

**EU-BiH**  
**SUB-COMMITTEE ON INTERNAL MARKET, COMPETITION, HEALTH AND**  
**CONSUMER PROTECTION**  
**6<sup>TH</sup> MEETING**

**SARAJEVO (VIRTUAL), FEBRUARY 28, 2023**

**RECOMMENDATIONS**

**Overarching Conclusions**

- 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. Adopt a new Law on Competition in line with the most recent EU acquis (Q4/2023), having shared the draft including Tables of concordance with the European Commission.
2. Bosnia and Herzegovina and Brcko District to adopt pending implementing legislation on State Aid (Q2 2023).
3. 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) (Q4/2023).
4. Further strengthen the operational capacity of the State Aid Council by adopting the rulebook on internal organisation of the State aid Council (Q2/2023).

5. 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 (Q3/2023) (*expired SAA deadline 01/06/2020*).
6. Comply with obligations under Article 71(6) of the SAA by making swift progress in aligning the existing aid schemes with the *acquis* (Q3/2023) (*expired SAA deadline 31/05/2019*).
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.
8. Increase 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 discrimination against EU medicines manufacturers immediately (Q2/2023).

## 2) **PUBLIC PROCUREMENT**

1. Prepare a new draft law on public procurement that further aligns with the EU public procurement *acquis* (Q1/2024).
2. Prepare a new public procurement strategy 2023-2027 and accompanying action plan that supports its implementation (Q4/2023).
3. Adopt the new Rule Book on systematisation of work places in the Public Procurement Agency (Q3/2023).
4. Increase staffing levels in the Public Procurement Agency and the Public Procurement Review Body by reserving the necessary funds in the 2023 budget by (Q1/2023).
5. Prepare a roadmap to further align the BiH legislative framework with the EU *acquis* in the area of concessions and public private partnership (Q4/2023).
6. Continue development and use of the e-procurement system.
7. Increase overall cooperation between the respective stakeholders active in public procurement to guarantee fair competition and ensure coherent implementation of the legal framework.

### **3) RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES**

1. Draft a single horizontal law aligned with the Services Directive (Q4/2023)
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 (Q3/2023).
3. Elaborate a comprehensive inventory of all administrative and technical steps needed for domestic and foreign companies to register and/or operate countrywide, in order to abolish those requirements that hamper the creation of a single economic space (Q4/2023).
4. Step up efforts to open up the postal services market to competition and align the national legislation with EU postal *acquis*. Draft a new Law on the postal system (Q4/2023) and draft a state-level strategy for development of postal services (Q1/2024).
5. To compile a list of professions regulated in the country including the details of relevant regulations stressing the importance of this exercise both for domestic and accession purposes (Q2/2023).
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) (QX/2023).

### **4) INTELLECTUAL PROPERTY RIGHTS**

1. Step up efforts to effectively enforce intellectual property rights through strengthening the capacity and coordination of enforcement institutions.
2. The European Commission urges BiH to adopt the 2022-2026 strategy on intellectual property rights (Q2/2023).
3. Adopt 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 (Q2 2024)

### **5) BANKING, INSURANCE AND OTHER FINANCIAL SERVICES**

1. Sign the Memorandum of Understanding on Financial Stability (Q4 2023).

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 (Q4/2024).
3. Keep a strong oversight of the banking sector to ensure financial stability in the unstable economic environment caused by the war in Ukraine.
4. Take actions to improve effective coordination, cooperation and information sharing between regulatory and supervisory Banking Agencies, including with respect to improving the non-performing loans (NPL) resolution framework.
5. 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) (Q4/2024).
6. 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) (Q4/2023).

## **6) COMPANY LAW**

1. Further harmonise company law at country level, including the review of existing legislation in order to identify amendments relevant for aligning with the *acquis*, improve the connection and coordination of business registers among entities and the Brčko District with the aim to establish one interconnected Central Business Registry.
2. 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, with the Mobility Directive (EU) 2019/2121 and the Digitalisation Directive (EU) 2019/1151.
3. Align with the EU *acquis* on corporate reporting in terms of financial information, reporting and non-financial information (corporate sustainability reporting, as well as transparency requirements for listed companies).
4. To establish one single countrywide supervisory body to take ultimate responsibility for the oversight of statutory auditors.

## **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 to prohibit smoking in public places (Q1/2024), step up efforts to start enforcing existing tobacco control legislation and to accede to the WHO Framework Convention on Tobacco Control (FTCT) Protocol to Eliminate Illicit Trade in Tobacco Products and start implementing it.
3. Prepare a plan to align legislation with the most recent EU *acquis* on substances of human origin, and on medicines for human use (Q1/2024). Prepare a roadmap to establish an oversight system in this field with a view to ensuring efficient coordination countrywide.
4. Solve the current deadlock in order to take part in the assessment of the European Centre for Disease Prevention and Control (ECDC) of surveillance and control of communicable diseases (Q4/2023).
5. Fully engage in and commit to the upcoming ECDC action (performed jointly with EFSA) to support national efforts to advance "One-Health" approaches against antimicrobial resistance (Q3/2023).

### **CONSUMER PROTECTION**

6. Provide a roadmap on plans to align BiH Consumer Protection Law with the EU *acquis* on consumer protection including its level of compliance (Q3/2023).