agents (electromagnetic fields)** (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC),); as amended by Directive 2008/46/EC⁴⁴
- **Directive 2006/25/EC**⁴⁵ of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from **physical agents (artificial optical radiation)** (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- Council **Directive 92/29/EEC**⁴⁶ of 31 March 1992 on the minimum safety and health requirements for improved **medical treatment on board vessels**;
- **Directive 2009/148/EC**⁴⁷ of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to **asbestos** at work;
- **Council Directive 2010/32/EU** of 10 May 2010 implementing the Framework Agreement on prevention from **sharp injuries** in the hospital and healthcare sector concluded by HOSPEEM and EPSU (Text with EEA relevance).
- **Directive 2014/27/EU**⁴⁸ of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.

⁴² OJ L 42, 15.2.2003, p.38.

⁴³ OJ L 184, 24.5.2004, p.1.

⁴⁴ OJ L 114, 26.4.2008, p. 88

⁴⁵ OJ L 114, 27.4.2006, p.38.

⁴⁶ OJ L 113, 30.4.1992, p.19.

⁴⁷ OJ L 330, 16.12.2009, p. 28-36

⁴⁸ OJ L 65, of 5.3.2014, pp.1-7.

CHAPTER 20: ENTERPRISE AND INDUSTRIAL POLICY

The *acquis* under the enterprise and industrial policy chapter consists largely of **policy principles** and policy recommendations which are reflected in communications, recommendations, and Council conclusions. These are also subject of consultation forums and exchange of good practice measures. Enterprise and industrial policy comprises **policy instruments**, including financial support and regulatory measures, as well as **sectoral policies**, including recommendations for more targeted enterprise policy review/analysis and consultations. Overall, EU enterprise and industrial policy was strongly driven by the EU 2020 strategy, which further guides the common direction of reforms for all EU Member States.

By establishing general **policy principles**, EU enterprise and industrial policy seeks to promote the formulation of competitiveness enhancing enterprise policies and industrial strategies. These are geared towards speeding up structural adjustments, encouraging an environment favourable to business creation, domestic and inward foreign investments, promoting the development of small and medium-sized enterprises (SME), entrepreneurship and innovation. The Small Business Act, adopted in June 2008 and reviewed in 2011 to integrate the SBA in the EU2020 Strategy contains a set of joint principles and concrete actions to support SMEs, provides the framework for EU SME policy together with a common SME definition.

Enterprise and industrial **policy instruments** comprise EU programmes to provide financial support for competitiveness (including improved access to finance and access to markets), notably through the **Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) for 2014-2020**. It also includes Directive 2011/7/EC combating late payment in commercial transactions.

Through its enterprise and industrial **sectoral policies**, the EU promotes a more targeted analysis of the competitiveness of specific sectors and the launch of specific initiatives such as the creation of high-level groups, policy forums, studies and expert panels in certain sectors as well as networking initiatives.

The implementation of enterprise and industrial policy requires adequate administrative capacity at the national, regional and local level, including efficient consultation and cooperation mechanisms for a quality and effective policy formulation and implementation.

I. ENTERPRISE AND INDUSTRIAL POLICY PRINCIPLES

A. Industrial Policies and Competitiveness - Benchmarking/Scoreboard

1. Please provide an overview and analysis of the economic situation of Bosnia and Herzegovina and more specifically of industry and industrial sector. When providing economic data, please indicate as far as possible not only the most recent available figures, but also past and future trends (the last three years and projections for the next three to five years) in respect of each question. Please refer to Annex 1 for a more detailed set of questions on presenting the situation of industry and industrial sectors. Please indicate if these data is compiled in line with the applicable EU methodology, to ensure comparability. If this is not the case, please indicate plans to harmonise methodologies in line with those of the EU.
2. How is the distribution of competences defined between different levels of governance across this policy area? If an industrial/competitiveness policy is in place, please describe its main features and priorities. How these priorities are made consistent with the overall economic policy? Does the industrial policy take into account the necessity to create an attractive

operating environment for business and investors; to promote the development of adequate professional skills, the creation of an integrated innovation system and the development of clusters? How is competitiveness addressed?

3. Is there an country-wide industrial/competitiveness framework policy paper/strategy/action plan that defines the approach to industrial development and restructuring (including privatisation aspects) and improving competitiveness (if it is not the case, which documents can be considered reference documents for understanding the policy in the industrial sector and on competitiveness (policy analysis, strategies, action plans, regulations)? Specify the status of this (these) document(s). How it is based on the analysis of the country's competitive advantages, market imperfections/failures; when and for what reasons state intervention is foreseen; how the interface is articulated with other policies such as competition, education and research, employment, and regional policies; whether interested parties (business operators, academic and research institutions, intermediary agencies) have been involved in the design of the strategy. How much is Industrial Policy a political priority for Bosnia and Herzegovina?
4. Who is involved in design, implementation and coordination of industrial/competitiveness policy (ministries, agencies, private sector, stakeholders) and how (including what consultation mechanisms)? How are specific industrial branches (i.e. foodstuffs, wood processing, pharmaceuticals etc.) involved in the policy making process? Which are the main tools/instruments, programmes, finance for industrial/competitiveness policy? Which institutions are responsible for policy implementation, in particular in the areas of privatisation, restructuring, export promotion, investment promotion, innovation and training? What are their main functions, organisation, staffing levels and annual budget? How is co-ordination between the various institutions arranged? How are industrialists consulted on policy? How are responsibilities divided between levels of governance and the implementing agencies?
5. Which professional organisations exist and how are the interests of industry represented in these organisations? What co-operation exists between these organisations and government policy makers?
6. How are requirements of sustainable development incorporated in the design and implementation of industrial policy? To what extent are the EU 2020 strategic development objectives incorporated in development priorities? Please provide the relevant documents governing this issue and briefly explain how benchmarks and monitor performance are set. Are there any other more horizontal policy measures to take into account including the climate change, environmental - or trade challenge?
7. What are the specific measures implemented to promote investment, and in particular to attract foreign direct investment (FDI)? Are there any studies showing the opportunities (niches) for the manufacturing sectors on the EU and global market? What is the strategy/approach designed and implemented for attracting the FDI? Is there an institution responsible to implement both strategy and the measures in place?
8. Have the authorities supported the creation of free zones and industrial parks or similar initiatives? If so, how can their operation be assessed so far? Are the relevant contractual agreements consistent with EU regulations?
9. Are the authorities carrying out or commissioning studies on the competitive position of the economy and/or main industrial sectors and are results of recent studies available? If yes, please supply relevant studies and summarise their findings

10. Please inform about what is foreseen for the future and what is in the pipeline (plans, blue prints, and timetables).

B. Privatisation and Restructuring

11. Please provide a copy of the annual privatisation plan. What policy/plan and schedule has been identified for privatisation or restructuring? Is it aligned with FDI policy? How is the privatisation of industrial enterprises proceeding according to this schedule? Where obstacles impede full respect of the schedule, what are the obstacles and the solutions proposed to overcome these difficulties? Which structural reforms are complementing this process? Which ones are deemed most effective?
12. What is the progress in privatising the banking sector and utilities?
13. Is the environment for developing the ownership and corporate governance system adequate? Are there arrangements for post-privatisation corporate governance?
14. What is the main driving force behind industrial restructuring? Privatisation? Foreign Direct Investment (please specify the share of green-field vs privatisation FDI)? Development of competitive companies?
15. Are there adequate bankruptcy legislation and effective enforcement procedures in place as well as social protection legislation to allow for the closing of non-viable enterprises? If yes, please provide the list of relevant legislation. What are the envisaged timelines for the completion of procedures? Have they been respected? If not, what caused the delays?

C. Enterprise and SMEs

Policies

16. Please provide us with the official definition(s) applied in Bosnia and Herzegovina for SMEs and the relevant legislation which regulates this issue. Indicate if it differs from the EU definition, and if so, if there are any plans for harmonisation of the definition. If so, please indicate the tentative timeline.
17. What is the share of micro (up to 10 employees), small (up to 50) and medium-sized companies (up to 250 employees) in the economy in terms of GDP, employment and export? Please indicate which data sources are used. Are methodologies harmonised with EU methodology?
18. Is there a framework policy development paper that defines/includes the approach and policy towards enterprises/SMEs? Specify the status of this document and provide the key elements of the SME policy. If it is not the case, which documents can be considered reference documents for understanding the policy in the enterprise/SME sector?
19. Have the authorities developed a specific SME development strategy/action plan? Please describe its status, period and main points of action. Please provide an overview of basic SME policy documents (policy analysis, strategies, action plans, and regulations). Please briefly explain to what extent policy design and implementation is based on reliable SME statistics, including enterprise level surveys.
20. Who is involved in the design and implementation of SME Policy (ministries, agencies, private sector, stakeholders) and how (including what consultation mechanisms)?

21. Which are the main tools/instruments, programmes, finance of SME Policy? Please estimate the amount of funding made available for SMEs through public authorities and other donors (EU, international/bilateral donors).
22. Has an evaluation of SME Policy taken place? if so, please provide the main findings and information on discussions and the authorities' feedback/reactions. If not, are any evaluations planned?
23. Please provide information about what is foreseen for the future regarding SME Policy and what is in the pipeline (plans, blue prints, timetables).
24. Is there a specific legal framework for cooperatives, mutualities and foundations? Please explain.

Business Environment

Creating an environment in which entrepreneurs and family businesses can thrive and entrepreneurship is rewarded:

25. Is entrepreneurship in any way taught as a skill in the formal (primary, secondary, university) education or vocational training system? Where appropriate, please indicate whether these are compulsory or optional subjects in the curriculum.
26. Regarding university level education on entrepreneurship in Bosnia and Herzegovina: are there any specific academic titles on entrepreneurship, i.e. can an entrepreneurship degree be obtained as the ultimate objective of the course in question? Is Bosnia and Herzegovina participating in any wider network in Europe which promotes capacity building of educational institutions in the field of entrepreneurial competitiveness such as the European Foundation for Entrepreneurships Research?
27. Outside of the remit of formal education and training, are there any other initiatives to stimulate entrepreneurship (using media, events, local partners, significant initiatives of companies themselves etc.) including female entrepreneurship, support to immigrants who wish to become entrepreneurs and support for business transfers?
28. Please describe the business incubators strategy and progress achieved so far.

Ensuring that honest entrepreneurs who have faced bankruptcy get a second chance:

29. Are there any measures that discriminate against entrepreneurs who have undergone bankruptcy in a previous venture? In which areas (access to public procurement, access to public funds, access to public support programmes)?
30. Do prohibitions or limitations apply to bankrupt entrepreneurs after the bankruptcy procedure has been finalised? Which ones and for how long?
31. Are there any policies and programmes in place to promote a fresh start for non-fraudulent entrepreneurs who have gone bankrupt?
32. Is there any target time to complete all legal procedures to wind up the business in the case of a non-fraudulent bankruptcy? What is the average time of discharge? Is it a complete or a partial discharge? Are there any plans to introduce early warning systems and other support mechanisms to facilitate bankruptcy procedures?

Designing rules according to the think small first principle and simplifying the regulatory environment:

33. Have the effects of the legislation on the business environment, in particular for small enterprises, been evaluated? If not, is there any plan to launch such an evaluation? If yes, please provide an overview of the main findings and subsequent action taken by the authorities, including SMEs involvement in public-private consultations.
34. What procedures are in place to assess the impact of new legislation on business? Please elaborate on the assessment of the informal economy amongst micro SMEs and are any measures envisaged to tackle this issue, if significant?
35. What measures has Bosnia and Herzegovina taken in order to adopt user-friendly administrative documents?
36. Are there any rules in place, which allow for SMEs to be exempted from certain regulatory obligations? Is Bosnia and Herzegovina considering any measures to allow for such exemption?
37. How many organisations representing SMEs exist at national level? List the main organisations and provide information on their coverage (specific sectors or types of companies, specific purpose of the organisation) and indicate how representative they are (membership as percentage of total number of companies). Are they established throughout the whole territory?
38. Is their participation in the policy-making process established? Is it formalised by law or any other means? Please mention a practice in this area (e.g. quote a consultative body/advisory council, etc.).

Making public administrations responsive to SME needs, notably by promoting e-Government and one-stop-shop solutions:

39. Please provide the total number of procedures and minimum time and costs (in euro) required to effectively register a new company and fulfil all formal requirements to effectively start a business. Please distinguish between registration in the narrow sense and other formal procedures and licensing/permits. Describe which administrations are responsible for the different steps, both at central and local level.
40. Can all or part of the process be undertaken through a single one stop shop? Please specify which steps have been unified and can be made through a single one stop shop.
41. Can all or part of the process be undertaken through on-line procedures? Please specify which steps, if any, can be made through direct on-line procedures.
42. Is there obligatory membership of Chambers of Commerce in Bosnia and Herzegovina? If yes, what is the membership fee?
43. Are there any policies in place to reduce the obligation of micro-businesses to participate in statistical surveys? Is there an option for online reporting of enterprise statistics? Are there linkages between the public administration databases (e.g. company registration office, tax administration, social security, labour administration) to avoid SMEs repetitive submission of (the same) information?
44. Please provide information on net SMEs creation and new SMEs survival trend over the past 3 years. Please describe very briefly which (if any) measures Bosnia and Herzegovina has introduced to ensure the effective survival of start-ups. Where these have had measurable results, please provide data.

45. Adapting public policy tools to suit SME needs including through facilitating SMEs participation in public procurement and by ensuring that SMEs can make better use of state aids:
46. Are there any initiatives in place to promote the access of SMEs to public procurement procedures? Is there any legal act providing for such access? If so, please refer to relevant legislative provisions governing this issue.
47. Are there any provisions in the state aid policy targeted at SMEs? Please refer to relevant legislative provisions governing this issue.

D. Facilitating SMEs access to finance

48. How would you assess the situation in Bosnia and Herzegovina in relation to SMEs' access to finance through banks and other financial institutions such as venture capital funds? Is there a legal and regulatory framework in place facilitating SMEs access to finance? If so, please refer to the relevant legislative provisions.
49. Is the financial sector seen as open and responsive to the needs of SMEs in Bosnia and Herzegovina? Are banks ready to respond to the needs of small employers without excessive collateral or guarantees? Which kind of collaterals do domestic banks accept to extend a loan to an SME and to what extent can intellectual property be used? What is the usual amount of data requested by banks in order to extend a loan to an SME? What are the average costs and how long does it take to prepare the requested documentation?
50. How easily available are small loans (microcredits) for businesses and people wanting to set up a business? Are (non-bank) microfinance providers active in Bosnia and Herzegovina?
51. Are there publicly financed SME funding programmes? If yes, please mention the most relevant programmes, the size of the financing involved, and the results obtained.
52. If such a programme does exist, are there plans for a loan guarantee programme for SMEs?
53. To what extent are other sources of finance (equity investment by venture capital funds or, business angels, etc.) being used and publicly promoted in Bosnia and Herzegovina? Please mention any good practice in this area, including the most relevant results obtained.

Market access for SMEs

54. Are there any measures in place to promote SMEs use of and involvement in development of standards?

Are there any advisory services to SMEs to support themselves against unfair commercial practices?

Promotion of upgrading of skills and of innovation

55. Are there any programmes aiming at the promotion of technology dissemination towards small enterprises? How would you assess the impact of these programmes?
56. What initiatives have been taken to promote technology transfer from research institutes to SMEs?
57. How would you assess progress in enhancing inter-firm co-operation and clustering? Which significant initiatives have been or will be introduced in this field?
58. Please describe measures, if any, to ensure the availability of education/training systems or initiatives to supply skills specifically in demand with SMEs

59. Are there any initiatives to develop SMEs' competences in research and development such as simplified access to public research infrastructure, use of R&D services, recruitment of skilled employees and training?

Turning environmental challenges into opportunities

60. Please describe measures, if any, to provide incentives for eco-efficient business and products for SMEs.

Supporting SMEs to access foreign markets

61. Please describe which measures, if any, and institutions or bodies are in place or to be introduced, to enhance the access and opportunities of SMEs on foreign markets, particularly the EU Internal Market.

E. Innovation Policy

62. Does Bosnia and Herzegovina have specific strategies in the area of innovation, research & development? Please describe the quality of innovation policy design and the policy delivering, by providing and explaining:
- a) Basic policy documents (policy analysis, strategies, action plans, regulations)
 - b) Who is involved (ministries, agencies, private sector, stakeholders) and how (including with which consultation mechanisms)
 - c) What are the main tools/instruments, programmes and finance.
63. Inform about what is foreseen for the future and what is in the pipeline (plans, blue prints, timetables etc.).

II. ENTERPRISE AND INDUSTRIAL POLICY INSTRUMENTS

A. Participation in EU programmes

64. Brief description of participation in the Competitiveness of Enterprises and small and medium-sized enterprises (COSME)(2014-2020) and the Enterprise Europe Network (EEN): participants, experiences/results (as applicable).

B. Directive 2000/35/EC on combating late payment in commercial transaction

65. Please explain the domestic legislation on the issue of late payment in commercial transaction.
66. Please provide the state of play of alignment with the Directive and plans for further alignment.

III. SECTOR POLICIES (see also Annex 1)

67. Are the authorities implementing sector specific development support programmes? What types of actions are implemented? How are they financed? Is the form of support implemented by the authorities compatible with EU state aid rules?
68. Please provide a description of the quality of sector policy design and the sector policy delivery, by providing and explaining:
- a) Basic policy documents (policy analysis, strategies, action plans, regulations);

- b) Who is involved (ministries, agencies, private sector, stakeholders) and how (including
 - c) what consultation mechanisms);
 - d) Which are the main tools/instruments, programmes, finance?
69. Inform about what is foreseen for the future and what is in the pipeline (plans, blue prints, timetables) in terms of sector specific development support programmes.
 70. Please describe the policy and implementation as regards the privatisation of large industrial enterprises for the main industrial sectors of the economy. Are there any plans for re-nationalisation of large industrial enterprises? If yes, which ones? What are the authorities' medium term objectives in these cases?
 71. Have the authorities prepared sector-specific restructuring packages? If this is the case: Is enterprise viability the guiding principle behind the restructuring programmes or are there other objectives in terms of e.g. employment targets? How are these programmes financed? Is the support from the state compatible with EU state aid rules?
 72. What progress has been made in implementing the policy? Is policy implementation monitored in an open and transparent manner?

ANNEX 1: Detailed questions on industry and main industrial (sub-)sectors

The structure is as follows:

Section I - General questions requesting macro-economic data on industry.

Section II - A list of industrial sectors and sub-sectors is provided. Please provide the data listed (letters A to I) for all of these (sub-)sectors.

Section III - Supplementary questions. Please provide answers to the supplementary questions about the relevant (sub-)sectors.

Please refer to and answer questions on sectors and sub-sectors as relevant.

Section I: GENERAL QUESTIONS ABOUT INDUSTRY

As and where appropriate, the replies should be in both absolute and relative (percentages) figures. Please include sources of the data. The data requested are annual data over the last 5 years.

73. Importance of industry to the economy
 - a) Contribution to gross domestic product (GDP)
 - b) Breakdown between manufacturing and services in relation to GDP
 - c) Contribution to GDP, by size of enterprise⁴⁹, and by public and private sector
 - d) Which are the most important subsectors within the respective industrial sectors (based on production parameters)?
74. Number and structures of enterprises
 - a) Total number of enterprises in the manufacturing and services sectors
 - b) Number of enterprises per size category
 - c) Number of enterprises created (if available with a breakdown by size)
 - d) Number of enterprises closed down (if available with a breakdown by size)
 - e) Breakdown between public and private sectors
 - f) Number of joint ventures with enterprises from the EU and with the rest of the world
75. Jobs:
 - a) Total number of jobs in industry and the totals for the manufacturing sector and for the service sector
 - b) Number of jobs by size of enterprise
 - c) Number of jobs created in industry and by the manufacturing sector and services sector, by size of enterprise if possible
76. Investment, privatisation and research and development (R&D):
 - a) Total investment, and investment by the manufacturing sector and the services sector

⁴⁹ For the sake of uniformity, please follow the size criteria used in the EU:

- large enterprises: over 250 employees
- medium-sized enterprises: between 50 and 249 employees
- small enterprises: fewer than 50 employees (if necessary a further category may be distinguished: micro-enterprises: fewer than 10 employees).

- b) Foreign direct investment by inward and outward flows and stocks, on an annual basis and total. Breakdown of stocks and flows by geographical main source and destination countries including EU Member States and of principal non-EU countries. To the extent possible, distinguish between greenfield investment, privatisation-led investment (brown-field), real estate investment and inter-company debt operations.
 - c) Market shares in relation to size of enterprises
 - d) Shares of total exports relative to size of enterprises
 - e) Industrial R&D expenditure broken down into public financed expenditure (not including military programmes), industry financed and financed from abroad
77. Chief manufacturing sectors: please provide a brief description of the main sectors in terms of their contribution to GDP, employment, investment, the domestic market and exports. If possible, please provide the sectoral breakdown according to the NACE Rev.2 classification system for manufacturing sectors. In addition, please provide a breakdown by size of enterprise in each of the sectors considered.

Section II INDUSTRIAL SECTORS AND SUB-SECTORS

Raw materials, non-ferrous metals, ferro-alloys, cement, glass, ceramics, paper and wood, publishing industry

78. Iron and steel:
- a) Basic iron and steel production and capacity (with separate finished product capacity)
 - b) Processed products, of which pipes and tubes
 - c) Ferro-alloys
79. Non-ferrous metals
80. Non-energy extractive industries (metallic and non-metallic, minerals broken down by mineral type):
- a) Iron ore
 - b) Non-ferrous metal ores
 - c) Minerals for construction materials (sand and gravel pits, massive rock quarries)
 - d) Others
81. Ceramics
82. Forest-based industries:
- a) Manufacture of wood products except furniture, of which: sawmilling, manufacture of veneer sheets, manufactures of builders' carpentry and joinery, others
 - b) Manufacture of pulp
 - c) Manufacture of paper and paper board
 - d) Manufacture of paper and paper board products
 - e) Printing
83. Glass and glassware
84. Cement, lime and gypsum

Chemicals and rubber

- 85. Chemicals:
 - a) Inorganic chemicals
 - b) Petrochemicals and other organic chemicals
 - c) Fertilisers
 - d) Soap and detergents
 - e) Cosmetics, perfume or scent and toilet waters
 - f) Plastics
 - g) Pesticides and biocides
 - h) Paints and varnishes
- 86. Rubber: tyres and general rubber goods

Mechanical and electrical engineering and consumer electronics

- 87. Electrical and electronic equipment
- 88. Mechanical engineering:
 - a) Manufacture of fabricated metal products, except machinery and equipment
 - b) Manufacture of machinery and equipment not elsewhere classified
 - c) Manufacture of electrical machinery and apparatus not elsewhere classified
- 89. Industrial motors

Information technology industries

- 90. Computer and office equipment
- 91. Telecommunications equipment
- 92. Consumer electronics
- 93. Components including microelectronics
- 94. Software

Medical devices, including active medical devices and in vitro devices

- 95. Pressure equipment and measuring instruments
 - a) Pressure equipment: equipment operating under pressure (tanks, reservoirs, containers, industrial pipe-work, boilers, pressure vessels, safety devices operating under pressure):
 - b) Pressure equipment Directive (PED)
 - c) Simple pressure vessels (SPVD)

96. Gas appliances (GAD): appliances burning gaseous fuels used for cooking, heating, production of hot water, lighting, washing, and refrigeration, and forced draught gas burners and heating bodies to be equipped with such burners (excluding appliances specifically designed for use in industrial processes carried out on industrial premises).
97. Legal metrology:
- a) Measuring instruments Directive (MID)
 - b) Non-automatic weight instruments (NAWI)
 - c) Prepackaging (Dir 75/107, Dir 76/211, Dir 2007/45)
 - d) Units of measurement

Construction and construction products

98. Manufacture of construction products
99. Execution of civil engineering works
100. Execution of building and housing works
101. Architectural and engineering activities and related technical consultancy
102. Real estate activities

Transport equipment industries

103. Automobile products (only new, not including used products):
- a) Passenger cars
 - b) Light commercial vehicles (up to 5 t gross vehicle weight)
 - c) Buses and coaches
 - d) Trucks
 - e) Powered two- and three-wheelers
 - f) Trailers and semi-trailers
 - g) Parts and components for cars, trucks and buses
 - h) Wheeled or track laying agricultural and forestry tractors
 - i) Trailers and interchangeable towed machinery for agricultural and forestry tractors
 - j) Systems, components and separate technical units for agricultural and forestry tractors
104. Rail and other guided transport vehicles
105. Shipbuilding and ship repair (including maritime equipment)
106. Manufacture of aircraft and spacecraft

Food products

107. Food and drinks sector:
- a) The food and drinks sector as a whole

- b) Non-alcoholic beverages - soft drinks and mineral water
- c) Malting and brewing industries' products
- d) Spirit drinks
- e) Sugar confectionery
- f) Chocolate products and cocoa preparations;
- g) Bread, biscuit, bakers' wares and pastry products
- h) Pasta and couscous
- i) Ice cream
- j) Tobacco products
- k) Baby food
- l) Tea and coffee preparations
- m) Processed dairy products
- n) Margarines
- o) General food preparations (intermediate products for the food industry)
- p) Starch products
- q) Yeasts
- r) Soups and broths

Textiles and clothing, leather, footwear, furniture, toys

108. Textiles and clothing:

- a) Textiles: Please specify main activities (including knitwear)
- b) Clothing industry

109. Leather and leather products

110. Footwear

111. Furniture

112. Toys

Pharmaceutical products

113. Medicinal products for human use

114. Veterinary medicinal products

Defence products

115. Land sector

116. Naval sector

117. Air sector

118.Space sector

Tourism

119. Tourism sector

Environmental services

120. Wastewater management

121. Protection and remediation of soil, groundwater and surface water

122. Waste management

Data to be provided for each of the above listed sectors and sub-sectors (if applicable/relevant)

1. Production and Consumption:
 - a) Installed production capacity and its utilisation rate
 - b) Present production (by volume and by value)
 - c) Domestic demand, present and forecast (for the next three years)
 - d) National self-supply ratio:
$$\frac{\text{(production - exports)}}{\text{(production + imports - exports)}}$$
2. Trade:
 - a) Imports (including temporary imports) by volume and by value from the rest of the world and from the EU, stating the main countries of origin
 - b) Exports (by volume and by value) to the EU and other countries of destination
 - c) Exports/production and imports/production ratios
3. Structural features:
 - a) Turnover and gross value added (GVA), percentage of industry total
 - b) Number of enterprises
 - c) Number of jobs, percentage of total of jobs in industry
 - d) Structure of enterprises: size distribution; production - degree of concentration (by turnover) of the sector; annual investment over the past five years; plant and machinery; plant and machinery in active use
 - e) Foreign capital and technology
 - f) Which are the chief companies in terms of employment? In terms of physical output? Are they publicly or privately owned?
 - g) Production and marketing monopolies
 - h) Productivity per employee and per hour worked
 - i) Wage and salary costs and costs of materials in the industry

4. Sector-specific standards and technical regulations, including sector-related requirements for environmental protection
5. Incentives:
 - a) For investment
 - b) For exports
 - c) Other
6. Rules on foreign investment:
 - a) Characteristics: Restrictions on foreign participation, financial participation in particular; tax benefits rules on profit repatriation
 - b) Guarantees
7. Trading system: Non-tariff measures affecting imports and exports, such as licences and quotas
8. Likely developments, and time-scale:
 - a) Investment envisaged (public sector, private sector, foreign)
 - b) Present or envisaged restructuring or modernisation plans
9. Approximation of the legislation to EU legislation:
 - a) List of measures, either planned or already adopted
 - b) Timetable

Section III SUPPLEMENTARY QUESTIONS (as relevant)

123. Supplementary question on the iron and steel industries (including ferro-alloys): What is the situation with regard to the competitiveness of the iron and steel industry? Is there a Restructuring and Conversion Programme for the Steel Industry? In the case of steel sector restructuring: Have the authorities prepared a restructuring plan? Is implementation proceeding according to schedule, and in line with provisions of the SAA?
124. Supplementary questions on the chemical industry:
- a) What are the regulations governing the placing on the market of detergents?
 - b) What are the regulations on fertilisers?
 - c) Is there production or industrial use of drug precursors? What is the law on the manufacture and marketing of drug precursors?
 - d) Is there production or industrial use of civil explosives? What are the regulations relating to the certification and transfer of explosives for civil use?
 - e) Is there production of pyrotechnic articles? What is the law on the manufacture and marketing of pyrotechnic articles?
125. Supplementary questions on construction sectors:
- a) Is there a strategy/plan for using public funds and international financial engineering instruments to stimulate private financing of building and infrastructure projects?
 - b) Are there initiatives to facilitate the digitalisation of the construction sector industry, in particular small operators, and authorisation processes in construction using Building

Information Modelling? What actions are taken/planned to promote the integration of smart technologies in buildings and infrastructure?

- c) What is the regulatory framework to assess the environmental performance of buildings? Are there initiatives to support the development of the market of sustainable construction materials, products and production methods?
- d) Are there joint initiatives between the construction sector, training and education actors to anticipate skill needs in the sector and the adaptation of the vocational and educational system, in particular regarding energy and digitalisation issues?
- e) Is there a strategy/plan for integrating the EN Eurocodes as national standards (EN1990 - EN1999), including the definition of the Nationally Determined Parameters (NDPs)?

126. Supplementary questions on motor cars (automobiles):

- a) Production, registration, imports
 - i) Present production, by vehicle category and make in units;
 - ii) For passenger cars, total of new car registrations by make in the last three years, and average age of the car population;
 - iii) Main countries of origin of new vehicle imports, by vehicle category, in units and values;
 - iv) Main countries of destination of new vehicle exports, by vehicle category, in units and values;
 - v) Non- tariff measures affecting imports and vehicle registration, such as licences and quotas, for both new and used vehicles;
 - vi) Share (in percentage) of total industrial production (output) and change in the last years;
 - vii) Share (in percentage) of total industrial employment and change in the last years;
 - viii) FDI in this sector;
 - ix) Concentrations/monopolies/size in this sector
 - x) Share public/private ownership.
- b) Technical requirements for new vehicles
 - i) Describe the present type-approval system, both for the decision making of the regulations and for its application. For the registration of new vehicles the technical requirement are established by what kinds of legislation (law, regulations) and at national or other level (local, regional, etc.)?
 - ii) Number of type-approvals granted by Bosnia and Herzegovina in last year by vehicle type;
 - iii) Explain the staffing levels for ensuring the application of the type-approval legislation; how it is ensured that Bosnia and Herzegovina will have the necessary human and material resources to cope with the future implementation of the EU acquis?

127. Approximation of the legislation to EU type-approval legislation (as last amended)

- a) List of measures, either planned or already adopted for the alignment with EU type-approval legislation;

- b) Timetable for future alignment. By when could Bosnia and Herzegovina be in full alignment with the EU acquis on motor vehicle type-approval, as last amended?
 - c) Does Bosnia and Herzegovina anticipate any problem for reaching this full alignment above?
 - d) Is there nationwide in Bosnia and Herzegovina sufficient availability of fuel of the right quality to meet EU emissions standards for motor vehicles?
128. Supplementary question on taxation in the road transport sector: What are the road and registration taxes by category of vehicle?
129. Please detail Bosnia and Herzegovina's action plan for the deployment of electric vehicles and other alternative powertrains.
130. Supplementary questions on the food industry:
- a) Please provide data on the agricultural raw materials and intermediate products used by the industry, broken down by product (type of product, quantities, prices, etc.).
 - b) What are the quality requirements for agricultural raw materials used by the cereals, sugar, dairy and egg processing industries to manufacture food products? Please provide a comparison with EU requirements and information on any harmonisation measures carried out. Which institution performs controls and is there a control schedule?
 - c) Please provide data on agricultural policies affecting the food industry. What are the measures that affect the prices of raw materials, especially agricultural policy measures? Also mention any compensatory measures for food products (such as subsidies, production and export refunds for food producers and exporters).
 - d) Please provide information on any specificities of the trade regime for Processed Agricultural Products (special duties, quotas etc.)
131. Supplementary question on clothing: Please distinguish between domestic production and OPT (subcontracted) production of clothing products.
132. Supplementary questions on forest-based industries:
- a) What is the total forest area in millions of hectares and as a percentage of the total land territory of the country?
 - b) What is the forest ownership structure? Distinguish between natural persons, other private ownership, state forests, national parks, local authorities, other public ownership.
 - c) What is the round wood production (also as a percentage of annual forest growth)? coniferous, non-coniferous?
133. Supplementary questions on pharmaceuticals:
- a) What is the regulatory framework for marketing authorisation and for clinical trials of medicinal products?
 - b) What is the regulatory framework for pricing and reimbursement of medicinal products?
 - c) To what extent, if at all, does the assessment of relative effectiveness of medicines (i.e. clinical and cost comparison with existing medicines on the market) play a part in the national health schemes?
 - d) What public or public-funded schemes exist to give information to patients/citizens about medicines?

134. Supplementary question on aeronautic industry: Please describe possible already existing participation / cooperation of companies / associations / Ministries with the EU aeronautic industry (e.g. participation in EU R&D programmes, possible link of industry associations to European associations etc.?)

135. Supplementary questions on tourism:

- a) Please describe briefly the country's strategy on tourism. Is there a formal document (law or action plan) which forms the basis of this strategy? Please describe the tourism governance structure (Public, Private).
- b) What are the main priorities with regard to tourism development?
- c) Are there reliable instruments for monitoring the tourism structure, tourism flows and the performance of tourism business? Is a methodology for TSA (Tourism Satellite Accounts) being applied?
- d) What is the place of tourism in the context of general economic development plans and in the reform of the administrative and legal framework?

136. Supplementary questions on forestry and its industrial sectors:

- a) Is there any legislation concerning forestry and its industrial sectors in different fields such as wood procurement conditions, mandatory standards, trade constraints, etc.?
- b) Are there any studies or policy guidelines by sector on the economic and juridical structure of forestry and its sectors?

137. Supplementary questions on defence products:

- a) Please describe possible already existing participation/cooperation of companies/associations/Ministries with the EU defence industry (e.g. possible link of industry association(s) to European association(s) etc.).
- b) Please provide a short overview of the exports of defence products (average amount, main categories of defence goods exported, main destinations over the last years).
- c) Please provide a short overview of the imports of defence products (average amount, main categories of defence goods imported, main suppliers over the last years).

138. Supplementary question on gas appliances sector: Please provide information on the types of gas and corresponding supply pressures used on the territory of Bosnia and Herzegovina preferably in line with CEN EN 437:2003+A1 "Test gases - Test pressures - Appliance categories".

CHAPTER 21: TRANS-EUROPEAN NETWORKS

The European Union policy concerning Trans-European networks for transport (TEN-T) and energy (TEN-E) is based on three cornerstones: the legal basis for TENs, Articles 170-172 of the Treaty on the Functioning of the European Union, the Regulation (EU) No 1315/2013⁵⁰ on Union guidelines for the development of the trans-European transport network in transport and energy, and the Regulation (EU) 1316/2013⁵¹ establishing the Connecting Europe Facility, amending Regulation (EU) 913/2010 and repealing Regulations (EC) 680/2007 and (EC) 67/2010. This framework sets out the objectives of EU policy for the trans-European network policy, which encompasses the transport and energy networks and aims at adapting and developing networks and ensuring their interconnections and interoperability. The TEN-T and TEN-E policies have undergone a substantial revision. The new funding instrument for trans-European networks, the Connecting Europe Facility (CEF), and the revised TEN-T and TEN-E guidelines entered into force on 1 January 2014. The aim of establishing and developing Trans-European networks and promoting proper interconnection and interoperability of national networks is to take full advantage of the internal market and contribute to economic growth and job creation in the European Union.

As far as **transport networks** are concerned, the Trans-European network contributes to a sustainable and multimodal development of transport and to the elimination of bottlenecks. In this regard, transport networks play a significant role in ensuring a sustainable mobility, combining Europe's competitiveness with the welfare of its citizens while securing the transports of good and passengers in Europe.

In order to ensure the best development of the Trans-European transport network, the new guidelines pursue a dual-layer approach consisting of a comprehensive network (to be completed by 2050) and a core network (to be completed by 2030).

The comprehensive network is the basic layer of the TEN-T and include components of all transport modes – rail, road, inland waterway, air and maritime as well as their connecting points and corresponding traffic information and management systems. The core network is a subset of the comprehensive network overlaying it, to represent the strategically most important nodes and links of the trans-European transport network. It is multi-modal. Maps of the core and comprehensive networks have been included in the Annex I to the Regulation (EU) 1315/2013, as amended by Commission Delegated Regulations (EU) 473/2014 and 2016/758.

Given the level of investments needed to complete and increase the Trans-European transport network and bearing in mind the estimated growth in traffic between Member States, a corridor approach is used as an instrument to coordinate different projects on a trans-national basis and to synchronise the development of the corridor and thereby maximising network benefits. The core network corridors are defined through the pre-identified projects listed in Part 1 of the Annex to the Regulation (EU) 1316/2013, which will constitute the priority for co-funding under the CEF.

Trans-European **energy networks** cover the transport and storage facilities of gas as well as the electricity transmission and make a significant contribution to the electricity and gas market. TEN-E respond to the growing importance of securing and diversifying the EU's energy supplies, incorporating the energy networks of the Member States and candidate countries, and ensuring the coordinated operation of the energy networks in the EU and in neighbouring countries. The security of energy supply, ending of energy isolation and the functioning of the internal energy

⁵⁰ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440489851396&uri=CELEX:32013R1315>

⁵¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440489885603&uri=CELEX:32013R1316>

market are key policy goals. This is mirrored in the Trans-European Energy guidelines of 2013 aiming at the timely development and interoperability of priority corridors and areas of the TEN-E. Twelve energy infrastructure priority corridors and thematic areas have been defined to this end.

It is worth noting that as from 2017, all measures adopted under (EU) Regulation 347/2013 of 17 April 2013 on guidelines for trans-European energy infrastructure, are binding for Bosnia and Herzegovina and applicable to all infrastructure with PECE (Projects of Energy Community Interest) status. Moreover, only those projects that fulfil the criteria set by that Regulation shall be granted PECE status.

I. TRANSPORT NETWORKS

A. Transport infrastructure

1. How is the distribution of competences defined between different levels of governance across this policy area?
2. Please present the state of the transport road, railway and inland navigation networks in Bosnia and Herzegovina subject to Memorandum of Understanding of the South East Europe Core Regional Transport Network in terms of their physical condition and their compliance to safety and capacity requirements.
3. Present the state of the feeders of transport road and railway networks in Bosnia and Herzegovina aiming to feed the respective Core Regional Transport Network in terms of their physical condition and their compliance to safety and capacity requirements.
4. Present the state of international airports in Bosnia and Herzegovina in terms of their physical condition and their compliance to safety and capacity requirements.
5. Present the state of river ports in Bosnia and Herzegovina in terms of their physical condition and their capacity.
6. Are there any deficiencies of the Core Network, or capital bottlenecks or cut-offs affecting functionality and efficiency of the Core Network, or severely reducing its performance?
7. What steps has Bosnia and Herzegovina taken to implement the Memorandum of Understanding of the South East Europe Core Regional Transport Network? To what extent is the South east European Core Transport network taken into account as the precursor for the future TEN-T network for the country?
8. What is the country's strategic framework for the development of transport infrastructure? Is it further translated in the list of concrete activities to be undertaken to implement the strategy? Are those actions prioritised?
9. Concerning road network, what is the country's main development priority? What are the foreseen dynamics of potential financing and the cost of activities to address such priority intervention?
10. Concerning railway network, what is the country's main development priority? What are the foreseen dynamics of potential financing and the cost of activities to address such priority intervention?
11. Is the country member of any railway international and bilateral agreements at worldwide, EU and regional level?

12. Concerning inland navigation, what is the country's main development priority? What are the foreseen dynamics of potential financing and the cost of addressing such priority interventions?
13. In the area of civil aviation, specifically concerning international airports, what is the country's main development priority? What are the foreseen dynamics of potential financing and the cost of activities to address such priority intervention?
14. Concerning maritime transport, what is the country's main development priority, in particular regarding motorways of sea?

B. Public expenditure and investments

15. Please provide data on public expenditure and investments by completing the tables in Annex 1.
16. Please provide information about the relevant national infrastructure planning and investment procedures (especially spatial planning, master plan, investment and implementation planning for the short, medium and long-term).
17. What are the procedures applicable to the development of a transport infrastructure project? Are there differences according to the mode of transport concerned? Provide a list relevant legislation and regulations.
18. What is the project cycle? How are local and/or regional authorities and the non-governmental sector associated with transport infrastructure projects?
19. Is there legislation on:
 - a) Environmental impact assessment, nature protection, cultural heritage protection, strategic environmental impact assessment,
 - b) Rules of competition,
 - c) Public procurement,
 - d) Regulation concerning transport infrastructure and its safety,
 - e) Railway interoperability?

C. Transport research

20. Are there any research programmes on transport operations?
21. Does research in the field of transport benefit from public and/or private funding, and if yes, what level of funding is allocated to transport related research?
22. What are the priorities for transport related research?
23. What are the key outcomes of the past researches done for transport networks in general, and for its sub-sectors?
24. What is the indicative financial framework required to address the recent relevant outcomes of such transport networks related researches, and in which timeframe?
25. What would be the potential sources of financing to enable implementation of outcomes of the researches concerning transport networks, and in which timeframe?

D. Pipeline transportation

26. Please provide a description of the network, length and type of pipelines, quantities transported, capacities of existing installations, development policy, regional connections.
27. Is there a specific legal framework for pipeline transportation?
28. What environmental rules are applied?

II. ENERGY NETWORKS

29. What is the country's strategic framework for the development of energy infrastructure?
30. Please, provide information, also in the form of maps, on the current status and on the major needs for energy infrastructures in Bosnia and Herzegovina. What are the major gaps/concerns in terms of infrastructures to fulfil with the obligations of security of supply in the internal market?
31. Indicate what is the status of implementation and planning of the axes for priority projects relevant to the South East Europe region in Bosnia and Herzegovina. In particular, indicate what is the level of development of the energy projects which are considered priority under the Energy Community process.
32. What are the planning and authorisation procedures applicable to the development of an energy infrastructure project

ANNEX 1: Transport Infrastructure Investments

		Actual Expenditures						Estimate	Guess		
MODES	sections	2010	2011	2012	2013	2014	2015	2016	2020	2025	2030
Railways											
- Upgrade											
- New											
Conventional links											
- Upgrade/ rehabilitation											
- New											
ERTMS											
Roads											
- Motorways											
- - Upgrade											
- - New											
- National roads											
- - Upgrade											
- - New											
Road traffic management systems											

Inland waterways, including inland waterway ports										
- Upgrade/renew links										
- New links										
Ports/multimodal centres										
Air transport/Airports										
- Physical infrastructure										
- ATM										
Multimodal transport										
Transport centres										
Logistics										
Border crossings										
- Rail										
- Road										
TOTAL physical infrastructure Logistic/management										

CHAPTER 22: REGIONAL POLICY AND COORDINATION OF STRUCTURAL INSTRUMENTS

The acquis under this chapter consists mostly of framework and implementing regulations, which do not require transposition into national legislation. They define the rules for drawing up, approving and implementing the Funds (the European Regional Development Fund, the European Social Fund and the Cohesion Fund) programmes reflecting each country's territorial organisation.

Despite the fact that no transposition of acquis under this chapter is required, since the Regulations are directly applicable to Member States, at national level many administrative and/or legislative acts will have to be adopted in order to establish the whole system for governing the Funds. This will require a proper planning and preparation (including inter alia deciding which national body will approve the necessary administrative decisions and/or legislative acts), drafting of such acts, internal consultation and finally its adoption at national level.

As a starting point, the formal requirements of the Treaty need to be recognised: in particular, Article 175 which stipulates that Member States shall conduct their economic policies and shall coordinate them in such a way as, in addition, to attain the objectives set out in Article 174, i.e. to reduce disparities between the levels of development of the various regions and the backwardness of the least favoured regions.

A legislative framework has to be in place allowing for multi-annual programming at national and, where relevant, sub-national levels. For the Structural Funds (ERDF + ESF) the appropriate geographical level is at least NUTS level 2, for the Cohesion Fund at NUTS level 1, and for the European territorial cooperation goal (NUTS level 3 for cross-border programmes, NUTS level 2 for transnational programmes).

The national legislative framework has to allow also for budget flexibility, enabling co-financing capacity at both national and sub-national (regional/local/municipal) level, and should ensure sound and efficient financial control and audit of interventions.

Member States must also respect Union legislation, in particular in the areas relevant for Cohesion Policy implementation (e.g. state aid, public procurement, environmental protection, transport, non-discrimination, equality between men and women, when selecting and implementing projects). In addition, national authorities will have to assess whether the thematic and general ex-ante conditionalities are applicable to the specific objectives pursued within the priorities of their programmes and whether the applicable ex-ante conditionalities are fulfilled.

Member States must also set up an institutional framework. This includes designating and establishing all structures at national and, where relevant, sub-national level required by the regulations as well as setting up an implementation system with a clear definition of tasks and responsibilities of the bodies involved, in particular with regard to requirements of articles 125-127 of the Common Provisions Regulation.

The institutional framework also requires establishing an efficient mechanism for inter-ministerial coordination as well as the involvement and consultation of a wide partnership of organisations in the preparations and implementation of programmes.

The performance of Member States on the implementation of Cohesion Policy is to a large extent influenced by the quality of the administrative capacity of the public administration. Adequate administrative capacity has to be ensured in all relevant structures. Three key factors that have an impact on the administrative capacity of a public administration are the following:

- Architecture / structures (in particular assignment of responsibilities and tasks, delegations,

- o co-ordination, policy making)
- o Human resources (in particular with regard to number and qualifications of staff, job descriptions, recruitment and training of staff, establishing measures to retain qualified and experienced staff, performance-based assessment and possibly remuneration)
- o Systems and tools (instruments, methods, guidelines, manuals, IT systems)

The programming process covers the preparation of a partnership agreement and a series of operational programmes, including ex-ante evaluations and strategic environmental assessments. Member States have to organise broad partnerships for the preparation of programming documents. They have to ensure that a sufficient pipeline of mature projects is established, allowing for a full financial implementation of programmes. Member States will also have to carry out specific information and publicity measures with regard to the Funds.

Establishing a monitoring and evaluation system includes the set-up of monitoring and evaluation structures and processes in different relevant bodies as well the installation of a comprehensive management information system accessible and usable for all concerned bodies. In addition, all official exchanges of information between the Member State and the Commission will be carried out using an electronic data exchange system.

Member States must set up a specific framework for financial management and control, including audit. This includes designating and establishing all structures required by the regulations as well as setting up an implementation system with a clear definition of tasks and responsibilities of the bodies involved.

Where appropriate, please distinguish between specific arrangements and preparations regarding the ERDF and Cohesion Fund on the one hand and the ESF on the other.

I. LEGISLATIVE FRAMEWORK

A. Legislative framework related to implementation of the Cohesion Policy

1. How is the distribution of competences defined between different levels of governance across regional policy? Please provide a list of all legislation of Bosnia and Herzegovina directly relevant to the Cohesion Policy.
2. How would Bosnia and Herzegovina ensure the respect of the requirements stipulated in Articles 174 and 175 of the Treaty?
3. What would be necessary to establish a country-wide system to manage the Funds? What authority (or authorities) would be responsible for approving such administrative and/or legislative acts? What is on average the time needed to adopt such acts at national level (taking into account drafting, internal consultation and final adoption)? How many of such acts are foreseen necessary in Bosnia and Herzegovina?
4. How will the system for managing the Funds ensure the respect of the basic principles of assistance (partnership, equality between man and woman and non-discrimination, sustainable development)?

B. Compliance with Union policies

5. What is the state of play of alignment with the acquis related to this chapter?
 - a) Rules on competition (state aid);
 - b) Rules on the award of public contracts/public procurement;

- c) Rules on the award of concession (and public-private partnership);
 - d) Rules on environmental protection and improvement (in particular strategic environmental impact, environmental impact assessment, application of the polluter pays principle and definition of the Natura 2000 areas);
 - e) Rules on transport (in particular technical requirements for infrastructure; transport services market liberalisation; rules on access fees);
 - f) Rules on the elimination of inequalities and promotion of equalities between men and woman and combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementing the Funds and in the access to them.
6. If for some of the above areas alignment is not complete, what adaptations are necessary to the legislative framework to ensure its compatibility with those Union policies?
 7. How would you assess the degree to which both the general and thematic ex-ante conditionalities are fulfilled?

C. Budget planning and implementation mechanisms at national, sub-national (NUTS 2 and NUTS 3) levels, co-financing mechanism

8. Budgetary figures are often indicative. Does the Bosnia and Herzegovina's legislative framework already allow for budget flexibility? What provisions are foreseen in the national budget which would allow transferring budgets of national co-financing between projects, programmes and years? What adaptations to the legislation would be necessary if such flexibility was not allowed by the Bosnia and Herzegovina's legislation?
9. Does the Bosnia and Herzegovina's legislative framework already allow for multi-annual budgeting? If not, what adaptations to the legislation are necessary? In case the state budget is adopted on annual basis, how is it envisaged to ensure co-financing of multi-annual programmes?
10. How will national co-financing (at central, and, where relevant, at sub-national levels) in the framework of EU assistance be secured?
 - a) How will co-financing capacity at both national and sub-national (regional/local/municipal) level be secured? Does the legislation already allow co-financing at national, regional, local or municipal level?
 - b) Which are the regional and local, economic and social or other partners from whom co-financing is expected? How will this co-financing be secured?
 - c) Can sub-national authorities co-finance EU-funded programmes/projects?
 - d) How are sub-national authorities financed? Do they have their own funding through local taxes or from other sources? Do they have some autonomy for borrowing funds? What share of their budget comes from own fiscal resources and what share as a transfer from state budgets?
11. How will national financing (at central, and, where relevant, at sub-national levels) be secured for maintenance, operation and regular renewal of EU funded projects?

D. Legal provisions on financial control

12. What is the legal framework related to financial control and audit? Are all public bodies, at national or sub-national levels, required to set up financial control and independent internal audit structures?
13. Are there legal requirements with regard to separation of duties, in particular between payment and authorising functions?

E. Territorial organisation

14. Please explain briefly the territorial organisation of Bosnia and Herzegovina relevant to the institutional set-up required for the future implementation of the EU funded programmes/projects.
15. What is the relevant territorial organisation/breakdown of Bosnia and Herzegovina into regions corresponding to the levels of the NUTS classification (including number of regions in each category)? Are there plans to revise this classification?
16. If relevant, do any authorities for regional development exist at the regional level (in particular at NUTS 2 level)? If yes, what is their legal status, how they are financed, what competences and role do they have?
17. Does the existing legal framework allow local authorities /local communities to take part in common projects implemented across national borders? Are there any limitations (e.g. transfer of money between local authorities across borders) in participating in cross-border or transnational project? If these limitations exist, how and when does Bosnia and Herzegovina's plan to abolish them?
18. Are there any specific administrative/legislative arrangements concerning territorial co-operation foreseen under the legislation? If yes, what are they?
19. Does the responsible authority of Bosnia and Herzegovina have local or regional employment offices providing services directly to jobseekers? How many offices are there per municipality? Please give more details about the number of advisors and the budget available in these offices? Do local employment offices have a role in:
 - a) Implementing national labour market policies;
 - b) Making use of active labour market policies to combat structural unemployment;
 - c) Combating undeclared work;
 - d) Management and/or monitoring of projects?

II. INSTITUTIONAL FRAMEWORK

20. Please provide a description of the authorities responsible for the programming and implementation of EU and other assistance in Bosnia and Herzegovina that are relevant for the future implementation of the EU Funds' programmes (planning, programming and implementation). The description should also include an overview of tasks and responsibilities for each authority.
21. What are the provisional plans/working hypothesis with regard to the designation of the set-up of institutions and systems for the implementation of Funds? How will their independence/ separation of functions be guaranteed?

22. How is the co-ordination between the authorities or bodies at the central level being assured with regard to programming and implementation of EU and other assistance? Are there any changes foreseen in view of the implementation of EU- funded programmes/projects?
23. How is co-ordination ensured between the central level and, where relevant, other levels of governance assured?
24. How is partnership (stakeholder participation) organised in the preparation, implementation, financing, monitoring and evaluation of assistance? Which groups of partners are or will be involved? How is their activation foreseen to be ensured?
25. Certain tasks can be delegated by the managing or certifying authority to one or more intermediate bodies. Which tasks would be delegated to intermediate bodies and where would these bodies be located? (e.g. regional development agencies or rather centrally governed intermediate bodies)

III. ADMINISTRATIVE CAPACITY

26. What overall staff levels (also breakdown per organisation if available) are involved in programming and implementation of EU assistance in Bosnia and Herzegovina? What is the staff turnover ratio? How is the staff turnover mitigated?
27. Does the staff planned to be engaged in EU funded programmes/projects already have expertise and experience in management (projects, programmes, human resources), public procurement, evaluation and financial management and control? Has/Is relevant training been/being organised for this staff? What training plans for developing management capacity, project management, public procurement, evaluation capacity and financial management and control are envisaged?
28. What are the provisional plans/ working hypothesis with regard to capacity-building needs assessment and training measures in relation to preparation for Cohesion Policy implementation? Are there any other systematic plans to prepare the administrative capacity of relevant bodies to implement the Cohesion Policy?
29. Please explain the recruitment procedures applicable in the public service.
30. Is the level of remuneration in the public service competitive with the private sector in order to recruit skilled and experienced staff? Are there any incentives foreseen in order to assure staff retention?
31. Is an assessment of the performance of the public administration already in place? How would this assessment be ascertained for staff engaged in management and control of the Funds?
32. Is the public administration of Bosnia and Herzegovina already equipped with standardised elaboration of methods, guidelines, manuals, IT systems for management of investments / development programmes in the following fields:
 - a) Evaluation (Are evaluations carried out internally [capacity in house] or outsourced [e.g. by academic institutions]?)
 - b) Monitoring (Which body would be in charge for setting-up the monitoring system, which body would provide the input data?)
 - c) Other such as development of selection criteria, elaboration of checklists for management verifications of public procurement procedures, risk assessment, compliance with state aid rules.

IV. PROGRAMMING

33. Do national planning documents and sector strategies, which can constitute basis for strategic documents required by the Cohesion Policy, exist? Information on Human Resources/employment and social development strategies shall include: employment policies, education and lifelong learning policies and social inclusion policies. How will their co-ordination as regards content be ensured? Through which processes prioritisation and focusing of planned interventions will be ensured? Please prepare answers to the questions under point 32 covering all 10 thematic objectives:
- (1) research, technological development and innovation;
 - (2) ICT;
 - (3) competitiveness of SMEs;
 - (4) supporting the shift towards a low-carbon economy in all sectors;
 - (5) climate change adaptation, risk prevention and management;
 - (6) preserving and protecting the environment and promoting resource efficiency;
 - (7) sustainable transport and removing bottlenecks in key network infrastructures;
 - (8) sustainable and quality employment and supporting labour mobility;
 - (9) social inclusion, combating poverty and any discrimination;
 - (10) education, training and vocational training for skills and lifelong learning.
34. Is there a linkage between these plans/strategies and the process of investment and budget planning and, if yes, how is it ensured? Which multi-annual budgeting arrangements support the implementation of the operations derived from the strategies?
35. Which authority(ies) or body(ies) were/will be responsible for (or involved in) the preparation of these plans and strategies? How will their coordination be ensured; which bodies will assume the responsibility for negotiations?
36. What bodies will take the lead in the programming process for both the partnership agreement and operational programmes (for programmes, please, specify per Fund)?
37. Does a pipeline of mature investment projects exist in order to ensure absorption under the Funds? Through which process were these derived from the sector strategies? If not:
- a) When will the project pipeline be prepared (time plan)?
 - b) Which bodies will be responsible for project preparation? Which assistance is foreseen to be used (e.g. JASPERS, IPA)?
 - c) Which body will coordinate at national level the preparation of project pipeline and based on which methodology?
 - d) How will the preparation of projects be financed (sources of financing)?
38. Are the administrative capacities for project development and implementation appropriate? Which administrative-capacity building measures (both concerning development and implementation) and assistance for beneficiaries (in particular for projects at sub-national level) are foreseen?
39. How would broad partnerships for the preparation of programming documents and later on for implementation be organised? How will the transparency of programming be ensured?

40. How would be tasks related to information and publicity measures with regard to the implementation of Funds be organised?

V. MONITORING AND EVALUATION

41. Are there entities with sufficient experience and capacity to perform monitoring and independent evaluations of public investment programmes? Are there plans to involve such entities in the implementation of the EU funded programmes/projects?
42. Is there a monitoring and evaluation system in place that can constitute basis for monitoring the implementation of EU-funded programmes/projects?

VI. FINANCIAL MANAGEMENT AND CONTROL

43. Which authorities or bodies would be responsible for verifying the correct implementation of operations?
44. Which authorities or bodies would be responsible for ensuring audits to verify the effective functioning of the management and control systems?
45. If applicable, please indicate which functions relating to the correct implementation of operations and to the certification of expenditure are delegated or partly delegated to other bodies to be identified.
46. If applicable, please specify how the concept of separation of functions is applied in all implementation structures. If not existing, please specify how it will be introduced.
47. Are the authorities or bodies mentioned above subject to internal audit?
48. If applicable, which is the location of these internal audit units? Are these units independent? How is this guaranteed?
49. How much staff is available for internal audit? Is staffing of internal audit units/departments sufficient/adequate?
50. Are there any accounting, monitoring and financial reporting systems that can be employed for EU-funded projects/programmes?
51. Do procedures exist to manage irregularities at national and regional level?
52. Are there procedures and responsibilities concerning the notification of irregularities to the Commission?
53. Are there responsibilities for control and audit at national and sub-national level? If yes, please provide a description of the competent authorities.
54. What anti-fraud measures (responsibilities, procedures) are in place?

VII. AVAILABILITY OF STATISTICS FOR THE IMPLEMENTATION OF STRUCTURAL/COHESION FUNDS

55. Please describe which relevant socio-economic data/statistics are available at each level of governance.

CHAPTER 23: JUDICIARY AND FUNDAMENTAL RIGHTS

According to Article 6 (1) of the Treaty on European Union (TEU), the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. These principles are common to the Member States and need to be complied with by candidate countries.

The rule of law principle and the right to a fair trial, as enshrined in Article 6 of the European Convention on Human Rights (ECHR) and Article 47 of the Charter of Fundamental Rights of the European Union, provide that the **judiciary** must be independent and impartial. The content of these notions has been clarified in the jurisprudence of the European Court of Human Rights (ECtHR), which is an accepted reference for the EU *acquis* under Article 6 (2) of the TEU. In particular, courts must be established by law; there shall be no discrimination in the appointment procedures of judges; the judiciary must not be influenced in its decision-making by either the executive or the legislature; judges must act impartially and be seen to do so; their conditions of tenure must be adequately ensured by law; the grounds for disciplinary action or removal from the post must be limited and laid down in the law.

Furthermore, it is a general principle of EU law that the judiciary must have sufficient means to work efficiently; judges are expected to respect high ethical standards in the performance of their duties in accordance with the law. The Council of Europe (COE) Committee of Ministers Recommendation N° R (94) 12 on the Independence, Efficiency and the Role of Judges provides further clarifications. Similarly, the European Guidelines on Ethics and Conduct for Public Prosecutors (the Budapest guidelines) offer useful guidelines about a common European standard in the field.

Article 67 of the Treaty on the Functioning of the European Union (TFEU) mentions that preventing and combating **corruption** contributes to the establishment of an area of freedom, security and justice. The 1995 Convention on the Protection of the EC's Financial Interests and the 1997 Convention on the Fight against Corruption involving Officials of the EC or the Member States imply that "effective, proportionate and dissuasive" criminal law penalties are required to fight corruption. The Council Framework Decision on Combating Corruption in the Private Sector of 2003 defines active and passive corruption in the private sector as a criminal offence and prescribes the responsibility of legal persons for both active and passive corruption. Candidate countries are expected under the Communication from the Commission on a Comprehensive EU Policy against Corruption of 2003 to maintain strong political commitment at the highest level, develop and improve investigative tools and allocate more specialised staff to the fight against corruption, pursue training and specialisation, implement strategies and legislation in an effective manner and become fully aligned with the relevant international instruments. The latter include in particular the UN Convention against Corruption and the Council of Europe's Criminal and Civil Law Conventions on Corruption.

According to Article 6 (3) of the TEU and the case-law of the Court of Justice, the Union respects **fundamental rights**, as guaranteed by the ECHR and as they result from the constitutional traditions common to the Member States, as general principles of European Union law. Thus, they are binding on the Union institutions in the exercise of their powers and on the Member States when they implement European Union law (Article 51 of the Charter of Fundamental Rights of the EU). In the interpretation of fundamental rights, the Court of Justice has mainly drawn on the provisions of the ECHR and, occasionally, on several other international sources such as the UN International Covenant on Civil and

Political Rights. Art. 6 (1) of the TEU makes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the EU binding for the Union.

The list of fundamental rights covers traditional civil rights, such as the right to life, the prohibition of torture and degrading treatment, the right to liberty and security of person imposing strict limits on pre-trial detention, the freedom of religion, freedom of speech and freedom of association and assembly. The Union also protects the fundamental right to respect for private life with regard to the processing of personal data. Directive 95/46/EC of the European Parliament and of the Council on the Protection of Individuals with regard to the Processing of Personal Data and on the Free Movement of Such Data is the basic instrument at the EU level. The data protection rules have been modernised with the so-called EU data protection package reform, which comprises i) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation),⁵² and Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.⁵³ The Regulation entered into force on 24 May 2016 and will enter into application on 25 May 2018. The Directive entered into force on 5 May 2016. Member States have to transpose it by 6 May 2018.

Directive 95/46/EC gives substance to, and amplifies the principles of the protection of the rights and freedoms of individuals contained in the COE Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data and its Additional Protocol 181. It provides for the free movement of such data within the EU/EEA for both the public and the private sectors under certain conditions such as legitimacy, good data quality, and observance of the principles of finality and proportionality. The Convention is currently being reviewed. The ongoing modernisation aims at addressing new data protection challenges related to the increased use of the ICT and at strengthening the implementation of the rules. The inter-governmental *ad hoc* Data Protection Committee (CAHDATA) has finalised its works on the amended text which will probably be submitted to the Committee of Ministers for approval next year (2017).

The EU's human rights list also contains a number of guarantees to secure equality. There is a general prohibition of discrimination on a variety of grounds; equality between men and women must be ensured; cultural, religious and linguistic diversity is to be respected. Furthermore, in line with Article 24 of the Charter of Fundamental Rights of the EU, the rights of the child need special protection; the contents of these rights may be drawn from the UN Convention on the Rights of the Child ratified by all Member States. Children have, in particular, the right to survival; development; protection from harmful influences, abuse and exploitation; and full participation in family, cultural and social life. Moreover, Directive 2011/93/EU of 13 December 2011 on combating sexual abuse and sexual exploitation of children, and child pornography harmonises throughout the European Union criminal offences relating to sexual abuse committed against children, the sexual exploitation of children and child pornography. It also lays down the minimum sanctions. This Directive also supplements the Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.

According to Article 21 of the Charter of Fundamental Rights of the EU, members of national

⁵² OJ L 119, 4.5.2016, p. 1–88.

⁵³ OJ L 119, 4.5.2016, p. 89–131.

minorities shall not be discriminated against. Article 1 of the Framework Convention for the Protection of National Minorities confirms that human rights include minority rights. The latter include the right to non-discrimination of a person belonging to a national minority; the freedom of association, to assembly, of expression; the freedom of religion; the right to use one's language; and the effective participation in public affairs. Measures against racism and xenophobia cover areas such as anti-Semitism, Islamophobia, and anti-Gypsism. The importance of preventing and combating these phenomena is stressed in Article 67 of the TFEU. The Council adopted, in 1996, a Joint Action to combat racism and xenophobia.

Finally, the Union *acquis* in the field of fundamental rights contains a number of important judicial guarantees. According to Article 47 of the Charter of Fundamental Rights of the EU, everybody has the right to a fair trial and the right to an effective remedy. Legal aid should be given if the person charged does not have sufficient means; this initially concerned criminal cases but has been extended, under certain conditions, to civil ones when the interest of justice so requires. Furthermore, the principles of legality and proportionality of criminal offences and penalties need to be observed. The accused must also benefit from a presumption of innocence and enjoy defence rights.

The **EU citizens' rights** regard the right to vote and stand as a candidate in elections to the European Parliament and in municipal elections; the right to move and reside freely within the European Union; and diplomatic and consular protection.

I. THE JUDICIARY

(For detailed questions, see Political criteria)

II. ANTI-CORRUPTION

(For detailed questions, see Political criteria)

III. FUNDAMENTAL RIGHTS

(For detailed questions, see Political criteria)

IV. EU CITIZENS' RIGHTS

A. Right to vote and stand as a candidate in municipal elections

1. Which legal procedures would be necessary to allow EU citizens to vote for and/or stand for the local elections in Bosnia and Herzegovina, or to benefit from other electoral rights?

B. Right to move and reside freely

2. What documents do EU citizens and members of their families need in order to enter Bosnia and Herzegovina?
3. What documents do EU citizens not exercising an economic activity have to produce and which fee are they charged for a residence permit?
4. What are the reasons to refuse entry or residence to EU citizens?

C. Diplomatic and consular protection

5. Which measures (legal, institutional and others) would be necessary to allow EU citizens to benefit from protection of diplomatic and consular representations of Bosnia and Herzegovina, including the establishment of an emergency travel document?

CHAPTER 24: JUSTICE, FREEDOM AND SECURITY

EU policies aim to maintain and further develop the Union as an area of freedom, security and justice. On issues such as border control, visas, external migration, asylum, police cooperation, the fight against organised crime and against terrorism, cooperation in the field of drugs, customs cooperation and judicial cooperation in criminal and civil matters, Member States need to be properly equipped to adequately implement the growing framework of common rules. Above all, this requires a strong and well-integrated administrative capacity within the law enforcement agencies and other relevant bodies, which must attain the necessary standards. A professional, reliable and efficient police organisation is of paramount importance. The most detailed part of the EU's policies on justice, freedom and security is the Schengen *acquis*, which entails the lifting of internal border controls in the EU. However, for the new Member States substantial parts of the Schengen *acquis* are implemented following a separate Council Decision to be taken after accession.

I. MIGRATION

1. Please provide information on general immigration policy, as well as legislation or other rules governing migration in the country. How is the distribution of competences defined between different levels of governance across this policy area?
2. Please describe the procedures for obtaining a residence permit, reasons for refusal, renewal or withdrawal of permits, and appeal procedures.
3. Do immigration rules provide for family reunification? If so, please outline who can be regarded as a family member, which conditions have to be fulfilled, procedures, and rights after admission.
4. Are there immigration rules for acquiring a long-term resident status? If so, please outline these, specifying the rights attached to the status and the conditions for withdrawal.
5. Please describe the system for admission for employment, study and research and other purposes. If there are several systems in place (i.e. seasonal workers, au pairs, highly skilled workers, intra-corporate transferees, scientific research, students, voluntary service, pupil exchange, trainees etc.) please briefly outline them.
6. Describe the integration policy for foreign nationals, if any (e.g. language courses, social inclusion measures).
7. Provide immigration statistics for the last 5 years, including a citizenship breakdown and reasons for immigration.
8. Are there rules providing for sanctions against employers of irregularly staying foreign nationals? If so, please outline them.
9. Are there rules setting down the obligations of carriers transporting foreign nationals into the territory of Bosnia and Herzegovina? If so, please outline these, specifying if these rules also provide for sanctions.
10. Specify the authorities and agencies involved in combating transit migration, human smuggling and trafficking in human beings. Describe their working methods and national and regional co-ordination structures.
11. Please describe the international cooperation in place in this field (regional fora, bilateral agreements, cooperation with EU).

12. Please provide information on methods of data collection on foreign nationals refused entry and of apprehensions of foreign nationals found to be illegally present on the territory. What are the methods for returning third country nationals? How do the authorities ensure that persons are returned to their countries of origin?
13. Please provide statistics on the number of apprehended foreign nationals found to be irregularly present in Bosnia and Herzegovina in the last 5 years. Please indicate which nationalities were most frequently represented, which routes and methods were used, and recent trends as well as how many of those apprehended were effectively removed from the country.
14. Specify the return policy, including:
 - a) Procedures and institutional set-up in place for voluntary and non-voluntary returns to countries of origin and to countries of transit.
 - b) Number of return decisions and carried out removals and destination of returns in the last 5 years;
 - c) Readmission agreements and related implementation protocols (and other working arrangement facilitating return) in place (please provide a list of such agreements) and planned, as well as ongoing negotiations in this respect;
 - d) Authorities competent to deal with readmission applications.
15. Please provide detailed information on the implementation of the readmission agreement and related implementation protocols concluded with the EU, including annual statistical data for the past 5 years (number of approved/refused/no answer requests transmitted by Member States, number of readmitted Bosnian nationals and third country citizens).
16. Please provide a description of the institutional set-up on preventing statelessness and protecting stateless persons.

II. ASYLUM

17. Please provide information on legislation or other rules governing the asylum policy. How is the distribution of competences defined between different levels of governance across this policy area?
18. Describe the asylum procedure at first and second instances:
 - a) Normal, exceptional (for instance border) and accelerated procedures;
 - b) Provide number and types of appeals;
 - c) Explain which bodies are competent in each instance and how are they composed;
 - d) Provide assessment of the average duration of the procedures;
 - e) Identification of services involved and number of staff dedicated to asylum procedures;
 - f) Methodology for gathering the country of origin information.
19. Is any of the following concepts applied in Bosnia and Herzegovina, and if yes, how?
 - a) Safe third country;
 - b) Safe country of origin;
 - c) Manifestly unfounded claims.
20. Describe the procedural guarantees for asylum applicants:

- a) Information, interview, right to counsel and representation, interpretation/translation;
 - b) Independence of review and appeal procedures;
 - c) Measures for unaccompanied minors.
21. What concept of protection is applied in Bosnia and Herzegovina?
 - a) How are the 5 grounds in article 1A and the exclusion clauses of Article 1F of the 1951 Geneva Convention (GC) applied?
 - b) Are non-state agents of persecution included in the understanding of the refugee definition of Article 1A GC?
 - c) Are subsidiary protection(s) or other forms of humanitarian protection in place?
 - d) Is there a temporary protection system to deal with mass influx of displaced persons?
 22. What are the services competent for the application of provisions for determining the State responsible for the examination of an asylum application and for recording and processing the fingerprints of asylum seekers in this connection (with a view to possible future implementation of the Dublin II and Eurodac-regulations)?
 23. Describe the registration and identification (including IT) systems for asylum applicants.
 24. Describe the system of reception conditions for asylum applicants including reception centres. Are standards for the reception conditions in place? If so, please explain what is the mechanism for ensuring that they are applied.
 25. Please provide data for period 2013 – 2016 on people enrolled in the asylum procedure and people enjoying the temporary protection status
 26. Please provide information on the cooperation of Bosnia and Herzegovina with EASO.
 27. Describe the framework for cooperation with UNHCR and NGOs.
 28. Describe the integration policy for refugees and persons who have received another form of protection in Bosnia and Herzegovina.
 29. Describe the system put in place to collect data and statistics on asylum and refugee movements in Bosnia and Herzegovina and provide the following data (reference period: 2010 - 2016): number of asylum seekers, number of positive decisions granting refugee and other protection status recognised, negative decisions rejecting the applications and other non-substantive decisions (all of them for both first instance and appeal), disaggregated by citizenships of the applicants, for each year.
 30. Describe the activities related to practical cooperation with other countries that the asylum authorities are engaged in (for instance: exchange of country of origin information, organisation of seminars, study visits, etc.)
 31. Describe the situation of refugees covered by the legislation which is applied to the refugees who arrived in Bosnia and Herzegovina during the Yugoslav wars of the 1990s.

III. VISA POLICY

32. Please provide information on legislation or other rules governing the visa policy. How is the distribution of competences defined between different levels of governance across this policy area?
33. Which third countries are under visa obligation and which ones are not?

34. Are there any provisions for a seasonal visa free regime?
35. What types of short- and long-term visas are issued, including by diplomatic representations abroad?
36. What criteria and conditions are used as a basis for issuing the different types of visas?
37. What is the standard procedure for the assessment of a visa application? Which institutions are responsible to carry out the assessment? How is the procedure formalised and accessible for all i.e. authorities and applicants?
38. Does Bosnia and Herzegovina have online connections between visa-issuing authorities and the Foreign Ministry? Are there broadband or high-speed connections to the central visa issuing authorities from the consular posts in third countries capable of transmitting biometric files? If not, are there plans for such technical implementation? Is there a security plan in place for the operation of the Visa Information System?
39. Do the visa-issuing authorities have the physical capacity to digitally collect biometric identifiers (fingerprints and facial images) from visa applicants? If not, are there plans for such technical implementation?
40. Does a national visa register/database exist (including granted visas and rejected visa applications)?
41. Do the existing visas allow applicants to work in Bosnia and Herzegovina without a residence permit or working licence?
42. Does the legislation foresee any provision for the punishment of persons entering the territory of Bosnia and Herzegovina without a passport? If not, do the authorities have the intention to introduce any amendment to this end and when will this be done?
43. In which cases can visas be issued at border crossings? How frequently is this done? What checks are performed in these cases?
44. Are the border crossing points organised so that biometric equipment may be integrated into existing border check processes? Are there any plans for such technical implementation?
45. Are there any representation agreements with third countries to issue visas on your/their behalf? In this case, how is the assessment of each request ensured?
46. Is Bosnia and Herzegovina cooperating (or does it intend to cooperate) with third countries to share premises for visa issuing procedures? If so, how is the assessment of each visa request ensured?
47. Document security: Please provide information on legislation and other rules governing the issuance of machine readable biometric passports and travel documents to citizens of Bosnia and Herzegovina and residence permits to third country nationals legally residing in Bosnia and Herzegovina. Please specify which institutions are responsible for the issuance of the above documents. Please provide information on legislation and other rules governing the format and the security features of visas.
48. Please explain what is the technical and administrative capacity to detect falsified documents.
49. Is there a criminal framework in place to prevent the facilitation of unauthorised entry, transit and residence?
50. Are there specific procedures in place on unauthorised entry, transit and residence?

IV. EXTERNAL BORDERS AND SCHENGEN

51. Please provide information on legislation and other rules governing the area of border management in Bosnia and Herzegovina. How is the distribution of competences defined between different levels of governance across this policy area?
52. Does an integrated border management (IBM) strategy and action plan on IBM exist in Bosnia and Herzegovina? If so, describe the main components of the integrated border management strategy and the stage of implementation of the action plan on IBM.
53. Is Bosnia and Herzegovina's concept of integrated border management in line with the EU concept, as defined by the Council Conclusions on Integrated Border Management of 4-5 December 2006 and by Article 4 of Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard?
54. Please describe the institutional set-up in charge of managing the IBM concept/policy. Are there any protocols/agreements/regulations on division of tasks and standard coordination and cooperation models and tools among border management authorities applicable throughout Bosnia and Herzegovina? Are there any mechanisms monitoring the inter-agency cooperation?
55. Is there a centralised and clearly structured public authority with a direct chain of command between Border Police units? Is there one single leading authority ensuring the implementation of integrated border management?
56. Is there a constantly updated comprehensive situational picture at national level covering all information related to border management? Is there a national coordination centre, coordinating 24/7 the activities of all agencies carrying out border control tasks?
57. Are there any plans to allocate reserves, staff and equipment to react to incidents along the borders?
58. Please describe the means of providing situational awareness and reaction capability on green and blue borders. Is the level satisfactory in relation to the threat analysis? What would be major fields of development in this respect?
59. Please describe the training system for the Border Police. Are the programmes in line with the Common Core Curriculum on border guard training? Are border police officers properly trained and specialised? Are border police officers able to communicate in foreign languages? Are they trained to deal with requests for international protection?
60. Please describe the risk analysis system in the Border Police. Is there a risk analysis unit put in place in the border police? Describe the use of risk analysis on the level of operative management and possible results. Please clarify what future steps are intended to promote inter-agency cooperation and pursue cross-agency risk analysis in border management.
61. How is border management supported by intelligence?
62. How is the gathering of information, its analysis and distribution arranged?
63. Please describe the organisational structure of the national service or national services responsible for border control tasks:
 - a) Legal and regulatory aspects;
 - b) Human resources (career management, recruiting and rotation system of all respective agencies in charge of border checks and border surveillance).
 - c) Training;

- d) Border control procedures;
 - e) Infrastructure, IT systems and equipment;
 - f) Coordination and co-operation with other relevant services (customs, veterinary and phyto-sanitary authorities and/or other services/agencies).
64. What equipment is available to the border guards? Is there any major lack of infrastructure or equipment as regards the arrangements for, or organisation of, border checks?
 65. Which first and second-line equipment are in place at border-crossing points? Describe all the methods used by border guards for carrying out routine checks on national databases and registers.
 66. Does Bosnia and Herzegovina have the capacity to secure machine-readability of new documents?
 67. Describe what is done to detect falsified documents and, in particular, to improve the exchange of information to combat counterfeit travel documents. Is there a master documents database? If so please provide information on it, its updating and the way it is used by relevant institutions.
 68. Describe the IT equipment and online connections at the borders. Are all border posts equipped to the same level and are all staff trained in the use of the equipment? Are communication systems compatible with those used by neighbouring countries, and/or by EU Member States?
 69. Which national databases and registers are in place (e.g. wanted and missing persons, stolen vehicles, stolen property, etc.)? Please describe the searching procedures and search tools e.g. a single search interface querying several information systems simultaneously and producing combined results on one single screen.
 70. Are all BCPs connected to the Interpol Stolen and Lost Travel Documents database?
 71. Is border surveillance based on risk analysis? Is it supported by sufficient staff and technical means? Are there any specific operational mobile units for border surveillance and if yes, in which parts of the borders?
 72. Please elaborate on the role and powers of the Border Police in detecting and investigating cross border crime.
 73. Does Bosnia and Herzegovina have a legal framework to request Advance Passenger Information (API) from airlines for flights entering to or departing from the territory of Bosnia and Herzegovina's? If yes, how often does Bosnia and Herzegovina request API?
 74. How does Bosnia and Herzegovina co-operate with neighbouring countries to improve border security (formal bilateral agreements as well as practical arrangements on customs and border police activities)?
 75. Please provide information on the state of play regarding cooperation with FRONTEX.
 76. What is the state of affairs concerning international agreements on borders and border co-operation with neighbouring countries? Please provide:
 - a) short description of agreements existing or being planned;
 - b) summary of the content of the agreements;
 - c) level at which the agreements were or will be adopted, as well as the (expected) time of adoption;

- d) information on any local border traffic arrangements;
 - e) information on agreements on BCPs with neighbouring countries, including shared BCPs.
77. Please provide us with the current/planned measures to fight corruption at the borders (including all agencies) including all relevant legislation. Is there a dedicated training envisaged in this respect? Please provide statistics on corruption cases for each separate agency including the number of initialised, pending and closed cases and the number of convicted perpetrators.

V. JUDICIAL CO-OPERATION

A. General

78. How many bilateral agreements (and with which countries) did Bosnia and Herzegovina sign on judicial co-operation? Do these include agreements on mutual recognition of judgments and their further enforcement, on delivery of court orders and other documents or on mutual legal assistance?
79. Is there a statistical capacity that follows up on the number and processing of international judicial cooperation requests? What is the authority supervising the enforcement of judicial co-operation? Please provide a description
80. Is there a practice of direct court to court dealings with third countries?
81. Is Bosnia and Herzegovina associated to the work of EU Judicial networks (e.g. European Judicial Training Network, the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, the Network of the Presidents of the Supreme Judicial Courts of the European Union and the Network of the General Prosecutors of the Supreme Judicial Courts of the European Union, the European Network of Councils for the Judiciary or the Network for Legislative Cooperation between the Ministries of Justice of the European Union, Europris, Confederation of European Probation, European Network of Prison Training Academies) ?

B. Judicial co-operation in civil matters

82. Please provide information on legislation or other rules governing the area of judicial cooperation in civil matters, i.e. on issues of international jurisdiction, recognition, enforcement, access to justice and legal assistance in civil and commercial matters including family law. Please explain the situation of Bosnia and Herzegovina as regards the accession to relevant international conventions.
83. How are foreign judicial decisions, in particular originating from the Member States of the European Union, in civil and commercial matters recognised and enforced? Please provide statistics on the number of cases and the results achieved.
84. Are there special, simplified procedures available in Bosnia and Herzegovina for claiming and recovering non-contested and small claims? Please provide statistics on the number of cases and the results achieved.
85. How are foreign decisions, in particular originating from the Member States of the European Union, in family law matters (i.e., legal separation, divorce, marriage annulment, parental responsibility, maintenance obligations) recognised and enforced? Please provide statistics on the number of cases and the results achieved.

86. How are cases of international child abduction dealt with under the 1980 Hague Convention on the Civil Aspects of International Child Abduction? Please specify the number of applications made under the Convention for the return of children for the last three years, the outcome of the applications (return or non-return of the child) as well as the average duration of the procedure. Please provide statistics on the number of cases and the results achieved.
87. How does the legislation solve conflicts of jurisdiction and applicable law as regards international insolvency proceedings? How are foreign decisions on insolvency recognised and enforced? Please provide statistics on the number of cases and the results achieved.
88. Is it possible for parties involved in civil litigation in Bosnia and Herzegovina but not present in it, to ask for legal aid in the country of their habitual residency? If so, how are these requests received and dealt with by Bosnia and Herzegovina? Is the same possibility available to parties present in Bosnia and Herzegovina who are involved in litigation abroad? If so, how are these requests presented and then transmitted abroad? Please provide statistics on the number of cases and the results achieved.
89. How does the legislation solve conflicts of law for contractual and non-contractual obligations?
90. How are foreign judicial and extrajudicial documents received and served? How are Bosnia and Herzegovina's judicial and extra-judicial documents transmitted when they have to be served abroad? Please provide statistics.
91. How does the legislation solve jurisdiction, conflicts of law and recognition and enforcement issues for international succession situations?
92. How does the legislation solve conflicts of law for divorce and legal separation?

C. Judicial co-operation in criminal matters

93. Please provide information on legislation or other rules governing this area and their compliance with relevant international conventions.
94. What kind of foreign judicial decisions in criminal matters are recognised and enforced and what is the procedure for recognising and enforcing them?
95. How are foreign judicial documents received and served? How are Bosnia and Herzegovina's judicial documents transmitted when they have to be served abroad? Please provide statistics.
96. Is it possible for parties involved in criminal litigation in Bosnia and Herzegovina but not present in it, to ask for legal aid in the country of their habitual residency? If so, how are these requests received and dealt with by Bosnia and Herzegovina? Is the same possibility available to parties present in Bosnia and Herzegovina who are involved in litigation abroad? If so, how are these requests presented and then transmitted abroad? Please provide statistics on the number of cases and the results achieved.
97. How are the records of criminal convictions legally and technically organised? Is the data electronically available? If so, is it stored centrally or regionally/locally? What is the legislative framework in place for data retention, including adequate safeguards for protection of personal data?
98. How and on which legal basis are requests from other countries to take evidence dealt with? How and on which legal basis are Bosnia and Herzegovina's requests for taking evidence abroad transmitted?
99. Is compensation to victims of crime i.e. injured persons available? If so, how is it organised?

100. How does the legislation solve conflicts of jurisdiction in criminal matters?
101. Which procedures are available in the field of mediation in criminal matters?
102. How does the legislation regulate extradition? Is extradition of nationals from Bosnia and Herzegovina permitted? To which relevant international conventions (U.N., Council of Europe, others) is Bosnia and Herzegovina a party? Are bilateral agreements in place on the issue, and with which countries? What is their exact content concerning extradition of own nationals? Are there any bilateral agreements on transfer of proceedings and, if so, what are the scope and limitations of these agreements? With which countries do agreements exist? Please provide statistics on the number of cases and the results achieved.
103. How does the legislation regulate mutual assistance in criminal matters? Are direct contacts between prosecutorial/judicial authorities experienced? Is there a legislative framework on video-conferencing? To which relevant international conventions (U.N., Council of Europe, others) is Bosnia and Herzegovina a party? Are bilateral agreements in place on the issue, and with which countries?
104. How does the legislation regulate the transfer of sentenced persons? To which relevant international conventions (U.N., Council of Europe, others) is Bosnia and Herzegovina a party? Are bilateral agreements in place on the issue, and with which countries?
105. Is time spent in foreign pre-trial detention deducted from the final sentence or otherwise taken into account?
106. Under what conditions can a person be judged in his/her absence?
107. How does the legislation regulate cooperation for purposes of confiscation? To which relevant international conventions (U.N., Council of Europe, others) is Bosnia and Herzegovina a party? Are bilateral agreements in place on the issue, and with which countries? Please provide statistics on the number of cases and the results achieved.

VI. POLICE COOPERATION AND FIGHT AGAINST ORGANISED CRIME

108. Please provide information on legislation or other rules governing the police and police cooperation, and their alignment with relevant international conventions.
109. How are the law enforcement agencies organised (ministries responsible, structure, manpower, horizontal co-operation structures, budget)? What are the laws, regulations and administrative rules incumbent on the police and the exercise of police functions? How is police primacy ensured in dealing with internal security?
110. Are all police authorities in the country under the same command? Do the powers of individual police authorities overlap? Please describe the procedures for co-operation and coordination between the police structures across the country.
111. Which administrative and/or judicial control bodies and procedures exist? How is (a) internal and (b) judicial oversight organised and enforced?
112. Which powers does the police have:
113. In terms of preventing and detecting potential threats?
114. In terms of criminal investigation?
115. What are the competencies of the different forces (legal and administrative, geographical organisation, cross-regional cooperation, etc.)?

116. How are the police staffed and equipped and how are they financed (quantitative overview of staff, buildings, equipment, communication tools, hard- and software, etc.). Is an integrated computer-based investigation system available? Is an integrated crime intelligence system available?
117. Please describe the training system for police officers. Which training facilities and training programmes exist (schools, training content, target groups, knowledge networks, special skills, assessment of on-going development training)? Is training obligatory? What is the average amount of training and where and by whom is it offered and on what subjects? Has the training academy any relations with the European Union Agency for Law Enforcement Training (CEPOL), the International Law Enforcement Academy (ILEA) or any other regional training academy / institution)? If so, how are working arrangements implemented? What percentage of the police force has received training over the last 5 years and on what subjects?
118. Is there training tailored to the fight against specific types of crime? If yes, please provide details including length and whether this training is part of the regular curricula?
119. Is there specific training regarding international police cooperation?
120. Are there any joint training activities with other countries, in particular neighbouring countries?
121. Are there liaison officers posted in other countries? If yes, is there a strategy on how and where to deploy liaison officers? Please provide description of their tasks and competencies.
122. Are any of the seconded liaison officers shared with other partner countries? If yes, where are those common liaison officers posted?
123. Is there a communication line with liaison officers during their deployment which allows for the secure transfer of sensitive information?
124. Describe the cooperation with neighbouring countries (also as regards border control and border surveillance). Which police cooperation agreements exist or are planned? What do those agreements cover (e.g. training, rights and obligations of police officers on foreign territory, liaison officers, joint patrols, etc.)?
125. Please describe the reforms of the police that have been implemented in recent years. Is there any plan for further reforms?
126. Are recruitment criteria for policemen and officers well established, transparent and merit-based, and which is their legal basis? Is there a clear career path? How are decisions on the assignment of staff to other sectoral or geographical areas taken, and what kind of criteria are followed? Is there a system to ensure moral integrity of newly-recruited police staff as well as regular re-screening of staff in service?
127. What are the current and future priorities of the police? What is the method for assessing priorities?
128. Does a code on police ethics exist in each police body? How is it enforced?
129. Please detail the inspection and internal control systems to ensure fairness, transparency and accountability in the security forces, at all levels, including at the central level and among senior officers.
130. What actions have been taken by the relevant service in the Police dealing with professional standards and with police misconduct? What results have been achieved (including statistics on number of cases, sanctions applied etc.) over the past 5 years?

131. Is there a civilian police oversight mechanism in place, which inter alia deals with cases of police misconduct or violence? Is there a mechanism in place to detect abuse of public power/governmental means by law enforcement agencies?
132. Are there any specific police-related anti-corruption measures in place? Are independency, professionalism and integrity throughout the investigation (and prosecution) of corruption cases guaranteed?
133. What is done in the field of crime prevention? How is this linked to the threat assessment model and identified priorities?
134. What measures have been taken to ensure an increased awareness within the law enforcement agencies of community policing methods?
135. Which cooperation exists with international police cooperation bodies? How is this cooperation organised?
136. Which international instruments regarding police are adhered to and implemented (Council of Europe, UN, Interpol Convention etc.)?
137. What is the state of play in relations to Europol? What is Bosnia and Herzegovina's capacity to participate in Europol? What are the future plans? What actions have been taken to take necessary steps to implement and use the operational cooperation agreement with Europol?
138. What information tools exist and are used (databases (owner, content, access); data registers, on-line sources etc.)? Describe how police officers access these tools. What are the regimes in place for ensuring data quality within the databases and systems?
139. What communication equipment is used (fax, phone, radio communication, beepers, pagers, data networks, etc.)? Is there any cross-border solution to radio-communication, in particular with neighbouring countries?
140. Are secured communication systems in place, both for internal use as well as to allow connection with neighbouring countries and upon accession with EU MS to exchange data in a safe and secure manner?
141. Is there is a centralised database on ongoing investigations (national case management systems), in order to avoid the risk of overlapping criminal cases and failure to match cases that often have a large geographical and even international scope? Does it cover all facets of the investigation/prosecution chain, including information on asset recovery, freezing and confiscation?
142. Is operational cooperation between police services, tax and customs services and units in place through mutual access and interoperability of databases (alternatively, are there tailor-made agreements on data exchange?)
143. Is there a DNA database, a DNA profiling capacity, a fingerprints database and in general a sufficient forensic expertise including the capacity to exchange forensic data in international investigations?
144. Is there a strategy setting out the conditions under which national or international databases may be used (e.g. purpose, scope, contributors, rights to access, right to edit, right to delete information)?
145. Please provide details about the use of special investigative means (sort of measures, capacities, bodies responsible, conditions for use, procedures oversight etc.).
146. What are the modalities of and conditions for cooperation of the police with other public security bodies (customs, security and intelligence services)?

147. What statistical data exist (police activities, crime, prevention, convictions)? Please provide details about the methods and quality of these statistical data. How are statistics used to guide policy development?
148. What actions have been taken to increase the efficiency of police cooperation between national agencies, especially border guards, police, customs officers, as well as cooperation with the prosecution and judicial authorities?
149. What actions have been taken to improve the capacity of the specialised police services to investigate financial crime and to establish an efficient system of special investigative techniques tackling cross-border crime?
150. How is co-operation between actors (judges, prosecutors, investigators, clerks, judicial police etc.) in the criminal justice system ensured to facilitate the functioning of the system? Are there agreements / memoranda of understanding in place and what is their role? Please give examples.
151. Do the different actors have clear roles and responsibilities? How is it ensured that an overlap of responsibilities is avoided? How is efficient communication between the different actors ensured?
152. Please describe if, and to what extent, criminal investigation in Bosnia and Herzegovina are driven by a 'proceeds-oriented' policy and which authorities are involved?
153. Is there an official investigation (police) or prosecution policy to trace crime proceeds (financial investigation)? If so, on what is it based?
154. How much priority is accorded to the investigation/prosecution of acquisitive crime in the official investigation (police) or prosecution policy?
155. Are the tracing, seizing and confiscation of assets a separate goal of criminal investigations? Does it warrant the deployment of extra manpower, resources and/or investigation time?
156. Are there national statistical instruments for measuring the crime rate and the clear-up rate? Please provide the relevant statistics for the last two or three years.
157. Are performance indicators or benchmarks available to assess the quality of police activities? In the absence of such data, how is police performance evaluated?
158. What are the tools for career development? How is the performance of the individual police officer assessed?
159. Which type of information is stored and, if it is, who has access to:
- a) Data on persons wanted for extradition?
 - b) Data on aliens to whom entry was refused?
 - c) Data on missing persons?
 - d) Data on persons to be placed under police protection for their own protection or to prevent threats?
 - e) Data on witnesses, on persons summoned to appear before judicial authorities and on persons who are to be served with a criminal judgement or summons to report in order to serve a penalty involving deprivation of liberty?
 - f) Data on persons (or vehicles used) for whom there is clear evidence or, based on an overall assessment, reasons to suppose that serious criminal offences will be committed?

- g) Data on convicted persons (citizens of Bosnia and Herzegovina, European citizens, third country nationals)?
 - h) Data on objects (stolen, misappropriated or lost vehicles, trailers, firearms, blank official documents, and issued identity papers including invalidated, vehicle number plates and registration certificates, banknotes)?
 - i) Criminal intelligence data?
160. What particular types of crime, especially organised and serious crime, does the country have to deal with? Please provide a description of the issues and any available statistics.
161. Specify if there is a proven international dimension of organised crime in Bosnia and Herzegovina.
162. Has the country developed the capacity to make a strategic analysis of the organised crime situation on its territory (based on Europol's SOCTA methodology)? Has the country developed a risk analysis capacity that allows it to introduce the concept of intelligence-led policing?
163. What are the main elements of the policy dealing with organised crime (Strategy/Action Plan)? Does the legislation criminalise the sole fact of belonging to a criminal organisation? Please provide a description (offences covered, exceptions, level of sanctions etc.).
164. Does the country have a specific legal framework for financial investigations, or are they carried out in the context of normal criminal investigations? Is there an overarching, financial crime and financial investigations policy/strategy covering all relevant authorities, including the prosecution, aimed at speeding up complex and lengthy investigations in the field of financial crime?
165. Indicate the use and effectiveness of financial investigations, including in specific transnational organised crimes, e.g. trafficking in human beings, drugs trafficking; money laundering, cybercrime, smuggling of goods (e.g. cigarettes, vehicles and counterfeited goods), etc.
166. Is it possible to continue an investigation into the proceeds of crime or more generally its financial aspects, after the proper criminal investigation has been closed/after the conviction?
167. Are there special legal powers/tools available to investigate the proceeds/financial aspects of criminal activities?
168. Is it possible to involve private experts (accountants, financial experts) in order to investigate the proceeds/financial investigations of criminal activities? If so, please explain the legal and other parameters under which this can be done.
169. Are there specialised units / persons / authorities that deal exclusively/mainly with financial crime and/or financial investigations within or among:
- a) Investigative authorities (police, customs ...)
 - b) Prosecuting authorities
 - c) Judges involved in the pre-trial phase
 - d) Any other authorities involved (please describe)
 - e) Describe for each type of specialised unit / authority:
 - f) Composition
 - g) Location in the internal structure

- h) Level of expertise, (type of training, diplomas required)
 - i) Mission
 - j) Powers
170. For units / persons / authorities other than those mentioned under the previous question: describe training measures (practical, legal, language, etc...) specifically dedicated to financial investigation, including the international aspects thereof, for:
171. Please indicate whether there are databases and registers, related to financial investigation capacity for the following categories: bank accounts, real estate, companies, vehicles, boats. Please provide for each register or database:
- a) The content of the database/register (type of data contained, number of entries).
 - b) Which authorities have access to the database/register at national level?
 - c) The type of access to the database/register (direct/indirect, need for a judicial authorisation, etc.).
172. Is there a system allowing for confiscation/seizure of proceeds from crime? Who is competent for the confiscation/seizure? Please describe the procedure and the bodies involved.
173. Describe the specific institutions/bodies/departments/court chambers set up to fight organised crime (including data on staff, budgetary allocations and equipment in this area). How is special training of law enforcement officers, including prosecutors and judges, ensured in this area?
174. How do you co-operate internationally in fighting organised and serious crime and how do you ensure national coordination in this combat? How do you cooperate with Europol and SECI/SELEC Centre in fighting organised and serious crime? How do you co-operate with the private sector, notably the banking sector?
175. Witness protection – Please briefly describe the witness protection system. How is cooperation done between law enforcement and judiciary? Is sufficient budget in place for implementing security measures? Are there legal cooperation agreements with other countries
176. How is cybercrime tackled? Is there a strategy/action plan? Are there any specialised units for tackling cybercrime within the police and prosecution? Has Bosnia and Herzegovina signed/ratified/implemented the Budapest Convention and its additional protocol? Does the criminal code define cybercrimes, including on line sexual abuse? What is the level of sanction for cybercrimes and on-line sexual abuse? What is the state of play regarding cyber - security? Are there any Computer Emergency Response Team (CERT) capacities in place?
177. What are - in order of importance - the main forms of trafficking (human beings, drugs, cigarettes, firearms, stolen vehicles, counterfeited goods, counterfeited Euros etc.) and smuggling and which specific strategies - if any - are in place to tackle them?
178. What are the estimated volumes and value of different categories of illegal trafficking?
179. Please describe the legislation on trafficking in human beings (see also questions under Political Criteria).
180. Does a National Programme on Combating Trafficking in Human Beings exist in Bosnia and Herzegovina? If so, please describe the main elements.

181. What are the competent authorities for combating trafficking in human beings? What are their human and financial resources?
182. How are victims protected from their trafficker and what rights do they enjoy?
183. Is there a framework in place for the provision of information on the rights of victims of trafficking in human beings?
184. Do the law enforcement agencies receive specific training on combating trafficking in human beings? Please describe institutions providing such trainings, participating agencies, subjects/functional areas, number of theoretical and practical hours planned for the subject of human trafficking within the official curriculum.
185. Please provide statistics on the number of cases of trafficking in the last five years. Please include the number of detected and identified victims and perpetrators, including the number of convicted perpetrators with type and duration of sentence.
186. Does the legislation make a distinction between trafficking in human beings and smuggling of migrants?
187. Do the law enforcement agencies include specific units for combating trafficking (human beings, drugs, cigarettes, firearms, stolen vehicles etc.)?
188. Is there - based on a multi-disciplinary approach - any form of cooperation between the competent law enforcement bodies and other agencies, which are involved in the prevention of and the fight against trafficking in human beings?
189. Does the legislation cover credit card fraud? Please provide a short description. How many cases are reported each year since 2005?
- (For the following questions, see also Chapter 4 - Free movement of capital).*
190. Is there a strategy in place in fighting against money laundering? Please describe the legislation on money laundering in this regard. Please attach all related strategic documents.
191. Is the financial crisis having an impact on money laundering trends? Is the Anti-Money Laundering Policy taking these new trends into accounts? If so, how?
192. Please explain the main difficulties faced in combating money laundering.
193. Please describe the specialised bodies dealing with money laundering, Financial Intelligence Unit (FIU), as well as the structures within the police and other relevant departments. Describe any co-operation with the banking system and other financial actors (casinos, etc.).
194. Please describe the cooperation between the FIU and other national police, prosecution office, the judiciary and other relevant bodies (e.g. customs) in the field of money laundering.
195. Please describe the FIU cooperation with EU FIUs. Please provide figures on the number of exchanges of information with EU FIUs. What is your view on international cooperation with EU FIUs? How could it be improved?
196. What is done to provide concerned staff with specialised training?
197. Please, provide figures on the results on the Anti-Money Laundering Policy in terms of number of cash transaction reports (CTRs) and suspicious transactions reports (STRs) disclosed in the last 4 years, number of investigations initiated each year on the basis of CTRs and STRs, number of investigations initiated each year on other intelligence elements, number of freezing/seizing orders in the last 4 years, number of prosecutions/indictments/convictions/confiscation orders in the last 4 years.

198. Has Bosnia and Herzegovina an Asset recovery and management office (ARO) which is well connected to other relevant institutions. Are there cooperation agreements with AROs in third countries? Please provide figures on the value of the assets and properties frozen/seized and confiscated in the last 4 years. Please also provide the legal requirements concerning CTRs and STRs.
199. Is there a national bank account register in place so as to facilitate the FIU analysis?
200. How have the authorities responded to requests for mutual legal assistance related to money laundering?
201. Is there a system allowing for confiscation/seizure of proceeds from crime? Which body is competent for the confiscation/seizure? Number of people and their training? Is confiscation linked to a criminal conviction? Are statistics available illustrating the number and value of cases of assets confiscated over the last years?
202. Please provide information on the legislation on confiscation. Has value confiscation been introduced in Bosnia and Herzegovina? Do extended confiscation powers apply in case of serious crimes? In the affirmative, please describe the relevant provisions.
203. Does Bosnia and Herzegovina have provisions allowing confiscating the proceeds of crime independently from a criminal conviction? In the affirmative, please describe the relevant provisions. Can foreign freezing or confiscation orders based on non-conviction based confiscation be executed in Bosnia and Herzegovina?
204. Are the provisions of the Council of Europe Strasbourg Convention of 1990 and Warsaw Convention of 2005 fully implemented in Bosnia and Herzegovina?
205. Does Bosnia and Herzegovina have a national asset recovery office in charge of tracing the proceeds of crime?
206. Is there a specialised structure in charge of managing frozen assets?
207. How have the authorities responded to requests of EU authorities to provide information on assets located in Bosnia and Herzegovina? How have the authorities responded to requests of EU judicial authorities to freeze or confiscate assets in Bosnia and Herzegovina?
208. Is specific training on confiscation and asset recovery provided to law enforcement officers, public prosecutors or judges?
209. Please provide information on the legislation on firearms.
210. How many categories of firearms does the legislation distinguish? Please describe them.
211. Does the legislation include convertible alarm weapons and replicas as well as deactivated weapons which could be reactivated?
212. Does the legislation provide for license requirements, marking and registration of those replicas that 'in construction or material can enable them to be converted'?
213. Is there any specialised structure in charge of coordinating actions against illicit trafficking in firearms?
214. What is done to provide concerned staff with specialised training on the fight against firearms trafficking?

VII. FIGHT AGAINST TERRORISM

215. How is the distribution of competences defined between different levels of governance in the fight against terrorism?
216. What is the legal framework and legal basis for anti-terrorist action? Is it in line with the relevant international conventions and other instruments of international law?
217. Please provide information about the ratification and implementation by Bosnia and Herzegovina of international conventions on the fight against terrorism.
218. Are there a strategy and action plan in force, and are they in line with the EU concept? Please provide information on the state of their implementation.
219. Which departments and agencies at all levels of governance are involved in the fight against terrorism? Which national bodies coordinate the fight against terrorism? How do the authorities plan to strengthen the capacities of the counter-terrorism task force?
220. What is the role and contribution of security and intelligence services?
221. Is Bosnia and Herzegovina faced with any specific form of terrorism? If so, is it of internal or external origin? Please elaborate, including data on the number of persons indicted and sentenced for terrorism-related crimes.
222. What measures have been taken by the authorities to identify, prevent and disrupt the flow of foreign terrorist fighters (FTFs) travelling to conflict areas? Please elaborate, including in the area of criminal law.
223. Have programmes for de-radicalisation and prevention of radicalisation been developed? Could the authorities please elaborate on the efforts made on the different administrative levels and sectors on:
- a) Preventing the spread of violent extremist ideologies and ideas, in particular in correctional institutions and public schools,
 - b) Preventing the recidivism of persons convicted for terrorist offences, and
 - c) Fostering the re-socialisation and reintegration of FTFs and other persons convicted for terrorist offences.
 - d) Providing support (psychological, re-integration, economic) to family members of FTFs.
224. How is the financing of terrorism criminalised and which criminal activities are covered by the law? Are there specialised bodies dealing with the financing of terrorism?

A. Fight against Money Laundering

225. Does Bosnia and Herzegovina comply with the recommendations of the Financial Action Task Force on Money Laundering and Terrorist Financing (FATF) and corresponding EU legislation aimed at implementing these FATF standards (like EC Regulation No. 1781/2006, EC Regulation No. 1889/2005, Directive 2007/64/EC)? Please provide details.
226. What measures have been taken to address the issue of an abuse of designated non- financial businesses and professions (such as lawyers, real estate dealers, casinos etc.) for terrorist financing purposes? Are there any measures to prevent abuse of non-profit organisations in this context?
227. What is done to provide concerned staff with specialised training?

228. Please provide information on existing bilateral and international co-operation (including liaison officers and magistrates).
229. Please provide information on the creation of electronic data banks (statistics, profiling of terrorists etc.).

VIII. FIGHT AGAINST DRUGS

230. How is the distribution of competences defined between different levels of governance in the fight against drugs? Please provide information on legislation or other rules governing this area, and their adhesion to relevant international conventions (including on sanctions applicable to drug offences).
231. Are there strategies/action plans in place and are they in line with the EU Strategy/Action Plan on the prevention and fight against drugs?
232. What is the control system for drug precursors? Please describe the overall aspects in detail, in particular:
- a) Legislation;
 - b) Number of scheduled substances;
 - c) Provisions on export controls, including as regards the pre-expert notification (PEN) and deadlines for its response and export authorisations;
 - d) Export/import authorisations – explain the legal provisions, including the requirements;
 - e) Transit controls – please explain;
 - f) Authorisation of operators (licensing/registrations) – please explain the requirements and competent authorities;
 - g) Documentation/labelling/record keeping – please explain the legal provisions;
 - h) Cooperation procedures with the Chemical Industry – please explain what measures are taken to carry out controls and supervise cooperation with Industry (i.e. implementation of the INCB Code of Practice);
 - i) Notifications of suspicious transactions by the Industry – explain what is done to receive such notifications;
 - j) List of non-controlled substances to implement the INCB's International Special Surveillance list;
 - k) Article 12 of the 1988 UN Convention – please explain how the provisions of this article are implemented.
233. What are the main characteristics of Bosnia and Herzegovina's policy on combating drugs?
234. Does Bosnia and Herzegovina have a National Drugs Strategy/Action Plan that is in line with the EU Drugs Strategy (2013-2020) and EU Action Plan on Drugs (2013-2016)? Is there a budget foreseen for the implementation of the Strategy/Action Plan? Does the Strategy/Action Plan include an element of evaluation?
235. Please describe the administrative set-up of the bodies in charge of the coordination of the policy on drugs and their administrative capacity (including staff numbers)
236. Are there formal arrangements to ensure the strategic guidance and cooperation between authorities in the drugs field (e.g. an interministerial drugs group)? What are the principal

measures deployed? How does coordination between law enforcement agencies work? Is there a clear allocation of tasks and coordination:

- a) Between authorities competent for drug demand reduction?
- b) Between authorities involved in reducing drug supply?

237. Please provide information on the state of play regarding cooperation with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). Is there a system for the collection of drug related data according to the EMCDDA standards? Is there a liaison point for cooperation with the EMCDDA and what are the legal status as well as staffing and budget of this point?

238. Is there an early warning system for detecting and analysing new psychoactive substances? What is the procedure for placing new substances under control?

239. How does Bosnia and Herzegovina co-operate with international bodies operating in the drugs field, such as UNODC, INCB, Commission on Narcotic Drugs, Pompidou Group, WHO, etc.?

240. Are there general guidelines on the fight against drug supply reduction? Please provide information on the trends in drug trafficking in and through Bosnia and Herzegovina and on drug abuse.

241. How does cooperation and exchange of information with other national authorities work? Are there any Memoranda of Understanding or Joint Agreements between the various law enforcement services with responsibility for tackling the supply of drugs or other concerned counterparts (ports, express delivery services, etc.)? Are there similar agreements with relevant industries?

242. Is there adequate and sufficient administrative capacity to fight drug-related crime?

243. What are the relevant structures and competencies of the police, customs and judicial authorities? Please describe their functioning in day to day practice.

244. What measures have been adopted at the external borders?

245. Do the authorities make use of systematic risk-analysis? To what extent do they rely on financial investigations and on controlled deliveries?

246. What are the measures taken in respect of drug demand reduction?

247. What types of programmes are there for the prevention and reduction of health related harm associated with drug dependence (e.g. methadone programmes, needle exchange etc.) and how are these programmes regulated?

248. Are there any measures taken for improving the understanding of the drug problem?

249. Are there any measures taken for improving coordination, cooperation and raising public awareness of the drug problem?

250. What is the institutional setup and procedure for the [safe and secure storage and subsequent destruction of drugs](#)?

IX. CUSTOMS COOPERATION

251. Does the Customs Administration have an integrated IT-system?

252. Is there development of risk analysis using, inter alia, information derived from Memoranda of Understanding (MoU)?

253. What is done to ensure inter-agency co-operation and the implementation of mutual assistance agreements? Please provide information on inter-agency cooperation in the area of risk analysis. Please also describe the internal risk-analysis mechanism within the Customs Administration.
254. Does the Customs Administration have a special investigation service with sufficient resources? Please describe the type of investigative powers custom officials have, including whether they can use special investigation techniques (e.g. controlled deliveries, covert investigations)
255. Are there adequate methods for the fight against fraud, including the introduction of mobile surveillance units?
256. Which risk profiles are used by customs?
257. Please provide information on the training of customs officers (including possible cooperation with EU countries on such training).
258. Which measures are taken to ensure the integrity of customs officers and prevent corruption?
259. What internal disciplinary procedures exist?
260. Are any statistics available on the number and type of disciplinary cases that have been undertaken in the last 3 years? Please provide statistics on initialised and closed cases with the number of detected, identified and convicted perpetrators.
261. Do customs cooperation agreements and/or mutual administrative assistance with EU countries exist?

X. PROTECTION OF THE EURO AGAINST COUNTERFEITING (CRIMINAL ASPECTS)⁵⁴

262. Has Bosnia and Herzegovina acceded to the 1929 International Convention on the Suppression of Counterfeiting?
263. Does the law criminalise the making and altering of counterfeit currency and related offences? Does it ensure that such activity is punished by appropriate criminal penalties, including imprisonment and the possibility of extradition?
264. Does the law ensure that it has the appropriate jurisdiction over offences involving counterfeiting, both of the euro and of other currencies?
265. Does the law provide for the concept of criminal liability of legal persons for these offences? Which sanctions might be pronounced to legal persons?
266. Does Bosnia and Herzegovina recognise, for the purposes of establishing habitual criminality, sentences handed down in other Member States for these offences?
267. Has Bosnia and Herzegovina formally designated a National Central Office on currency counterfeiting in line with Article 12 of the 1929 Geneva Convention and Regulation 1338/2001?
268. Has Bosnia and Herzegovina established any form of co-operation on the penal aspects of Euro counterfeiting with any of the following bodies: the European Commission (DG ECFIN), Europol and the European Central Bank?

⁵⁴ See Framework Decisions 2000/3 83/JHA of 29 May 2000 and 2001/888/JHA of 6 December 2001. "Non-penal" issues related to the protection of the euro against counterfeiting are dealt with under Chapter 32.

CHAPTER 25: SCIENCE AND RESEARCH

Under the Treaty on the Functioning of the European Union (TFEU) there is a special distribution of competences (shared competence) between the EU and Member States in the field of science and research. Article 4(3) TFEU provides that: *'In the areas of research, technological development ... the Union shall have competence to carry out activities, in particular to define and implement programmes; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs* (so called "parallel competence"). According to Article 179 (1) TFEU: *'The Union shall have the objective of strengthening its scientific and technological bases by achieving a European research area in which researchers, scientific knowledge and technology circulate freely, and encourage it to become more competitive, including its industry, while promoting all the research activities deemed necessary by virtue of other Chapter of the Treaties'*. In accordance with the Euratom Treaty (Article 4), the Commission shall be responsible for promoting and facilitating nuclear research in the Member States and for complementing it by carrying out a Community research and training programme. The *acquis* in Chapter 25 - Science and Research - as laid down in Title XIX of TFEU does not require transposition of EU rules into the national legal order. The Union and the Member States have to coordinate their research and technological development activities so as to ensure that national policies and Union policy are mutually consistent aiming at the achievement of the European Research Area (ERA) (Art. 181 (1) TFEU).- The Candidate Countries also have to implement the Research Framework Programmes (FP)- They currently include: (1) Horizon 2020 – the Research and Innovation Programme of the European Union (2014-2020), which is implemented through the specific programmes and the rules for the participation of undertakings, research centres and universities and for the dissemination of research results, and (2) the Euratom Research and Training Programme (2014-2018) in the field of nuclear safety, waste management, radiation protection and fusion energy systems and radiation protection. As part of the research actions funded by the European Union, the Joint Research Centre (JRC) organises direct actions through its seven specialised institutes. Furthermore, candidate countries have been invited to participate in the policy initiatives carried out in partnership with Member States in order to realise the ERA.

The objective of the ERA was endorsed by the March 2000 European Council and is anchored in the TFEU since 2007. Its aim is to achieve a “unified research area open to the world, based on the Internal Market, in which researchers, scientific knowledge and technology circulate freely and through which the Union and its Member States strengthen their scientific and technological bases, their competitiveness and their capacity to collectively address grand challenges”⁵⁵. The TFEU also foresees that in addition to the activities implemented under the multiannual framework programmes, legislative means can be adopted by the European Parliament and the Council for the implementation of the European research area (Art. 182.5 TFEU). This option has not been used so far.

In 2010, the EU launched the Europe 2020 strategy, which includes the objective of spending 3% GDP on R&D by 2020. In response, Member States have set national R&D intensity targets and through the European Semester process, the Commission monitors and analyses progress in reforming research and innovation policies and, where appropriate, issues proposals for Country Specific Recommendations.

In 2011, the European Council called on those involved at EU, Member State and stakeholder level to address the remaining gaps and complete ERA by 2014 in order to create a genuine single market for knowledge, research and innovation.

The 2012 Communication on 'A Reinforced European Research Area Partnership for Excellence

⁵⁵ COM(2012)392final

and Growth' (hereafter ERA Communication) identified five priorities for action: more effective national research systems, optimal transnational co-operation and competition, an open labour market for researchers, gender equality and gender mainstreaming in research, and optimal circulation, access to and transfer of scientific knowledge including via digital ERA. Complementing this partnership, in 2012 the Commission also adopted two further Communications entitled 'Towards better access to scientific information: Boosting the benefits of public investments in research' and 'Enhancing and focusing EU international cooperation in research and innovation: a strategic approach'.

The ERA objectives are fully integrated in the Europe 2020 Innovation Union flagship initiative to foster Growth and Jobs.

To complete ERA and maximise the return on research investment, Europe must increase the efficiency and effectiveness of its public research system. This requires more cooperation so that the brightest minds work together to make greater impact on grand challenges (e.g. demographic-ageing, energy security, mobility, environmental degradation), and to avoid unnecessary duplication of research and infrastructure investment at national level. It also requires more competition to ensure that the best researchers and research teams receive funding - those able to compete in the increasingly-globalised and competitive research landscape.

With the explicit objective of opening up and connecting EU research systems, the ERA reform agenda focuses on five key priorities:

- **More effective national research systems**
- **Optimal transnational co-operation and competition**
On common research agendas, [grand challenges](#) and [infrastructures](#)
- **An open labour market for researchers**
[Facilitating mobility, supporting training and ensuring attractive careers](#)
- **Gender equality and gender mainstreaming in research**
[Encouraging gender diversity to foster science excellence and relevance](#)
- **Optimal circulation and transfer of scientific knowledge**
[To guarantee access to and uptake of knowledge by all](#)

and on international cooperation as a cross cutting priority.

According to the Communication on the European Research Area – Progress Report 2014 the conditions for the completion of ERA are now in place⁵⁶. However, the completion of ERA, much like the internal market, is a gradual process and further implementation efforts are needed. Commitment on the part of all ERA actors is a key factor in speeding up the pace of implementation of ERA which varies at Member State, research funding and research performing levels.

In May 2015, the European Council reaffirmed its commitment to a fully operational ERA and endorsed the ERA Roadmap 2015-2020, which is guiding Member States in structuring their implementation of the ERA priorities at national level. The European Council called on Member States to implement the ERA Roadmap through appropriate measures in ERA national action plans and strategies.

With respect to both the TFEU and Euratom research programmes, the candidate countries will, upon accession, have to adhere to the bilateral and multilateral agreements the European Union

⁵⁶ COM(2014)575 of 15 September 2014.

has concluded on respectively science and technology and nuclear research.

Both programmes are implemented by the European Commission assisted by Programme Committees made up of Member States' representatives. These Programme Committees have the responsibilities described in the legal bases for the TFEU and the Euratom Programmes. Discussions on strategic planning and the formal opinion on the Work Programmes are essential parts of their work.

Finally, a number of other legal bases concerning research need to be addressed, such as the Articles 185 and 187 TFEU initiatives as well as the European Research Fund for Coal and Steel.

The Stabilisation and Association Agreement already lays down specific obligations in the areas covered by this Chapter. When answering the questions below, please make reference to the state of implementation of such obligations.

I. NATIONAL RESEARCH POLICY

A. Organisation of research at national level

1. How is the distribution of competences defined between different levels of governance in research and innovation policy? Please describe the institutional framework, with reference to the role and competence of ministries, funding agencies, national committees, parliamentary committees and regional authorities.
2. Are there advisory committees on how to develop and implement research and innovation policy? Any bodies involving private sector?
3. Has a national R&D intensity target been set?
4. Is there a national strategy for research and innovation? Please refer to the priorities, priority sectors, targets, target groups, and instruments to support research and innovation.
5. How is the research and innovation system organised? Is there a central register of research institutions and facilities in Bosnia and Herzegovina? Please refer to:
 - a) types and numbers of research institutions (higher education institutions, public research centres, military research centres, academies, private foundations, research centres of state or private industry);
 - b) centres of excellence, research infrastructures;
 - c) nature of research activities (public or private, civil or military, institutional or contractual, applied or basic);
 - d) what are the main research results per priority areas? Are there indicators of scientific and technological production? Please refer to the number of scientific publications (in ISC or other bibliometric database), number of patents or licences, number of research contracts or any other pertinent indicator to quantify scientific and technological production;
 - e) how are the institutions promoting RTD innovation in industry organised? Please refer to technology centres, Community Innovation Relay Centres, science and research parks, technology transfer agencies.
6. Are there any actions relating to science in society and scientific based governance?
7. How is the respect of ethical standards being ensured: are there regulations on ethics in conduct of science? Are there research funding programmes or university outreach programmes regarding ethical, legal and social aspects (ELSA) of science?
8. Describe the process and procedures in which scientific knowledge is fed into the policymaking process in Bosnia and Herzegovina.

B. Financing of research

9. How are public funds allocated: please refer to the method and criteria used for the division of funds, scientific priorities, sector priorities, regional priorities, private vs. public research? What is the share of core funding vs. external competitive funding provided by public sources to research institutions? Are R&D tax incentives used to support private R&D? Do the rules of participation of the TFEU Framework Programmes have any impact on the design of the national competitive funding instruments targeting research institutions?
10. How is the evaluation of state funded research done: selection of evaluators? What are the criteria for funding? Is the use of public funding being monitored (statistics) and/or controlled?

II. FRAMEWORK PROGRAMMES

A. TFEU Framework Programme

11. Please explain how research promotion under the TFEU research framework programme is organised in Bosnia and Herzegovina: within the Ministry? Which department? Any outsourcing to a Promotion office or Agency?
12. How often are Information Days organised? Are there any special measures to encourage research cooperation under Horizon 2020?
13. What is the structure of the National Contact points and their relation with the Ministry?
14. Explain the legislation regarding taxation and import duties concerning EU funds for Research.

B. EURATOM Framework Programme

15. Is Bosnia and Herzegovina engaged, or planning to be engaged, in nuclear research and training in fission and fusion, and how is it organised at national level: which Ministry is responsible for nuclear research? Nuclear research is understood to mean falling under the scope of the Euratom Treaty (for scope please refer to Annex I of the Treaty, Euratom programme is mainly focused on research for nuclear safety, management of radioactive research and radiation protection, fusion energy). (please also see Question 50 under chapter 15)
16. Does Bosnia and Herzegovina have any specific programmes and/or research institutes for nuclear research?
17. Has Bosnia and Herzegovina already participated in research projects launched under the Euratom Programme?

III. POLICY INITIATIVES TO HELP REALISE THE EUROPEAN RESEARCH AREA

A. Reforming national R&I systems

18. Please provide quantitative information for Bosnia and Herzegovina, if possible for the period 2007/2014, including at least the following aspects:
 - a) gross domestic expenditure on RTD - ratio to gross domestic product (GDP);
 - b) gross government expenditure on RTD - ratio to GDP;
 - c) gross higher education expenditure on RTD - ratio to GDP;
 - d) gross business enterprise expenditure on RTD - ratio to GDP, ratio to gross government expenditure;
 - e) gross foreign investment in RTD.
19. What measures have been taken to increase the quality of public research? Is funding to public research performance based? Does Bosnia and Herzegovina use international peer review to allocate project based funding?
20. What measures have been taken to promote public-private cooperation?

21. What measures have been taken to promote a business environment incentivising private R&D investment? Are there measures to facilitate venture capital?
22. Are public-sector guarantees available to banks and non-bank lenders to incentivise them to make loans to SMEs?
23. Are public-sector counter-guarantees available to guarantee institutions?
24. How are RTD services to industry organised?
25. What are the financial or other incentives for RTD investment by state and private industry? What is the effectiveness of these incentives?

B. Human Capital building and Mobility of researchers

26. Please indicate what the percentage of science personnel is compared to the overall workforce. Which actions is Bosnia and Herzegovina taking to ensure that there are sufficient qualified researchers? How are human resources capacity ensured? Are there any special actions for science and women? Is an Action Plan in place to increase the number of scientists in the country? What measures are in place to attract young people to science studies? Is a mapping of scientists abroad (diaspora) taking place? Which actions has Bosnia and Herzegovina taken to ensure mobility (geographical, inter-sectoral and inter-disciplinary) of researchers? What kinds of visa procedures are there for foreign scientists?
27. If there is a problem with regard to brain-drain of RTD personnel from Bosnia and Herzegovina, what are the possible public policies to address this matter? Are there any data on how many researchers from Bosnia and Herzegovina are abroad and where?
28. How are continuing training schemes organised (e.g. implementing organisations, target groups, existing programmes)? How are young researchers funded, with stipends or with employment contracts?
29. Please provide quantitative information for Bosnia and Herzegovina, if possible for the period 2007/2014, including at least the following aspects:
 - a) Personnel (public/private RTD);
 - b) Tertiary education related to RTD: number of graduates, field, undergraduate/ post-graduate.

C. Organisation of research on specific areas

30. Does Bosnia and Herzegovina have special research programmes and funding on coal and steel?
31. Does Bosnia and Herzegovina have special measures to engage on research on Food, Agriculture and Biotechnologies and measures to ensure the proper use of biotechnologies? Any Action Plan?
32. What are the policies, programmes and budgets in the field of defence RTD?
33. Does Bosnia and Herzegovina have, or plans to have, targeted actions or special programmes to foster competitiveness via industrial research on specific topics such as clean sky? Innovative medicines? Energy efficiency? Are there existing examples of public-private partnerships in the field of research in Bosnia and Herzegovina?

34. Does Bosnia and Herzegovina have any special interest in participating in Articles 185 and 187 TFEU initiatives being implemented at EU level?

D. International S&T cooperation

35. Does Bosnia and Herzegovina have a strategy for international S&T cooperation (either self-standing or embedded into a general S&T/globalisation strategy)? If yes, describe the main pillars of that strategy (e.g. how are decisions taken on what kind of research to do with whom? What are the thematic and geographic priorities in international S&T cooperation?).
36. What are the main means for supporting/implementing international S&T cooperation (e.g. openness of national research programmes for foreign participants, including funding of foreign participants; specific support instruments; bilateral S&T dialogues/agreements etc.)? Please list any international agreements and/or non-legally binding instruments on Science & Technology.
37. What kind of multilateral activities are pursued (including membership in S&T-relevant international institutions)?
38. Does Bosnia and Herzegovina participate in the activities established under the European Research Area Committee, formerly CREST?

CHAPTER 26: EDUCATION AND CULTURE

The areas of education and training, youth and culture are primarily the competence of the EU Member States. The Treaty on the Functioning of the European Union (TFEU) provides that the Union shall encourage cooperation between Member States and support and supplement their actions, while fully respecting their responsibility for the content of teaching, organisation of education and vocational training systems, and their national and regional cultural diversity.

In the field of education, training and youth, besides a Directive on education of the children of migrant workers⁵⁷ and the judgments of the European Court of Justice on cases related to non-discrimination between nationals of an EU Member State and other EU nationals, the *acquis* consist of mainly a cooperation framework. In the light of the Lisbon Strategy, open methods of coordination on education and training policies and on youth policies have been established with a view to the convergence of national policies and the attainment of shared objectives. The concrete future objectives of education and training systems endorsed in 2001, as well as the Copenhagen process for vocational training and the Bologna process for higher education, are providing directions for the improvement and development of the quality of education and training systems. The strategic framework "Education and Training 2020", integrates all actions in the fields of education and training at European level. The following EU benchmarks for 2020 have been set for education:

- At least 95% of children (from 4 to compulsory school age) should participate in early childhood education
- fewer than 15% of 15-year-olds should be under-skilled in reading, mathematics and science (PISA)
- the rate of early leavers from education and training aged 18-24 should be below 10%
- at least 40% of people aged 30-34 should have completed some form of higher education
- at least 15% of adults should participate in lifelong learning
- at least 20% of higher education graduates and 6% of 18-34 year-olds with an initial vocational qualification should have spent some time studying or training abroad
- the share of employed graduates (aged 20-34 with at least upper secondary education attainment and having left education 1-3 years ago) should be at least 82%.

The 2015 Joint Report of the Council and the Commission on the implementation of the strategic framework for European cooperation in education and training (ET 2020) identified six new priority areas:

- Relevant and high-quality knowledge, skills and competences developed throughout lifelong learning, focusing on learning outcomes for employability, innovation, active citizenship and well-being;
- Inclusive education, equality, equity, non-discrimination and the promotion of civic competences;
- Open and innovative education and training, including by fully embracing the digital era;
- Strong support for teachers, trainers, school leaders and other educational staff;
- Transparency and recognition of skills and qualifications to facilitate learning and labour mobility;
- Sustainable investment, quality and efficiency of education and training systems.

Common objectives have also been agreed for the EU youth policies and a new EU Youth Strategy, based on a reinforced open method of coordination, was adopted for the period 2010-

⁵⁷ OJ L 199, 6/8/1977, p. 32–33.

2018⁵⁸. This strategy builds on the need to have a strong cross-sectoral approach. In addition, Member States need to have the legal, administrative and financial framework as well as the necessary implementing capacity in place to ensure sound management, including financial management of all decentralised education, training and youth EU programmes (currently the Erasmus+ Programme).

As regards cultural policy, Member States need to uphold the principles enshrined in Article 167 of the TFEU and, in particular, ensure that their international commitments allow for the development and implementation of policies and instruments aiming at preserving and promoting cultural diversity. In accordance with these principles, the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, ratified by the EU (and Bosnia and Herzegovina), is a major element of the *acquis* in the field of culture. The Commission Communication on a European Agenda for Culture in a globalising world, endorsed in 2007 in a Council Resolution and conclusions of the European Council, introduced new cooperation methods, including a structured dialogue with the cultural sector, and a more structured system of cooperation between the Member States and the EU institutions (open method of coordination), in order to implement three common sets of objectives: cultural diversity and intercultural dialogue; culture as a catalyst for creativity; and culture as a key component in international relations. In line with these objectives, cooperation with Member States takes place through multiannual Council Work Plans for Culture. The current one (for the period 2015-2018) addresses the following key priorities: a) Accessible and inclusive culture; b) Cultural heritage; c) Cultural and creative sectors: creative economy and innovation; d) Promotion of cultural diversity, culture in EU external relations and mobility. In addition, cultural statistics have been singled out as a cross-sectorial priority. Mainstreaming of culture in key EU policies is part of the Work Plan guiding principles.

⁵⁸ Council resolution of 27 November 2009 based on Commission Communication "An EU Strategy for Youth - Investing and Empowering. A renewed open method of coordination to address youth challenges and opportunities", COM (2009) 200, 27.04.09

I. EDUCATION, TRAINING AND YOUTH

A. Cooperation in the field of policies

The following questions are directed at all levels of education.

Educational system

1. How is the distribution of competences defined between different levels of governance and which authorities are responsible for education in Bosnia and Herzegovina?
2. Structure of the educational systems: Please describe the structure of the educational system, by completing and updating the Eurydice on-line report ⁵⁹
3. Overview. Please describe the role of private educational provision in all levels and sectors of education and the extent of cooperation by educational institutions with employers and businesses.
4. Statistics: Please provide data on pupils/students and teachers/trainers at the different levels and sectors of the educational system including Early Childhood Education and Care, VET and adult education. If possible give an estimate of the expected evolution over the next ten years. Provide statistics on public and, if possible, private resources allocated to education at national level (in % of GDP and national budget). Please provide statistics on the ET 2020 indicators and other relevant information in lower and higher education (with breakdown per gender where available). Please use the attached template to fill in the data.
5. Stabilisation of reforms: What are the main objectives and the timetable for implementation of the most recent reforms efforts of the education and training systems in the country? What are the main obstacles/difficulties encountered or foreseen?
6. Governance and financing: Please describe arrangements for the governance and financing of education and training, giving details about the degree of financial and administrative autonomy of establishments and about stakeholder participation. Please address, in particular, the role of the social partners in various levels and sectors of education.
7. Qualifications: Please describe educational and vocational qualifications frameworks and structures, including arrangements for recognition of informal and non-formal learning (work experience, in-service training, self-learning, etc.).
8. Please provide information on measures and guidance available, to guide students in their educational path (into various sectors and levels of education) and to integrate young people into the job market.
9. Please provide information on transitions within the school systems, as well as from school to work and the role of educational institution, the social partners and enterprises.
10. What are the second chance measures undertaken to provide alternative routes for achieving qualifications for those who left the education and training system early, i.e. early school leavers?
11. In which structures of the Open Method of Coordination is Bosnia and Herzegovina particularly interested in participating?

⁵⁹ https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Bosnia_and_Herzegovina

Administration of the systems

12. Status of educational institutions: briefly describe the procedures for setting up educational institutions. Which is the authority that monitors the setting up and functioning of educational institutions? Are there different types of status for educational institutions (e.g. private, public, private subject to control, etc.)?
13. Mechanisms for the monitoring and evaluation of the educational system and institutions: what are the mechanisms in place or in the process of being implemented for monitoring and evaluating educational establishments? What do they examine? What are the mechanisms/tools for monitoring external quality assurance in higher education? To what extent are they independent from governmental institutions?
14. Statistical data collection and processing facilities: describe the facilities and the type of data collected. Describe the various levels at which such data is collected and processed. How are statistics collected on the destination of school leavers, VET and higher education graduates (tracer studies)? How are data being collected on EU benchmarks (i.e. ET 2020)?

Infrastructure

15. Please provide information on the criteria for setting up infrastructure: coverage of national territory; what variables are taken into account for setting up educational infrastructure (population density, geographical criteria, etc.)? According to what criteria is infrastructure set up for the education of children of national minorities?
16. Please provide information on the criteria for the provision of equipment: who takes decisions and according to what procedures concerning the purchase of equipment for schools and universities? Does equipment include: manuals, libraries, teaching equipment for instructors, computer and multimedia equipment? Give information for each type of equipment and each level of education.
17. Please provide information and statistics on ICT use in education and training, including the number of pupils per computer and distance learning facilities, but also on use of IT to deliver lessons, etc.
18. Provision of accommodation for students/trainees not living at home: what facilities do exist? What services do they provide? Are developments in such facilities envisaged? If so, what developments?
19. What are the special facilities and provisions, at all levels and sectors of education, for persons with special needs; both in terms of physical facilities and teaching/learning methods.

Teachers

20. Please describe the requirements for the qualification of school teachers and school principals at all levels and sectors of education.
21. Please describe the provision and organisation of initial education and continuous professional development for teachers. To what degree are the programmes ready to train teachers for student-based teaching and competence-based learning?

Curricula

22. Which are the authorities that establish the curricula at each level of education? What degree of autonomy do educational establishments have in respect of setting teaching hours for curriculum, and the content of such teaching time?
23. What is the core/compulsory curriculum in primary and second level education?
24. Please describe VET and higher education curricula delivery methods (e.g. modular, credit-based)? What kind of arrangements exist for credit transfer and recognition (i.e. credits from domestic and/or foreign educational institutions) and for recognition of foreign qualifications / degrees?
25. Teaching of the official languages of the European Union: Please describe the teaching provided at the various levels of the education system. Provide available statistics on the number of young persons or children studying the various languages.

Adapting to change

26. What are the identified skill needs and/or shortages for the labour markets? What are the responses from the educational systems to meet current and future skills needs?
27. Please provide information on the following:
 - a) Measures related to the adaptation of education and training to the requirements of the knowledge society and to industrial and technological changes.
 - b) What activities are undertaken to stimulate initiative and entrepreneurship, as a basic competence for young people within the different levels of education.
 - c) The transfer of innovation and good practice in training into mainstream education and training provision.
 - d) The application of the lifelong learning policies, in society at large.
 - e) The integration of practical training into mainstream education programmes and pathways between general and vocational streams of education.

Youth

28. What, if any, are the national strategies encompassing one or several of the following fields: youth employment and youth entrepreneurship, non-formal education of young people, creativity, youth participation, health / well-being of young people, social inclusion of youth, youth volunteering? More specifically, please provide information on:
 - a) Measures to develop the quality of non-formal education and to recognise its outcomes.
 - b) How well are the structures for youth employment adapted to the local level and what are the plans for the future?
 - c) Measures taken to encourage talent development, creative skills and entrepreneurship of young people and their access to culture.
 - d) Measures taken/planned to encourage a healthy living for young people and physical activity with a focus on preventing and treating obesity, injury, addictions, mental and sexual health problems.

- e) Measures taken/planned to ensure full participation of youth in society, and to promote greater social involvement of young persons within the framework of the social and institutional democratic processes.
 - f) Measures taken/planned to develop the provision of facilities and adoption of policies to prevent poverty and social exclusion of young persons, in particular among disadvantaged youth groups.
 - g) Measures taken/planned to facilitate the mobility of volunteers from and to the EU and from and to the candidate countries, for long-term activities (6 months to 12 months) in terms of residence permits, insurance, etc.
 - h) Measures taken/planned to support and recognise youth work and non-formal learning.
29. Which institution is in charge of the overall coordination of youth issues in the country? Cross-sectoral cooperation on youth matters between various concerned Ministries is a very important aspect of the EU Youth cooperation framework. Please provide information on how such cross-sectoral cooperation is ensured.
30. In which mechanisms established under the Youth Open Method of Coordination would Bosnia and Herzegovina be particularly interested to participate?

B. Access to education of EU citizens

31. Education of children of EU nationals: Please provide information on the estimated number of EU nationals working in Bosnia and Herzegovina and having children residing there at the age of compulsory school attendance under domestic law. Please indicate whether there are special provisions for education of these children and what are their main countries of origin.
32. Equal access: Describe arrangements to ensure equal access to education and training regardless of gender, ethnic origin, religion or disabilities.
33. Tuition fees and other conditions of access to higher education establishments (public and private): how are they regulated? Are they different for citizens and for foreigners?

C. EU programmes

34. What is the level of interest and participation of young people, youth workers and youth organisations in the country in the opportunities which have been offered by the Youth strand of the Erasmus+ Programme and its Western Balkan Window?
35. Are there any national programmes to support youth organisations and their activities? If so, please provide information about their structure and management modalities.
36. What is the level of interest and participation of universities, academics and students of the country in the opportunities which are offered by the Erasmus+ Programme?
37. What services of the relevant ministries are in charge/are planned to be in charge of the monitoring of the different EU programmes for the whole of Bosnia and Herzegovina? How are they staffed/planned to be staffed? Do these ministries have audit services?
38. Is there any informal partnership between educational establishments in Bosnia and Herzegovina and projects supported by EU programmes and countries? Are there any plans to support such informal partnerships?

II. CULTURE

A. Cooperation in the field of policies

39. What, if any, are the support systems in the following fields: artistic creation, innovative cultural projects, improvement of skills for artists and cultural operators, cultural cooperation with other countries, access to culture?
40. Describe the authorities responsible for the cultural policy. How is the policy implemented?
41. What, if any, are the support programmes in the field of literary creation and translation?
42. What, if any, are the support programmes in the field of cultural heritage?
43. What legal regime applies to book pricing? Are there any fixed price regulations?
44. What legal regime applies to the sale and movement of cultural goods?
45. What legal regime applies to the preservation and protection of cultural heritage?
46. What legal regime applies to the cession of rights (exclusive or otherwise) to exploit aspects of cultural heritage (e.g. digitisation of art collections)?
47. What systems are in place as regards statistics pertaining to the cultural sector?
48. What measures have been taken in the context of the implementation of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions?
49. Does Bosnia and Herzegovina subscribe to the objectives of the European Agenda for Culture?
50. How does Bosnia and Herzegovina intend to participate in the structures established under the Open Method of Coordination?

B. EU programmes

51. Please explain measures taken/planned to promote the Creative Europe programme and enhance participation of cultural operators in the country.
52. Are there any plans to ensure additional financial support to successful applicants?

III. SPORT

53. Following the entry into force of the Lisbon Treaty on 1 December 2009, the EU has been attributed a new competence for sport (Article 165 TFEU). In this respect, please provide a description of the organisation of sport in Bosnia and Herzegovina, including the competent authorities, and the role sport plays in societal (health, education and social inclusion terms) as well as economic terms.
54. Please describe the national policy (including legal acts) in the field of anti-doping and match-fixing.
55. Do the public institutions subsidise sport federations and what is the procedure?
56. What is the situation of sport in the education system (e.g. number of hours of Physical Education)?
57. Please describe existing policy measures regarding the fight against violence in sport.

Education and Training - INDICATORS and STATISTICS								
		2014	2015	2016	2017	2018	2019	2020
Spending on education as % of GDP:	Total							
	*Pre-school education							
	Staff Costs							
	Infrastructure							
	Teaching material & other resources							
	Total							
	*Primary education							
	Staff Costs							
	Infrastructure							
	Teaching material & other resources							
	Total							
	VET secondary							
	Staff Costs							
	Infrastructure							
	Teaching material & other resources							
	Total							
	General secondary							
	Staff Costs							
	Infrastructure							
	Teaching material & other resources							
	Total							
	Higher education							
	Staff Costs							
	Infrastructure							
	Teaching material & other resources							
	Total							
% of participation in early child care and	Male							
	Female							

pre-schooling (0-5)	Total							
% of early school leavers	Male							
	Female							
	Total							
% of tertiary attainment	Male							
	Female							
	Total							
% of participation in Lifelong Learning	Male							
	Female							
	Total							
Number of pupils in primary	Male							
	Female							
	Total							
Teachers in primary	Male							
	Female							
	Student/teacher ratio							
% of primary graduates entering secondary	Male							
	Female							
	Total							
Number of pupils in secondary	Male							
	Female							
	Total							
Teachers in general secondary	Male							
	Female							
	Student/teacher ratio							
Teachers in VET	Male							
	Female							
	Student/teacher ratio							
% of graduates from VET secondary who enter Higher Education	Male							
	Female							
	Total							

% of graduates from gymnasia who enter Higher Education	Male							
	Female							
	Total							
Number of students in tertiary education	Male							
	Female							
	Total							
Number of staff in tertiary education	Academic							
	Administrative							
	Student/teacher ratio							
% Drop outs in tertiary education	Male							
	Female							
	Total							
% of unemployed with Higher Education degree	Male							
	Female							
	Total							
% of unemployed youth	Male							
	Female							
	Total							
% of total unemployment	Male							
	Female							
	Total							

		2009	2012	2015	2018
% of PISA poor performers in Language	Male				
	Female				
	Total				
% of PISA poor performers in Math	Male				
	Female				
	Total				
% of PISA poor performers in Science	Male				
	Female				
	Total				

CHAPTER 27: ENVIRONMENT AND CLIMATE CHANGE

EU environment and climate policy promotes strong climate action, sustainable development and protects the environment for present and future generations. It is based on preventive action, the 'polluter pays' principle, fighting environmental damage at source, shared responsibility and the integration of environmental and climate change considerations into other EU policies. The *acquis* comprises over 200 major legal acts covering both horizontal and sectoral legislation (air quality, waste management, water quality, nature protection, industrial pollution control and risk management, chemicals, noise, civil protection and climate change.). Compliance with the *acquis* covered by this chapter requires significant investments and a structured co-operation among all stakeholders including local authorities, industry and civil society. Furthermore, transition towards the low-emissions and climate-resilient economy as per the Paris Agreement will require robust reforms in all economic sectors, particularly energy, transport and agriculture, among others. Moreover, a strong and well-equipped administration at national and local level is imperative for its implementation and enforcement.

I. GENERAL ENVIRONMENT AND CLIMATE POLICY

1. Are there any constitutional provisions in relation to environmental protection and/or sustainable development? How is the distribution of competences defined between different levels of governance and which authorities are responsible for environment and climate policy?
2. Is there a general environmental protection framework act, serving as a basis for other environmental legislation?
3. What are the main principles underpinning environmental legislation (e.g. polluter pays principle, precautionary principle, etc.)?
4. Is there a long term national strategy governing protection of the environment, climate change and/or a national sustainable development strategy? Is this strategy effectively implemented? What are the related institutional arrangements? What are the obstacles to the implementation, at the national and local levels?
5. Is there a concrete action plan for the environment with short and medium term objectives, an indication of the availability of the budgetary and other resources to achieve them and a timetable? Is it linked to the EU environmental *acquis* and how is its implementation monitored?
6. How is it ensured that the environmental legislation and policies are aligned with EU environmental legislation? What are the main difficulties encountered?
7. How much has been invested in environment and environmental infrastructure (i.e. in order to comply with environment *acquis*) in the last four years? What are the future investment plans in the short, medium and long-term?
8. Give a detailed description (with staffing levels) of the administrative bodies (Ministries, agencies etc.) responsible for enacting, implementing and enforcing environmental legislation and policy at both national and sub-national (e.g. local) levels. How are the responsibilities shared for achieving the objectives in the various sectors (water, waste, nature protection, etc.) and how is coordination assured? Outline any plans to develop and reinforce administrative capacities. Please indicate budget allocated to the administrative bodies including agencies.

9. How are the responsibilities shared for the various sectors (water, waste, nature protection, etc.) and how is coordination envisaged? How is the cooperation with other ministries envisaged? Outline any plan to develop and reinforce the administrative capacity. Is there any "personnel" retention policy foreseen? What is Bosnia and Herzegovina doing to:
 - a) Increase efficiency of the decision-making process;
 - b) Avoid unnecessary micromanagement and to delegate responsibilities to lower management levels;
 - c) Increase staffing levels, in particular, in some of the priority areas including strategic planning and investment projects management;
 - d) Consolidate strategic planning capacity;
 - e) Reduce turnover of staff and retain trained, qualified staff in the Ministry and other institutions.
10. Are there legislative and budgetary provisions relating to the training of administrative officials in the environmental field at all levels, including technical and middle management ones? How difficult is it to find suitably qualified personnel? How difficult is it to find qualified personnel to provide the training?
11. What are the mechanisms for monitoring compliance with, implementation and enforcement of environmental legislation and the state of the environment? Please describe in detail, if existing, the system of environmental inspections - competent authorities, frequency of the inspections, provisions for planning, carrying out, following up, reporting on environmental inspections etc.
12. What type of economic instruments (taxes, duties, tradable permit schemes, etc.) are used for environmental policy? Please communicate the share of environmental taxes in total taxation and in GDP. Please estimate the percentage of GDP spent on environmental protection. What is Bosnia and Herzegovina doing to set up an effective and permanent financing system for environment and climate action, including substantial infrastructure investments and a stable financing of essential basic services, such as environmental monitoring? To link investments to strategic priorities?
13. Are there any mechanisms to provide for the protection of the environment to be taken into consideration in other policies, in particular agricultural, industrial, energy and transport policies in line with Article 11 of the Treaty on the Functioning of the European Union?
14. Which international agreements/treaties/conventions concerning environmental protection have been signed and which ones have been ratified by Bosnia and Herzegovina? Please provide detailed elaboration on mechanisms established for implementation of the agreements/treaties/conventions that Bosnia and Herzegovina ratified.
15. How are the Sustainable Development Goals under the Agenda 2030 taken into account in the environment and climate policy-making?
16. Could you describe the effort in the field of environmental and climate change research and development (e.g. level of funding of national institutes, etc.)?
17. Please detail any initiatives or programmes of environmental regional co-operation in which Bosnia and Herzegovina is participating. In particular, outline any plan to follow up on ECRAN (Environment and Climate Regional Accession Network) and IMPEL (European Union Network for the Implementation and Enforcement of Environmental Law) Which were and are the priority topics in these projects and which actions are envisaged for promoting them? Which are the priorities of Bosnia and Herzegovina for the follow up projects?

18. Please explain what measures are taken to reduce diseases caused by environmental factors in Bosnia and Herzegovina.

II. SECTORAL ENVIRONMENT AND CLIMATE POLICIES

The questions on each sector below should allow for an evaluation of the current situation and trends. Information on capacity building and/or problems in this respect would also be most useful. Any additional information, for instance on achievements so far and major problems to be solved, should also be provided. Indications on strategic planning, institutional capacity including implementation and enforcement one, on cost/benefit aspects and on investment in the different areas should be given as available and as appropriate.

A. Horizontal Legislation

19. Are there measures providing for public access to environmental information upon request and by public authorities of their own initiative (so called "active dissemination")? Are there provisions on administrative and/or judicial review in case access to information is not granted? Does the legal framework cover information "held for public authority", i.e. sentimental information which is physically held by a natural or legal person on behalf of a public authority (Article 2, point 4 of Directive 2003/4/EC)
20. What are the provisions in relation to access to the courts and administrative complaints when it comes to organisations (including non-governmental organisations) and individuals? Do non-governmental organisations that meet certain requirements, if any, determined by national/international law (if yes, what are these requirements), have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of law relating to the environment? If yes, in what areas related to the environment is this applied? Please provide examples of cases where standing was granted by courts/administrations to NGOs engaged in environmental matters. What is the average duration of administrative/judicial cases relating to the environment? Are there procedural measures available to NGOs to assist them when bringing cases to courts? Are special standing granted for NGOs to challenge decisions relating to Environmental Impact Assessments (EIA) and Integrated Pollution Prevention and Control (IPPC) at judicial and administrative levels? Is legal aid, injunctive relief, suspensive effect of appeals applied and if yes, how? What are the (average) costs and average duration of environmental cases, including appeal cases, for a party to the administrative/judicial procedure (expert's costs, court fees, legal representation, deposits required for certain procedural measures)? Are the special provisions in place to guarantee that they do not extend over a reasonable amount of time? Is there a possibility of injunctive relief in these procedures?
21. Do standardised systems or methods for gathering, transferring and reporting of data and statistics concerning the environment exist?
22. What are the provisions relating to public participation (information and consultation) in decision making related to the environment? Are there requirements for public participation prior to administrative decisions relating to permitting activities likely to have significant environmental impact? Are there requirements for public participation in relation to plans and programmes and/or policies and/or legislation related to the environment? Which administrative bodies (Ministries, agencies, etc.) and at which level (national, regional, local) are responsible for granting development consent? Do environmental authorities participate to development consent procedures and how? Are there review procedures whereby members of

the public and/or public concerned can challenge the substantive and procedural legality of decision, act or omission occurring in connection with the decision making related to the environment subject to public participation? Is there a definition of "public" or "public concerned" which is applied in this context? Are there specified timelines when the public is consulted in the decision making process?

23. Has Bosnia and Herzegovina ratified the Aarhus Convention on access to information, public participation and access to justice in environmental matters? If not, what is the planned timeline for this ratification? Are there any Aarhus centres? Do they function properly?
24. Has Bosnia and Herzegovina ratified the Espoo Convention on environmental impact assessment in a transboundary context, and, if so, how does it ensure that transboundary consultation is carried out? In case of transboundary consultation what are the foreseen timelines? If not, what is the planned timeline for this ratification? At national level, what measures are there for an environmental impact assessment of certain projects? At what stage of the project is such an assessment to be carried out? How often are projects turned down or amended as a result of these assessments?
25. Has Bosnia and Herzegovina ratified the SEA (Strategic Environmental Assessment) Protocol to the Espoo Convention? If not, what is the planned timeline for this ratification? What steps are being taken to introduce environmental assessment of plans and programmes, and do they also extend to policies and legislation?
26. Please briefly describe the activities Bosnia and Herzegovina takes part in the framework of the European Environment Agency and Eionet.
27. How is the impact on habitats/species taken into account in environmental assessments procedures?
28. Does Bosnia and Herzegovina have in place a Regulatory or Sustainability Impact Assessment System that leads to an assessment of the economic, social and environmental impacts of major public policies in a single integrated process?
29. How are concepts of environmental sustainability including the protection of habitats and species integrated into policies related to economic sectors, including energy, agriculture, mining, tourism, fisheries and aquaculture?
30. What is the common standard of liability when it comes to damage caused to the environment (strict or fault based)? And how is damage recovery in this field understood and functioning: Are there rules on damage to persons (bodily injury, damage to property, economic loss etc.) "via the environmental path", or are there rules on "pure ecological damage", or rules on both, or no rules at all in this field? How is "pure environmental damage", i.e. in particular damage to protected species and natural habitats, damage to water and damage to land currently followed up and dealt with? In case there are rules on "pure ecological damage": Are there measures based on environmental liability aiming at preventing and remedying environmental damage? If not, is the adoption of such measures planned for the near future? To what extent do legal obligations exist for liable operators of certain dangerous activities (and on a subsidiary basis for other parties and for competent authorities) to restore in kind the environmental damage caused to protected species and natural habitats, to water and to land, independent from private claims for reimbursement.
31. Do criminal penalties for breaches of environmental law exist? If yes, please describe the penalty system. Does the legislation provide an administrative or criminal responsibility of legal persons for breaches of environmental law? What type of other criminal penalties than imprisonment and fine exist for breaches of environmental law? To what extent do provisions

exist which already have criminalised the environmental offences listed in the Directive 2008/99/EC?

32. Please detail the number of prosecutions for breaches of environmental law and the level of penalty for such breaches over the last 5 years. Please provide information on the collection rates of fines imposed and the relevant statistics for breaches in the sectors of air, water and waste for the last three years and, if available, also for other environmental sectors.
33. Regarding spatial data, what are the legislation, implementing capacity and infrastructure developed in line with the INSPIRE directive?

B. Air Quality

34. Do air quality limit values or target values exist for specific atmospheric pollutants? If so, what are these values?
35. What is the relationship of the above with the WHO standards/guidelines?
36. Is there a national programme for monitoring air quality or national/regional/local plans on air quality? If yes, is information made available to the public and has public been consulted on the programme/plans? Which is the competent authority dealing with air quality problems and which responsible for the development of air quality strategies? What is the state of play regarding: the monitoring system, its maintenance and calibration, data collection, processing and reporting?
37. Are there estimates of emissions of the major atmospheric pollutants?
38. Are there national programmes or strategies for reducing emissions of atmospheric pollutants? What are the resources, methods and procedures employed for emission monitoring?
39. Are there national, regional or local plans or programmes specifically addressing improvement of air quality (i.e. concentration levels of certain pollutants) in the respective areas?
40. What arrangements are in place to control Volatile Organic Compound (VOC) emissions from different sources including petrol storage and distribution, the use of solvents by industry and from the use of paints and varnishes?
41. What is the state of ratification and implementation of the UNECE Convention on longrange transboundary air pollutions and its various protocols? Is Bosnia and Herzegovina in the European Pollutant Emission Register (EPER) and the European Pollutant Release and Transfer Register (E-PRTR)? If not, what is the time schedule foreseen for partaking in these Registers?

C. Waste Management

42. What are the main features of the legislation concerning waste management (incl. household waste, waste from consumer goods, packaging waste and electric and electronic equipment, end-of-life vehicles, PCB/PCT, industrial waste including hazardous waste, sludges from urban waste water treatment and other waste from specific activities)? Does Bosnia and Herzegovina intend to apply for the European List of Waste?
43. Please provide basic information about facts and figures on waste generation and management:

- a) Quantity, type (e.g. hazardous) and origin (industrial installations, agriculture, mining and quarrying, municipalities etc.) of waste generated per year;
 - b) Waste treatment facilities: number and performance of treatment plants, composting and recycling plants, incineration facilities, landfill sites (and their compliance with EU standards);
 - c) Figures on export and import of waste (quantity, type).
44. Is there a general waste management policy (programme, strategy etc.) in place? Has Bosnia and Herzegovina set a timeline for adoption of remaining waste legislation?
45. Is there a legislative framework in place on the following topics:
- a) Basic framework legislation (definition, hierarchy on waste treatment; prevention, reuse, recovery, recycling), authorisation schemes, responsibilities for the disposal and recovery of municipal waste and of other waste, extended producer responsibility);
 - b) Framework legislation on hazardous waste;
 - c) Legislation on specific types of waste treatment (incineration, landfill);
 - d) Legislation on specific waste streams or types;
 - e) Legislation on shipment of waste.
46. Does Bosnia and Herzegovina's waste management legislation include provisions on waste prevention?
47. Which instruments exist apart from legislation (e.g. economic instruments, waste management planning)? How is the cooperation with municipalities and private sector ensured?
48. Is there an administrative infrastructure in place? If yes, on which level (national, regional, local)?
49. What are the investments foreseen in that sector in short, medium and long-terms?

D. Water Quality

50. Please describe the legislative basis for water protection and water resources management, in particular:
- a) Water quality and water quantity;
 - b) Ground water and surface waters;
 - c) Drinking water quality;
 - d) Bathing water quality;
 - e) Fish and shellfish waters.
51. Are waters subject to general protection or is this protection restricted to certain bodies of water or waters for certain use (e.g. drinking water extraction), or are there special protection areas apart from general provisions?
52. Does the existing legislation provide for principles such as prevention of pollution at source, emissions control and water quality standards?
53. Is there a system of prior regulations and/or specific authorisation for water extraction from ground water and/or from surface waters?

54. Does the existing legislation provide for objectives laid down in a "master plan", also listing the measures to take for reaching these objectives?
55. To what extent is the quality of drinking water supplied to people from the public supply systems in compliance with existing legislation in Bosnia and Herzegovina?
56. Is there a system for prior regulations and/or specific authorisation for storage and handling of substances endangering or potentially endangering waters?
57. Please provide basic information about facts and figures on urban waste water management. Please provide information on number and performance of waste water collection and treatment facilities. What are the estimates of the percentage of population and industries connected to collecting systems and treatment facilities?
58. Which are the responsible authorities for:
 - a) Planning procedures?
 - b) Prior regulation and/or specific authorisation procedures?
59. How is the coordination of the various authorities involved in planning and implementation of water related policies and legislation ensured?
60. What is the state of play of the monitoring system for water quality standards, nitrates, drinking water, groundwater and bathing water? What are the main sources of pollution? What is the state of play in regards to implementation of the Nitrates Directive?
61. Is a system of River Basin Management being developed to ensure water quality and quantity management as well as flood risk management and if so, how? Does this include all surface and ground water bodies, including transitional waters and coastal waters?
62. Has a registry of protected areas been established?
63. Is the legislation in place that addresses prevention and protection against flood risks? What is the timeline regarding floods hazard and risks mapping?
64. Is there cooperation in place with neighbouring countries with which Bosnia and Herzegovina is sharing river basins? How is the management of fisheries and other living resources integrated into such management?
65. Is there a system in place to encourage active involvement of all interested parties (including public and private stakeholders) in river basin management?

E. Nature Protection

66. To which multilateral environmental agreements related to biodiversity is Bosnia and Herzegovina a party, and how are they implemented?
67. What are the national plans regarding bio-diversity?
68. Is there a system to collect information on the biodiversity, including on the conservation status of threatened species and habitats?
69. Describe the legislative basis for the protection of nature, especially concerning species and habitats of conservation interest.
70. What systems of protected areas exist for nature conservation, including specifically protected areas? On what basis have protected areas been designated? What is their surface coverage? What is the percentage of the national territory protected? What are the plans for

increase of protected areas? Where does Bosnia and Herzegovina stand in implementing the Emerald network as preparation for future Natura 2000?

71. What are the main (legal and practical) nature conservation instruments (e.g. permitting systems, impact assessments, management contracts, conservation plans, compensation systems, etc.), land-use planning controls and enforcement measures that exist:
 - a) For protected areas;
 - b) For the conservation of nature outside of protected areas;
 - c) For protected species?
72. Is there a system in place for systematic monitoring of the biodiversity? If yes, please provide details. If no, please inform of any plans for its establishment.
73. How is the administrative system for nature protection organised? Please provide detailed description on staffing and budget allocations for nature conservation (administration, management, monitoring, etc.)
74. What are the major differences between the nature conservation legislation and EU nature conservation directives and what are the major difficulties foreseen for the approximation process?
75. What are the major differences between the legislation on wildlife trade and EU Regulations on that matter and what are the major difficulties foreseen for the approximation process?
76. What are the major differences between the legislation on animal welfare related to wildlife and EU Regulations on that matter and what are the major difficulties foreseen for the approximation process?
77. Describe the legislative basis for the keeping of animals in zoos. Does a system for inspections and licensing exist for these types of establishments?
78. Does Bosnia and Herzegovina have a national forest programme and a national forest inventory system?
79. Is the planning of any hydropower in conformity with the relevant EU nature legislation (EIA, water, nature protection) and taking into account the cumulative impact on areas of high nature interest?
80. Is the legislation on hunting activities allowing the hunting of strictly protected species listed on the Annex IV of the Habitats Directive and the birds listed in the Annexes of the Birds Directive, and which are the conditions under which these species may be hunted?
81. Is there a system in place for the systematic monitoring of the conditions of forests (especially in relation to the effects of new challenges caused/likely to be caused by climate change)?
82. Is there a system in place for the collection of data on all forest fires? Is there a strategy for the prevention of forest fires?
83. Please describe the general policy and legislative basis for soil protection, including provisions for the identification and management of contaminated sites.
84. Does Bosnia and Herzegovina have a soil monitoring system in place? If so, please give details (e.g. parameters considered, frequency of monitoring, etc.).

F. Industrial Pollution Control and Risk Management

85. What are the main features of the legislation concerning the permitting of industrial installations with regard to emissions of pollutants into the air, water and soil? Is there a permitting system in place based on the use of best available techniques for integrated pollution prevention and control (IED)? How many IED installations exist? What are the monitoring, enforcement and reporting activities in relation to the legislation?
86. What are the main features of the legislation regarding emissions from large combustion plants (rated thermal input above 50 MW), waste incineration plants and installations using organic solvents?
87. Is there a system in place to provide for a pollutant release and transfer register regarding industrial facilities?
88. Are there provisions relating to the participation of public or private organisations in environmental management and audit schemes?
89. Are there measures providing for an eco-labelling system?
90. How is the issue of industrial risks and accidents dealt with and controlled by public authorities? Is there a system in place to control major accidental hazards (e.g. Seveso)?

G. Chemicals

91. What are legal acts and the main features of the legislation concerning chemical substances and mixtures?
92. Is there an official register of chemicals which are on the market? Are the "new" chemical substances identified? Is there a Competent Authority planned for the notification of "new" substances? Please describe.
93. Are there classification, packaging and labelling rules for chemicals (for both substances and mixtures)? Please describe.
94. Is there a registration/authorisation procedure for pesticides, i.e. plant protection products (agricultural pesticides) and/or biocides (non-agricultural pesticides)?
95. Are there data collection and risk assessment procedures for chemicals, in particular pesticides? Please describe.
96. Are there any provisions for the communication of information on chemicals within the supply chain (e.g. hazards, risks, risk management measures)?
97. Are there any legal provisions and administrative measures and the respective infrastructure to prohibit and control the export and import of certain hazardous and/or banned chemicals, including pesticides? Is there an export notification scheme for banned or severely restricted chemicals including pesticides? Please describe.
98. Does administrative infrastructure exist to manage and control the implementation and ensure the enforcement of the legislation? Please describe the Competent Authority in the area of chemicals, per legislative act it is in charge of, including the structure, organisation, rules to which they may be subject and resources available, including laboratory capacities if any. Please include any collaboration/responsibilities sharing that may be in place with enforcers for other related legislation (e.g., worker's protection, customs, market surveillance authorities ...). Please describe the system of official controls, including how official controls are

organised, their scope and implementation in practice and measures taken to ensure that official controls are effective.

99. When does Bosnia and Herzegovina expect to fully implement the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC and Regulation (EU) No 649/2012, including in particular the control of exports of chemicals subject to that Regulation?
100. When will Bosnia and Herzegovina submit its first report on implementation of the Stockholm Convention on Persistent Organic Pollutants (POPs)? When does Bosnia and Herzegovina expect to fully implement the Convention and Regulation (EC) No 850/2004, including all monitoring and reporting obligations?
101. Are there legal provisions in place, including a national competent authority, for the protection of laboratory animals as required by Directive 2010/63/EU?
102. Are there legal provisions in place regarding exports and safe storage of mercury and certain mercury compounds and mixtures as required by Regulation (EC) No 1102/2008?
103. How are the authorities preparing for implementation of Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency? What specific measures are taken/envisaged in order to raise awareness among operators to ensure that they will be aware and ready to fulfil REACH obligations (e.g. to generate the information required in REACH for registration of substances within ECHA, including by using the relevant test methods and taking into account the rules on avoidance of unnecessary testing (in particular in vivo testing); to fulfil obligations as regards the authorisation Title of REACH, including the need to apply for authorisation, their capacities to prepare the applications but also their obligations to provide information on the presence of substances of very high concern in articles through the supply chain and, upon request, to consumers, etc.).
104. How are the authorities preparing for the implementation of Regulation 1272/2008 (CLP)? What specific measures are taken/envisaged in order to raise awareness among operators to ensure that they will be aware and ready to fulfil CLP obligations (e.g. classification, notification to the C&L inventory, packaging and labelling). Has Bosnia and Herzegovina appointed 'a body or bodies responsible for receiving information, relevant, in particular, for formulating preventive and curative measures in particular in the event of emergency health response, from importers and downstream users placing mixtures on the market (often Poison information Centres), whose set up is required in accordance with Article 45(1) of CLP?
105. How big is the chemicals industry in Bosnia and Herzegovina? Indicate approximately how many companies are SMEs. How much chemical substances are exported to the EU and EEA/EFTA countries?
106. Are there provisions for collection of statistical data on the use of animals for experimental and other scientific purposes as required in Commission Implementing Decision 2012/707/EU?

H. Noise

107. Do the authorities periodically assess noise over the major road and railway network, in large industrial plants, in airports and in agglomerations? Every how many years?

108. Do the authorities inform and consult citizens on noise issues, explaining what the health implications are (cardiovascular diseases, sleep disturbance, annoyance and cognitive impairment)?
109. Have the authorities established competences amongst authorities for noise abatement measures along roads, railways, airports and industrial activities, and including the agglomerations?
110. Is there a general noise abatement act or policy? What are the main features of the noise control policy (emission standards, planning standards)?
111. Which noise sources are covered by this legislation/policy, in particular what is the situation as regards road traffic, rail traffic, air traffic, industrial activities sites such as construction plants and equipment industries?

I. Civil Protection

112. Is Bosnia and Herzegovina a participating state to the EU Civil Protection Mechanism? What are the plans in that perspective? Please provide a detailed action plan with milestones in this regard.
113. Which administrative bodies (Ministries, agencies, etc.) are responsible for developing the civil protection policy? Please describe the internal and international coordination, information sharing and cooperation mechanism.
114. What is the general approach and organisation as regards civil protection?
115. Are there specific measures aiming at protecting the environment in the case of a disaster?
116. Does the civil protection organisation include a component for international cooperation and if so, what is the nature of this?
117. Are there specific strategies or measures aimed at protecting the population from disasters? Is there any strategy for disaster risk reduction and management? Is there sufficient capacity and budget to implement strategy and respond to any disaster?
118. Are there specific strategies or measures aimed at preventing and combating forest fires?
119. Are there specific strategies or measures aimed at preventing and combating floods?
120. Is there a National Risk Assessment in place, and is it used to improve the understanding of the main disaster risks and to improve response planning?

J. Climate Change

121. Is there a national climate strategy or policy, addressing both mitigation and adaptation aspects of climate action? Have national climate change policy and/or, strategies been adopted? Define the scope in terms of setting emissions reduction targets, sectors that have been included, integration of climate action into other policies and consistency with the EU 2030 framework for climate and energy policies
122. Provide a detailed account of the administrative bodies - ministries and/or agencies responsible for the development, implementation and monitoring of climate change policies and measures on national and local levels. Do they have clear mandates to perform these tasks? Do they have sufficient human and material resources? Have these resources been strengthened in recent years and what plans exist for further strengthening?

123. Are there concrete action plans and measures set out for the implementation of the national climate change policy and/or strategies, with allocated resources and timetable? If not, are they being prepared? Has this been linked to the EU climate acquis and how is its implementation monitored?
124. How is it ensured that climate change legislation and policies are aligned with EU climate change *acquis*? Outline the main difficulties encountered.
125. What are the obstacles to the alignment with the EU acquis and to the implementation at the national and local level? How is inter-institutional coordination ensured?
126. How is the integration of climate change considerations into other policy areas, particularly energy, transport and agriculture, achieved?
127. How is the inter-Ministerial cooperation on climate change and appropriate coordination between concerned ministries and other parts of the government ensured?
128. Which international agreements concerning climate change have been signed and which ones have been ratified by Bosnia and Herzegovina? What are the country's plans to ratify and implement the Paris agreement and its nationally determined contribution to the global response to climate change?
129. Describe the country status under the United Nations Framework Convention for Climate Change (UNFCCC) so far. Has Bosnia and Herzegovina submitted a national communication under UNFCCC? If so, provide details on the submissions.
130. Specify the support of the UN organisations and/or other donors in funding capacity building activities for the UNFCCC and Paris Agreement implementation in Bosnia and Herzegovina.
131. Describe the state of implementation of the Vienna Convention and the Montreal Protocol for the protection of the ozone layer.
132. Has Bosnia and Herzegovina undertaken measures to align with the EU acquis covering GHG emission reductions, especially EU ETS?
133. Has Bosnia and Herzegovina taken steps to curb greenhouse gas emissions from aviation activities?
134. Does Bosnia and Herzegovina have a system for monitoring, reporting and verification (MRV) of greenhouse gases? Will there be sufficient information and training provided by a competent authority, installation operators and verifiers on the MRV, ETS registry, auctioning of emissions allowances and on the participation in the secondary carbon market?
135. Which measures has Bosnia and Herzegovina undertaken to align with and implement EU acquis covering GHG emission reductions, in sectors not covered by the ETS, in particular transport, agriculture, built environment and land-use and land-use change sectors?
136. Is there a system for greenhouse gas monitoring and reporting established? If so, how is it organised and financed?
137. In addition to the measures referred to under the heading "Industrial Pollution Control and Risk Management", is there legislation controlling emissions from mobile sources (cars, trucks, buses, etc.)?
138. What arrangements are in place to monitor the quality and life-cycle greenhouse gas impact of petrol, diesel, other gas oils and heavy fuel oil?

139. What steps has Bosnia and Herzegovina taken to set emission performance standards for new vehicles and to promote monitoring and availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new cars?
140. What steps has Bosnia and Herzegovina taken to promote carbon capture and storage?
141. Are measures for the reduction of emissions of fluorinated gases in place or planned?
142. Are measures regulating the production, import, export, placing on the market, use, recovery, recycling, reclamation and destruction of substances that deplete the ozone layer in place or planned?
143. What additional assistance is potentially needed to establish the above-mentioned activities?

CHAPTER 28: CONSUMER AND HEALTH PROTECTION

The *acquis* on consumer and health protection consists of regulatory measures, recommendations to Member States, coordination and support of Member States' activities including financial support. The chapter covers the interests of the citizens as regards consumer policy, notably safety and economic interests, and public health.

The *acquis* in the area of **consumer protection** includes legislation on product safety and the European Union's Rapid Alert System (RAPEX), cross-border enforcement cooperation, consumer redress, injunctions for the protection of consumer interests, sale of consumer goods and associated guarantees, unfair contract terms, price indications, *consumer rights*, distance marketing of financial services, consumer credit, misleading and comparative advertising, unfair commercial practices, timeshare, and package travel.

Insofar as **public health** is concerned, the *acquis* covers areas related to tobacco control, serious cross-border health threats including communicable diseases, blood, tissues, cells and organs, patients' rights in cross-border healthcare, medicinal products (human and veterinary), cosmetics and medical devices and also with mental health, drug abuse prevention, health inequalities, nutrition, alcohol related harm reduction, cancer screenings, healthy environments including prevention of injury, promotion of safety, active and healthy ageing as well as European action in the field of rare diseases.

Implementation and enforcement of consumer protection and health promotion, prevention and protection policies require adequate administrative capacities and infrastructure at national, regional and local level. As regards consumer protection, this refers to effective market surveillance and access to consumer redress, including appropriate independent judicial and out-of-court dispute resolution mechanisms. It also encompasses consumer education, information and awareness-raising activities, and entails the active involvement of consumer representatives in the design and implementation of policies, thus ensuring a role for consumer associations.

I. CONSUMER PROTECTION

A. Horizontal aspects

1. Please describe the scope of the consumer protection policy. Is consumer protection recognised as a specific policy in Bosnia and Herzegovina? Are there specific rules on consumer protection in other policy areas?
2. Please describe the institutional set-up for consumer affairs in Bosnia and Herzegovina, including the distribution of competences between different levels of governance.
3. General co-ordination of consumer affairs: is general competence on consumer policy allocated to one designated authority, which is responsible for taking initiatives and for coordinating actions in the consumer area?
4. Market surveillance/general product safety: are there independent administrative structures and enforcement powers monitoring the market for consumer goods, in order to detect breaches of product safety rules and to ensure they are corrected? This would include dealing with consumer complaints and infringement of rules. (*Specific questions on product safety and market surveillance are to be found in section B. below*)
5. Market surveillance/protection of economic interests of consumers: are there independent administrative structures and enforcement powers monitoring the market for consumer goods and services, in order to detect breaches of rules protecting the economic interests of consumers and to ensure they are corrected? This would include dealing with consumer

complaints (individual complaints and cases harming the collective interests of consumers) and infringement of rules. (See also section C. below)

- a) Information should outline mandate, responsibilities and powers (e.g. of investigation, to seize the courts, etc.), as well as structure and organisation of the services in charge of consumer policy, including links between central, regional and local level.
 - b) Please indicate human and financial resources allocated to each sector.
 - c) Please explain how co-ordination between competent authorities is ensured.
 - d) Please explain how are infringements of consumer protection laws harming the collective interest of consumers in cross border cases dealt with.
 - e) Are there regular statistical processes which monitor the levels and evaluation of prices for consumer's goods and services? Are there surveys intended to determine the level of satisfaction with consumer goods or the percentage of consumers who have switched their service provider?
6. Have consultation structures or procedures been established in order to allow consumer interests to be represented in discussions on consumer policy, when drafting and implementing legislation?
 7. Access to justice: which measures are in place, if any, to facilitate consumers' access to justice through the courts to seek individual redress? Are there measures to simplify and speed up small claims litigation? Do out-of-court bodies exist which provide alternative dispute resolution systems (e.g. mediation, arbitration or conciliation systems)?
 8. Is there in the consumer area a court or an administrative procedure which enable entities such as consumer organisations or public authorities to seek an injunction to stop an illegal practice of a trader? Please describe the system.
 9. Have Bosnia and Herzegovina authorities drawn up any education, information and awareness-raising programme on consumer issues, which would help consumers be aware of their rights and able to exercise them?
 10. Do non-governmental organisations representing consumer interests exist in Bosnia and Herzegovina? If so, please describe their situation: how many are there? When were they created? How is their membership composed? Are they representative of consumer interests at national level? Is the government promoting and assisting their development? What are their objectives? Which kind of activities do they carry out? What are their main sources of financing? How many staff do they employ?
 11. Has Bosnia and Herzegovina developed any relations with other countries on consumer protection issues (e.g. cross-border co-operation activities, exchange of information and best practices, etc.)?

B. Product safety-related measures:

Legislation

12. In the framework of consumer protection policy, indicate whether the following sectors are covered and to what extent they are in line with the relevant EU acquis:
 - a) General Product Safety Directive (2001/95/EC)
 - b) RAPEX Guidelines (Decision 2010/15/EU)
 - c) marketing restrictions of child-resistant and novelty lighters (Decision 2006/502/EC as

- d) prolonged by Decisions 2007/231/EC, 2008/322/EC, 2009/298/EC, 2010/157/EU, 2011/176/EU, 2011/176/EU, 2012/53/EU, 2013/113/EU, 2014/61/EU and 2015/249)
 - e) Marketing prohibition of products containing the biocide dimethylfumarate (Decision
 - f) 2009/251/EC as prolonged by Decision 2010/153/EU))
 - g) Food-imitating Products Directive (Directive 87/357/EEC)
 - h) Liability for defective products (Directive 85/374/EEC)
13. Does Bosnia and Herzegovina have legislation concerning liability for defective products?
 14. Are there legal provisions in force establishing the principle of objective liability or liability without fault of the producer in cases of damage caused by a defective product? If such provisions are in force, is there a rule of joint liability in cases where more than one person is liable for the same damage?
 15. If legal provisions on product liability are in force, what products do they cover? Are some products excluded from the scope of these rules? What is the definition of "damage"?
 16. If legal provisions on product liability are in force, how is the producer defined, what are the rules applicable to burden of proof?
 17. If legal provisions on product liability are in force, are there any rules exempting the producer from liability (e.g. producer did not put the product into circulation, the defect causing the damage came into being after the product was put into circulation by the producer, the product was not manufactured for profit making sale, the product was neither manufactured nor distributed in the course of producer's business, the state of scientific and technical knowledge at the time when the product was put into circulation was not such as to enable the defect to be discovered, the defect is due to compliance of the product with mandatory regulations issued by the public authorities)?
 18. If legal provisions on product liability are in force, is the producer's liability altered when the damage is caused both by a defect in the product and by an act or omission of a third party?
 19. If legal provisions on product liability are in force, are there any rules on expiration of liability?
 20. Are there any plans to modify the existing legislation? Please give details and timetables.

Implementation and enforcement

21. Please comment on the important aspects of the infrastructure for general product safety as described below by referring to the system for market surveillance:
 - a) Market surveillance/enforcement authorities with defined responsibilities and sufficient powers and resources to monitor the compliance of products with the directive and to react to complaints;
 - b) Rapid and well-functioning legal system for taking measures in cases of breaches of the legislation and for appropriate means of redress in respect of measures taken;
 - c) Systematic approaches (surveillance programs, follow up of scientific and technical knowledge, review and revision of the functioning of the activities) to ensure the effectiveness of market surveillance;
 - d) System for co-operation between market/surveillance bodies with responsibilities in relation to enforcement of different types of consumer products as well as with customs

(Regulation (EC) No 339/93, Regulation (EC) No 765/2008 replacing as of 1 January 2010 the Regulation (EC) No 339/93);

- e) Defined methodology for risk-assessment and access to technical expertise and competent and independent testing facilities for checking conformity of products;
 - f) Access to information on product dangers to the public respecting professional secrecy and restrictions required for monitoring and investigation activities;
 - g) System for co-operation and information with producers and distributors and consumer associations with regard to providing and receiving information and exchange of experiences;
 - h) System for providing rapid information to consumers and businesses through the media;
 - i) System for ensuring administrative co-operation with other countries;
 - j) Co-operation with the national standardisation body with regard to the use of standards under the directive and to ensure co-operation of all parties concerned (including consumers) in the development of standards related to consumer products;
 - k) Systems for collection of product related injury data (such as the EU EHLASS programme);
 - l) Number of controls carried out and the results, the reasons for the controls (own initiative/complaints), type of products controlled, the geographical coverage of the controls, the way the controls have been carried out (ocular examination/testing).
22. Please give some indication of the level of activities in the field of market surveillance by providing statistics, as available, referring to some of the following examples:
- a) Number of complaints received, from whom and actions undertaken;
 - b) Number and types of measures taken by market surveillance authorities;
 - c) Number and types of measures taken by customs authorities;
 - d) Number and types of product safety cases dealt with by the courts, average time-frame for a decision and average time for enforcement;
 - e) Number and type of rapid-alert measures notified to and from the central point and documentation on follow-up to such notifications;
 - f) Activities undertaken (meetings, information documents etc.) for ensuring co-ordination between authorities and interaction with economic operators and consumer organisations;
 - g) Information activities directed to the public;
 - h) Routines and meetings between product safety authorities and customs to ensure co-ordination of the customs control;
 - i) Details of systems for ensuring a systematic approach to control activities;
 - j) Statistics on injuries related to products;
 - k) Systems established to ensure consumer participation in relevant standardisation work;
 - l) Statistics relating to sales figures of consumer products, origin of the products.
23. For which of these product categories have specific market surveillance activities been carried out in the last three years?
- a) Child-care articles (e.g. teething rings, pacifier chains, baby walkers, folding cots);

- b) Playground equipment and playing field equipment;
 - c) Furniture (e.g. bunk beds, flammability of upholstered furniture);
 - d) Do-it-yourself equipment (e.g. ladders);
 - e) Leisure equipment (e.g. bicycles, climbing equipment, bounce castles);
 - f) Clothing (flammability risks, strangulation risks);
 - g) Decorative articles (e.g. imitation fruit, Christmas decorations, candles);
 - h) Products containing chemicals (e.g. phthalates in PVC-products, biocide dimethylfumarate in shoes, clothing and furniture);
 - i) Products for children, other than toys (e.g. products attractive to children, children's swim seats, playpens);
 - j) Cigarette lighters;
 - k) Laser pointers.
24. For product-categories for which no activities were carried out: what was the reason that no activities were carried out?
25. For categories for which activities were carried out: choose randomly some of the products falling under the categories of products under question 21 as examples to provide answers to the following questions:
- a) Why were these products chosen?

Examples:

Accidents involving the product.

Risk reported by the manufacturer.

Risk reported by conformity assessment (testing, certification) bodies.

Risk reported through an alert network.

Risk reported through a national alert network (e.g. hospital services).

Action by consumer associations or an individual consumer.

Complaint from a competitor.

Information from another country (bilateral contact).

Risk reported by customs.

Special risk covered by a sectoral or seasonal surveillance programme.

Random check.

- b) How was the surveillance organised for these products?

Examples:

Timing and frequency of checks (e.g. before placing on the market, during customs clearance, after placing on the market, in use).

Locations where the checks were carried out (e.g. places of design, manufacture, packaging, storage, sale, in use, goods transport vehicles, roadside checks, customs control).

Control procedures (e.g. documentary or in-situ checks, visual checks (marking, etc.),

requests for technical documents, sampling, testing in government laboratories, testing in private laboratories).

Resources used (e.g. administrative and judicial authorities involved, numbers of staff assigned, spending).

Time elapsing between the first check and final decision.

- c) Which measures were taken as a result of the checks? (If the measures were temporary, for how long did they apply?).

Examples:

Product deemed compliant.

Party responsible merely required to bring the product into compliance.

Product banned from the market until brought into compliance.

Product withdrawn from the market until brought into compliance.

Product impounded.

Product ordered to be destroyed.

Product recalled.

Information and warning for consumers (how?).

Recall of the product from consumers (how?).

Civil or penal sanctions (to whom?).

- d) Have the results of these activities and the experience acquired influenced subsequent market surveillance activities?
- e) Who were informed about the activity and/or the outcome - in general or with regard to specific products (e.g. media, other countries, etc.)?
- f) Which practical difficulties were encountered in carrying out the activities?

C. Non-safety related measures (protection of economic interests of consumers)

Legislation

26. In the framework of consumer protection policy, indicate whether the following topics and/or sectors are covered and to what extent they are in line with the relevant EU acquis:
- Certain aspects of the sale of consumer goods and associated guarantees (Directive 1999/44/EC)
 - Unfair terms in consumer contracts (Directive 93/13/EEC)
 - Indication of the prices of products offered to consumers (Directive 98/6/EC)
 - Consumer rights (Directive 2011/83/EU)
 - Distance marketing of consumer financial services (Directive 2002/65/EC amending Directives 90/619/EEC, 97/7/EC and 98/27/EC)
 - Credit agreements for consumers (Directive 2008/48/EEC)
 - Misleading and comparative advertising (Directive 2006/114/EEC)
 - Unfair commercial practices (Directive 2005/29/EC)

- i) Certain aspects of timeshare, long term holiday product, resale and exchange contracts (Directive 2008/122/EC)
 - j) Package travel, package holidays and package tours (Directive 90/314/EEC), repealed with effect from 1 July 2018 by Directive (EU) 2015/2302 on package travel and linked travel arrangements
 - k) Injunctions for the protection of consumers' interests (Directive 2009/22/EC)
 - l) Alternative dispute resolution for consumer disputes (Directive 2013/11/EU)
 - m) Online dispute resolution for consumer disputes (Regulation (EU) No 524/2013)
 - n) Pre-contractual information to be given to consumers by lenders offering home loans (Commission Recommendation 2001/193/EC)
27. Please indicate for each of the above listed pieces of legislation the basic features of the respective legislation, including enforcement mechanisms, and plans for reform.
28. Please provide a list of bodies that deal with the execution of consumer complaints.
29. Do out-of-court bodies exist which provide alternative dispute resolution systems (e.g. mediation or conciliation systems)?
30. Does Bosnia and Herzegovina intend to establish (or ensure the establishment of) bodies allowing consumers to settle their disputes with traders out of court (alternative dispute resolution)?
31. Please indicate whether within the framework of consumer protection policy there are in place competent authorities and a single liaison office that are capable of assuming the obligations imposed by Regulation 2006/2004 on Consumer Protection Cooperation.
- a) Please outline the number of competent authorities, their respective mandates, responsibilities and their investigation and enforcement powers for cross border cooperation, as well as the structure and the organisation of the services in charge of consumer policy, including links between central, regional and local level.
 - b) Please indicate human and financial resources allocated to each competent authority and to the single liaison office.
 - c) Please explain how co-ordination between competent authorities is ensured by the single liaison office.
 - d) Please explain how co-ordination between competent authorities and other national public authorities (*e.g.* police, prosecutor office, customs etc.) is ensured.
 - e) Please explain how are infringements of consumer protection laws harming the collective interest of consumers in cross border cases dealt with.
 - f) Are there regular statistical processes which monitor the cross border infringements of consumer legislation in the sense of the Regulation 2006/2004 on Consumer Protection Cooperation?
 - g) Are there surveys intended to determine the impact of cross border infringements of consumer legislation on consumers and on traders?
 - h) Please describe the important actors in the consumer area: consumer associations and industry/trade associations.
 - i) Please describe how those consumer associations and industry/trade associations deal with consumer protection and fight against rogue traders in cross border context.

- j) Please describe the existing or potential enforcement cooperation (including informal exchanges) and its legal basis, between the national enforcement authorities and the EU consumer enforcement authorities.
 - k) Please describe the existing or potential enforcement cooperation (including informal exchanges) and international agreements with non EU consumer enforcement authorities.
 - l) Please indicate the legislation providing the legal basis for the competent authorities and the single liaison office to fulfil their obligations under Regulation 2006/2004 on Consumer Protection Cooperation.
32. Specify which authorities are competent for drafting the relevant legislation and how legislation is passed (primarily through parliamentary procedure or ministerial orders or decrees).
33. Please indicate additional existing legislation protecting consumers' economic interests (e.g.: rules on sales promotions, rules on advertising, rules on price reductions, general labelling requirements on products).

Implementation and enforcement

34. If public authorities exist to protect the economic interests of consumers, please specify the powers at their disposal and give some examples of activities carried out, including the powers and activities in cross border cases.
35. Please provide details on enforcement of legislation in the area of financial services, in particular on consumer credit.

II. PUBLIC HEALTH

A. Horizontal aspects

The Third Programme for the Union's action in the field of health 2014-2020 (Regulation (EU) No 282/2014) is a key instrument to complement, support and add value to the policies of the Member States to improve the health of Union citizens and reduce health inequalities by promoting health, encouraging innovation in health, increasing the sustainability of health systems and protecting Union citizens from serious cross-border health threats.

36. Does Bosnia and Herzegovina have a health strategy? What are the main priorities? Are activities being implemented in these areas? If so, provide a brief description. Examples include:
- a) Health mainstreaming
 - b) Health promotion activities
 - c) Surveillance and preparedness activities
 - d) Innovation in health/health technologies
 - e) Gender dimension
 - f) Health literacy programmes
 - g) Consultation mechanisms
 - h) Health status analysis and reporting (to support national health policy cycles, as public health problems and their determinants - in different population groups - are important for policy makers).

37. Please provide information on the health status of the population in Bosnia and Herzegovina. This should include sex specific and combined information on key health indicators such as infant mortality and life expectancy; patterns of mortality and morbidity; situation with regard to communicable and sexually transmitted diseases, healthy life years. To this end, please see DG Health and Food Safety website on European Core Health Indicators (ECHI) and consider as an example to follow this first set of key health indicators. (http://ec.europa.eu/health/indicators/echi/list/index_en.htm). With reference to descriptive data, please specify also:
- a) What data is produced nationally, who has access to them and to what degree are they comparable to other EU countries?
 - b) What data is available on access to and use of health care, funding of primary and secondary care, morbidity, mortality, incidence rates, hospital facilities, health personnel, healthy life years, regional differences?
 - c) What is the rate of health staff physicians, nurses, dentists and other health staff per 100.000 population?
 - d) What is the average length of stay in hospitals and institutions?
 - e) What are the main determinants of diseases?
 - f) What are the diseases that cause most premature deaths and disabilities?
38. With reference to the institutional framework and administrative capacity, please answer to the following questions:
- a) Who are the main actors involved with public health in Bosnia and Herzegovina? How many people are working in the Ministry of Health and Social Welfare and the other public health institutions?
 - b) As candidate countries need to align their legislation with all EU health *acquis* and enforce this legislation, adequate administrative and institutional capacity, and infrastructure is needed to apply the EU rules and standards at national, regional and local level. Please describe the situation in Bosnia and Herzegovina. Are there any plans for changes?
39. With reference to the health system reforms, please describe:
- a) Any on-going or planned reforms
 - b) What was the scope of the previous reforms (since 1990)?
 - c) Are the reforms monitored and evaluated? If so, to which degree?
 - d) What part of the health care system should be reformed?
 - e) In particular, what eHealth strategy exists in the country? How embedded is it with the overall health strategy and with the strategic orientation and investment plans in health? In particular, how does it (plan to) contribute to patient safety, healthcare quality (measurement and improvement), health professionals' efficient use of time and coordination of care?
 - f) How is Health in All Policies being incorporated as a horizontal priority?
 - g) How is Health being considered for the future drafting of a national strategic reference framework for the use of structural funds?
 - h) What kind of healthcare quality indicators are used in Bosnia and Herzegovina?

- i) How are the different health stakeholders, in particular health professionals and patients, involved in the definition, validation, implementation and evaluation of healthcare strategies? What governance mechanisms are set in place for such purpose?

EU acquis:

- Council conclusions on the "Reflection process on modern, responsive and sustainable health systems" (CON 2013/12)
 - Social Investment Package - Commission Staff Working Paper Investing in Health accompanying the document Towards Social Investment for Growth and Cohesion - including implementing the European Social Fund 2014-2020 (2013)
40. What share of the mental health services is provided within institutions? Are there other ways to get treatment (community based care)? What are the selection criteria for admission to and release from institutions? Who develops treatment plans? What are the patients' rights?
41. Is Bosnia and Herzegovina implementing the 2011 manual "A system of health accounts" by OECD, Eurostat and WHO? If not, when is it planned to do so?
42. What are the health expenditures of Bosnia and Herzegovina, as a percentage of GDP, and in absolute terms (in Euro), and how are they structured, including the amount spent in the public sector and the private sector, the amount spent on prevention, and health promotion?
43. With specific reference to health promotion and disease prevention, what measures are taken to improve health promotion and disease prevention, e.g. 3 types of cancer screenings (colorectal, breast and cervical)?
44. Are the health institutions of Bosnia and Herzegovina members of any European or WHO networks? If so, which ones?
45. With reference to health information and knowledge, are the health statistical institutions of Bosnia and Herzegovina members of any Eurostat networks? If so, which ones?
46. The EU has established an Expert Group on Health Information (EGHI). Does Bosnia and Herzegovina have the administrative capacity, including human and material resources, to participate in the work of such a network? Please describe the system used to collect, analyse and report health data and information in Bosnia and Herzegovina.
47. Health workforce: is there mobility of clinical staff (nurses/doctors) to/from Bosnia and Herzegovina to EU Member States, candidate and potential candidate countries, or others? If so, in which numbers and to which countries?
48. How is healthcare staff appointed, and what is the distribution of health personnel across the country? How many move across borders?
49. Education and training: Where is the healthcare staff trained? To what educational level are nurses trained (e.g. degree level)? Is training paid for out of the public purse or does the student pay full cost?
50. What are the mechanisms for planning the number of health medical doctors and nurses trained? E.g. is a *numerus clausus* in operation?
51. Does the number of staff correspond to the needs of the population?
52. Is there a health workforce policy? Is there an institution dealing with health workforce issues? Is there health workforce planning? If yes, please describe methodology and approach.
53. Are there any policies to try and retain doctors and nurses in the health system? Is there any estimate of numbers of trained health professionals not working in healthcare?

EU acquis

- Conclusions of the 3053rd EPSCO Council meeting, Brussels, 7 December 2010, Investing in Europe's health workforce of tomorrow: Scope for innovation and collaboration.
- On April 18 2012, the Commission adopted a Communication "Towards a job rich recovery" (Com 2012 173/3) which sets out a range of measures to encourage employment and strengthen economic growth in Europe. It also identifies healthcare as one of three key sectors with a high employment potential and includes an Action Plan for the EU health workforce (SWD 2012 93 final).

B. Tobacco control

54. With reference to tobacco control, what are the gender specific and combined smoking rates in Bosnia and Herzegovina by age groups (in percentages)?
55. With reference to the following list of acquis, please answer to the questions below a) to d):
- a) Are there legislative, regulatory or administrative provisions in force in Bosnia and Herzegovina covering these areas? If yes, please send summaries and, if possible, full translated texts.
 - b) In case there are no legislative, regulatory or administrative provisions in force, are there any drafts or proposals for these in the pipeline? If so, give details of these and of the timeline for their adoption.
 - c) In cases where neither of the above exist, are there any plans to start preparing proposals? Please explain, also indicating the envisaged timetable.
 - d) Does Bosnia and Herzegovina have the necessary administrative capacity, including human and material resources, to fulfil the requirements laid down in the EU legislation listed above?

EU acquis:

- Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products and repealing Directive 2001/37/EC
- Commission Delegated Directive 2014/109/EU of 10.10.2014 amending Annex II to Directive 2014/40/EU of the European Parliament and of the Council by establishing the library of picture warnings to be used on tobacco products
- Commission Implementing Decision (EU) 2015/1842 of 9 October 2015 on the technical specifications for the layout, design and shape of the combined health warnings for tobacco products for smoking
- Commission Implementing Decision (EU) 2015/2186 of 25 November 2015 establishing a format for the submission and making available of information on tobacco products
- Commission Implementing Decision (EU) 2015/2183 of 24 November 2015 establishing a common format for the notification of electronic cigarettes and refill containers
- Commission Implementing Decision (EU) 2016/586 of 14 April 2016 on technical standards for the refill mechanism of electronic cigarettes
- Commission Implementing Decision (EU) 2016/787 of 18 May 2016 laying

down a priority list of additives contained in cigarettes and roll-your-own tobacco subject to enhanced reporting obligations

- Commission Implementing Regulation (EU) 2016/779 of 18 May 2016 laying down uniform rules as regards the procedures for determining whether a tobacco product has a characterising flavour
- Commission Implementing Decision (EU) 2016/786 of 18 May 2016 laying down the procedure for the establishment and operation of an independent advisory panel assisting Member States and the Commission in determining whether tobacco products have a characterising flavour
- Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products
- Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provisions of audiovisual media services (Audiovisual Media Services Directive)
- Council Recommendation 2003/54/EC of 2 December 2002 on the prevention of smoking and on initiatives to improve tobacco control
- Council Decision 2004/513/EC of 2 June 2004 concerning the conclusion of the WHO Framework Convention on Tobacco Control
- Council Recommendation of 30 November 2009 on smoke-free environments (2009/C296/02)

56. Bosnia and Herzegovina ratified the WHO Framework Convention on Tobacco Control (FCTC) in 2009. What are the experiences in the implementation of the FCTC? Is Bosnia and Herzegovina participating in the follow-up of the FCTC, including the work of the Conference of the Parties and Intergovernmental Negotiation Bodies? Does Bosnia and Herzegovina plan to ratify the Protocol to Eliminate Illicit Trade in Tobacco Products?

C. Serious cross-border health threats including communicable diseases

With reference to communicable diseases please:

57. Describe the epidemiological surveillance (diseases monitoring) system, in particular the reporting mechanism, involved parties and their respective roles, as well as the list of communicable diseases notified to the national competent public health authority.
58. Describe the alert and response system, in particular the communication mechanism, risk assessment and risk management of public health emergencies of international concern in the field of communicable diseases, involved parties and their respective roles; provide some examples which illustrate how this system operates.
59. Indicate if Bosnia and Herzegovina has adopted a national epidemic preparedness plan, including pandemic influenza preparedness plan. Moreover, since 5 February 2008 International Health Regulations (2005) entered into force in Bosnia and Herzegovina. Indicate the National IHR Focal Point and the timetable to develop national action plans to implement and meet IHR (2005) requirements in order to strengthen national capacity.
60. Indicate the immunisation programmes, and the level of coverage.
61. Provide the following information regarding communicable diseases.

62. Are there any action plans for an outbreak at national level? If yes, please provide the translation of one.
63. Is there a legal basis for monitoring anti-microbiological resistance? How is the system organised?
64. Please provide the curriculum of training in epidemiological specialisation.
65. What is the number of hospital departments and the number of beds for the treatment of communicable diseases?
66. Is there a quality assurance system implemented for laboratory performance? How many laboratories have an accreditation?
67. With reference to the following list of acquis, please answer to the below questions a) to d):
 - a) Are there legislative, regulatory or administrative provisions in force in Bosnia and Herzegovina covering these areas? If yes, please send summaries and, if possible, full translated texts.
 - b) In case there are no legislative, regulatory or administrative provisions in force, are there any drafts or proposals for these in the pipeline? If so, give details of these and of the timeline for their adoption.
 - c) In cases where neither of the above exists, are there any plans to start preparing proposals? Please explain, also indicating the envisaged timetable.
 - d) Does Bosnia and Herzegovina have the necessary administrative capacity, including human and material resources, to fulfil the requirements laid down in the EU legislation listed above?

EU acquis:

Basic Act

1082/2013/EU: Decision of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC (OJ L 293, 5.11.2013, p. 1).

Implementing Measures

Early Warning and Response System

2000/57/EC: Commission Decision of 22 December 1999 on the early warning and response system for the prevention and control of communicable diseases under Decision No 2119/98/EC of the European Parliament and of the Council. - Official Journal, L 21/32; 26.01.2000

2008/351/EC: Commission Decision of 28 April 2008 amending Decision 2000/57/EC as regards events to be reported within the early warning and response system for the prevention and control of communicable diseases (OJ, L 117, 01.05.2008, p. 44).

2009/547/EC: Commission Decision of 10 July 2009 amending Decision 2000/57/EC on early warning and response system for the prevention and control of communicable diseases under Decision No 2119/98/EC of the European Parliament and of the Council (OJ L 181, 11.07.2009, p.57)

List of communicable diseases

2000/96/EC: Commission Decision of 22 December 1999 on the communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council (OJ, L 28, 03.02.2000, p.50)

2003/534/EC: Commission Decision of 17 July 2003 amending Decision No 2119/98/EC of the European Parliament and of the Council and Decision 2000/96/EC as regards communicable diseases listed in those decisions and amending Decision 2002/253/EC as regards the case definitions for communicable diseases (OJ L 184, 23.7.2003, p. 35).

2003/542/EC: Commission Decision of 17 July 2003 amending Decision No 2000/96/EC as regards the operation of dedicated surveillance networks (OJ L 185, 24.7.2003, p. 55).

2007/875/EC: Commission Decision of 18 December 2007 amending Decision No 2119/98/EC of the European Parliament and of the Council and Decision 2000/96/EC as regards the operation of dedicated surveillance networks (OJ L 344, 18.12.2007, p. 48).

2009/312/EC: Commission Decision of 2 April 2009 as regards dedicated surveillance networks for communicable diseases (OJ L 91, 3.4.2009, p. 27).

2009/539/EC: Commission Decision of 10 July 2009 amending Decision 2000/96/EC on communicable diseases to be progressively covered by the Community network under Decision No 2119/98 of the European Parliament and of the Council (OJ L 180, 11.7.2009, p. 22).

2012/492/EU: Commission Decision of 3 September 2012 amending Decision 2000/96/EC as regards tick-borne encephalitis and the category of vector-borne communicable diseases (OJ L 239, 5.9.2012, p. 3).

Case definitions for reporting communicable diseases

2002/253/EC: Commission Decision of 19 March 2002 laying down case definitions for reporting communicable diseases to the Community network under Decision N° 2119/98/EC of the European Parliament and of the Council - Official Journal, L 86/44; 03.04.2002

2008/426/EC Commission Decision No of 28 April 2008 amending Decision 2002/253/EC laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council (OJ L 159, 18.6.2008, p. 46).

Commission Decision No 2009/363/EC of 31 April 2009 amending Decision 2002/253/EC laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council (OJ L 110, 1.5.2009, p. 58).

Commission Decision No 2009/540/EC of 10 July 2009 amending Decision 2002/253/EC as regards case definitions for reporting Influenza A(H1N1) to the Community network (OJ L 180, 11.7.2009, p. 24).

Commission Decision No 2012/506/EU of 8 August 2012 amending Decision 2002/253/EC laying down case definitions for reporting communicable diseases to

the Community network under Decision No 2119/98/EC of the European Parliament and of the Council (OJ L 262, 27.9.2012, p.1).

Basic Act

Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for Disease Prevention and Control- Official Journal L 142/1;30.04.2004

Basic Act

Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), (OJ L 119, 4.5.2016, p.1)

Implementing Measures

2012/73/EU: Commission Recommendation of 6 February 2012 on data protection guidelines for the Early Warning and Response System (EWRS), (OJ L 36, 9.2.2012, p. 31).

Basic Act

2000/54/EC: Directive of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC), (OJ L 262, 17.10.2000, p.21).

Basic Act

Regulation (EU) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents (OJ L 325, 12.12.2003, p. 1).

2003/99/EC: Directive of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC (OJ L 235, 12.12.2003, p. 31).

68. Please fill out the table below on structures and mechanisms of communicable diseases in Bosnia and Herzegovina

STRUCTURES AND MECHANISMS	REFERENCES	COUNTRY COMMENTS / INPUT
<p>1. Structure and/or authorities which, at country level and under responsibility of that country, are competent at national level and are charged with collecting information relating to the epidemiological surveillance of communicable diseases</p>	<p>Article 1 Decision 2119/98/EC Article 9 Decision 2119/98/EC Article 1 Decision 2000/57/EC Article 4 Decision 2000/96/EC</p>	<p>1) Listing of structure(s) and authority(-ies) in Bosnia and Herzegovina</p> <p>2) Contact details of country's counterpart(s)</p> <p>3) Knowledge of structures at EU level</p>
<p>2. Procedures for the dissemination of the relevant surveillance data at EU level</p>	<p>Article 1 Decision 2119/98/EC</p>	<p>1) Knowledge of EU procedures in Bosnia and Herzegovina</p>
<p>3. Competent public health authorities in the country responsible for determining the measures which may be required to protect public health</p>	<p>Article 1 Decision 2119/98/EC</p>	<p>1) Listing of public health authority(-ies) in Bosnia and Herzegovina</p> <p>2) Contact details of country's counterpart(s)</p>
<p>4. Definitions of "epidemiological surveillance" and of "prevention and control of communicable diseases"</p>	<p>Article 2 Decision 2119/98/EC</p>	<p>1) Listing of terminology used in Bosnia and Herzegovina</p> <p>2) Reflection on coherence between domestic and EU terminology</p>
<p>5. Communicable diseases to be progressively covered by epidemiological surveillance</p>	<p>Article 3 Decision 2119/98/EC Article 4 Decision 2000/96/EC Annex I Decision 2000/96/EC</p>	<p>1) Listing of communicable diseases and special health issues in Bosnia and Herzegovina</p> <p>2) Listing of dedicated surveillance networks in Bosnia and Herzegovina</p> <p>3) Listing of communicable diseases requiring case reports in Bosnia and Herzegovina</p>

<p>6. Criteria for selection of communicable diseases of special areas to be covered by epidemiological surveillance</p>	<p>Article 3 Decision 2119/98/EC Annex II Decision 2000/96/EC</p>	<p>1) Listing of criteria available in Bosnia and Herzegovina 2) Reflection on coherence between domestic and EU criteria</p>
<p>7. Case definitions for reporting communicable diseases, including clinical, laboratory and epidemiological criteria as well as case classifications</p>	<p>Article 3 Decision 2119/98/EC Article 5 Decision 2002/253/EC Annex Decision 2002/253/EC</p>	<p>1) Listing of case definitions available in Bosnia and Herzegovina 2) Reflection on coherence between domestic and EU case definitions</p>
<p>8. Nature and type of data and information to be collected and transmitted in the field of epidemiological surveillance and the ways in which such data are to be made comparable and compatible</p>	<p>Article 3 Decision 2119/98/EC Article 5 Decision 2002/253/EC (Regulation (EC) 851/2004)</p>	<p>1) Listing of data (nature and type) and information for collection and dissemination in Bosnia and Herzegovina 2) Reflection on comparability and compatibility of epidemiological</p>
<p>9. Epidemiological and microbiological surveillance methods</p>	<p>Article 3 Decision 2119/98/EC Article 5 Decision 2002/253/EC (Regulation (EC) 851/2004)</p>	<p>1) List of methods 2) Reflection on coherence between domestic and EU methods</p>
<p>10. Guidelines on protective measures to be taken</p>	<p>Article 3 Decision 2119/98/EC</p>	<p><i>Not applicable</i></p>
<p>11. Guidelines on information and guides to good practice for the public</p>	<p>Article 3 Decision 2119/98/EC (Regulation (EC) 851/2004)</p>	<p><i>Not applicable</i></p>
<p>12. Appropriate technical means and the procedures by which the data will be disseminated and analysed</p>	<p>Article 3 Decision 2119/98/EC Article 4 Decision 2000/96/EC</p>	<p>1) Listing of technical means and procedures for data dissemination and analysis in Bosnia and Herzegovina</p>
	<p>Annex III Decision 2000/96/EC (Regulation (EC) 851/2004)</p>	<p>2) Reflection on compatibility of reporting tools and procedures for data dissemination and analysis</p>

<p>13. Notification of information regarding the appearance or resurgence of cases of communicable diseases at national level, together with information on control measures applied</p>	<p>Article 4 Decision 2119/98/EC (Regulation (EC) 851/2004)</p>	<p>1) Acknowledgement of notification/ reporting requirements for such information in Bosnia and Herzegovina</p> <p>2) Listing of communications mechanisms and notification tools available in Bosnia and Herzegovina</p> <p>3) Reflection on compatibility between domestic and EU notification systems</p>
<p>14. Notification of information concerning the progression of epidemic situation</p>	<p>Article 4 Decision 2119/98/EC (Regulation (EC) 851/2004)</p>	<p><i>Idem 13.</i></p>
<p>15. Notification of information on unusual epidemic phenomena or new communicable diseases of unknown origin</p>	<p>Article 4 Decision 2119/98/EC (Regulation (EC) 851/2004)</p>	<p><i>Idem 13</i></p>
<p>16. Notification of information in country possession on all cases of communicable diseases and new communicable diseases of unknown origin in non-EU countries</p>	<p>Article 4 Decision 2119/98/EC (Regulation (EC) 851/2004)</p>	<p><i>Idem 13</i></p>
<p>17. Notification of information concerning existing and proposed mechanisms and procedures for the prevention and control of communicable diseases, in particular in emergency situation</p>	<p>Article 4 Decision 2119/98/EC (Regulation (EC) 851/2004)</p>	<p><i>Idem 13</i></p>
<p>18. Notification of considerations which would help in coordination at EU level of efforts for the prevention and control of communicable diseases, including any counter-measures implemented</p>	<p>Article 4 Decision 2119/98/EC (Regulation (EC) 851/2004)</p>	<p><i>Idem 13</i></p>
<p>19. Information communicated under points 14-18 is promptly forwarded</p>	<p>Article 5 Decision 2119/98/EC (Regulation (EC) 851/2004)</p>	<p>Reflection on how to improve existing mechanisms and tools in place in Bosnia and Herzegovina and on compatibility with EU notification/ reporting systems</p>
<p>20. Procedures for information, consultations and coordination under early warning and response system (EWRS)</p>	<p>Article 6 Decision 2119/98/EC Article 2 Decision 2000/57/EC Annex II Decision 2000/57/EC</p>	<p>1) Acknowledgements on such procedures in Bosnia and Herzegovina</p> <p>2) Reflection on compatibility of procedures in place at domestic and EU level</p>

21. Categories of communicable diseases	Annex Decision 2119/98/EC	Comparison of scope
22. Events to be reported within the early warning and response system (EWRS)	Article 1 Decision 2000/57/EC Annex I Decision 2000/57/EC (<i>Regulation (EC) 851/2004</i>)	1) Listing of types of events reported in Bosnia and Herzegovina 2) Comparison of scope
23. Collection and information exchange on events and measures adopted in response to those events or indications for such events, e.g. by using the national surveillance system	Article 1 Decision 2000/57/EC (<i>Regulation (EC) 851/2004</i>)	1) Acknowledge of such collection and information exchange on events and measures in Bosnia and Herzegovina 2) Listing of early warning and response systems in Bosnia and Herzegovina 3) Reflection on compatibility of domestic and EU early warning and response systems
24. Contact tracing	Article 2a Decision 2000/57/EC Annex III Decision 2000/57/EC (<i>Regulation (EC) 851/2004</i>)	1) Acknowledge of contact tracing activities in Bosnia and Herzegovina and their reporting through early warning and response systems 2) Acknowledge of specific procedures concerning processing of personal data relating to contact tracing activities in Bosnia and Herzegovina 3) Reflection on compatibility of procedures for processing of personal data at domestic and EU level
25. Seasonal influenza vaccination	Council Recommendation 2009/1019/EU	1) Listing of actions plans in Bosnia and Herzegovina 2) Information on their implementation
26. Prevention and control of healthcare associated infection (HCAI)	Council Recommendation 2009/C 151/01	1) Listing of Strategies in Bosnia and Herzegovina 2) Information on their implementation
27. Prudent use of antimicrobial agents in human medicine	Council Recommendation 2002/77/EC	<i>Idem 26</i>

D. Blood, tissues, cells and organs

69. With reference to the following list of *acquis*, please answer the below questions a) to f):
- a) Are there legislative, regulatory or administrative provisions in force in Bosnia and Herzegovina covering these areas? If yes, please send summaries and, if possible full translated texts.
 - b) In case there are no legislative, regulatory or administrative provisions in force, are there any drafts or proposals for these in the pipeline? If so, give details of these and of the timeline for their adoption.
 - c) In cases where neither of the above exist, are there any plans to start preparing proposals? Please explain, also indicating the envisaged timetable.
 - d) Does Bosnia and Herzegovina have the necessary administrative capacity, including human and material resources, to fulfil the requirements laid down in the EU legislation listed above?
 - e) In case the necessary administrative capacity are not yet present, what are your plans to upgrade it up to EU standards (training, infrastructures, materials, human resources, etc.)?
 - f) Regarding the Action Plan on Organ Donation and Transplantation, is any of the priority actions proposed in place or planned to be put in place?
70. How are tissues and cells for reproductive use regulated in Bosnia and Herzegovina? Are there plans to align with the *acquis* on quality and safety regarding these tissues and cells?

Legislation:

Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC

Commission Directive 2004/33/EC of 22 March 2004 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards certain technical requirements for blood and blood components

Commission Implementing Directive 2011/38/EU of 11 April 2011 amending Annex V to Directive 2004/33/EC with regards to maximum pH values for platelets concentrates at the end of the shelf life

Commission Directive 2005/61/EC of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards traceability requirements and notification of serious adverse reactions and events

Commission Directive 2005/62/EC of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards Community standards and specifications relating to a quality system for blood establishments

Commission Directive 2014/110/EU of 17 December 2014 amending Directive 2004/33/EC as regards temporary deferral criteria for donors of allogeneic blood donations

Commission Directive (EU) 2016/1214 of 25 July 2016 amending Directive 2005/62/EC as regards quality system standards and specifications for blood

establishments

Directive 2004/23/EC of the European Parliament and the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells

Commission Directive 2006/17/EC of 8 February 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards certain technical requirements for the donation, procurement and testing of human tissues and cells

Commission Directive 2006/86/EC of 24 October 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards traceability requirements, notification of serious adverse reactions and events and certain technical requirements for the coding, processing, preservation, storage and distribution of human tissues and cells

Commission Directive 2010/453/EU of the European Parliament and the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation

Commission Directive 2012/39/EU of 26 November 2012 amending Directive 2006/17/EC as regards certain technical requirements for the testing of human tissues and cells

Commission Directive 2015/565 of 8 April 2015 amending Directive 2006/86/EC as regards certain technical requirements for the coding of human tissues and cells

Commission Directive 2015/566/EU of 8 April 2015 implementing Directive 2004/23/EC as regards the procedures for verifying the equivalent standards of quality and safety of imported tissues and cells

Directive 2010/53/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation

Corrigendum to Directive 2010/45/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation

Commission implementing Directive 2012/25/EU of 9 October 2012 laying down information procedures for the exchange, between Member States, of human organs intended for transplantation

Council conclusions on organ donation and transplantation

Communication from the Commission Action plan on Organ Donation and Transplantation (2009-2015): Strengthened Cooperation between Member States

E. Patients' rights in cross-border health care

71. With reference to cross-border healthcare, please specify the following:

- a) Are there any cross-border arrangements for treating patients with any EU Member State or candidate countries?
- b) What is the annual flow of patients into and from Bosnia and Herzegovina by sending/receiving country?

- c) Is there any legislation in place regarding the reimbursement of costs of healthcare received abroad by the citizens? If so, what are the principles of this legislation (with particular regard to: treatments covered; levels of reimbursement; authorisation procedures; rules applicable to planned and unplanned healthcare, information to patients)? What is the annual expenditure (percentage of GDP and total amount in Euro) for treatments of patients from Bosnia and Herzegovina abroad?
- d) Is there any legislation in place regarding healthcare provided to nationals from EU Member States? If so, what are the principles of this legislation (with particular regard to: access to healthcare; tariffs charged; access to patient records; information to patients about patient safety standards in place; any differences between the treatment of planned or unplanned healthcare)?

Legislation:

Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45–65)

Commission Implementing Decision (2011/890/EU) of 22 December 2011 providing the rules for the establishment, the management and the functioning of the network of national responsible authorities on eHealth.

Commission Implementing Decision (2013/329/EU) of 26 June 2013 providing the rules for the establishment, management and transparent functioning of the Network of national authorities or bodies responsible for health technology assessment

Commission Delegated Decision 2014/286/EU of 10.3.2014 setting out criteria and conditions that European Reference Networks and healthcare providers wishing to join a European Reference Network must fulfil

Commission Implementing Decision 2014/287/EU of 10.3.2014 setting out criteria for establishing and evaluating European Reference Networks and their Members and for facilitating the exchange of information and expertise on establishing and evaluating such Networks

72. With reference to prescriptions:

- a) Is there any legislation/requirements/measures on the recognition of medical prescriptions (e.g. by pharmacists) issued in a country other than Bosnia and Herzegovina and if so, please explain the general outline of such legislation.
- b) Is there any legislation/requirements/measures on the content of medical prescriptions (which information items that shall appear on prescriptions to identify prescriber, patient, prescribed product, etc.) and if so, please transmit this list of information items.
- c) Is there an electronic prescription system and if so, is it interoperable with similar systems in use by other countries?

Legislation:

Commission Implementing Directive 2012/52/EU of 20 December 2012 laying down measure to facilitate the recognition of medical prescriptions issued in another Member State

F. Medicinal products (human and veterinary), cosmetics and medical devices

73. Please provide information regarding (i.) the present status, including a description of the type of approval system for each sub-sector as listed below; (ii) the forecast (date of adoption and implementation of the EU directives and regulations):
- a) Medicinal products (human and veterinary) :
 - b) Provisions relating to the authorisation of medicinal products for human use and veterinary use to be placed on the market (marketing authorisations)
 - c) Provisions relating to the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin
 - d) Provisions relating to advertising, manufacture, importation, labelling, whole sale distribution, advertising, pharmacovigilance and supervision of medicinal products as well as sanctions related to medicinal products as laid down in Directives 2001/83/EC and 2001/82/EC, as amended
 - e) Provisions relating to good manufacturing practices as laid down in Directives 2003/94/EC and 91/412/EEC
 - f) Provisions relating to good clinical practices in respect of medicinal products as laid down in Directives 2001/20/EC and 2005/28/EC

A complete list of EU medicinal products acquis is available on the DG Health and Food Safety website - http://ec.europa.eu/health/documents/eudralex/index_en.htm

74. Describe the pharmaceutical sector upon which the implementation of the Pharmaceutical legislation will have an impact?
75. Is there any legislation in Bosnia and Herzegovina relative to the authorisation, production, import, advertising, labelling, distribution, supervision and surveillance (pharmacovigilance) of medicinal products for human and veterinary uses? Please provide the table of correspondence presenting the level of alignment of the legislation with the Directives 2001/83/EC, Directive 2003/98/EC and Directive 2001/82/EC.
76. Please provide us with the list of purely nationally authorised medicinal products (human and veterinary)?
77. Does Bosnia and Herzegovina have any legislation on the clinical trials on human subjects? Please provide a table of correspondence presenting the level of alignment of the legislation with the Directive 2001/20/EC and directive 2005/28/EC.
78. How would you assess the expertise available in Bosnia and Herzegovina on paediatrics medicinal products, medicinal products for the diagnosis, prevention or treatment of life-threatening or very serious and rare conditions (covered in the EU by the definition of orphan medicinal products), medical products based on genes (gene therapy), cells (cell therapy) and tissues (tissue engineering)?
79. Describe the structure and the size of the competent institution(s) responsible for authorisation of human and veterinary medicines and their administrative capacity. Which ministry is supervising the veterinary and human medicinal products?
80. Please provide an update on IPA projects and TAIEX workshops, including planned ones.
81. Does Bosnia and Herzegovina have any requirements in place for establishing and controlling residues of pharmaceuticals in produce from food-producing animals?

G. Mental health, socio-economic determinants of health, health inequalities, drug abuse prevention, healthy lifestyle, nutrition, eHealth, alcohol abuse prevention, cancer screenings, and healthy environment including prevention of injury, promotion of safety and European action in the field of rare diseases

82. With reference to the following list of EU Council Recommendations, Council Resolutions and Council Conclusions in the field of public health, please answer to the below questions a) to d):
- a) Are there legislative, regulatory or administrative provisions in force in Bosnia and Herzegovina covering these areas? If yes, please send summaries and, if possible, full translated texts.
 - b) In case there are no legislative, regulatory or administrative provisions in force, are there any drafts, proposals or programmes for these in the pipeline? If so, give details of these and of the timeline for their adoption.
 - c) In cases where neither of the above exist, are there any plans to start preparing proposals? Please explain, also indicating the envisaged timetable.
 - d) Please describe the administrative capacity, including human and financial resources, to fulfil the requirements laid down in the EU legislation listed? (Is there any impact observed from the current economic and financial crisis?)
83. With specific reference to cancer screening and to rare diseases, please answer to the following questions:
- a) Give particular details on existence or not of a National Cancer Control Plan, a Cancer National Registry or regional or cancer site registries, existing collaboration with the ENCR (European Network of Cancer Registries) and Cancer Screening plans at national or other level.
 - b) Give particular details on existence or not of a National Rare Diseases Plan and about the legal scheme for designation of national reference centres for rare diseases.
84. With specific reference to mental health, please answer to the following questions:
- a) What are the measures being taken to support the social inclusion of people with mental health problems? What are the measures taken to reduce the stigma and discrimination and to ensure human rights of people with mental health problems?
 - b) Are specialised mental health facilities provided for vulnerable groups such as old people, children, young people and refugees?
 - c) What are the measures taken to support mental health and well-being of children and adolescents in the educational settings?
 - d) Are community-based services provided for people with mental health problems?
85. With specific reference to access to health care system, are there any specific measures in place to allow the poorest people, minorities and people living in rural and remote areas to have equal access to the health care system in Bosnia and Herzegovina?
86. With specific reference to infant mortality, what measure are being taken in the field of reproductive health care and infant health care to decrease the infant mortality rate?
87. With specific reference to alcohol abuse, control and prevention, how is the sale of alcoholic beverages regulated in Bosnia and Herzegovina?

88. With specific reference to non-communicable diseases, as their burden is increasing, what measures are being taken to promote a healthy lifestyle (quit smoking, promote sports, healthy nutrition, fight alcohol abuse) and prevent this type of diseases?
89. With specific reference to rare diseases, is it foreseen to implement a National Plan / Strategy / Integrated set of actions in the field of Rare Diseases?

EU acquis:

Mental health

2000/86/01/EC: Council Resolution of 18 November 1999 on the promotion of mental health

Con. 02/6/01/EC: Council Conclusions of 15 November 2001 on combating stress and depression-related problems

Con. 03/9688/1/EC: Council Conclusions of 2 June 2003 on combating stigma and discrimination in relation to mental illness

Con. 05/9805/EC: Council Conclusions of 3 June 2005 on a Community Mental Health Action

European Pact on Mental Health and Well-being, High Level Conference June 2008

EU-Compass for Action on Mental Health and Well-being: EU Member States Policy documents, recommendations and declarations; database of policies and good actions; reports and studies; implementation

European Innovation Partnership on Active and Healthy Ageing

Communication from the Commission to the European Parliament and the Council Taking forward the Strategic Implementation Plan of the European Innovation Partnership on active and healthy ageing - COM (2012) 83 final

Council conclusions on Healthy Ageing across the Lifecycle, 7 December 2012

Communication from the Commission to the European Parliament and the Council on a European initiative on Alzheimer's disease and other dementias - COM(2009) 380 final

Council conclusions on 'The European Pact for Mental Health and Well-being: results and future action' - Con. 11/3095/EC

Joint Action "Alzheimer Cooperative Valuation in Europe (ALCOVE)" from 2011 - 2013

Joint Action on Mental Health and Well-Being (2013-2016) - Framework for Action on Mental Health and Well-being

Council conclusions December 2015 - Living with dementia: improving care policies and practices

Health inequalities

(2013) Commission Staff Working Document - Report on Health Inequalities in the European Union

(2012) Commission Communication "National Roma Integration Strategies: a first step in the implementation of the EU Framework" - COM 2012/226 final

(2011) Council Conclusions on closing health gaps within the EU through concerted action to promote healthy lifestyle behavior

(2011) Council conclusions on an EU Framework for National Roma Integration Strategies up to 2020

(2010) Council Conclusions on equity in health of 8 June 2010

(2010) Commission Communication on the economic and social integration of the Roma in Europe, April 2010 - COM/2010/0133 final

(October 2009) Commission's plans to address health inequalities are set out in the Commission Communication - Solidarity in Health: Reducing Health Inequalities in the EU, published on 20 October 2009

(2009) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Solidarity in health: reducing health inequalities in the EU {SEC(2009) 1396} {SEC(2009) 1397}

Drug abuse prevention and harm reduction

Res. 00/C218/3/EC - Council Resolution of 29 June 2000 on action on health determinants Drugs abuse prevention and harm reduction

2003/488/EC: Council Recommendation of 18 June 2003 on the prevention and reduction of health-related harm associated with drug dependence

Notice 2008/C 326/09: EU Drugs Action Plan for 2009-2012

Nutrition and physical activity

(2016) Council conclusions of 17 June 2016 on food product improvement

(2014) Council Conclusion on Nutrition and Physical Activity

(2014) EU Action Plan on childhood obesity

(2013) Council Recommendation on promoting health-enhancing physical activity across sectors (COM(2013) 603 final)

(2011) Council Conclusions on closing health gaps within the EU through concerted action to promote healthy lifestyle behaviours, 1-2 December 2011

(2010) Council Conclusions of 8 June 2010 on action to reduce population salt intake for better health

(2007) WHITE PAPER A Strategy for Europe on Nutrition, Overweight and Obesity related health issues COM (2007) 279 final, 30.5.2007

Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods

Con. 05/9803/EC: Council Conclusions of 3 June 2005 on obesity, nutrition and physical activity

Con. 04/C221/EC: Council Conclusions of 2 December 2003 on healthy lifestyles: education, information and communication

eHealth

(June 2014) Council Conclusions on the economic crisis and healthcare

(December 2013) Council Conclusions on the "Reflection process on modern,

responsive and sustainable health systems"

(December 2011) Commission Implementing Decision 2011/890/EU of 22 December 2011 providing the rules for the establishment, the management and the functioning of the network of national responsible authorities on eHealth

(December 2009) Council Conclusions on "Safe and efficient healthcare through eHealth", on how best to introduce and make use of information and communication technology to improve healthcare, aiming at moving from theoretical experience exchange to concrete cross-border cooperation and creating a structure for cooperation that can gather and pass on the outcomes of all ongoing initiatives and projects in the area of eHealth.

(July 2008) Commission Recommendation on cross-border interoperability of electronic health record systems (lead by Directorate General Information Society), aiming to create a means whereby authorised health professionals can gain managed access to essential health information about patients (in respect of the fundamental right to the protection of personal data)

(November 2008) Joint Communication on Telemedicine from Commissioners Reding and Vassiliou. The Joint Communication has launched a 4-year undertaking, aiming to facilitate patient access to secure and high quality healthcare, even in remote areas, through telemedicine services. The Communication focuses on telemonitoring for patients experiencing chronic diseases, in particular elderly people, and teleradiology bringing solutions to staff shortages. It highlights the need to provide evidence of impact, to engage health professionals and patients, to create legal certainty at EU and national levels, and to solve remaining technical problems.

(May 2007) 409 standardisation mandate to the European Standardisation bodies (CEN, CENELEC and ETSI) in the field of Information and Communication Technologies, aiming at listing, agree on and recommend on existing standards relevant to eHealth.

Alcohol abuse prevention

EU Action Plan on youth drinking and on heavy episodic drinking (binge drinking) 2014-2016

(2015) Council Conclusions on an EU strategy on the reduction of alcohol-related harm

(2014) EU Action Plan on youth drinking and on heavy episodic drinking (binge drinking) 2014-2016

(2009) Council Conclusions on Alcohol and health, 1 December 2009

(2006) Council Conclusions on EU strategy to reduce alcohol-related harm, 30 November-1 December 2006 (Con. 16165/06)

COM (2006) 265 final: Communication from the Commission of 24 October 2006: An EU Strategy to support Member States in reducing alcohol related harm

Rec. 01/458/EC: Council Recommendation of 5 June 2001 on the drinking of alcohol by young people, in particular children and adolescents

Con. 01/C175/EC: Council Conclusions of 5 June 2001 on a Community strategy to reduce alcohol-related harm

Cancer screening

Rec. 03/878/EC: Council Recommendation of 2 December 2003 on cancer screening
COM(2008) 882: Report from the Commission to the Council, the European Parliament, the European Committee of the Regions - Implementation of the Council Recommendation of 2 December 2003 on cancer screening (2003/878/EC)

Con. 10/06/2008: Council Conclusions on reducing the burden of cancer (http://www.eu2008.si/en/News_and_Documents/Council_Conclusions/June/0609_E_PSC0-cancer.pdf)

COM (2009) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Action against Cancer European Partnership

Con. 13/09/2010: Council Conclusions on action against cancer (page 17 on: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/116489.pdf and <http://register.consilium.europa.eu/pdf/en/10/st12/st12667.en10.pdf>)

(2014) Commission Decision 2014/C 167/05 of 3 June 2014 establishing a Commission expert group on Cancer Control and repealing Decision 96/469/EC

(2015) Cancer Control Joint Action (2015)

(2015) European Guide for Quality National Cancer Control Programmes (2015) and other European Guidelines:

European guidelines for quality assurance in breast cancer screening and diagnosis

European guidelines for quality assurance in colorectal cancer screening and diagnosis

European guidelines for quality assurance in cervical cancer screening

(2016) To improve the overall quality of care, the European Commission Initiative on Breast Cancer (ECIBC), coordinated by the JRC, is developing a voluntary European quality assurance scheme for breast cancer services. This will include a set of evidence-based requirements and indicators for good psychosocial care at the European level to ensure equal treatment for all patients and to increase confidence in the quality of breast cancer services.

Prevention against electromagnetic fields, injury and promotion of safety

Rec. 99/519/EC: Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)

Prevention of injury and promotion of safety

Rec. 07/C164: Council Recommendation of 31 May 2007 on the prevention of injury and the promotion of safety

European Parliament Resolution of 2 April 2009 on health concerns associated with electromagnetic fields (2008/2211)

Patient safety

Council Recommendation of 15 November 2001 on prudent use of anti-microbial agents in human medicine

Rec. 2009/C 151/01: Council Recommendation of 9 June 2009 on patient safety, including the prevention and control of health care associated infections

Report from the Commission to the Council on the implementation of the Council

Recommendation (2009/C 151/01) on patient safety, including the prevention and control of healthcare associated infections - COM(2012) 658 final

Report from the Commission to the Council - The Commission's Second Report to the Council on the implementation of Council Recommendation 2009/C 151/01 on patient safety, including the prevention and control of healthcare associated infections COM(2014) 371

European Action in the field of Rare Diseases

Implementation report on the Commission Communication and Council Recommendation on Rare Diseases – COM (2014)548

Council Recommendation 2009/C 151/02 of 9 June 2009 on action in the field of rare diseases

Commission Decision 2009/872/EC of 30 November 2009 establishing a European Union Committee of Experts on Rare Diseases

Commission Decision 2010/C 204/02 of 27 July 2010 on the appointment of the members of the European Union Committee of Experts on Rare Diseases set up by Decision 2009/872/EC

CHAPTER 29: CUSTOMS UNION

The customs union *acquis* mainly consists of legislation which is directly applicable, ensuring the functioning of the customs union and the effective protection and control of its external borders. It includes the Union Customs Code and its implementing legislation, the Combined Nomenclature, Common Customs tariff and provisions on tariff classification, customs duty relief, duty suspensions and certain tariff quotas, and other provisions such as those on customs control of intellectual property rights infringing goods, drugs precursors, cultural goods, as well as on mutual administrative assistance in customs matters. Member States must ensure that the necessary implementing and enforcement capacities, including links to the relevant EU computerised customs systems⁶⁰ are in place. The customs services must also ensure adequate capacities to implement and enforce special rules laid down in related areas of the *acquis* such as external trade, health and security provisions. Furthermore, the EU has put in place the Electronic Customs Initiative in order to develop a more efficient and modern customs environment. The e-customs Decision is the key piece of legislation related to this initiative, promoting shift to an interoperable electronic environment with unified data systems to facilitate communication between traders and customs. According to the e-customs Decision, the Commission and Member States have jointly establish an overall project management tool, the Multiannual Strategic Plan (MASP), to ensure operational planning and implementation of all the IT projects.

1. Please describe how the customs legal framework is organised, including the competent authorities. Which parts of legislation are in the consolidated customs law or code and its implementing provisions, and which are in separate legal acts on different subjects, if any?
2. Please provide a translated copy of Bosnia and Herzegovina's customs tariff at import and export and indicate the tariff headings of which the goods nomenclature differs from the EU's Combined Nomenclature, if any (Annex I to EEC Council Regulation 2658/87).
3. Please describe the principles that determine the duty rate structure and level (see also Chapter 30 on common commercial policy).
4. Please provide a description of Bosnia and Herzegovina's tariff system for tariff suspensions, tariff quotas and tariff ceilings.
5. Please describe the system in force in Bosnia and Herzegovina for ensuring a correct classification of goods in the tariff. Does Bosnia and Herzegovina publish explanatory notes or tribunal rulings? Please also describe the country's systems for Binding Tariff Information and Binding Origin Information.
6. Please describe the rules of preferential origin applied by Bosnia and Herzegovina under bilateral or multilateral agreements or in the framework of autonomous arrangements. Please provide copies of relevant protocols and legislation if any. Please also mention any other conditions of granting preferential tariff treatment.
7. Please describe the rules of non-preferential origin applied by Bosnia and Herzegovina, in particular for the purposes of implementing trade defence instruments, restrictions (quantitative or other), origin labelling requirements, etc.
8. Please describe how Bosnia and Herzegovina ensures that movement certificates EUR.1 are issued in accordance with Annex III of the Stabilisation and Association Agreement. What are the charges for the issue of movement certificates EUR.1?

⁶⁰ For example: the Integrated Tariff Environment (TARIC, QUOTA, Surveillance, etc.), transit (NCTS - New Computerised Transit System), export and import controls (ECS – Export Control System, ICS - Import Control System), economic operators (EOS – Economic Operators System), risk management (RIF) etc.

9. Please describe Bosnia and Herzegovina's procedures for carrying-out random and reasonable doubt verifications of proofs of origin from Bosnia and Herzegovina. Are the importing countries informed about the results of random verifications in cases when products are found to be non-compliant with origin requirements?
10. Please indicate whether any exporters have been authorised as approved exporters and explain the procedure to issue such authorisation including its review.
11. Please describe the system of customs valuation; what kind of customs valuation methods are used (e.g. with reference to the provisions of the WTO Agreement). Does Bosnia and Herzegovina use minimum or reference values to determine the customs value? If so, for which products? Please give an overall assessment of the country's capacity to implement the EU rules on customs valuation.
12. Please describe Bosnia and Herzegovina's system of incurrence of customs debt and the repayment procedure.
13. Please describe Bosnia and Herzegovina's system of customs guarantees.
14. Please explain Bosnia and Herzegovina's procedures and formalities for clearing goods into free circulation and for goods taken out of the customs territory.
15. What are the general provisions for placing goods under a customs procedure? What types of declarations exist? Is there a possibility to amend or invalidate a declaration? Are there simplifications of customs formalities?
16. Please explain Bosnia and Herzegovina's legislative provisions in relation to the examination of goods.
17. Please describe Bosnia and Herzegovina's legislation on duty relief at importation and exportation.
18. Please describe what types of transit procedures (national or international) are used. Provide a detailed description of those types of the transit procedures.
19. Please describe Bosnia and Herzegovina's other customs procedures on: a) storage (customs warehousing and free zones); b) specific use (temporary admission and end use); c) processing (inward and outward processing). Is there any particular formality linked with a provision of duty drawback in case of preferential agreement?
20. Please provide Bosnia and Herzegovina's legislation on free zones and give detailed information on their functioning and incentives.
21. Does the legislation of Bosnia and Herzegovina provide for domestic/national rules of origin for goods produced in the free zones and then released for free circulation in Bosnia and Herzegovina? If so, please describe the applicable rules and the tariff treatment of non-originating components used in the production of such goods.
22. Please describe any existing simplified procedures, statement on origin issued by approved exporter (origin) or other simplified authorisations procedures, if any. If existing, please describe the procedure for obtaining the status of 'approved exporter'.
23. Please describe Bosnia and Herzegovina's system of risk selection for the execution of the customs controls. (e.g. is the system automated, are risk selection criteria established at national, regional or local level?). Is there in place any kind of monitoring system of the controls carried out on the basis of risk analysis/risk profiles, including the evaluation of the results? Is there any system for management of the random controls?

24. Please describe the procedures for authorised economic operators (AEO), in particular the application (including eventually self-assessment) and authorisation process to obtain the status of AEO. Also, explain how the authorisation is managed (monitoring, suspension, revocation, etc.). What are the criteria, conditions and benefits for an AEO?
25. Please provide a description of Bosnia and Herzegovina's customs control system for counterfeit and pirated goods and specify the kind of industrial or intellectual property covered by the control system (copyright, patents, designs, etc.).
26. Please provide a description of Bosnia and Herzegovina's customs control system for cultural goods.
27. Please provide a description of Bosnia and Herzegovina's customs control system for dual use goods.
28. Please provide a description of Bosnia and Herzegovina's customs control system for drug precursors, dangerous chemical products and 'controlled substances' under the Montreal Protocol (ODS and HFCs) .
29. Please provide a description of how Bosnia and Herzegovina implements Article 12 of the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychoactive Substances in external trade?
30. Please provide a description of Bosnia and Herzegovina's customs control system for the enforcement of CITES.
31. Please provide information concerning rules and procedures for cash controls at the borders.
32. Please indicate the existence of duty free shops at the borders, if any.
33. Please describe the administrative and customs fees, if any, which apply in the framework of customs related activities.
34. What legislation related to an electronic customs initiative is in place, in force and in use?
35. What are the customs related security initiatives? Is there any legal obligation to traders to provide pre-arrival/pre-departure information (prior to import/export)?
36. Please provide detailed information concerning the administrative capacity of the customs administration, incl. organisational structure, staffing levels, reforms recently undertaken or planned, responsibility for granting authorisations for applying customs procedures, etc.
37. Please provide information on Bosnia and Herzegovina's customs mission statement and customs strategy document(s), if any.
38. Please describe how internal audit, if any, within the Customs Administration is organised.
39. Please describe how post clearance controls, if any, are organised.
40. Please indicate how Bosnia and Herzegovina cooperates with other countries and customs territories. What are the applicable mutual assistance rules applicable in each case?
41. Please describe the training system of customs officers and of economic operators, including the number of trainings conducted in the last two years.
42. What was the level of turn-over of staff in the Customs Administration in recent years? Are there enough qualified applicants to fill the vacancies?
43. Please describe the recruitment policy of Bosnia and Herzegovina's Customs Authority and the conditions of staff recruitment.

44. Please describe the procedures, if any, on the possibility of transfer, career, progression and dismissal of staff.
45. Please describe the system and measures taken to avoid and cut down corruption and misconduct within the administration, if any.
46. Please describe the rights of defence allowing the economic operator to make his view known before an unfavourable decision is adopted.
47. Please describe the appeal procedure allowing economic operators to contest customs decisions.
48. Does Bosnia and Herzegovina have a customs laboratory and what kind of goods can be examined?
49. How are the controls on baggage of travellers organised?
50. Which kind of infrastructure and equipment is used by customs to control goods at the border? Does Bosnia and Herzegovina make use of electronic seals or container security devices to ensure the integrity/position (track and trace) of the containers during its voyage?
51. Please describe Bosnia and Herzegovina's cooperation with other authorities (other than customs). Does Bosnia and Herzegovina perform controls with other authorities at the same time or place? Does Bosnia and Herzegovina exchange information? If yes, with which institutions and what kind of data are being exchanged?
52. Does Bosnia and Herzegovina have a Customs website? If yes, what information is available and how often is this information updated?
53. With reference to interconnectivity and interoperability of IT systems, please describe the current state of computerisation of Bosnia and Herzegovina's administration in the following areas:
 - a) Exchange of data for accomplishment of customs formalities and applications (for example BTI) between customs and economic operators;
 - b) Submission and processing of customs declarations for import/transit/export/warehousing procedures and the performance of customs controls based on risk analysis, including the means by which customs authorities target such controls;
 - c) Collection of import/transit/export data;
 - d) Electronic tariff available to traders and customs officials;
 - e) Accounting system for the collection of customs duties and other charges, and the management of guarantees;
 - f) Management/allocation of tariff quotas;
 - g) Others
54. Please provide information on Bosnia and Herzegovina's customs administration IT strategy and on its plans for further computerisation in the above-mentioned areas. In the reply, please note links to developments contained in Commission Implementing Decision 2016/578 establishing the Work Programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code.
55. Please describe Bosnia and Herzegovina's national system for registration and identification of economic operators.

CHAPTER 30: EXTERNAL RELATIONS

The *acquis* in this field consists mainly of legislation which is binding and directly applicable in EU Member States without requiring transposition into national law. This EU legislation results essentially from the EU's multilateral and bilateral commitments in the trade field, as well as from a number of autonomous trade measures. In the area of export, some directives require transposition into national legislation.

In this context, applicant countries are required to progressively align their policies towards third countries and their positions within international organisations (particularly WTO) with the policies and positions adopted by the European Union and its Member States.

In the area of development policy and humanitarian aid, Member States need to comply with EU legislation and international commitments and ensure the capacity to participate in the EU's development and humanitarian policies.

I. COMMON COMMERCIAL POLICY - WTO and other horizontal aspects

A. Most Favoured Nation Trade

1. In order to have a complete picture of the differences between Bosnia and Herzegovina's trade regime and the EU trade regime, please provide us with:
 - a) Legal act(s) defining the trade policy⁶¹. Please include an overview of the key trade policy features (responsible institution, its competences, and key elements of policy-making).
 - b) Bosnia and Herzegovina's national tariffs (preferably all in one excel document in electronic format. See also Chapter 29 on customs union);
 - c) Quantitative restrictions applicable in Bosnia and Herzegovina, if any.
2. Please provide the summary findings of any comparative study between Bosnia and Herzegovina's and the EU's import regimes.
3. Please provide Bosnia and Herzegovina's latest trade data (import and export) in electronic format, following the most recent tariff structure.
4. Please provide an overview of the state of play of Bosnia and Herzegovina's WTO accession file, including Bosnia and Herzegovina's latest official offer in goods and services and draft Working Party Report.

B. Generalised System of Preferences (GSP)

5. Does Bosnia and Herzegovina apply a GSP scheme? If yes:
 - a) Please supply the date of the first GSP scheme implementation and of subsequent extensions or renewals, periodicity of validity, duration of the present scheme and the legal procedure for adoption/extension of schemes.
 - b) What is the product coverage and what are the preferential duties applied?
 - c) Please list the top 10 beneficiary countries.
 - d) Is there any graduation mechanism applied?
 - e) Please provide the list of beneficiaries and the text on the rules of origin applied to GSP imports.

⁶¹ Under heading III, the notion of "trade " should be understood as "foreign trade"

- f) Has Bosnia and Herzegovina already excluded some countries, and if so, on which basis (sanction, level of development...)?
 - g) Does Bosnia and Herzegovina have a specific GSP safeguard clause?
 - h) How many different GSP regimes (i.e. general arrangement, LDCs...) exist Bosnia and Herzegovina's GSP scheme?
 - i) Do these regimes have specific incentives (like our labour/environmental clause)?
 - j) What is the share of GSP imports in the total of imports from third countries?
 - k) What are the main differences between Bosnia and Herzegovina's GSP scheme and the EU's scheme?
6. If Bosnia and Herzegovina does not apply a GSP scheme, what would be the impact on Bosnia and Herzegovina of the adoption of the EU's GSP scheme?

C. Trade Defence Instruments

- 7. Please provide translated copies of the relevant legislation in force in Bosnia and Herzegovina concerning anti-dumping, anti-subsidy and safeguard measures.
- 8. If no such legislation exists yet, please describe the plans to adopt it, if any.

D. Services

- 9. Please provide an overview of the policy of Bosnia and Herzegovina in the trade in services. Please provide us with any legal act(s) defining such policy, including any legislation defining the trade-related aspects of a specific services sector.
- 10. Taking into account that Bosnia and Herzegovina's accession process to the WTO is ongoing, please inform to what extent Bosnia and Herzegovina's draft GATS commitments are in line with those of the European Union.
- 11. When Bosnia and Herzegovina becomes a Member State of the EU, the Commission will have to consolidate Bosnia and Herzegovina's GATS commitments with the existing EU commitments. What consideration has been given to the work (compensation) needed to bring Bosnia and Herzegovina's commitments in line with those of the EU? Please identify any commitments which Bosnia and Herzegovina has undertaken or intends to undertake which will need to be brought in line with the commitments undertaken at EU's level (in the WTO). Please provide the summary findings of any work on this issue.
- 12. Does Bosnia and Herzegovina have any agreements providing for market access/national treatment for trade in services? Please provide for each agreement the following information: nature of the agreement (e.g. preferential trade agreement, commercial co-operation agreement, other - please specify), date of ratification, date of entry into force, initial term of agreement, automatic renewal procedure, period for which acquired rights exist. Please provide translated copies and indicate clearly which procedures are foreseen in each agreement for its amendment or termination, to achieve its compatibility with the EU acquis. Which sensitive sectors are normally excluded (e.g. aviation, maritime transport, audiovisual, etc.) from such agreements? Do any of these agreements include a regional economic integration organisation clause (specifying the possibility to grant privileged access to investors or investments of other countries, which belong to the same regional integration organisation as the contracting party)?

13. Is Bosnia and Herzegovina negotiating or has entered into a commitment to negotiate any new bilateral or multilateral services agreements? Please provide details regarding the current status and any expected intermediate results arising from any such ongoing or proposed negotiations.

E. Administrative Capacity

14. Please provide information on administrative structure and functioning of Bosnia and Herzegovina's national authority dealing with Commercial Policy, describing the following:
 - a) Staffing numbers in the various departments, including, if possible, a detailed organisation chart,
 - b) Measures to ensure co-ordination of actions across the various departments involved in the implementation of trade policy, particularly co-ordination mechanisms with the departments responsible for customs administration,
 - c) Decision making mechanisms, for instance concerning the introduction or modification of trade measures.
15. Are there any trade and trade-related trainings foreseen in the short-term and long-term perspective?

F. Dual use items

16. Does Bosnia and Herzegovina apply export controls on dual use items? Please provide the Commission with the translated texts of the relevant legislation and summarise the main features of the underlying policy.
17. Please explain what the control procedures and assessment criteria are.
18. Please explain what items fall under Bosnia and Herzegovina's dual use legislation and on which basis Bosnia and Herzegovina compiles this list.
19. Has any analysis been carried out by the authorities of the differences between Bosnia and Herzegovina's legislation and that of the European Union (Regulation (EC) No 428/2009)? What are the main differences? Please provide a comparative table. If there is no analysis, is such an analysis planned? Please provide any relevant details of such plans.
20. Please provide information on administrative structure and functioning of Bosnia and Herzegovina's national authority dealing with export controls, describing the following:
 - a) Staffing numbers in the various departments, including, if possible, a detailed organisation chart;
 - b) Measures to ensure co-ordination of actions across the various departments involved in export controls, particularly co-ordination mechanisms with the departments responsible for customs administration;
 - c) Decision-making mechanisms, for instance denials of exports.
21. Please explain Bosnia and Herzegovina's relations and interactions with multilateral export control regimes (Australia Group, NSG, Wassenaar, MTCR).

G. Prevention of capital punishment and torture

22. Does Bosnia and Herzegovina apply export controls on goods that could be used for capital punishment or torture? Please provide the translated texts of the relevant legislation and list of goods.
23. Does Bosnia and Herzegovina apply other measures to prevent goods or services from being used for capital punishment or torture in foreign countries, such as an import or export prohibition or measures concerning brokering services, training or technical assistance? Please describe the measures in detail and provide the translated texts, if they are not included in the translated text of the legislation mentioned in the previous question.

H. Kimberley Process (conflict diamonds)

24. Does Bosnia and Herzegovina support the main objective of the Kimberley Process Certification Scheme, namely to stem the flow of 'conflict diamonds', i.e. rough diamonds used by rebel movements to finance wars against legitimate governments?
25. Does Bosnia and Herzegovina apply any measures to prevent imports and exports from 'conflict diamonds'? Please describe the measures in detail and provide the translated text of the relevant legislation.

I. Export credits

26. What are the institutions providing the credits/insurances? Please provide an overview of legal status and acts governing the operations of such institutions, of their administrative capacity, financing/financial arrangements and value of outstanding guarantees. Please present the methodology for defining the risk factor in export credit/insurances? How does this methodology take into account the OECD arrangement?
27. Do the institutions providing credits/insurances also cover short term exports to EU countries and OECD countries covered by Commission Communication pursuant to Article 113 of the Treaty on the Functioning of the European Union (TFEU) applying Articles 92 and 93 of the Treaty to short-term export credit insurance (OJ C 281 of 17 September 1997)?
28. Does Bosnia and Herzegovina foresee any problems with regard to the implementation of Council Directive 98/29/EC on harmonisation of the main provisions concerning export credit insurance for transactions with medium and long-term cover and EU Regulation 1233/2011 on export credits?

II. PREFERENTIAL TRADE AGREEMENTS

29. What preferential bilateral or multilateral trade agreements does Bosnia and Herzegovina have with third countries? Please provide translated copies of such agreements.
30. Please provide, for each agreement, the following information: nature of the agreement date of ratification, date of entry into force, initial term of the agreement, automatic renewal procedure, period for which acquired rights exist and indicate clearly what are the modalities foreseen in those agreements for their amendment or termination, to bring them in line with the EU acquis.
31. Has there been any global analysis by the authorities of Bosnia and Herzegovina of the differences between these agreements and those that the European Union might have with the

same third countries? If yes, please provide us with the findings of such analysis. If no, is such analysis planned? Please provide any relevant details of such plans.

32. Does Bosnia and Herzegovina plan to negotiate any new preferential trade agreements? If yes, please provide timeline and main policy direction of any such negotiations.

III. OTHER TRADE-RELATED AGREEMENTS

33. Please provide a list of all Bosnia and Herzegovina's international agreements on economic/technical cooperation and integration, or any other agreements relevant for trade matters.
34. Please provide, for each agreement, the following information: nature of the agreement date of ratification, date of entry into force, initial term of the agreement, automatic renewal procedure, period for which acquired rights exist and indicate clearly what are the modalities foreseen in those agreements for their amendment or termination, to bring them in line with the EU acquis.
35. Does Bosnia and Herzegovina plan to negotiate any new economic/technical cooperation and integration agreements or any other agreements relevant for trade matters? If yes, please provide timeline and main policy direction of any such negotiations.

IV. BILATERAL INVESTMENT AGREEMENTS

36. In order to have a complete picture of the differences between Bosnia and Herzegovina's investment regime and investment regimes in the EU, please provide us with any legal act(s) defining Bosnia and Herzegovina's investment policy, including any legislation defining the investment-related aspects of a specific sector. Please outline main policy features of this/these legal act(s).
37. With which countries has Bosnia and Herzegovina concluded bilateral investment agreements? Please provide for each agreement the following information: nature of the agreement (e. g. bilateral investment treaties, commercial cooperation agreements, other, (please specify), scope (covering market access, non-discrimination, protection, promotion etc.) date of ratification, date of entry into force, initial term of agreement, automatic renewal procedure, period for which acquired rights exist. Please provide translated copies and indicate clearly what are the modalities foreseen in those agreements for their amendment or termination, to bring them into line with the European Union acquis. Does any agreement include a regional economic integration organisation clause (possibility to grant privileged access to investors or investments of other countries, which belong to the same regional integration organisation as the contracting party)? Which sensitive sectors are normally excluded (e.g. aviation, maritime transport, fishing, audiovisual, etc.) from such agreements?
38. Does any of such agreement contain a free transfer clause that provides for the unrestricted transfer of any capital and payment related to an investment? If so, are there any exceptions or safeguard clauses that would limit such a free transfer clause? What is the scope of these exceptions and how are they triggered?
39. Has Bosnia and Herzegovina carried out an analysis to identify any differences between these agreements and those that the EU may have with the same third countries? If yes, please provide us with the findings of such an analysis. If not, is such an analysis planned? Please provide any relevant details of such plans.

40. Is Bosnia and Herzegovina negotiating or has it already entered into a commitment to negotiate any new bilateral investment agreements? Please provide details regarding the current status, timeline and any intermediate/envisaged results arising from any such ongoing or proposed negotiations.
41. Does Bosnia and Herzegovina plan to negotiate new bilateral investment agreements? Please provide details.

V. DEVELOPMENT POLICY AND HUMANITARIAN AID

A. Development policy

42. Is there a policy framework or any kind of regulation on development cooperation/aid?
43. Is Bosnia and Herzegovina bound by co-operation, trade, or other agreements with developing countries (whether African, Caribbean and Pacific, Latin American, Asian or Mediterranean countries)?
44. Does Bosnia and Herzegovina apply a preferential trade policy (irrespective of the agreements mentioned above) vis-à-vis certain developing countries? If so, what are the form and details of such policy/policies?
45. Does Bosnia and Herzegovina have a developing country aid budget? What is the size of the budget and how is it allocated? Which amount, if any, was spent for humanitarian aid to third countries during the past 3 years? Does Bosnia and Herzegovina measure its budget contributions according to OECD/ODA/DAC methodology for Official Development Assistance?
46. What are the projects, if any, on development aid assistance carried out by Bosnia and Herzegovina during the past two years?
47. Does Bosnia and Herzegovina have future commitments on development aid assistance or on development aid?
48. Administrative capacity: is there a Ministerial service/Agency for development cooperation, if so what is its mandate and structure, and how many staff does it employ? Or are there specific projects of assistance to third countries managed by Ministries other than the Ministry of Foreign Affairs? If yes, how are they organised?
49. To what extent are the EU development strategy, objectives, common values and principles, as outlined in the European Consensus on Development (December 2005, http://ec.europa.eu/development/policiesgen_en.cfm) incorporated into Bosnia and Herzegovina's foreign policy?
50. To what extent and how is Bosnia Herzegovina organised/positioned to implement the 2030 Agenda and the Addis Ababa Action Agenda.
51. In which International Agreements dealing with development is Bosnia and Herzegovina participating?

B. Humanitarian aid

52. How does Bosnia and Herzegovina define humanitarian aid? Does Bosnia and Herzegovina accept the principles of needs-based aid in line with the humanitarian principles enshrined in the EC Humanitarian Aid Regulation (EC 1257/96) and the European Consensus on Humanitarian Aid with respect to external humanitarian assistance? In particular, attention is

drawn to the principle of non-discrimination whereby assistance is awarded to victims, without discrimination on the grounds of race, ethnic group, religion, sex, nationality or political affiliation and must not be guided by, or subject to, political considerations.

53. Does Bosnia and Herzegovina have a recognised framework for non-governmental organisations who aim to provide assistance, whether development or humanitarian, in third countries? Please explain.
54. Does Bosnia and Herzegovina have an organisation or section of public administration which monitors and provides relief in the event of natural and man-made disasters? Is the possibility of such disasters monitored on a continuous basis? If yes to either, what immediate assistance and resources are available and have been provided in the event of such happenings? Is such assistance given solely internally or is it available for the benefit of third countries?

CHAPTER 31: FOREIGN, SECURITY AND DEFENCE POLICY

The Treaty on European Union (TEU) includes in Title V provisions on the Common Foreign and Security Policy (CFSP) and the Common security and defence policy (CSDP) which new Member States will apply. CFSP and CSDP are based on legal acts, including legally binding international agreements, and on political documents. The *acquis* consists of political declarations, joint actions, common positions and agreements. Member States must be able to conduct political dialogue in the framework of CFSP, to align with EU statements, to take part in EU actions and to apply agreed restrictive measures. Applicant countries are required to progressively align with EU statements, and to apply restrictive measures when and where required.

I. SUMMARY INFORMATION

1. Is Bosnia and Herzegovina prepared to accept unreservedly the definition, legal structure and organisational arrangements for the Union's foreign, security and defence policy (CFSP and CSDP) including its military dimension?
2. Will Bosnia and Herzegovina at the time of accession be ready and able to participate fully and actively in the foreign, security and defence policy (CFSP and CSDP) as defined in the TEU?
3. Will Bosnia and Herzegovina, upon accession, take on in their entirety and without reservations the objectives of the TEU, the provisions of its Title V, and of the declaration attached to it, as well as the relevant international agreements concluded on behalf of the EU, and other relevant sources of the foreign, security and defence policy (CFSP and CSDP) *acquis*?
4. Will the public administration, and in particular the Ministry of Foreign Affairs and the Ministry of Defence, have the necessary structure and technical equipment to fully take part in the foreign, security and defence policy (CFSP and CSDP) at the time of accession?
5. In view of the provision for Member States to support the Union's external and security policy actively and unreservedly (Article 24.3 TEU), please explain what are the treaty obligations of Bosnia and Herzegovina under international law, and whether they will need to be modified in view of accession. For this purpose, please send a list of the existing treaty obligations, and those under negotiation.
6. Does Bosnia and Herzegovina support the EU Global Strategy for the EU's Foreign and Security Policy of June 2016?
7. Please provide a list of legislation covering the foreign, security and defence policy and the scope of the same.
8. How many measures (declarations, demarches, common positions and Council decisions on restricted measures) has Bosnia and Herzegovina aligned with since July 2008? Please provide a list of such measures divided by year. Which measures has Bosnia and Herzegovina not aligned with? Please provide a list of such measures divided by year. How does Bosnia and Herzegovina intend to fully align with the CFSP measures until accession?
9. Which bodies and institutions in Bosnia and Herzegovina are responsible for implementing and ensuring coordination of foreign policy?

10. Has Bosnia and Herzegovina appointed the necessary "Political Director" and the "European Correspondent"?
11. Please provide us with basic information on the structure, disposition, and numbers of the diplomatic service of Bosnia and Herzegovina (embassies, missions, consulates general and consulates). For instance, how many employees does the foreign service consist of (diplomats, support staff etc.)?

II. CFSP — POLITICAL DIALOGUE

12. In view of the objective of strengthening the security of the Union and its Member States in all ways (Art. 24.3 TEU), please explain the state of relations between Bosnia and Herzegovina and neighbouring non-EU member states. For this purpose, please provide summary information on the co-operation with neighbouring countries, including both co-operation in regional organisations and bilateral cooperation.
13. What political dialogue takes place between Bosnia and Herzegovina and the following:
 - a) Western Balkans (Albania, Kosovo*⁶², the former Yugoslav Republic of Macedonia, Montenegro and Serbia);
 - b) Turkey;
 - c) The countries covered by the European Neighbourhood policy (ENP);
 - d) Eastern Partnership;
 - e) Euro-Mediterranean Partnership;
 - f) Russia;
 - g) USA and Canada;
 - h) China, Japan, India, Pakistan;
 - i) The Organisation of Islamic Cooperation, and Gulf Cooperation Council's members.

III. CFSP AND CSDP—POLITICAL STRATEGY

A. Restrictive measures

14. In view of the Union's capacity to implement restrictive measures, including economic sanctions, under a CFSP Decision and typically an EU Regulation (see Articles 28-29 TEU and Articles 215 TFEU), please provide an overview of Bosnia and Herzegovina's constitutional and legal arrangements for the implementation of restrictive measures, including economic sanctions, the relevant administrative structures and monitoring mechanisms, and a list of unilateral and multilateral (in particular UN Security Council) restrictive measures applied by Bosnia and Herzegovina.
15. To what extent has Bosnia and Herzegovina fully implemented the restrictive measures listed on the EU sanctions websites listed below?
 - https://eeas.europa.eu/topics/sanctions-policy/8442/consolidated-list-of-sanctions_en
 - http://ec.europa.eu/dgs/fpi/what-we-do/sanctions_en.htm

⁶² *This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

16. Regarding the implementation of sanctions decided by CFSP Decisions (e.g. arms embargo), which specific ministries/bodies and law enforcement agencies (Ministry of Defence, Customs Administration, Ministry of Foreign Affairs, security and intelligence services) or departments would be in charge of the monitoring, controlling and implementation, and what is their operational structure (staffing, budget, reporting)?
17. Provide data on trade in used or new weapons with countries against which the EU maintains arms embargos.

B. Conflict prevention

18. Does Bosnia and Herzegovina support all EU measures in this field?
19. Does Bosnia and Herzegovina support the EU Programme for the Prevention of Violent Conflicts (endorsed by the Göteborg European Council in June 2001) and the Communication from the Commission on Conflict Prevention (April 2001)?

C. Non-proliferation and WMD/SALW strategy

20. In view of EU's commitments in the areas of non-proliferation of weapons of mass destruction (WMD), please explain Bosnia and Herzegovina's participation, or intended participation, in the different international regimes/instruments concerning non-proliferation of weapons of mass destruction, exports of conventional arms, as well as the authorities in charge of implementing these international regimes.
21. Please clarify the amount of trade in conventional weapons Bosnia and Herzegovina is involved in either directly or as a transit point. What would be the mechanisms to enact the internal controls necessary to allow instruments such as the Wassenaar Arrangement, the Australia Group, the Nuclear Suppliers Group, the Zangger Committee and the MTCR regimes to function and which would be the relevant law enforcement agencies for each of these export control regimes?
22. Does Bosnia and Herzegovina comply with the Council Joint Action 2006/419/CFSP of 12 June 2006 in support of the implementation of the United Nations Security Council Resolution 1540 (2004) and in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction?
23. Does Bosnia and Herzegovina comply with the Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment?
24. In view of the Union's efforts to establish a European armaments policy, please provide information on Bosnia and Herzegovina's defence industry and provide information about any obstacles to compliance with the above policy.
25. What is Bosnia and Herzegovina's position and what measures are being taken with regard to the Council Decision 2009/42/CFSP of 19 January 2009 on support for EU activities in order to promote among third countries the process leading towards an Arms Trade Treaty, in the framework of the European Security Strategy?
26. What is Bosnia and Herzegovina's position and what measures are being taken with regard to the Council Joint Action 2008/487/CFSP of 23 June 2008 in support of the universalisation and implementation of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, in the framework of the European Security Strategy?

27. Has Bosnia and Herzegovina undertaken implementation measures necessary to comply with its obligations under the Chemical Weapons Convention (CWC)? Are there legislation and administrative measures in place prohibiting activities proscribed under the CWC? Please provide details. Has a functioning National Authority serving as a focal point for CWC-related matters been established? What measures have been undertaken to regulate and monitor trade in scheduled chemicals?
28. Does Bosnia and Herzegovina have a national control strategy for small arms and light weapons (SALW)? If so, please provide a copy.
29. Does Bosnia and Herzegovina have a national registration system and database for small arms and light weapons? If so, please provide recent weapons registration statistics.
30. Does Bosnia and Herzegovina have a national commission or authority to monitor the production, import and export of small arms and light weapons? If so, who are its members and what are its terms of reference?
31. Does Bosnia and Herzegovina have legislation in place for the internal control of small arms and light weapons, including possession, use, carriage and registration of weapons?
32. Does Bosnia and Herzegovina have legislation in place for external transfers (import, export, transit etc.) of such weapons, in line with the Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment?
33. Please provide information and figures on import and export of small arms and light weapons.
34. Please provide information on the type of sanctions (administrative and penal) as provided for in the legislation for not surrendering illegally possessed firearms.
35. Does Bosnia and Herzegovina comply with the Council Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons (2002/589/CFSP)?
36. Does Bosnia and Herzegovina comply with the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition?
37. Does Bosnia and Herzegovina comply with the Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering?
38. Does Bosnia and Herzegovina comply with the 2001 UN Program of Action against the spread of illicit small arms and light weapons (SALW) and its protocol?

D. Cooperation with international organisations

39. In view of the provision for Member States to co-ordinate action in international organisations (Art. 34 and 35 TEU) please provide a list of the relevant international organisations of which Bosnia and Herzegovina is a member (with date of joining) or is negotiating membership, such as the UN, the OSCE, the Council of Europe, etc.
40. Does Bosnia and Herzegovina engage with international organisations on e.g. elections monitoring, training activities? Please specify which ones.

E. Security measures (classified information)

41. Does Bosnia and Herzegovina comply with the EU security policy requirements?
42. Is the legal framework on security procedures for the exchange of classified information which enables secure communication between Member States' Foreign Ministries in place?
43. Does Bosnia and Herzegovina have an agreement with the EU on security procedures for the exchange of classified information and has it been ratified?
44. What specific legislation is in place to regulate the field of information security fully in accordance with EU standards?
45. Does Bosnia and Herzegovina comply with the Council Decision of 19 March 2001 adopting the Council's security measures (2001/264/EC) as amended by the Council Decision 2004/194/EC and 2005/571/EC?

IV. CSDP — CONTRIBUTING CAPACITIES

46. Is Bosnia and Herzegovina committed to the development of the CSDP and does Bosnia and Herzegovina subscribe to the EU's goal to be active, capable and effective in the area of civil and military crisis management?
47. Is Bosnia and Herzegovina supporting the Headline Goal 2010?
48. Does Bosnia and Herzegovina support CSDP missions in the Western Balkans and elsewhere?
49. Does Bosnia and Herzegovina have a framework agreement with the EU for participation to CSDP operations? When was it signed and has it been ratified?
50. In view of the Union's policy to strengthen and develop its capabilities in international crisis management, please explain if Bosnia and Herzegovina is contributing or is ready to contribute personnel to EU a) civilian and b) military crisis management operations. Does Bosnia and Herzegovina have the relevant operational training capacities and facilities for such civilian and military personnel?
51. Please provide information on Bosnia and Herzegovina's contribution in international activities such as UN peacekeeping missions.

CHAPTER 32: FINANCIAL CONTROL

This chapter contains four main policy areas: public internal financial control (PIFC), external audit, the protection of the EU's financial interests and the protection of the euro against counterfeiting.

For the first two areas there is no EU legislation requiring transposition into national law or directly applicable legislation. Rather, the candidate country is expected to adopt and implement internal control (based on managerial accountability) and internal audit, in line with internationally recognised frameworks, standards¹ and EU good practice, across its entire public sector. For external audit, a candidate country is expected to adopt and apply the standards as defined by the International Organisation of Supreme Audit Institutions (INTOSAI).

As concerns the protection of the EU's financial interests, the candidate country needs to ensure that national legislation is aligned with the Convention on the protection of the European Communities financial interests and other relevant *acquis*. The country also needs to set up the national anti-fraud coordination service (AFCOS) and ensure cooperation with the Commission, including during the Commission's on-the-spot missions. The country also needs to set up a structure for reporting of irregularities and suspected fraud cases. The protection of the euro against counterfeiting covers under this Chapter only non-penal aspects. This includes ratifying the 1929 international Convention for the Suppression of Counterfeiting Currency, alignment of national legislation with the *acquis* and ensuring the administrative structures and capacity for technical analysis and classification of counterfeit money.

In order to ensure a common understanding of concepts used under this Chapter, especially with regard to PIFC, the country is invited to ensure that the terminology used in the replies is in line with the definitions and glossary used by the Committee of the Sponsoring Organizations of the Treadway Commission (COSO), INTOSAI and the Institute of Internal Auditors. Please especially ensure the correct use of the terms "internal control", "control", "audit" and "inspection"

I. PUBLIC INTERNAL FINANCIAL CONTROL (PIFC)

A. General overview

1. How is the distribution of competences defined between different levels of governance in internal control and internal audit. Please list and provide an English translation of all laws and policy documents that apply to internal control and internal audit.
2. If there is no uniform legal framework for the whole country, please provide information on the main differences in the relevant legal frameworks in a tabular format. For each instance of difference, explain how a single country-wide approach is being ensured or intended to be ensured.
3. Provide a brief country-wide overview of how the principle of managerial accountability is applied in public sector management and of how the internal control framework in the public sector functions.
4. Provide a brief country-wide overview of how the internal control framework is organised at local government level to the extent that it differs from the reply to question 3.
5. Provide a brief country-wide overview of how the internal control framework is organised in state-owned enterprises, in as far as they benefit from national budgetary funding, to the extent that it differs from the reply to question 3.
6. Provide a brief country-wide overview of any weak points of the managerial accountability arrangements, or the functioning of internal control and internal audit, identified by the

central harmonisation unit(s) or other parties such as the Supreme Audit Institutions, the Treasury or the CHU.

B. Strategic development

7. How up to date is the strategic framework for the development and implementation of PIFC? How well does it describe the functioning of managerial accountability, internal control and internal audit? Does it include an analysis of the adequacy of these arrangements? Does it describe the intended functioning of these arrangements and include a plan of actions for attaining this desired state? Does it cover local government entities and state-owned enterprises?
8. Describe how the strategic framework for development and implementation of public sector internal control is linked to any other relevant strategies such as public administration reform, public financial management reform or anti-corruption strategies?
9. Describe any mechanisms that ensure coordination of all related reforms, both at policy development and implementation stages.
10. How is implementation of the strategic development framework monitored, and reported to the government?
11. Have there been delays in implementing the PIFC strategy framework? What action has the government taken to remedy these?

C. Managerial Accountability

Managerial accountability is an essential constituent of PIFC reform and concerns the delivery of objectives and services by making best use of available resources. A sound system of managerial accountability requires a balance between administrative performance (legality and regularity) and managerial performance (achievement of objectives and efficiency). Managers need relevant and explicit policy objectives; broken down into clear operational objectives on which to work; the authority and resources with which to achieve those objectives; and the freedom to work out the most efficient way to do so within the constraints set by transparent procedures for the management of public funds.

The proper balance between administrative and managerial accountability is necessary. If the focus is too heavily on the legal/procedural requirements it is likely that a manager's active performance will be measured on *how the work is done* (administrative accountability) rather than on *what results have been achieved* (managerial accountability). On the other hand focusing solely on achieving objectives may lead to unintended legal distortions and can carry increased risk of misuse of public funds.

12. Accountability systems tend to evolve during the PIFC reform process, moving from an initial focus on administrative accountability to focus more on managerial accountability. Please rank Bosnia and Herzegovina's level using a scale from 1 (administrative accountability) to 7 (managerial accountability). Please list the main information sources used in the analysis.
13. Managerial accountability means that in addition to an organisation being accountable to external stakeholders, each part is also accountable internally. This requires an effective delegation framework under which managers and staff are aware both of their responsibilities and of the authority delegated to them. Please describe how the delegation framework is defined, and authority assigned and communicated, within public sector organisations in Bosnia and Herzegovina.

14. How far are budgets aligned with decision-making authority within public sector organisations?

D. Internal control

15. To what extent do the public sector internal controls arrangements focus on addressing systemic errors before they happen or on the identification/investigation of individual errors after-the-fact?
16. Give a description of how the five components of the COSO 'Internal Control - Integrated Framework 2013' (control environment, risk assessment, control activities, information and communication, and monitoring activities) are expected to operate in the public sector in Bosnia and Herzegovina.
17. On a scale from 1 (not implemented) to 7 (fully implemented), to what extent are each of these 5 components implemented in line with the COSO model on a day to day basis in the public sector in Bosnia and Herzegovina? Please list the main information sources used to reach this judgement.
18. What steps have been identified/are being taken to remedy any differences between current and expected practice?
19. What requirements for ethical behaviour or standards of conduct (especially concerning potential conflicts of interest and how to deal with them) does the internal control system set?
20. What requirements for leadership and management styles (such as management by objectives, risk management, concentration on performance measures) does the internal control framework set?
21. What requirements does the internal control framework set for institutions of particular types to draw up the following: mission and vision statements, strategic objectives, programmes with defined objectives, annual work plans dovetailing with the strategic and programme objectives, performance indicators with which to monitor implementation of objectives?
22. What requirements does the internal control framework set for managers at various levels within organisations to report on achievement against organisational objectives plus financial variations against targets?

E. Sound financial management

23. Is there legislation setting out the status within public sector organisations of finance officers and/or finance sections together with their role and methods of operation?
24. Do the public sector accounting and reporting systems cover all sources of revenue and all types of expenditure, together with any assets and/or liabilities? Please include all levels of governance in the answer.
25. Do the public sector accounting and reporting systems provide sufficient and timely information to:
 - a) allow managers to control and manage commitments effectively,
 - b) inform managers about financial implementation and performance during the year,
 - c) permit forecasting of income and expenditure,
 - d) keep financial commitments within budget limits,

- e) ensure that the use of financial resources, e.g. through procurement operations or human resource costs, is in accordance with the existing budget, and
 - f) allow an audit trail of key financial decisions, including those relevant to Instrument for Pre-accession Assistance-funded programmes?
26. Describe any centralised ex-post checks on receipts or expenditure.

F. Internal Audit

27. Does the internal audit legislation define operational arrangements for internal audit, including the level of decentralisation, minimum audit unit staffing requirements and standards to be used; as well as independence, contents of audit charters, planning requirements and freedoms, reporting arrangements, codes of ethics, certification arrangements, and continuous professional development?
28. Are all public sector organisations in Bosnia and Herzegovina required by legislation to establish an internal audit function? If not, please provide details of the criteria which allow those organisations not to do so. Please further explain how those organisations that are not required to establish their own internal audit function can access internal audit services.
29. Please provide the number of organisations that are required to establish their own internal audit function, as well as the total number of audit staff employed by them.
30. Is there a certification scheme for internal auditors in Bosnia and Herzegovina? If yes, please describe the content of the certification programme and the arrangements for managing it.
31. Do internal auditors have access to further internal audit training once certified? How is this training provided and funded? Please provide statistical information on the number of certified internal auditors in the public sector and number of internal auditors in the public sector with an international audit certificate (including the name of the certifying body).
32. What types of audits are performed by internal audit units (e.g. compliance audits, systems-based audits, IT and performance audits)? Please provide an estimate of the overall proportions of each type of audit undertaken.
33. Do any internal auditors perform other functions beside internal audit?
34. What is the procedure for consultation/submission of internal audit reports?
35. How is quality assurance of internal audit carried out?
36. Please provide a general overview of the monitoring/follow-up procedure to ensure that agreed internal audit recommendations are implemented?

G. Central Harmonisation Units (CHU)

37. List any units charged with developing common standards, harmonising practises, and coordinating the implementation of internal control and internal audit. What is the legal basis of their responsibilities? To whom does each unit report? Please provide an organigramme of each ministry with such a unit, indicating the reporting line for the CHU(s).
38. Is/are any of these units responsible for providing training and awareness-raising on internal control? How has it been organised so far and how will it be organised in the future e.g. links with any national training institutions?
39. Please provide a list of each CHU's tasks.

40. What is the number of staff in each of the CHUs?
41. Please provide an estimate in percentages of annual staff time of the main tasks of the harmonisation units such as legislative work, data gathering (including for the purpose of the annual review), methodological guidance on internal control, methodological guidance on internal audit, awareness-raising among managers, training of internal auditors, training on internal control, etc.
42. As several bodies at different levels of governance are responsible for harmonising the development of PIFC, how is a consistent countrywide approach to PIFC development ensured?
43. How frequently and by what means do CHUs liaise with those parts of government dealing with PAR and PFM reforms.
44. How do the CHUs ensure that their guidance is adhered to? Are compliance reviews performed for this purpose?
45. Do the units responsible for coordinating PIFC development prepare an annual review or a report on the state of implementation of internal control and internal audit? How is it prepared? Is a self-assessment of the CHUs' own activities included as part of the annual review/report?
46. Is the annual review/report presented for discussion by the government? Please describe arrangements to ensure that government conclusions or recommendations on the review/report are actioned and followed up.
47. Is the annual review/report published?
48. Please describe what cooperation arrangements exist between the CHUs and the Supreme Audit Institution(s), for informing each other about perceived internal control weaknesses in government systems, on training, etc.

II. EXTERNAL AUDIT

49. Please list and provide an English translation of all the Supreme Audit Institution (SAI) laws in Bosnia and Herzegovina.
50. Is the independence of each SAI anchored in the Constitution? Please provide the specific references in the parliament.
51. Do the SAI laws provide for functional, operational and financial independence of the SAI in line with INTO SAI standards? Are the following aspects guaranteed in the legal framework and implemented in practice?
 - a) Is the independence of the Head of the SAI (or Council members in case of a collegial body) legally protected, including appointment, terms of employment, removal, dismissal and immunity during the normal discharge of responsibilities?
 - b) Is the audit mandate of the SAIs comprehensive, covering all public policy implementation and public financial operations?
 - c) Do the SAIs have authority to undertake the full range of financial, compliance and performance audits?
 - d) Do SAI auditors have unrestricted rights to access the premises, records and documents of those bodies they are responsible for auditing?

- e) Do the SAIs perform any duties that are not strictly related to External Audit, for example, the filing of criminal charges?
52. Are the SAIs financially independent of the executive? Are the SAIs entitled to use funds allocated to them as they see fit? Please describe the budget setting procedure?
 53. What requirements for ethical behaviour including integrity, independence, dealing with potential conflicts of interest have the SAIs established? What action is taken to ensure these requirements are complied with?
 54. What is the institutional capacity of the SAIs in terms of management and staffing? Please provide an organigramme and the numbers of staff categorised as management, auditors and non-audit staff for each SAL.
 55. What are the arrangements for internal audit within each SAI?
 56. Have the SAIs adopted and are implementing a Strategic Development Plan that sets out the internal development approach on a multi-annual basis? If yes, please provide information on the key development priorities (and a copy of each Strategic Development Plan).
 57. How is professional development of auditors pursued (i.e. through internal, external and/or international (training) programmes)? Is there cooperation with the Central Harmonisation Units(s) on training?
 58. How are the SAIs involved in improving the internal control framework in the public sector? For example, do the SAIs make an assessment of the internal control systems of the audited institutions as part of their audits?
 59. Do the SAIs have both financial and performance audit manuals in place?
 60. How do SAIs ensure that their working methods and procedures are kept up to date with INTOSAI standards?
 61. What procedures do the SAIs have in place for quality control providing reasonable assurance that the SAI auditors are complying with professional standards including independence, objectivity, confidentiality and competence?
 62. How do the SAIs communicate their audit results (i.e. through media, websites, etc.)? Do the SAIs make their audit reports publicly available?
 63. What procedures do the SAIs have in place to monitor the implementation of their audit recommendations?
 64. How do the SAIs report their findings to the parliament? Are there dedicated committees to consider the SAI audit reports? What are the parliamentary procedures for examining SAI reports?
 65. What parliamentary follow-up is given to SAI audit reports?
 66. What procedures/mechanisms are in place to ensure a harmonised country-wide approach to external audit? Please describe the mechanisms and highlight any major variations/weaknesses.

III. PROTECTION OF THE EU'S FINANCIAL INTERESTS

A. Implementation of the Convention on the protection of the EU's financial interests (PIF Convention) and its three protocols, which aim to create a common legal basis for the criminal law protection of the EU's financial interests

67. What are the applicable definitions of irregularity, fraud, passive corruption, active corruption, money laundering? Please identify: a) the relevant provisions in the legislation; b) the penalties for the principle offenses of fraud (both in revenue and expenditure), passive corruption, active corruption and money laundering in the legislation,
68. Please identify the relevant provisions in the legislation concerning the criminal liability of company managers. What is the applicable definition of complicity in economic crimes?
69. Please identify the relevant provisions in the legislation concerning the liability of legal persons.
70. Please identify the relevant provisions in the legislation concerning the possible seizure, confiscation of material gain or removal measures for results and instruments of economic crimes as well as obligation to safeguard evidence in the cases of suspected fraud.
71. What are the requirements of procedural penal law regarding general possibilities for extraterritorial jurisdiction based on the personality principle?

B. Country's capacity for operational cooperation in the field of the protection of the EU's financial interests

72. The EU acquis requires the legislation to protect the EU funds in the same way as national funds. Does the legislation provide for specific obligations and procedures with regard to the treatment of cases of suspected fraud and other irregularities affecting national, EU or international funds? Does the legislation define any arrangements for cooperation with the Commission and the EU Member States in the investigation, the prosecution and the enforcement of the penalties? Does the legislation include provisions ensuring that information and evidence produced by Commission's investigators receives an equal treatment in line with requirements of Article 325 of the EU Treaty
73. How are cases of suspected fraud and other irregularities dealt with in practice? Are any data kept on detected cases of suspected fraud and other irregularities? If yes, please provide recent data.
74. Is the country considering setting up specific institutions or bodies for anti-fraud coordination, investigation and/or treatment of cases of suspected fraud and other irregularities affecting national, EU and/or international funds, or are such institutions or bodies already in place? If so, does it/do they have a comprehensive legal basis that defines tasks and responsibilities and cooperation arrangements, including with the European Commission? What is the scope of their competencies? How is their administrative capacity and their operational independence ensured? Have any procedures been defined for the communication, by other national authorities, of cases of suspected fraud and other irregularities to these institutions or bodies? Have any mechanisms been defined for cooperation between these different authorities?
75. Have any mechanisms been defined for cooperation with the EU authorities and guaranteeing sufficient assistance to Commission's investigators during their anti-fraud investigations? Is there already a track record of investigation activities and on-the-spot checks between competent national authorities and the Commission?
76. Has the country established a mechanism for reporting of irregularities and suspected fraud cases, including the Irregularity Management System and reporting procedures?
77. Financial and judicial follow-up: Have any procedures been defined for the communication of cases of suspected fraud to the prosecution authorities? Have any procedures been defined for

the recovery of uncollected resources and unduly spent funds in the case of suspected fraud or other irregularities?

78. Has the country prepared and adopted in an inclusive process a national anti-fraud strategy and a related action plan (possibly as part of a public financial management reform programme)? If yes, does it also cover the protection of the EU's financial interests?

IV. PROTECTION OF THE EURO AGAINST COUNTERFEITING (NON-CRIMINAL ASPECTS)

79. Does the legislation define counterfeiting, competent national authorities and procedures for gathering, storing, withdrawing from circulation and reimbursing or replacing any (suspected) counterfeit money. Which definition of counterfeiting of both for notes and coins is provided by the legislation?
80. Does the legislation provide for the obligation of credit institutions and other payment service providers, and any other institutions engaged in the processing and distribution to the public of notes and coins (as specifically indicated in article 6 of Regulations 1338/2001) to ensure that euro notes and coins, which they have received and which they intend to put back into circulation, are checked for authenticity and that counterfeits are detected?
81. Does the legislation provide for the obligation of credit institutions and other payment service providers, and any other institutions engaged in the processing and distribution to the public of notes and coins (as specifically indicated in article 6 of the Regulation 1338/2001) to withdraw from circulation all banknotes and coins which they know or have sufficient reason to believe to be counterfeit and to hand them over to the competent authorities? Have any sanctions been defined in the case this obligation is not complied with?
82. Does the legislation regulate medals and tokens similar to euro coins?
83. Does the legislation define procedures for the domestic cooperation on counterfeiting and the cooperation with foreign banks and authorities?
84. Which authorities have been designated for the centralisation, technical analysis and processing of information on counterfeit bank notes and coins, both euro and other currencies? Please provide information on staff and technical capacity.
85. Have any procedures been defined for the transmission of examples of counterfeit banknotes and coins, both euro and other, and related information to the relevant authorities inside or outside Bosnia and Herzegovina?
86. Have any procedures been defined for the gathering and indexation of statistical data relating to counterfeit banknotes and coins (both for the Euro and other currencies)?
87. Which sanctions apply for the entering into circulation and for the use of medals and token similar to euro coins?
88. What are the procedures and bodies established for the fight against counterfeiting?
89. Has the country ratified the 1929 Geneva Convention for the suppression of counterfeiting currency?
90. Does Bosnia and Herzegovina participate in the Pericles programme? Does the country take part in international cooperation, including cooperation with other countries in the region and/or the Member States?

CHAPTER 33: FINANCIAL AND BUDGETARY PROVISIONS

This chapter covers the rules concerning the financial resources necessary for the funding of the EU budget ('own resources'). These resources are made up of the following: traditional own resources, especially customs duties, including duties on agricultural products, which are levied by the Member States on behalf of the EU; a resource based on value-added tax; and finally, a resource based on each Member State's gross national income. Member States must have appropriate administrative capacity to adequately coordinate and ensure the correct calculation, collection, payment and control of own resources. The *acquis* in this area is directly binding and does not require transposition into national law.

I. TRADITIONAL OWN RESOURCES

1. Which departments are responsible for levying import duties (customs duties and agricultural duties) and possible other charges levied on goods entering Bosnia and Herzegovina? For each relevant department, please give details of:

- a) The general organisation set-up (central departments and external services);
- b) Collecting, accounting and control procedures.

2. Are there separate accounts to distinguish recovered debts and outstanding debts?

What was the revenue from import duties for the latest available full-year final data? Please provide a breakdown of the total yield by Bosnia and Herzegovina's imports originating from the Union's Member States (EU-28) and the rest of the world.

II. VAT RESOURCE

3. Is there a value-added tax system applicable in Bosnia and Herzegovina? If so, please provide a summarised description thereof.⁶³
4. For the relevant departments (Ministry of Finance, tax administration, statistical office) please give details of:
 - a) The general organisational set-up;
 - b) VAT collection, accounting, control procedures, and statistical infrastructure.
5. What were the gross receipts of VAT and VAT refunds for the year 2015? If possible provide a breakdown of the total VAT receipts by VAT receipts levied on importation and VAT receipts levied within the country.

III. GNI RESOURCE

6. Are National Accounts and the compilation of GNI (Gross National Income) based on the definitions and accounting rules of the European System of National and Regional Accounts 2010 (ESA 2010)? If not, please give details of the system currently applied.
7. Are National Accounts adjusted to cover the non-observed economy? What is the impact of these adjustments on the level of GNI? What methodology is used to account for the non-observed economy?

IV. ADMINISTRATIVE INFRASTRUCTURE

8. Which Ministry and departments will have overall responsibility for financial and budgetary issues in Bosnia and Herzegovina? Please explain its/their functioning.

⁶³ Reference to the response given under Chapter 16 (Taxation) may be done, if applicable.