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**Report on progress in Bosnia and Herzegovina – March 2024**

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### **1. Introduction**

In its 2019 Opinion on Bosnia and Herzegovina's application for membership of the European Union, the Commission noted that the negotiations for the accession to the European Union should be opened with Bosnia and Herzegovina once the country has achieved the necessary degree of compliance with the membership criteria and in particular the Copenhagen political criteria requiring the stability of institutions guaranteeing notably democracy and the rule of law and identified 14 key priorities in this regard. The Opinion was endorsed by the European Council in December 2019.

In its conclusions on Enlargement and Stabilisation and Association Process of 13 December 2022, the Council recommended to grant the status of candidate country to Bosnia and Herzegovina, subject to confirmation by the European Council, on the understanding that the steps ("8 steps") specified in the Commission's recommendations<sup>1</sup> are taken, in order to strengthen the rule of law, the fight against corruption and organised crime, migration management and fundamental rights. Further, the Council underlined the urgency for the country to move forward on its EU path, in particular via fulfilling all 14 key priorities as identified in the Commission's Opinion and endorsed by the Council in 2019.

On 15 December 2022, the European Council endorsed the Council conclusions of 13 December 2022 on Enlargement and Stabilisation and Association Process, and agreed to grant the status of candidate country to Bosnia and Herzegovina.

In its 2023 Communication on enlargement policy, the Commission welcomed the reforms efforts undertaken by Bosnia and Herzegovina since the meeting of the European Council of December 2022 granting candidate status to the country. The Commission noted that, overall, further efforts are required for Bosnia and Herzegovina to fulfil the 14 key priorities set out in the Commission Opinion on its EU membership application and the steps specified in the Commission recommendation for candidate status, all of which remain fully valid. The Commission has also recommended the opening of EU accession negotiations with Bosnia and Herzegovina, once the necessary degree of compliance with the membership criteria is achieved. The Commission stated it will report to the Council on progress at the latest in March 2024".<sup>2</sup>

In line with the Commission's recommendation, in December 2023, the European Council decided that it will open accession negotiations with Bosnia and Herzegovina, once the necessary degree of compliance with the membership criteria is achieved. The European Council invited the Commission to report to the Council on progress at the latest in March 2024, with a view to making a decision.<sup>3</sup>

Since the granting of candidate status by the European Council in December 2022, the public commitment of political parties in Bosnia and Herzegovina to the strategic goal of European integration has brought some positive results. This report provides a factual outline of the latest developments since the enlargement report of 8 November 2023.

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<sup>1</sup> 2022 Communication on EU Enlargement Policy, COM(2022) 528 final

<sup>2</sup> 2023 Commission communication on enlargement, COM(2023) 690 final, paragraph 11.

<sup>3</sup> European Council conclusions, 14 December 2023, paragraph 17

## 2. Progress on the implementation of reforms

*Step 1: ensure a track record in the functioning at all levels of the coordination mechanism on EU matters including by developing and adopting a national programme for the adoption of the EU acquis.*

The Directorate for European Integration has finalised the programme for EU integration, and submitted it to the European Commission in early March for comments. The programme for EU integration is expected to be later adopted by the Council of Ministers. This programme for EU integration is a key step towards developing and adopting the national programme for the adoption of the EU *acquis* (NPAA).

Consultations are ongoing in the Council of Ministers to appoint the national IPA coordinator (NIPAC) for IPA III.

*Step 2: adopt, as a matter of priority, integrity amendments in the existing law of High Judicial and Prosecutorial Council.*

The Parliament adopted the integrity amendments to the HJPC Law in September 2023. Certain provisions that hampered the right of international experts to access personal data were corrected in January 2024. The integrity checks on judicial office holders and HJPC members may now start.

*Step 3: adopt a new law on the High Judicial and Prosecutorial Council and adopt the law on Courts of Bosnia and Herzegovina*

Bosnia and Herzegovina authorities are working towards a new Law on the HJPC, which should be finalised and adopted in line with the opinion of the Venice Commission. A working group has been formed to develop amendments. The new law on the HJPC should also ensure the right of the HJPC to request additional data in the asset declaration verification system. Bosnia and Herzegovina's authorities expect to finalise the draft by April 2024 and submit it to the Venice Commission for a new opinion, prior to adoption by the Council of Ministers and submission for parliamentary procedure.

The Ministry of Justice is finalising the draft Law on the Courts of Bosnia and Herzegovina and expected to submit it to the Council of Ministers for adoption in March. The Commission expects Bosnia and Herzegovina to submit the draft law to the Venice Commission for a follow-up opinion, prior to adoption by the Houses of Parliament.

*Step 4: adopt the Law on prevention of conflict of interest.*

The new law on the prevention of conflict of interest was adopted by the Council of Ministers on 6 March then it was adopted by both Houses of Parliament on 8 March. The law aims to improve the level of compliance with European standards at state level.

*Step 5: take decisive steps to strengthen the prevention and fight against corruption and organised crime.*

A law on anti-money laundering and countering terrorism financing (AML/CFT) was adopted by the Council of Ministers in December 2023 and by the Parliament in February 2024. It improves provisions on risk assessment and provides for a permanent coordinating body of all authorities in charge of preparing it, in line with the EU *acquis*.

A Risk Assessment for the AML/CFT on virtual assets accompanied with an Action Plan for 2024-2027 was adopted by the Council of Ministers on 1 February 2024.

Bosnia and Herzegovina authorities have finalised at working group level the draft new law on personal data protection, which is a precondition for the entry into force of the Eurojust cooperation agreement. The draft law is undergoing e-consultation until 8 March. It has been translated and shared with the Commission for *acquis* compliance check, pending submission of correlation tables. After receiving opinions from other institutions, the Ministry of Civil Affairs is expected to submit the draft law to the Council of Ministers for adoption, prior to submission for parliamentary procedure.

A strategy on public procurement 2024-2028 has been finalised and is pending adoption by the Council of Ministers.

Bosnia and Herzegovina should strengthen cooperation among law enforcement agencies, and adopt a strategic approach towards fighting serious and organised crime.

In January 2024 the Court of Bosnia and Herzegovina confirmed on appeal the sentence in the *Novalić et al.* case related to public procurement fraud, including against the then-acting Prime Minister of the Federation entity, who was sentenced to 4 years for abuse of office and forging of documents. This is a first final court ruling on high level corruption.

*Step 6: decisively advance work to ensure effective coordination, at all levels, of border management and migration management capacity, as well as ensuring the functioning of the asylum system.*

Migration management continues to improve. The Council of Ministers adopted a migration strategy and action plan. The Parliament adopted a Law on foreigners in August 2023. Reception capacities are sufficient. Readmission agreements and implementing protocols are implemented overall satisfactorily. Bosnia and Herzegovina needs to assign an appropriate budget for migration management, continue efforts for the return of irregular migrants to their countries of origin and take further steps to ensure a functioning asylum system. Obstacles persist to ensuring effective access to asylum.

In December 2023 the Council of Ministers adopted the negotiating mandate on the Frontex status agreement. The Presidency endorsed it in February 2024, and a chief negotiator has been appointed, allowing the start of negotiations with the Commission.

In January 2024 Bosnia and Herzegovina further aligned with the EU visa policy by removing Oman from its list of visa-free countries.

The authorities of Bosnia and Herzegovina finalised the draft new law on border control, aimed at improving compliance with European standards. The Ministry of Security is expected to submit it to the Council of Ministers for adoption.

A new draft strategy and action plan 2024-2029 on integrated border management, aimed at aligning with the EU *acquis*, are ready for adoption by the Council of Ministers.

*Step 7: ensure prohibition of torture, notably by establishing a national preventive mechanism against torture and ill-treatment.*

In October 2019 the Constitutional Court repealed the reference to death penalty in the Constitution of the *Republika Srpska* entity. In August 2023 the Parliament amended the Law

on the human rights Ombudsman to designate it as national preventive mechanism against torture and ill-treatment – an international obligation of the country.

*Step 8: guarantee freedom of expression and of the media and the protection of journalists, notably by ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers.*

All prosecutors' offices and law enforcement agencies have appointed contact points for journalists, to be publicised on the platform *safejournalists.net*. The first EU-funded training of contact point took place in late February.

As a first step to urgently address the financial situation of the state-level public broadcaster, in February 2024 the Council of Ministers granted it funds from the revenues of the Communication Regulatory Agency. A working group is being established to draft a new law on the public broadcasting system.

### 3. Conclusions

Since the European Council of December 2022 has granted candidate status to Bosnia and Herzegovina, the public commitment of the political leadership to the strategic goal of European integration was taken forward by important reforms and have brought positive results. The dedication and the commitment of the political leadership to the principles for ensuring a functional Bosnia and Herzegovina that advances on the European path is highly welcomed by the Commission.

Stronger engagement in policy dialogue with the EU is witnessed by High Level Political Forums, the latest one held in Brussels on 6 December 2023 where the participants have acknowledged the political importance and opportunity provided by the Commission recommendation to open accession negotiations once Bosnia and Herzegovina achieves the necessary degree of compliance with the membership criteria.

This strengthens even further the need for Bosnia and Herzegovina to deliver on the necessary reforms. The authorities of Bosnia and Herzegovina have also reiterated their commitment to advance on EU-related reforms during the joint visit of the President of the European Commission with the Prime Ministers of Croatia and of the Netherlands in Sarajevo on 23 January 2024.

Despite some developments referred to in the report, which are going against the positive momentum, the general commitment to the country's EU path has translated into tangible results. This has to be continued with resolute steps to finalise key reforms in the upcoming period in line with EU rules and standards.

Bosnia and Herzegovina has also reached and maintained full alignment with the EU Common Foreign and Security Policy (CFSP) which is a more significant signal than ever of shared values and strategic orientation in the new geopolitical context.

In light of the results achieved since 2022 the Commission considers that Bosnia and Herzegovina achieves the necessary level of compliance with the membership criteria. Therefore the Commission recommends to the Council to open accession negotiations with Bosnia and Herzegovina in accordance with point 17. of the European Council conclusions of 14 and 15 December 2023. Furthermore, the Commission recommends that the Council adopts the negotiating framework once Bosnia and Herzegovina has taken further steps in line with the Commission's report. The Commission is ready to report back to the Council about the progress made by BiH in relation to these steps.

***Additional elements of progress in EU reforms***

**1. Stabilisation and Association Process**

The Stabilisation and Association Parliamentary Committee (SAPC) has become fully operational. Bosnia and Herzegovina's Parliament and the European Parliament held a full session of the SAPC in late October 2023. A second one is scheduled in March 2024.

**2. Reconciliation to overcome the legacies of the war**

The Council of Ministers appointed a supervisory body for the implementation of the national war crimes processing strategy.

In January 2024 the Ministry of Justice signed a memorandum of understanding with the International Residual Mechanism for Criminal Tribunals (IRMCT) to include in the domestic criminal records the judgements of the International Criminal Tribunal for the former Yugoslavia (ICTY).

The Peacebuilding Steering Committee has become operational on 19 February 2024, which is also the platform for policy dialogue on reconciliation.

**3. Public administration reform**

All levels of government have been implementing the action plan on public administration reform (PAR), the comprehensive and countrywide public finance management strategy, and their own individual strategies on public financial management, while preparing a new action plan on public administration reform for 2022-2027.

The Coordinating Committee for PAR (at prime ministers' level) met for the first time in February 2024 as the main political decision-making body tasked to steer reforms in the area as regards financial support to PAR, improved capacities of PAR coordinators and functionality of implementation structures.

In February 2024 the Parliament adopted in first reading amendments to the law on civil service in state-level institutions which aim to improve transparency in recruitment and introduce human resources management tools. These amendments were fully adopted by the Parliament in second reading on 8 March 2024.

Preparations are ongoing to hold the first EU-BiH dialogue on public finance management.

**4. Functioning of the state institutions**

The Program of Economic Reforms 2024 – 2026 was adopted in the Council of Ministers on 28 February 2024.

The Working Team for the Growth Plan Reform Agenda appointed by the Council of Ministers on 17 January 2024 and presented the priority list for their Reform Agenda.

The Global Framework of Fiscal Balance and Policy in BiH for 2024 – 2026 was adopted on the State level, which is a precondition for the adoption of the 2024 State Budget (23 January 2024).

The 2024 budgets were adopted on entity level - in the Federation of Bosnia and Herzegovina on 24-25 January 2024; in the Republika Srpska on 15 December 2023; in the Brcko District on 23 December 2023; in Posavina Canton 20 December 2023; in Sarajevo Canton on 30 December 2023; in the Zenica-Doboj Canton on 22 Dec 2023 and in Mostar City on 25 January 2024.

The Decision on the quality of liquid fuels was adopted by the Council of Ministers in December 2023. This is an important step for the accession of Bosnia and Herzegovina to the WTO. It is also a measure implementing the Action Plan for the Energy Support Package.

As previously reported, the Republika Srpska entity continues not to recognise the decisions of the Constitutional Court, including those quashing the entity laws on the non-application of the decisions of the Constitutional Court and of the High Representative, as well as on the unconstitutionality of certain entity-level's criminal provisions on defamation.

In December 2023, the *Republika Srpska* entity adopted in first reading a draft law on immunity that, if fully adopted, would curtail the accountability of political representatives and challenge legal certainty.

Furthermore, in December 2023, the *Republika Srpska* entity adopted in first reading a draft law on referendums and civic initiatives that, if fully adopted, would provide the legal basis for a separate electoral administration in the entity.

The Grand Chamber of the Constitutional Court is no longer functional, which has considerable consequences for the efficiency of the Court. As already reported, both entities' assemblies should swiftly appoint judges to the vacant seats and ensure the full composition of the Constitutional Court.

#### **5. Freedom of association and freedom of assembly**

The Ministry of Justice is drafting a strategy for an enabling environment for civil society organisations, which should be submitted to the Council of Ministers for adoption. The Zenica-Doboj Canton (in December 2023) and the Una-Sana Canton (in January 2024) adopted laws aiming to align with European standards on freedom of assembly.

As previously reported, while the overall legal and regulatory framework is broadly in line with the EU acquis, the Republika Srpska entity adopted in the first reading a draft law targeting civil society actors as 'foreign agents' which, if fully adopted, would mark a step backwards.

#### **6. Alignment with EU foreign policy**

Bosnia and Herzegovina reached and maintained full alignment with the EU Common Foreign and Security Policy (CFSP), signalling its clear commitment to the EU path.