

EU-BiH
SUB-COMMITTEE ON INTERNAL MARKET, COMPETITION, HEALTH AND
CONSUMER PROTECTION
8TH MEETING

SARAJEVO (HYBRID), MARCH 5, 2025

2025 Draft RECOMMENDATIONS

Overarching Recommendations

- The Commission recommended to the national authorities to make best use of IPA by transferring good practices to other parts of the public administration. The Commission also recommended to the national authorities to address relevant recommendations stemming from the reports of the European Court of Auditors and system audits.
- Drafting of strategies and legislation should be accompanied by a proper stakeholders' consultation, by the allocation of resources adequate to the objectives of the relevant strategy or law, to favour quality over speed, to improve the collection and quality of data and statistics and to ensure a monitoring and evaluation mechanism for the implementation of the strategy.
- Inter-ministerial and inter-institutional coordination while preparing, implementing and monitoring policies should be improved.

1) COMPETITION POLICY

1. Provide an action plan with responsible institutions and interim deadlines for legislative alignment with EU rules. The plan should cover all relevant legislation, including:
 - a. Adopt a new Law on Competition in line with the most recent EU acquis in 2024, having shared in advance the draft including Tables of concordance with the European Commission.
 - b. Remove from the Laws on Competition and on State aid the requirement that decisions can only be taken if at least one member representing each constituent people supports it („ethnic veto“) as one of the key priority from the Opinion (4.g) (Q4 2025).

- c. Bosnia and Herzegovina and Brcko District to adopt pending implementing legislation on State Aid (Q2 2025), including on de minimis aid and services of general economic interest.
2. Ensure rules on State aid apply evenly across the country;
3. Ensure the transparency of all State aid measures are granted;
4. Present a plan how to comply with Article 71(7) of the SAA by swiftly providing the regional statistics at NUTS II level and by drawing a regional aid map (Q3 2025) (expired SAA deadline 01/06/2020). Comply with obligations under Article 71(6) of the SAA by making swift progress in aligning the existing aid schemes with the acquis (Q2 2025) (expired SAA deadline 31/05/2019);
5. Further strengthen the operational capacity and enforcement record of the State Aid Council by increasing the staff members and by providing relevant training (Q2 2025);
6. Improve the enforcement record of the Competition Council, in particular on cartels, by conducting more on-site inspections raising awareness on its leniency programme, and on mergers, by imposing remedies where necessary. Make sure the staff is supported in their enforcement efforts also by providing relevant training (Q2 2025);
7. Step up the advocacy activities with the aim to raise awareness among grantors of the need to notify ex ante new State aid measures and ensure compliance with the State aid law, including the standstill obligation.
8. Continue close cooperation between Competition Council and other regulatory bodies, such as the Public Procurement Agency, Procurement Review Body to avoid unfair competition, including by holding quarterly meetings.
9. Align with Art. 34(2) of the SAA by removing the remaining discrimination against EU medicines manufacturers immediately (Q2/2025) and adopt the rules on defining the lists of essential medicines that are introducing more transparency and legal clarity regarding procedures countrywide (Q2/2025).

2) PUBLIC PROCUREMENT

1. Share a first draft of the new Law on public procurement that further aligns with the EU public procurement acquis (Q4/2025);
2. Implement the new public procurement strategy 2024-2027 and accompanying action plan that supports its implementation (continuous);

3. Adopt the new Rule Book on systematisation of workplaces in the Public Procurement Agency (Q2/ 2025);
4. Further increase staffing levels in the Public Procurement Agency and the Public Procurement Review Body as per rulebooks (Q2/2025);
5. Prepare a roadmap to coordinate alignment of the BiH legislative framework with the EU acquis in the area of concessions and public private partnership. The road map should, inter alia, include measures for improved coordination and consistent application through BiH (Q4/2025);
6. Continue development and increased use of the e-procurement system to enhance efficiency and reduce formalism;
7. Increase overall cooperation between the respective stakeholders active in public procurement to guarantee fair competition and ensure coherent implementation of the legal framework;
8. Request the observership status at the WTO GPA (Q4/2025).

3) RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

1. Draft a horizontal law on services aligned with the EU Services Directive (Q4/2025);
2. Review existing legislation to identify the pieces of legislation that will have to be amended in order to be aligned with the Services Directive (Q3/2025);
3. Elaborate a comprehensive inventory of all administrative and technical steps needed for businesses to operate countrywide, in order to abolish those requirements that hamper the creation of a single economic space (Q3/2025);
4. Finalise the preparations and adopt the BiH Law on the Postal Services (Q4/2025) and prepare a state-level strategy for development of postal services (Q1/2026), while continue making progress on alignment with EU postal acquis;
5. To compile a list of professions regulated in the country including the details of relevant regulations both for domestic and accession purposes (Q4/2025);
6. To intensify efforts to align with the EU acquis on the mutual recognition of professional qualifications, which includes Directive 2005/36/EC, Directive (EU)

2018/958 and the two Directives on the free movement of lawyers (Directive 98/5/EC and Council Directive 77/249/EEC) (Q2/2025).

4) INTELLECTUAL PROPERTY RIGHTS

1. Step up efforts to effectively enforce intellectual property rights through strengthening the capacity and coordination of enforcement institutions and increase enforcement record (continuous);
2. To urgently adopt the 2024-2028 strategy on intellectual property rights (Q2/2025);
3. Adopt the legislation aligned with the EU acquis on intellectual property, adopt and implement the Law on Copyright and Related rights, Law on Collective Management of Copyright and Related Rights, Law on Patents, Law on Trademarks, Law on Topographies of Semiconductor Products, Law on Indications of Geographical Origin, Law on Industrial Designs and Law on Trade Secrets (Q4/2025);

5) BANKING, INSURANCE AND OTHER FINANCIAL SERVICES

1. Sign the Memorandum of Understanding on Financial Stability (Q2/2025);
2. Strengthen the bank resolution framework by amending the entities' banking laws and the law on deposit insurance to enable the creation of a financial stability fund (Q2/2025);
3. Maintain strong oversight of the banking sector and coordination between banking agencies to ensure financial stability in the volatile economic environment caused by potentially tighter financial conditions and global financial shocks (continuous);
4. Further develop the banking regulatory framework to integrate the amendments introduced in the EU by Directive (EU) 2019/878 (CRD V) and Regulation (EU) 2019/876 (CRR II) and establish a plan to integrate the amendments to be introduced by CRD6 and CRR3 (Q2/2025);
5. Prepare a roadmap for future countrywide alignment with the EU acquis, involving all relevant ministries and agencies in the field of investment funds and collective investments (AIFMD and UCITS Directive) and securities markets (e.g.

Prospectus Regulation, Market Abuse Regulation, Benchmark Regulation, MiFID II/MiFIR) (Q2/2025).

6) COMPANY LAW

1. Finalise the review of existing legislation in order to identify amendments relevant for aligning with the EU acquis and provide an outline of those amendments to the Commission (Q4/2025);
2. Improve the connection and coordination of business registers among entities and the Brčko District (Q4/2025);
3. Amend company law at country level, in order to align with the Shareholders Rights Directive 2007/36/EC, including in the field of shareholder rights and of long-term shareholder engagement (Directive EU 2017/828 and Implementing Regulation EU 2018/1212), the Codified Directive 2017/1132, including the Mobility Directive (EU) 2019/2121 and Directive (EU) 2019/1151 on the use of digital tools and processes in company law including Implementing Regulation (EU) 2021/1042 and Takeover Bids Directive 2004/25/EC (Q4/2025);
4. Align with Directive 2013/34/EU on corporate reporting in terms of financial information, reporting and non-financial information (corporate sustainability reporting), as well as with the EU acquis on transparency requirements for listed companies in Directives 2004/109/EC and 2007/14/EC (Q4/2025);
5. Align with Auditing Directive 2006/43 as amended by Directive 2014/56/EU, including the establishment of an audit oversight body ultimately responsible for this task at country level (Q4/2025).

7) CONSUMER AND HEALTH PROTECTION

HEALTH PROTECTION

1. Ensure adequate and sustainable funding in the field of public health in order to facilitate health care reforms and provide for well-managed, good quality accessible public health care for all citizens including marginalised groups of the society;
2. Further align BiH legislation with EU acquis on tobacco control, including adoption of legislation on smoke free environments that prohibits smoking in

public places, step up efforts to start enforcing existing tobacco control legislation (Q4/2025);

3. Accede to the WHO Framework Convention on Tobacco Control (FTCT) Protocol to Eliminate Illicit Trade in Tobacco Products and start implementing it (Q4/2025);
4. Prepare a plan to align its legislation with the most recent EU *acquis* on substances of human origin, and on medicines for human and veterinary use (Q2/2025);
5. Prepare roadmap to establish an oversight system in this field with a view to ensuring efficient coordination countrywide (Q2/2025);
6. Prepare a plan to align its legislation with the most recent EU *acquis* on medical devices (Q2/2025);
7. BiH to inform about the administrative and technical capacities to participate in the European Centre for Disease Prevention and Control (ECDC) (Q2/2025);
8. BiH to inform about establishment of information desk for the EU4Health programme in the Ministry of Civil Affairs (Q2/2025);

CONSUMER PROTECTION

9. Provide a complete roadmap to align BiH legislation with the EU *acquis* on consumer protection (including product safety aspects) and that includes its level of compliance (Q4/2025).