

Pursuant to Article 86i in connection with Article 16 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, 25/04, 93/05, 48/07, 15/08, 63/23, 9/24 and 50/24), at its session held 29 May 2025, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the following:

**Amendments to the
Book of Rules of the High Judicial and Prosecutorial Council of Bosnia and
Herzegovina on Declaring Assets and Interests**

I GENERAL PROVISIONS

Article 1

Subject Matter

(1) The Book of Rules of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina on Declaring Assets and Interests (hereinafter referred to as: the Book of Rules) governs the operational aspects of the work of the Asset Declarations Department within the Secretariat (hereinafter referred to as: the Department), advisory role of external experts monitoring the work of the Department and disciplinary procedures, the establishment and record keeping of declarations in accordance with the Law on the HJPC BiH, the procedure and limitations in attaining the principle of transparency through publication of declarations and work reports on the website of the HJPC BiH, the procedure for verification and analysis of data contained in asset and interest declarations, the procedure for initiating minor offence proceedings for failure to cooperate with the Department, as well as the procedure for concluding cooperation agreements under Article 86c (6) of the Law on the HJPC BiH.

(2) For the sake of clarity, all terms used herein pertain to both genders indiscriminately.

Article 2

Objective/Purpose of the Book of Rules

The purpose of the Book of Rules is to enable lawful, functional, efficient, and transparent operations of the Department, thereby ensuring that the procedures pertaining to asset and interest declarations are conducted on a regular basis and in compliance with the law. The Book of Rules ensures that the exercise of authority in relation to declaring of assets and interests follows the legal principles from the Law on the HJPC BiH and the Law on Civil Service in the Institutions of Bosnia and Herzegovina.

II ASSET DECLARATIONS DEPARTMENT

Article 3

Independence and autonomy

(1) As an integral component of the HJPC BiH Secretariat's organisational structure, the Department independently and autonomously carries out the competences outlined in Article 86g of the Law on the HJPC BiH, in accordance with the Law on the HJPC BiH and the Law on Civil Service in the Institutions of BiH. The Council provides material and technical prerequisites necessary for the Department to operate lawfully and effectively.

(2) The Department is managed independently and autonomously by a civil servant - the Head of Department, who, by diligently carrying out the duties assigned to him/her as the head of an internal organisational unit, ensures its lawful and efficient functioning. The Head of Department exercises the competence of autonomous management and functional independence by organising internal functioning of the Department in a way that guarantees the lawful and effective completion of tasks, while adhering to the functional competencies outlined in the Book of Rules on the Internal Organisation and Systematisation of Workplaces in the HJPC BiH, in accordance with the Law on the HJPC BiH and the Law on Civil Service in the Institutions of BiH.

(3) The Head of the Department reports to the head of the institution – the President of the HJPC BiH, in accordance with Article 30 of the Law on Civil Service of BiH.

(4) Lawfulness, efficiency, transparency and diligence in carrying out the entrusted competences are taken into consideration when exercising the supervision over the work of the Head of Department and the Department, without giving instructions or interfering with the handling of specific cases.

(5) Pursuant to Article 86f (5) of the Law on the HJPC BiH, liability for disciplinary offences for all Department staff is established in accordance with the Law on Civil Service and the Rulebook on Disciplinary Liability of Civil Servants in the Institutions of Bosnia and Herzegovina and the relevant provisions of the Book of Rules on Civil Servants and Employees of the HJPC BiH. Disciplinary offences are prescribed by the Law on Civil Service in the Institutions of Bosnia and Herzegovina, and the Rulebook on Disciplinary Liability of Civil Servants in the Institutions of Bosnia and Herzegovina, as well as the *lex specialis* provisions of Article 86f (8) in conjunction with paragraph (6) of the Law on the HJPC BiH, and Article 86g (3) as read with paragraph (2).

Article 4

Grounds for recusal

(1) The Head of Department or other Department staff are deemed to be in a conflict of interest in the event of verification of an asset and interest declaration of a relative in the direct line or an asset and interest declaration of a spouse or common-law partner, the child of the spouse or common-law partner, of an adoptive parent or adoptive child, relative in a lateral line, a relative-in-law or persons they have friendly relations with, business or any other ties or private interest which affect or may affect their legal, transparent, objective and impartial conduct in carrying out asset declaration verification process, that is, where private interest is detrimental or may be detrimental to the public interest or public trust.

(2) The Head of Department, as well as Department staff tasked with carrying out the competences of the Department under Article 86g (1) a) of the Law must be recused from participating in the analysis

and verification of the declaration in question if it constitutes conflict of interest pursuant to paragraph (1) of this Article or if there exist other circumstances that cast doubt on their impartiality.

(3) Immediately upon learning of the circumstances indicating that grounds referred to in paragraph (5) of this Article are likely to exist, Department staff tasked with carrying out the competences of the Department under Article 86g (1) a) of the Law must cease with the analysis and verification in the case in question and file a reasoned motion for recusal with the Head of Department due to existence of reasons that may constitute grounds for recusal. A motion for recusal may also be filed by the individual whose assets and interests are being verified in the particular case. Motion for recusal must contain an explanation of the grounds for recusal. The Head of Department decides on a motion for recusal immediately, and no later than three (3) days after receiving it. Upon deciding on a motion for recusal, the procedure pursuant to paragraph (6) of this Article applies.

(4) If there are grounds for recusal of the Head of Department in a specific case involving verification and analysis pursuant to Article 86 b) of the Law on HJPC BiH, which, in addition to the grounds self-disclosed by the Head of Department, may also be indicated in a motion for recusal by a declarant whose asset declaration is subject to verification, immediately upon learning that the grounds for recusal likely exist, the Head of Department must cease with the analysis and verification in the case in question and file a reasoned motion for recusal with the President of the HJPC BiH on the grounds referred to in paragraph (1) above. The President of the HJPC BiH decides on such motion for recusal immediately, and no later than 8 (eight) days after receiving it. The decision on the motion for recusal forms an integral part of the casefile on the declaration analysis and verification and an integral part of the notice on the conducted verification, and is published along with the outcome of verification, in accordance with paragraph (6) of this Article.

(5) In the event that the Head of Department is recused, the Deputy Head of Department takes over the responsibility for independent management over the analysis and verification of the declaration in question, as well as for decision-making regarding the motion filed pursuant to paragraph (3) above. In the event that both the Head of Department and the Deputy Head of Department are recused in the same verification case, or unable to participate in the work of the Department for objective reasons, a legal advisor within the Department assumes the powers of the Head of Department in the case in question.

(6) A reasoned decision on the motion for recusal constitutes an integral part of the casefile on the analysis and verification of the declaration, as well as an integral part of the notice on the conducted verification referred to in Article 86d of the Law on the HJPC BiH, and it is published along with the outcome of verification in conjunction with the provision of Article 86b (7) of the Law on the HJPC BiH

Article 5

Transparency and performance evaluation

(1) The Department is required to prepare and publish a semi-annual work report no later than twenty one (21) days after the end of the reporting period. The work report is made available on the Council's website, with either a hard copy or an electronic version sent by the Department to the Director of the HJPC BiH Secretariat and the President of the HJPC BiH, at the latest when the report is published on the website.

(2) The work report includes, in particular, a narrative part and statistical information about the verifications conducted during the reporting period and the outcomes of these verifications within the meaning of Article 86b (7) of the Law on the HJPC BiH, as well as information on the verifications conducted during the reporting period within the meaning of Article 86d (1) of the Law on the HJPC BiH, and a summary of information within the meaning of Article 86g (1) d) of the Law on the HJPC BiH, as well as other information concerning the overall work of the Department, including all activities that are relevant to the functioning and operability of the Department with regard to Articles 86 through 86k of the Law on the HJPC BiH.

(3) When evaluating the performance of the Head of Department and deciding on the final performance evaluation for the Department's staff, the HJPC President takes into consideration the Department's work reports and reports from external experts for monitoring the Department's performance and disciplinary proceedings, and other available information relevant for evaluating the performance of the Department.

III EXTERNAL MONITORING OF THE ASSET DECLARATIONS DEPARTMENT

Article 6

External Monitoring Operation

(1) For the purpose of ensuring external monitoring of the processes and activities referred to in Article 86h (1), (3) and (4) of the Law on the HJPC BiH, and to ensure the optimal quality, efficiency and transparency of the asset and interests verification system, the Council engages independent external experts, selected by international partners. The experts will also monitor the work of the Department with respect to procedures based on asset and interest declarations, by submitting to the Council their periodic performance reports outlining factual information on the efficiency and quality of the Department's work.

(2) Independent external monitoring experts will have advisory powers over the work of the Department and disciplinary proceedings initiated in line with the competences of the Department.

(3) External experts will be assisted by supporting staff, that may include legal advisors, financial researchers, translators and interpreters, and administrative support personnel, recruited and engaged by international partners.

Article 7

Recruitment and engagement of external experts and supporting staff

(1) The Council formally engages the external experts by adopting a decision, based on signed agreements with international partners, with a view to meeting international obligations assumed in the EU Stabilisation and Association Process.

(2) The external monitoring operation is financed by international partners in accordance with Article 17 (21) of the Law on the HJPC BiH.

(3) The agreements referred to in paragraph (1) above provide for minimum rules on the following:

- a. recruitment of the external experts and their supporting staff in an open, transparent and merit-based procedure carried out by the respective international partner,
- b. independence of external experts and independence and efficiency of the external monitoring operation,
- c. organisational structure, reporting lines and job descriptions for the external experts and the supporting staff,
- d. other terms of engagement and the number of external experts and their supporting staff,
- e. conditions and procedure for replacing engaged external experts, upon request by international partners,
- f. access, security and confidentiality standards.

Article 8

Minimum qualifications of external experts

- (1) External experts must have professional qualifications for carrying out functions and competences outlined in Article 86h of the Law on the HJPC BiH.
- (2) Independent external experts must meet at least the following minimum requirements:
 - a. hold a degree in law or related social sciences,
 - b. have relevant professional experience of at least fifteen (15) years after obtaining a degree, including related experience in matters of conflict of interest and unjust enrichment, financial investigations and other directly related matters or experience in international judicial missions,
 - c. have no disciplinary measure in force against them,
 - d. have never been subject to a criminal investigation that led to an indictment,
 - e. have an excellent professional reputation,
 - f. have excellent knowledge of the English language,
 - g. work experience in an international environment in the justice sector,
- (3) The following is considered an asset:
 - a. experience in asset verification,
 - b. knowledge of one of the local languages.

Article 9

Office accommodation

- (1) The Council must provide adequate office accommodation for external monitoring operation, ensuring standards equal to those for the Department.
- (2) Such premises will be located at the Council, fully furnished and equipped with IT infrastructure as well as with safety features to ensure security and confidentiality of external monitoring operation, equal to the standards provided for the Department.
- (3) Independent external experts will work on the premises of the Council, except for justified reasons as determined in the agreement referred to in Article 7 (1).

Article 10

Duration of the external monitoring operation

- (1) The external monitoring operation starts on the date when the Council takes the decision on the engagement of the first external expert with an initial duration of four years.
- (2) The first experts will be deployed in time to monitor and participate in the planning of the initial steps in the recruitment of employees of the Department according to Article 11 a) (i) of this Book of Rules.
- (3) At least three months prior to the expiration of the four years from the date when the Council took the decision on the engagement of first external experts pursuant to paragraph (1) of this Article, the Council takes a decision on the extension or termination of the external monitoring operation.
- (4) The Council consults international partners involved in the external monitoring operation in time prior to taking the decision on the need to extend and the time period of the extension.
- (5) For the purpose of deciding on the need to further extend the external monitoring operation and the time period of the extension, the Council will take into account the following:
 - a. recommendations of international partners,
 - b. number and contents of reasoned recommendations by external experts during the previous period compared to the first year of the external monitoring operation;

Article 11

Competences of the external experts

- (1) The external experts have the following competences:
 - a. monitoring the recruitment process for the Department staff pursuant to Article 86h (3) of the Law on the HJPC BiH, including:
 - i. the development of the recruitment plan,
 - ii. the appointment of the HJPC members to the selection panel,
 - iii. the review of job vacancy announcements,
 - iv. the review of applicants' curricula vitae and application forms with accompanying documents,

- v. the review of and giving recommendations for scoring written tests and the right to inspect the evaluations of the written tests,
 - vi. the review of interview questions, presence at interviews, giving recommendations for scoring interviews and selecting successful applicants based on the list of successful candidates received from the Civil Service Agency.
- b. monitoring the collection, verification and public disclosure of asset and interest declarations pursuant Article 86h (1) of the Law on the HJPC BiH;
 - c. monitoring the overall functioning of the Department pursuant to Article 86h (1) of the Law on the HJPC BiH;
 - d. monitoring and reporting on disciplinary procedures resulting from the asset declaration verification according to Article 86h (4) of the Law on the HJPC BiH; and
 - e. may propose disciplinary proceedings to be initiated against Department staff members.

(2) External experts will inquire and assess all facts and circumstances they deem necessary in relation to their competences set out in paragraph 1 of this Article.

(3) During the verification process, external experts may ask Department staff to provide them with any information the Department may obtain or are in the Department's possession. External experts will have the right to review the documents in support of facts during the asset and interest declarations verification process.

(4) External experts will submit their recommendations in writing to the Head of Department. Recommendations may relate to specific verification cases or the overall functioning of the Department.

(5) External experts publish their recommendations in a Periodic report, unless they decide otherwise due to risks for the verification or disciplinary proceedings or personal data protection.

(6) External experts publish at least three periodic reports per year. The first periodic report covers the period of four months from the start of the external monitoring operation. The periodic report provides information in a transparent manner in compliance with the rules on personal data protection on at least the following:

- a. results of the external monitoring operation, including statistical data,
- b. results and findings relating to any recruitment process for the Department,
- c. performance and results of the Department along with an analysis of the actions taken by the Department in the declarations verification process, including statistical data,
- d. their cooperation with the Department and with the Department staff,
- e. the actions taken by the Office of Disciplinary Counsel and disciplinary panels based on the information provided to them by the Department pursuant to Article 86d (3) of the Law on the HJPC BiH,
- f. typology of alleged disciplinary misconducts of the Department staff, if any,
- g. cooperation between the Department and other authorities, private entities and persons,

- h. recommendations for improving the work, in particular for improving the legal framework and asset declarations verification procedure, the external monitoring operation and improving the performance of the Department and bodies competent for following up on information provided by the Department pursuant to Article 86d(3) of the Law on the HJPC BiH.

Article 12

Collection of evidence

(1) In order to verify facts and circumstances, in accordance with the Law on the HJPC BiH – and through the Department, external monitoring experts can:

- a. obtain documents from authorities and institutions with which the Department has concluded the cooperation agreements;
- b. collect statements from the declarants (of assets declarations), witnesses, experts and the public;
- c. have access to all data made available to the Department based on signed agreements on cooperation.

(2) The testimony of witnesses or expert witnesses in criminal proceedings may be used as information of significance for the drafting of a recommendation by external monitoring experts.

(3) For the facts already known to external experts or commonly known facts and presumed facts from the law no further evidence is required.

(4) External experts base their recommendations solely on documents from known sources, or evidence which is reliable or largely consistent with other evidence. They can, based on their personal belief, evaluate all circumstantial evidence generally related to the circumstances of the case.

(5) The decision rejecting a written recommendation by an external expert is made by the Head of Department, with reasoning provided.

Article 13

Access to information

(1) External experts have unimpeded access to information and data necessary for exercising the competences set out in Article 86h of the Law on the HJPC BiH and collaborate with the Department and, through the Department, collaborate with other state-level institutions, individuals or legal entities, be it national or foreign, in order to verify veracity and accuracy of declarants' disclosures in accordance with the relevant Agreements.

(2) External experts have full access to the following data:

- a. information on the judicial office held by the declarant;
- b. personal files of declarants, statistical data, legal documents and files selected for asset declaration verification, self-evaluations, supervisors' opinions, and complaints against persons named in the asset declaration, results of investigation of complaints, as well as decisions on disciplinary measures against declarants;

- c. all data of relevance for the Department in the exercise of its competences, and which can be obtained through cooperation with institutions and authorities, or other channels of communication with legal and natural persons in possession of relevant information.

(3) Data collection, processing and administration under this Article is subject to rules on personal data protection as defined under the law. External experts take appropriate organisational and technical measures to protect personal data from unlawful or accidental destruction, accidental loss, to protect against access or disclosure by unauthorized persons, in particular when data is processed electronically and/or in any other unlawful processing, in compliance with the personal data protection law.

Article 14

Monitoring recruitment of the Department staff

(1) External experts will be allowed to monitor the recruitment process for the Department in all stages (planning and preparation, decision on meeting formal requirements, written tests and interviews, scores and decision making on appointment/selection) as prescribed by the Law on Civil Service in Institutions of Bosnia and Herzegovina, the Law on Employment in Institutions of Bosnia and Herzegovina, the Law on the HJPC BiH and the relevant secondary legislation regulating recruitment procedures in the Department.

(2) The experts have direct and unimpeded access to all relevant information from Articles 12 and 13 of the Book of Rules, including materials for the preliminary stage of the vacancy procedure, as received and prepared in the vacancy procedure, also including applications from candidates and information available to the selection committee in evaluating applications and compliance with vacancy requirements, the contents of the vacancy, and access to the professional exam: the written test and the interview, the contents of the written test, the interview questions, the scores from the written tests and interviews as well as any and all other information and materials received in correspondence with the authorities and institutions based on cooperation pursuant to Articles 12 and 13 of this Book of Rules, in order to verify if the candidates meet the requirements for the position to which they have applied and to ensure transparency of the process that ensures the selection of the best candidates.

(3) The experts monitor all activities listed under Article 11, paragraph 1, item a):

(4) The experts monitor the activities of the Appointments and Dismissals Committee in the process of selecting successful candidates from the list provided by the Civil Service Agency.

(5) The Selection Committee and the Appointments and Dismissals Committee (hereinafter: Committees) provide, without any delay, all drafts made by the Committees, any accompanying documents and documents received from candidates in the vacancy procedure as well as from other persons in the vacancy procedure.

(6) Throughout all stages of vacancy procedure (planning and preparation of the selection procedure, deciding on candidate applications, written test, interview as well as the final decision of the Appointments and Dismissals Committee of the HJPC BiH), external experts may give written recommendations to the Council and the Committees based on their observations from monitoring in order to ensure transparency, fairness of the process, and merit-based selection.

(7) Experts provide reasoned written recommendations for each stage of the vacancy procedure prior to the conclusion of the stage.

(8) Prior to taking a decision in each stage concerning the preparation and conducting of the vacancy procedure, in the event of receiving a written recommendation from the independent external experts,

the Council and/or the Committees review written recommendations and, prior to moving on to the next stage, render a reasoned decision to accept or not accept the experts' written recommendation. In any event, the Council and/or Committee's decision must be made no later than 15 days upon receiving the recommendation and is delivered to the expert who provided it.

Article 15

Monitoring collection, verification and disclosure of asset declarations

- (1) External experts monitor the operations of the Department on collecting, verifying and disclosing asset declarations as well as the overall functioning of the Department.
- (2) Experts have direct and unimpeded access to all information and materials available to the Department in connection with Article 86h, paragraph (2) of the Law on the HJPC BiH and Articles 12 and 13 of this Book of Rules.
- (3) Experts monitor all activities of the Department in the performance of its legal authority under the Law on the HJPC BiH. In parallel with conducting all activities of the Department, the Head of the Department and its staff facilitate inspection and monitoring of external experts in the execution of Department's authority.
- (3) Experts submit written recommendations to the Head of the Department related to specific asset verification procedures, prepared and delivered prior to completion of the procedure with the aim to improve the handling of specific asset verification. The Head of Department reviews the content of the written recommendation before making a final decision on the outcome of verification, no later than within 15 days from the day of receiving the recommendation, makes a reasoned decision to reject or accept the written recommendation.
- (4) Experts also submit written recommendations to the Head of Department concerning the overall operations of the Department in the performance of its competences as prescribed by the Law on the HJPC BiH, based on their observations of the Department's performance. The Head of Department makes a reasoned decision to reject or accept the written recommendation no later than 15 days from the date of receipt of the recommendation.

Article 16

Monitoring disciplinary proceedings

- (1) External experts may monitor disciplinary proceedings in the event that the Department, pursuant to Article 86d, paragraph (3) of the Law on the HJPC BiH informs the Office of the Disciplinary Counsel of any suspected irregularities pursuant to Article 86c of the Law on the HJPC BiH resulting from verification of asset declarations.
- (2) Having reviewed the allegations in the notice received from the Department in accordance with Article 86d, paragraph (3) of the Law on the HJPC BiH, the Office of the Disciplinary Counsel notifies the Department of the decision made, in accordance with Article 83 of the HJPC BiH Rules of Procedure.
- (3) Experts have direct and unimpeded access to hearings in disciplinary proceedings initiated pursuant to Article 86d, paragraph (3) of the Law on the HJPC BiH. The Office of the Disciplinary Counsel and the disciplinary panels inform external experts timely of the hearing schedule prior to the holding of any hearing.

Article 17

Proposing disciplinary proceedings against the Department staff

- (1) Based on their observations made during monitoring, experts may propose to the HJPC BiH to initiate disciplinary proceedings against the Department staff
- (2) A reasoned proposal is submitted in writing to the Director and the President of the Council.

IV ACTIONS OF THE DEPARTMENT IN EXERCISE OF LEGAL AUTHORITY

Article 18

Declaration form

- (1) Asset and interest declaration (hereinafter: asset declaration), including the method and time of acquiring and purchase value, income, interests, liabilities, expenditures and guarantees of judges, prosecutors and Council members (hereinafter: declarants) contains general information, as well as information about income, assets, liabilities, expenditures and other information.
- (2) The form of the declaration of assets and interests, as an attachment, is an integral part of this book of rules.
- (3) The content, manner of filling in, and procedure for submitting the form of the declaration of assets and interests; the circle of persons covered by the obligation to submit the declaration; other relevant issues; any supporting documentation; and additional information necessary for conducting the checks shall be regulated by a special act of the Council.

Article 19

Types of declarations and filing deadlines

- (1) First-time appointed judges and prosecutors file their initial asset declarations for the previous calendar year within 30 days from the date when their appointment decision was published on the Council's website, while elected Council members file their asset declarations prior to assuming office within 30 days from receiving the decision on election.
- (2) In the promotion procedure, the last annual report filed for the previous calendar year is used as the initial report.
- (3) Within the meaning of this Book of Rules, the term promotion does not mean the appointment of:
 1. judges to the same or lower instances courts at Entity level;
 2. prosecutors to the same or lower instance prosecutor's offices at Entity level.

(4) Following the filing of their initial declarations, judges, prosecutors and Council members will file their annual declarations by 1 March every year.

(5) A judge, prosecutor and Council member whose term of office has expired file their asset declarations for the year in which their term expires and for the first calendar year following their end of term by 1 March of the year following the year for which the declaration is filed.

Article 21

Transparency of processing declarations

(1) Annual declarations and end-of-term declarations of judges, prosecutors and Council members are published on the website of the Council within 30 days of the deadline for filing declarations.

(2) Initial asset declarations of newly appointed judges, prosecutors and Council members are published on the website of the Council within 30 days from assuming office.

(3) Notwithstanding paragraphs 1 and 2 of this Article, initial asset declarations of judges, prosecutors and Council members holding office at the time of entry into force of this Book of Rules will be published within 30 days from completing formal verification.

(4) Information from asset declarations of judges or prosecutors whose term of office has been terminated will not be publicly available three years after the termination.

(5) No later than when disclosing the initial asset declarations on the Council website, the Department announces a complaint mechanism open to public. The mechanism for filing complaints to the Department enables the public to raise objections/complaints against any asset declarations disclosed as well as outcomes of analyses and verifications of asset declarations filed by appointed judicial office holders and Council members. Complaints received are treated as complaints in terms of accuracy of the statements in the declarations pursuant to Article 86c paragraph (2) of the Law on the HJPC BiH. As a rule, such complaints initiate additional checks of declarations. No declaration is subject to additional checks if the complaint is manifestly ill-founded, in which event the Department elaborates in writing the reasons for rendering a decision on the absence of grounds to conduct additional checks.

Article 22

Register of declarations

(1) The Council establishes a Register of asset declarations to be maintained in electronic form and hard copy.

(2) Hard copy declarations received by the Council, including attachments, are kept with the Department in the declarant's file and form a part of the Register of declarations.

(3) Declarations by judges and prosecutors filed prior to the amendments to the Law on the HJPC BiH coming into effect, remain in the judges and prosecutors' files and may be used when conducting additional checks.

(4) Access to declarations and related information is only available to the employees of the Asset Declarations Department.

(5) Exceptionally from paragraph (4), access to declarations and related information is provided to experts hired for external monitoring of the Department's work and monitoring of disciplinary procedures, in accordance with Article 86h of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, as well as to authorized employees of the ICT Department to the extent necessary for the performance of their duties - technical maintenance and support of the electronic system (software) for submitting declarations.

(6) Asset declarations of judges, prosecutors or Council members who are not judicial office holders due to expiry of their term of office are expunged from the Register ten years after the termination of their term. Expungement is suspended during any ongoing use of the declarations and attached documents by the Council or any other authority in formal proceedings.

(7) Pending the expungement from the Register, asset declarations of judges, prosecutors and Council members whose term of office has been terminated, are kept in accordance with the Decision on Office Operations in Administrative, Professional, Technical and Other Services of the Institutions of Bosnia and Herzegovina.

(8) Pursuant to Article 86b, paragraph (7) of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the verification procedure for declarations is closed to the public, and for that purpose, the data resulting from this procedure shall be treated as confidential.

Article 23

Verification of declarations

(1) The Department regularly checks the accuracy, completeness and veracity of the declared data and analyses the data contained in the declaration.

(2) The Department may ask a declarant to correct any obvious error made in the declaration within 15 days, as well as to supply any information that was inadvertently omitted.

(3) The Department requests additional information or submissions to be filed by declarants within 45 days concerning the data from declarations when so required to verify their accuracy and completeness.

Article 24

Formal checks

Formal checks serve to verify whether the declarations were filed timely, whether they were fully and properly completed and whether all attachments were filed.

Article 25

Regular checks

- (1) Regular checks serve to verify proportionality between financial inflows and outflows disclosed in the declaration through data comparison.
- (2) The Department for conducting procedures based on reports performs regular checks of all declarations within 75 days from their disclosure on the website.
- (3) If no disproportionalities in data are found between financial inflows and outflows, and there are no other reasons to conduct additional checks, the declaration is filed in the declarant's personal file .
- (4) A separate document is to define a precise methodology for determining the disproportionality between financial inflow and outflow.
- (6) In case of disproportionality in data between financial inflows and outflows found during regular checks, declarations of judges, prosecutors or Council members are subject to additional checks in accordance with the set priorities and in the part where the disproportionality was identified.
- (7) Notwithstanding the aforesaid, an initial declaration filed as part of an entry level appointment as well as an asset declaration filed as part of a promotion procedure, is not subject to regular checks since, upon filing, they constitute a risk criterion for additional checks.

Article 26

Additional checks

- (1) Additional checks are a set of actions and activities undertaken to determine the accuracy of the data contained in the declaration, by comparing it against data collected from public and other records and registers as well as records maintained by legal and natural persons.*
- (2) Additional checks are carried out in case:
 - (a) a disproportionality in data between financial inflows and outflows is identified,
 - (b) for 10% of randomly selected declarants using a software application in accordance with the Law on the HJPC BiH,
 - (c) the declaration does not contain all data on persons referred to in Article 86, paragraph (1) of this Law.
 - (d) risk criteria so require, and
 - (e) in other cases provided for by the Law;
- (3) Entry-level appointments and promotions are priorities for conducting additional checks *ex officio*.
- (4) Together with a decision on appointment, the Council also publishes a call on its website to all newly appointed judges and prosecutors to file their *declarations timely and no later than 30 days*.

(5) An additional check is initiated immediately after delivery of appointment decision and receipt of the initial declaration as part of the procedure for entry level appointments, or when using the last annual declaration for the previous calendar year in a promotion procedure.

Article 27

Conducting additional checks

(1) *Additional checks are actions* that involve collecting documents and evidence regarding information disclosed in declarations.

(2) *Upon detecting risk criteria amounting to a circumstance or set of circumstances*, a decision is made to conduct additional checks, with verification schedule designed and executed.

(3) *Decision to conduct additional checks based on risk criteria also defines the scope of declaration* checks either in part or in full.

(4) *Entry-level appointments and promotions as well as declaration checks randomly selected by software application are grounds for additional checks of declarations in full.*

(5) Additional checks for entry-level appointments and promotions cannot take longer than 90 days.

Article 27a

Conducting additional checks based on complaints by the general public or other legal persons

Within 60 days from receiving a complaint from general public or other legal persons in accordance with Article 86c, paragraph (2), the complainant is notified of any action taken, including any additional checks if proven justified.

Article 28

Collection and verification of official documents and evidence

(1) A staff member of the Department submits requests to an authority or institution that maintains public records, registers as well as to an institution, legal or natural person which maintains other records, seeking access to data, either electronically, through electronic communications or through correspondence, in order to collect data and information on the assets of a declarant and other persons named in the declaration.

(2) Request for data access includes the Personal Identification Number of the declarant as well as of other persons named in the declaration.

(3) Analysis of the collected documentation may commence once the data regarding disclosures made in the Declaration is collected in accordance with this Article.

(4) Once the analysis of the data of the declarant and other persons named in the declaration has been completed, the collected data is then compared against the data disclosed in the declaration.

(5) The procedure of analysing and comparing the data collected against the data disclosed in the declaration is finalised by a determination that there exist or do not exist irregularities as stated in Article 86c, paragraph (8) of the Law on the HJPC BiH.

Article 29

Notice on additional checks

- (1) Verification procedure is finalised by a notice on the completion of additional checks pursuant to Article 86d of the Law on the HJPC BiH.
- (2) Notice on additional checks carried out based on the risk criteria for entry-level appointments and promotions pursuant to Article 86b, paragraph (5) of the Law on the HJPC BiH and based on risk criteria pursuant to Article 86d, paragraph (7) in connection with the provisions of Article 86k of the Law on the HJPC BiH is sent to the Council and the Department for Appointments of Judicial Office Holders within three (3) days.
- (3) Any irregularities found in additional declaration checks are documented and a notice of such irregularities is compiled and sent to the appointee. The Office of the Disciplinary Counsel is notified accordingly and provided with all information stemming from verification, for their further action.
- (4) Once additional checks have been completed, the deadline to notify the Office of the Disciplinary Counsel on additional checks with a negative outcome may not exceed eight (8) days.
- (5) The Department notifies the Council of a negative outcome of additional checks for entry-level appointees/promotions and newly elected Council members so that the Council may decide to annul its appointment/election decision.
- (6) The Department forwards the information on additional checks carried out due to suspected irregularities referred to in Article 86c, paragraph (8), along with all data from the declaration and all data obtained during the check, to the institution or other legal entity whose data was used during the declaration verification process, and to any other competent authority as required to implement measures that fall under their competence.

Article 30

Exceptions

- (1) In the event that, during additional checks and collection of information and data, any institution, legal or natural person fails to submit the requested data and information in accordance with Article 86c paragraph (5) of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and Article 28 of this Book of Rules within 90 days, the Department shall:
 - a) act in the manner prescribed in Article 32, paragraph (1) of this Book of Rules, except in the case where justified reasons prevent submission of a request to initiate offence proceedings,
 - b) prepare a report that lists all the actions taken in order to obtain the requested data on time, with the aim of completing the additional verification in a timely manner.
- (2) If the missing information shall not significantly affect the outcome of additional checks, the Head of Department shall, regardless of whether a request to initiate a minor offence procedure has been submitted or not, end the additional check procedure by providing information about the conducted check based on currently available data, information and documents of additional checks.

Article 31

Cooperation Agreements

(1) For reasons of efficiency in conducting additional checks, and with respect to the type of data that is collected, the manner of delivery/exchange of data, as well as deadlines for the delivery/exchange of data, the Council signs cooperation agreements with institutions, legal entities and natural persons that maintain public records, registers and other records.

(2) The Department develops and as required updates the list of institutions, legal and natural persons with whom cooperation agreements are to be signed and drafts the cooperation agreement to be signed by the President of the Council on behalf of the HJPC BiH.

(3) In the event that, prior to signing an Agreement, the President of the Council identifies any irregularities and/or unlawful elements in the draft Cooperation Agreement which may have a negative impact on the lawfulness and efficiency of Department operations, the President of the Council may suspend the signing of the Agreement and inform the Council, which renders a final decision on the matter.

Article 32

Initiating minor offence proceedings

(1) In the event that a responsible official in an institution in charge of maintaining public records and registers or another institution or a legal or natural person does not cooperate with the Department and fails to provide the requested information, or if the manager of the public authority does not appoint an official for cooperation with the Department, the Head of Department files a motion to initiate minor offence proceedings in accordance with the Law on Minor Offences.

(2) The President of the Council forwards a motion for minor offence proceedings together with the supporting documentation, as received by the Department, to the relevant institution in accordance with Article 86j, paragraph (4) of the Law on the HJPC BiH.

Article 33

Transitional and final provisions

(1) Upon the functional establishment of the Department, the declarants shall be obliged to submit the initial declaration on the form which is an integral part of the Book of Rules, within the deadline determined by the Council in the manner prescribed by a special act of the Council.

(2) Once set up and fully functional, the Department must perform formal checks of all declarations within 60 days of their receipt.

(3) This Book of Rules comes into effect fifteen (15) days upon its publication in the Official Gazette of BiH.

