



## ANNEX C1: Twinning Fiche

**Project title:** Strengthening capacities of the Agency for the Prevention of Corruption and Coordination of Fight Against Corruption (APIK)

**Beneficiary administration:** the Agency for the Prevention of Corruption and Coordination of Fight Against Corruption (APIK)

**Twining Reference:** BA 20 IPA JH 01 23

**Publication notice reference:** From PROSPECT

**EU funded project**

***TWINNING TOOL***

## 1. Basic Information

1.1 Programme: IPA 2020 Annual Action Programme for Bosnia and Herzegovina; CRIS reference 2020/042-264-Objective 1

**For UK applicants:** Please be aware that following the entry into force of the EU-UK Withdrawal Agreement<sup>1</sup> on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014<sup>2</sup> and Annex IV of the ACP-EU Partnership Agreement<sup>3</sup>, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom<sup>4</sup>. Those persons and goods are therefore eligible under this call.

1.2 Twinning Sector: Justice and Home affairs

1.3 EU funded budget: EUR 1 000 000

1.4 Sustainable Development Goals (SDGs): Goal 16: Peace, justice and strong institutions; within SDG goal 16, in particular the following: 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all, 16.5 Substantially reduce corruption and bribery in all their forms, 16.6 Develop effective, accountable and transparent institutions at all levels

## 2. Objectives

2.1 Overall Objective(s):

To consolidate the Agency for the Prevention of Corruption and Coordination of Fight Against Corruption (APIK)'s key technical and functional capacities so that it can lead BiH toward more strategic anti-corruption (prevention) policies.

2.2 Specific objectives:

The project comprises two main and inter-dependent specific objectives<sup>5</sup>:

1. APIK's has strong institutional development and change management capacities, and,
2. APIK is the main authority coordinating and managing anti-corruption prevention in BiH.

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<sup>1</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

<sup>2</sup> Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

<sup>3</sup> Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014)

<sup>4</sup> Including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.

<sup>5</sup> In line with the Twinning Manual, more than one specific objective were used if this adds clarity and enhances logic, in this case to align the objective to the scope of APIK, as foreseen by law.

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans.

The state-level strategy on anti-corruption expired in the end of 2019 and no new strategy has been adopted since, further hampering a harmonised strategic approach across the country. In 2022, APIK finalised the draft Strategy for the period of 2022-2024, as interim solution and submitted for adoption. The Strategy and its action plan were removed from the agenda of the Council of Ministers two times at the beginning of 2023.

Strategies are missing in FBiH, RS and Canton 10. Bosnia Podrinje Canton, Tuzla Canton, Zenica Doboje Canton, Herzegovina Neretva Canton, Sarajevo Canton, West Herzegovina, Central Bosnia Canton, Una Sana Canton and Posavina Canton passed the Strategies. The previous Anti-Corruption Strategy for 2015 sets the objectives of: (i) establishment and strengthening of institutional capacities and improvement of the normative framework for the fight against corruption, and (ii) improvement of the effectiveness and efficiency of the judicial institutions and bodies for law enforcement in the area of the fight against corruption. In accordance with the Article 10, paragraph (1), point a) of the Law on the Agency for prevention of corruption and coordination of the fight against corruption (APIK), in February 2020, the Draft Anti-Corruption Strategy and Action Plan for the period 2020-2024 was finalized

### 3. Description

#### 3.1 Background and justification:

Accession to the European Union is a strategic priority for BiH. To properly address corruption is one of the key conditions for all Enlargement countries in the preparation process to join EU. Therefore, both prevention and repression of corruption equally require attention from an early stage in the EU accession process, and the opening of the respective chapters is based on tangible results. BiH needs to show determination in taking concrete steps to build a sustainable track record in countering and eradicating corrupt practices.

Concerning the accession process, BiH Application for EU membership was submitted in February 2016. In September 2016 the EU Council invited the European Commission to present an Opinion on the merits of the Bosnia and Herzegovina's EU membership application.

On 12<sup>th</sup> October 2022, the Commission, recommended that Bosnia and Herzegovina be granted candidate status by the Council, on the understanding that the following steps are taken:

- adopt, as a matter of priority, integrity amendments in the existing law of High Judicial and Prosecutorial Council;
- adopt a new law on the High Judicial and Prosecutorial Council and adopt the law on Courts of Bosnia and Herzegovina;

- adopt the law on Prevention of Conflict of Interest;
- take decisive steps to strengthen the prevention and fight against corruption and organised crime;
- 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;
- ensure prohibition of torture, notably by establishing a national preventive mechanism against torture and ill-treatment;
- 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;
- 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*.

### 3.2 Ongoing reforms:

Widespread corruption in the public sphere and its strong link to organised crime is widely recognized as one of the most important problems faced in the Western Balkans today as well as one of the top concerns listed by citizens. The EU has recognized the fight against corruption and organized crime as a top priority in the Western Balkans, and that is why the rule of law is at the centre of the accession process.

Corruption in Bosnia and Herzegovina (BiH) is considered “systemic.”<sup>6</sup>

**Policy dialogue** has, since 2011, taken place in the framework of the Structured Dialogue on Justice between the European Commission and BiH and, since 2016, in the SAA Sub-Committee on Justice, Freedom, and Security; both formats include rule of law dimensions, including corruption.

Anti-corruption assistance is justified by/anchored in the obligations stemming from BiH’s obligations under the **Stabilisation and Association Agreement** with the EU (signed in 2008 and entered into force in 2015), in particular articles 78 (on rule of law)<sup>7</sup> and 84 (specifically on prevention and combating corruption and organised crime).<sup>8</sup> In terms of standards, in particular early projects in the portfolio have made links to standards that BiH has committed to complying with through its membership in the Council of

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<sup>6</sup> “Systemic” corruption means that rather than being the aberrant behaviour of an individual, it is the behaviour of a network/group that follow informal norms and rules and that attach themselves to formal structures, institutions and systems. Non-compliance with these informal rules is penalised. Participants in these informal networks resist anti-corruption efforts.

<sup>7</sup> According to Article 78, “the Parties shall attach particular importance to the consolidation of the rule of law, and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Co-operation shall notably aim at strengthening the independence of the judiciary and improving its efficiency and institutional capacity, enhancing access to justice, developing adequate structures for the police, customs and other law enforcement bodies, providing adequate training and fighting corruption and organised crime.”

<sup>8</sup> According to Article 84, “the Parties shall cooperate on combating and preventing criminal and illegal activities, organised or otherwise, such as: ...c) corruption, both in the private and public sector, in particular linked to non-transparent administrative practices.”

Europe (CoE),<sup>9</sup> and the Group of States against Corruption (GRECO), which conducts regular evaluations and issues recommendations to its members.<sup>10</sup> Anti-corruption is across successive assistance periods, understood as a horizontal/cross-cutting issue that is to be incorporated into sectoral programmes, including on governance etc.

A key juncture in the reform of the institutional framework to fight corruption in BiH came with the opening, in 2008, of the **visa liberalisation dialogue**, and which provided a roadmap to visa free travel of BiH citizens to the Schengen area, including the requirement to establish an Anti-Corruption Agency (itself interpreted a requirement of the United Nations Convention against Corruption/UNCAC which BiH signed in 2005 and ratified in 2006). As a result, BiH created, in 2009, the **Agency for the Prevention and Coordination of the Fight against Corruption (APIK)**.<sup>11</sup> The role of the EU in bringing the creation of the APIK about is widely recognised by stakeholders consulted for this evaluation.

The candidate status received in December 2022 is expected to generate a new momentum for BiH authorities to tackle reforms more resolutely.

Out of the 14 RoL priorities, eight focus areas have been identified to be tackled as a matter of priority at least half of them relates in some manner to the fight against corruption.

In term of the overall policy framework, further relevant sector information could be obtained by consulting the following documents:

- Key finding of the 2022 Report on BiH: [https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2022\\_en](https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2022_en)
- Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union: <http://europa.ba/wp-content/uploads/2019/05/20190529-bosnia-and-herzegovina-opinion.pdf>
- 2019 Expert Report on RoL issues in BiH: <http://europa.ba/wp-content/uploads/2019/12/ExpertReportonRuleofLawissuesinBosniaandHerzegovina.pdf>
- Council of Europe GRECO Compliance Report for BiH on Corruption prevention in respect of members of parliament, judges and prosecutors: <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/16808acd50>
- Venice Commission Opinion on the draft Law on Prevention of Conflict of Interest in BiH: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=C-DL-AD\(2021\)015-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=C-DL-AD(2021)015-e)

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<sup>9</sup> All EU members states are also CoE member states; additionally, the membership of the CoE extends to several candidate or potential candidate countries for EU membership, i.e. CoE standards have wider application than the EU and therefore provide a useful framework for standards for both EU and EU candidate countries alike.

<sup>10</sup> For example, the earliest project in the sample covered by the evaluation is guided by the 2009-2011 Multi-Annual Indicative Programme Document (MIPD) as follows: Expected results and indicators are that "the anti-corruption policy is implemented. The recommendation made by the Group of States against Corruption (GRECO) and the obligations resulting from international conventions on corruption are implemented. Corruption is vigorously prosecuted and the law on conflict of interest is implemented."

<sup>1111</sup> See [Law on Agency for Corruption Prevention \(published\) ENG.doc \(apik.ba\)](#)

- Council of Europe's GRECO Evaluation Report for BiH on preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680aa76dc>
- OSCE Annual Report on Corruption: <https://www.osce.org/files/f/documents/4/e/471003.pdf>

Furthermore, in broader terms, when it comes to prevention, the 2023 Rule of law report ([https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/2023-rule-law-report\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/2023-rule-law-report_en)) that monitors significant developments relating to the rule of law in all Member States should be taken into account when providing assistance.

### 3.3 Linked activities:

The experience of the previous projects showed that better results are achieved with intensive activities in a few targeted sectors, rather than targeting many sectors with a limited number of activities.

So far, EU assistance has encompassed three thematic components of anti-corruption interventions

- One group concerns the establishment and development of institutional **preventive anti-corruption institutions**, first through the support to APIK, and, later on, by extending support to lower-level (entity, canton) anti-corruption bodies (ACB).
- A second group, intersecting in part with the first, is support to **CSO anti-corruption efforts**, working with the APIK and independently.
- A third theme is **support to the judiciary in prosecuting and sanctioning corruption**, i.e. the repression side of anti-corruption (excluding the investigative organs of the entire law-enforcement chain).

At the present, the EU funded Assistance targeting Fight against corruption is deployed through the following on-going projects:

- EU4Justice Phase II – Support to Judicial Professionalism and Fight against organised Crime and Corruption in Bosnia and Herzegovina

The implementation of this project has been awarded to an Agency of a Member States, notably Expertise France. The specific objective of this action is to strengthen the rule of law in BiH, notably by enhancing the independence, quality, effectiveness, accountability, and efficiency in the BiH justice sector and its results in fight against corruption.

- Supporting a More Effective Administration of Justice in Corruption and Organised Crime Cases in BiH through Trial Monitoring (5,8 MEUR, 36 months)

The aim of this regional/multilateral project implemented by OSCE is to establish an evidence-based framework for future reforms, analysing issues observed in selected organised crime and corruption cases.

The trial monitoring teams in the five jurisdictions engaging in this project, are to deliver two main outputs, before they can proceed in putting forward recommendations for policy action (output 3); namely trial monitoring (output 1) and identification of systemic issues (output 2).

- EU- CoE Horizontal Facility phase III – Regional programme against corruption, money laundering and terrorist financing in Bosnia and Herzegovina (230 000 €, 48 months)

The implementation will support competent authorities in further strengthening the legal and institutional framework for the prevention of corruption and AML/CFT and improving the track-record of implementation.

Concerning project of other donors in the field of AC, the following on-going projects are being implemented:

- The JACA Project – Judiciary Against Corruption Activity (USAID)

The USAID implemented Judiciary Against Corruption Activity Project (JACA Project) is an 8M\$ Project that runs from from September 2019 to September 2024.

The objective of the JACA Project is to address policy issues, institutional and capacity gaps, and potential legislative gaps that impede the judiciary's ability to successfully tackle high-level corruption and economic and organised crime by acting on two levels:

- Improving the processing and adjudicating of the most complex and high-profile corruption and organised crime cases in selected Prosecutor Offices and courts (component 1)
  - Prevent corrupt behaviour in the BiH justice sector (component 2)
- Strengthening Prosecutors in the Criminal Justice System Project (Swiss Agency for Development and Cooperation and the Kingdom of Norway)

The Strengthening Prosecutors in the Criminal Justice System Project aims at improving efficiency and transparency of the prosecutorial system, with the overall objective to maintaining the rule of law and reducing impunity in accordance with European standards. It has started in January 2020, following two previous phases from 2010 to 2019, and is funded and implemented by the HJPC and funded by the Swiss Agency for Development and Cooperation and the Kingdom of Norway for a total of almost 2M EUR.

Beneficiaries are PO BiH, LEAs, and MoJ and activities pursue the following specific objectives:

- Prosecutor's offices process cases efficiently and effectively, with a special focus on cases of corruption and organized crime at a high level
- Under the strategic leadership of the HJPC, prosecution offices effectively manage their work and implement strategic priorities, including sustainable coordination with relevant law enforcement agencies

- The benefit for citizens is made possible through the quality performance of activities within the jurisdiction of the prosecutor's office, in accordance with the Strategy for dealing with persons who come into contact with the prosecutor's office.

The Western Balkan Strategy 2018 states that the public administration reform remains one of key priorities in the enlargement process. Any country needs to ensure it has the necessary administrative and judicial capacity in place to properly apply EU rules and standards, not only in law but also in practice. The Strategy stress that PAR is paramount to strengthening governance at all levels. This includes improving the quality and accountability of administration, increasing professionalism, de-politicisation and transparency, also in recruitment and dismissals, more transparent management of public finances, and better services for citizens.

Bosnia and Herzegovina has adopted the country wide PAR strategic Framework 2018-2022 (implementation period prolonged until 2027) in accordance with the recommendation of relevant strategic policy documents of the enlargement process.

The Commission defines PAR in the enlargement context according to six core areas, which are further detailed by the Principles of Public Administration (PoPA): (1) the strategic framework for public administration reform; (2) policy development and co-ordination; (3) public service and human resource management; (4) accountability; (5) service delivery; and (6) public financial management. **This project contributes to the areas for (2) policy development and co-ordination; (3) public service and human resource management and (4) accountability.**

### 3.4 List of applicable *Union acquis*/standards/norms:

<p><b><u>2. Anti-Corruption policy</u></b></p> <p><b>2.1 EU Instruments</b></p>	<p><u>2.1. EU acquis</u></p> <ul style="list-style-type: none"> <li>– Convention of 26 May 1997 on the fight against corruption involving officials of the European Communities or officials of the Member States of the EU OJ C 195, 25.6.1997 <a href="#">html</a></li> <li>– Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector <i>OJ L 192, 31.7.2003, p.54</i> <a href="#">html</a></li> <li>– Proposal for a Directive of the EU Parliament and of the Council on combating corruption adopted on 3 May 2023 which includes extensive provisions on corruption prevention. Negotiations with European Parliament and Council are ongoing</li> </ul> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2023%3A234%3AFIN">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2023%3A234%3AFIN</a></p> <ul style="list-style-type: none"> <li>– The annual Rule of law report mechanism</li> </ul> <p><a href="https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism_en">https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism_en</a></p> <ul style="list-style-type: none"> <li>– Council Decision 2008/582/JHA of 24 October 2008 on a <u>contact-point network</u> against <u>corruption</u> <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0852:EN:NOT">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0852:EN:NOT</a></li> <li>– <b>Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law</b></li> </ul>
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<p><b>2.2 International instruments</b></p>	<ul style="list-style-type: none"> <li>- <b>Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (‘the EPPO’)</b></li> <li>- Council Decision 2008/801/EC of 25 September 2008 on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption OJ L 287, 29.10.2008, p.1. <a href="https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:287:0001:0110:EN:PDF">https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:287:0001:0110:EN:PDF</a></li> <li>- Council Decision 2004/579/EC of 29 April 2004 on the conclusion, on behalf of the European Community, of the United Nations Convention against Transnational Organised Crime OJ L 261, 6.8.2004, p.69 <a href="https://publications.europa.eu/en/publication-detail/-/publication/7d3f984b-1c4d-4b38-a3b3-1f98c35b507d/language-en">html</a></li> </ul> <p><u>2.2. International instruments</u></p> <ul style="list-style-type: none"> <li>- UN Convention against Corruption, Merida 2003 <a href="#">pdf</a> 31/10/2003</li> <li>- UN Convention against Transnational Organized Crime, Palermo December 2000. <a href="#">html</a> 15/11/2000</li> <li>- OECD-Convention on Combating Bribery of foreign public officials in International Business Transactions, of 17 December 1997; (also relevant for judicial cooperation in criminal matters) <a href="#">html</a></li> <li>- Council of Europe Criminal Law convention on Corruption, opened to signature on 27 January 1999; (also relevant for judicial cooperation in penal matters) <a href="#">html</a></li> <li>- Council of Europe Civil Law convention on corruption, opened to signature on 4 November 1999 <a href="#">html</a></li> <li>- Council of Europe Resolution (97) 24 on the <u>Twenty Guiding Principles For The Fight Against Corruption</u> 06/11/1997</li> <li>- Council of Europe Recommendation on Codes of Conducts for public officials (recommendation no. R(2000)10) <a href="#">html</a> 05/2000</li> <li>- Council of Europe Recommendation on Common Rules against corruption in the funding of political parties and Electoral Campaigns (rec(2003)4) <a href="#">html</a></li> <li>- OSCE Declaration on Strengthening Good Governance and Combating Corruption, Money-Laundering and the Financing of Terrorism <a href="http://www.osce.org/cio/97968?download=true">http://www.osce.org/cio/97968?download=true</a></li> </ul>
<p><b>2.3 The links between corruption and other areas:</b></p> <ul style="list-style-type: none"> <li>- financing of political parties</li> <li>- good governance</li> </ul>	<ul style="list-style-type: none"> <li>- OSCE DECISION No. 5/14 PREVENTION OF CORRUPTION <a href="https://www.osce.org/cio/130411?download=true">https://www.osce.org/cio/130411?download=true</a></li> </ul> <p><u>2.3. The links between corruption and other areas</u></p> <p>Fighting organised crime:</p> <ul style="list-style-type: none"> <li>- DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 April 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU</li> </ul>

<p>- <b>economic develop.</b></p> <p>- <b>fighting organised crime</b></p>	<ul style="list-style-type: none"> <li>- Council Decision 2007/845/JHA concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to crime</li> <li>- Directive 2014/42/EU on the freezing and confiscation of the instrumentalities and proceeds of crime in the European Union</li> <li>- Proposal for a Directive laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences and repealing Council Decision 2000/642/JHA (common proposal HOME/JUST - under negotiation - COM(2018) 213 final)</li> <li>- Regulation on the mutual recognition of freezing and confiscation orders (political agreement)</li> <li>- Directive on countering money laundering by criminal law (political agreement)</li> </ul>
<p><b>2.4 national relevant norms</b></p>	<p>Whistleblowing:</p> <ul style="list-style-type: none"> <li>- DIRECTIVE (EU) 2019/1937 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2019 on the protection of persons reporting breaches of Union law Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of persons reporting on breaches of Union law</li> </ul> <p>2.4 national relevant norms</p> <p>At the national level, the AC relevant legislative framework encompasses the following laws:</p> <ul style="list-style-type: none"> <li>- Criminal Code of BiH, RS, FBiH, and Brcko district</li> <li>- Criminal procedures BiH, RS, FBiH, and Brcko district</li> <li>- Law on conflict of interest BiH, RS, FBiH, and Brcko district</li> <li>- Law on whistle-blowers of BiH RS, FBiH, and Brcko district</li> <li>- Law on political parties financing of BiH</li> <li>- Law on public procurement of BiH</li> </ul>

### 3.5 Components and results per component

Concerning anti-corruption agencies (particularly those with a limited corruption prevention mandate), in particular the ones developed in the Western Balkans countries, there are two common challenges faced:

- a discrepancy between the scope of work implied by their functions and the extent of available human and financial resources to carry them out; and,
- a lack of official powers to ensure compliance with their advice, etc.

APIK is no exception in this respect. Whilst it is, at present, unrealistic to expect a change in either its funding or mandate, it is nevertheless possible to consolidate and strengthen certain aspects of APIK's operations in order to compensate for these deficits.

This project aims at supporting the APIK to enhance its institutional development and management capacities, and promote it as reference point for anti-corruption prevention in BiH.

## **Component 1: APIK's acquired strong institutional development and improved management capacities**

Whilst APIK has benefitted from several capacity development initiatives under IPA (and presumably other projects), the segmented character of this assistance raises questions as to their contribution toward consolidated institutional development, including internal management systems. After more of a decade of lessons from operations, and with new leadership recently in place, it is a suitable moment to review (and develop, as appropriate) APIK's mission, institutional capacities and strategies in place to move it into the new decade of improved performance.

This first component therefore provides support to key management functions that would guide APIK through reconfiguration necessary to carry out its mandate more effectively. The process would be supported by the following indicative actions:

- review of current operations (resource distribution amongst main APIK functions; etc.);
- (re-) articulation of APIK institutional objectives and priorities;
- in-depth assessment of capacities required to realise the new institutional objectives and priorities, including the necessary functional and management capacities;
- development of thematic strategies/plans and the related supporting materials (operational guidelines, job descriptions, required to reach the stated objectives, including identifying specific.

Furthmore, APIK is mandated, inter alia, to monitor the implementation of anti-corruption policies. Considerable effort is expended tracking the timely implementation of outputs, however, the capacities to define and monitor outcome-level changes need to be strengthened. Identifying outcome-level results of various anti-corruption measures is an urgent need that would allow a shift toward more evidence-based policy making and, presumably, more effective policies.

The sequencing and key activities to be implemented during the implementation of the project will be indicated by MS in their proposal and, taking into account the overall description (intervention logic) of the action provided by Annex A1 of the Twinning Grant Contract, and in particular the indicative deadlines by which objectives of the components should be achieved, they will be further defined upon RTA arrival in BiH.

## **Component 2: APIK is the main authority coordinating and managing anti-corruption prevention in BiH.**

Agencies can compensate for a lack formal powers to ensure compliance in two main ways:

- by positioning themselves as the most useful partner for anti-corruption activities (based on substantive resource on offer), and,
- by positioning themselves as the best known and most trusted voice on the subject (based on public activity and perceptions).

Under this component the indicative actions would entail a sustainable communications and outreach strategy, reflecting on the necessary (redistribution of) resources, and including performance targets for the project duration and beyond, in order to:

- maintain regular communications with all relevant actors in BiH (ACB, NGOs, press, citizens, donors, international partners, etc.);
- coordinate all corruption prevention efforts (donor, ACB, NGO);

- organise main news/ information/ knowledge resources on AC in BiH;
- emerge as the trusted “face” of anti-corruption in BiH.

Achieving those results may require strengthening specific functional capacities.

### **3.6 Means/input from the EU Member State Partner Administration(s)\*:**

3.6.1 Profile and tasks of the PL: the implementation of activities.

#### Profile of the Project Leader:

##### *Requirements:*

- University Law degree or equivalent professional experience of 8 years;
- High-ranking official currently working in the MS administration;
- At least 4 years of professional experience in the area relevant to the project;
- At least 3 years of experience in a managerial position within an EU MS Administration;
- Project management experience;
- Fluency in English language;
- Computer literacy;

##### *Assets:*

- Experience with twinning rules and procedures;
- Experience in managing or assisting in management in at least 1 project in the area of anti-corruption;
- Experience in transition countries in Europe;

##### *Tasks:*

1. Conceive, supervise and coordinate the overall preparation of the project;
2. Coordinate and monitor the overall implementation of the project;
3. Liaise with the Project Leader from the Beneficiary Institution;
4. Co-chair, with the Beneficiary Project Leader, the project implementation at the Steering Committee meetings;
5. Execute administrative issues (i.e. signing quarterly reports, Operative side letters, addenda, etc.)
6. Ensure correct and successful implementation of the project and its sound financial management.

3.6.2 Profile and tasks of the RTA: the implementation of activities.

One Resident Twinning Adviser (RTA) over a period of 24 months and short term experts will support the beneficiary administration to achieve the objectives listed above.

The RTA has the responsibility to guide the work of the team. Short term experts will work in close cooperation with the RTA and the beneficiary administration staff.

The RTA will also be responsible for ensuring that experts’ input and distribution of their working days will be used in the most efficient and effective way and in line with the agreed work plan to enable timely completion of project results.

The RTA must have broad knowledge and experience in the anti-corruption area which will enable him/her to organise interdisciplinary team of experts for the successful implementation of the project. She/he should be an employee of the Member State administration or mandated body and it is expected to ensure, together with the BC administration, the achievement of the general and specific objectives.

#### Qualifications and skills

- Proven contractual relation to public administration or mandated body, as defined under Twinning manual 4.1.6;
- University degree in Law or equivalent professional experience of 8 years in the anti-corruption area;
- Fluent written and spoken English.

#### General professional experience

- At least 4 years of general professional experience in the field of anti-corruption.

#### Specific professional experience:

- At least 3 years of specific professional experience in provision of capacity building services (e.g. development of training curricula, provision of trainings coaching) to public authorities in the field of anti-corruption prevention;
- Professional experience of at least one year at management position.

#### *Assets:*

- Experience as team leader/RTA/key expert of at least one project, preferably in the field of anti-corruption policy;
- Relevant working experience for the assignment in the Western Balkans;
- Good knowledge regarding the situation and the administrative structures from BiH.

#### Tasks:

- Overall supervision of the project implementation and coordination of all activities, as well as management of the project administration;
- Coordination of the activities of the team members in line with the agreed work-plans.
- Preparation of the Terms of Reference for the Short Term Experts;
- Where appropriate participation in project's workshops;
- Preparation of project progress reports;
- Permanent contact with the BC Project Leader;
- Liaison with EU Delegation Programme Manager;
- Liaison with other relevant projects.

### **3.6.3 Profile and tasks of the short-term experts**

Terms of Reference (ToR) for short-term expert(s) will be elaborated by the RTA. The ToR for the short term experts is to be agreed with EU Delegation Programme Manager and with the BC Project Leader in cooperation with the beneficiary institutions.

Main areas of expertise required by the team of short-term experts should cover though not limited the following fields of anti-corruption:

- Corruption prevention in theory and practice;
- Prevention of conflict of interest;
- Regulatory framework;
- Media and communications;
- Organisation Development,
- Training Design, delivery and evaluation.

### **Tasks of the short- term experts:**

STEs will provide specialized know-how for the individual tasks in this project. Therefore, the experts should have a relevant professional experience in administration and minimum qualifications required, as well as specific skills needed for individual tasks. Short-term experts are officials or assimilated agents of a Member State public administration, or mandated body. They deliver their expertise under the overall responsibility of the Member State PL and the coordination and supervision of the RTA.

### **Profile of the short- term experts:**

#### *Requirements:*

- University degree in law, social sciences, information and communication technologies or other relevant field depending of the area of expertise;
- At least 3 years of specific working experience in the field of anti-corruption or other relevant field depending of the area of expertise;
- Experience in providing assistance in the capacity building initiatives in the area of anti-corruption;
- Fluency in English language;
- Computer literacy;

The concrete assignments will be subject to the preparation of the twinning Contract and the recommendations of the twinning partner(s).

## **4. Budget**

EUR 1 000 000,00

## **5. Implementation Arrangements**

### **5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCU/PAO/European Union Delegation/Office):**

The EU Delegation in Bosnia and Herzegovina

Contact point:

Mr. Enrico Visentin, Programme Manager

Delegation of the European Union to BiH

Skenderija 3a, Sarajevo

Tel: + 387 33 254 785, Fax: + 387 33 666 037

e-mail: [enrico.visentin@eeas.europa.eu](mailto:enrico.visentin@eeas.europa.eu)

## 5.2 Institutional framework

The law regulating the work of the APIK is provided under the following link

[http://www.apik.ba/zakoni-i-drugi-akti/Zakoni/Zakon\\_o\\_Agenciji/default.aspx?id=397&langTag=en-US](http://www.apik.ba/zakoni-i-drugi-akti/Zakoni/Zakon_o_Agenciji/default.aspx?id=397&langTag=en-US)

At the moment, a new Anti-Corruption Plan and Strategy is being discussed and the approved AC Strategy 2015-2019 provided under the following link

<http://www.apik.ba/zakoni-i-drugi-akti/strategije/default.aspx?id=806&langTag=en-US>

## 5.3 Counterparts in the Beneficiary administration:

### 5.3.1 Contact person:

Mr. Mevludin Džindo, Assistant director [mevludin.dzindo@apik.ba](mailto:mevludin.dzindo@apik.ba)

APIK

### 5.3.2 PL counterpart

Mr. Igor Ćorluka, expert advisor [igor.corluka@apik.ba](mailto:igor.corluka@apik.ba)

APIK

### 5.3.3 RTA counterpart

Mr. Mevludin Džindo, Assistant director [mevludin.dzindo@apik.ba](mailto:mevludin.dzindo@apik.ba)

APIK

## 6. Duration of the project

Duration of the project is 24 months.

## 7. Management and reporting<sup>12</sup>

### 7.1 Language

The official language of the project is the one used as contract language under the instrument (English/French). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

### 7.2 Project Steering Committee

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements via-à-vis the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

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<sup>12</sup> Sections 7.1-7.3 are to be kept without changes in all Twinning fiches.

### **7.3 Reporting**

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual and Annex A7, Section 5. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements *via-à-vis* the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

### **8. Sustainability**

The action will produce sustainable results since it is designed to support the already existing beneficiary institution and structure that are already in place, but which require additional assistance in the complex process of the harmonisation with the Acquis and the latest international standards in the field of prevention of corruption. All outcomes related to this action are linked to already established structures and procedures at all levels of the government and will result in sustainable outcomes.

### **9. Crosscutting issues (*equal opportunity, environment, climate etc...*)**

Based on the fundamental principles of promoting equality and combating discrimination, participation in the action will be guaranteed on the basis of equal access regardless of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation as well as taking into account promotion and participation of people with disabilities. During implementation of activities, full respect of minorities and vulnerable groups will be ensured. The project will contribute to addressing the rights-based approach by strengthening the capacity of the government to ensure citizens' rights are being respected and the capacity of citizens to demand their government work to ensure their rights through improving the transparency and efficiency.

#### **9.1 Equal opportunities and non-discrimination**

The Gender Action Plan (GAP) of Bosnia and Herzegovina (2018-2022) is the framework strategic document for mainstreaming gender equality in all areas of social life. GAP BiH is aligned with the relevant European Union Strategy for equality of men and women and other relevant strategic documents of the Council of Europe, European Union and United Nations. Gender responsive budgeting is a principle for defining all the measures in each priority area of GAP BiH. It is required that each budget beneficiary makes an analysis of the budget impact on different needs of men and women. Gender mainstreaming of the Action contributes to the implementation of GAP BiH. This is also in line with the EU Gender Equality Strategy 2020–2025, which emphasizes that the structural reform support programme can support Member States in mainstreaming gender in public administration, state budgeting and financial management.



## 9.2 Minority and vulnerable groups

Improvement in the public service and strengthened good governance to be gained from the Action in the area of RoL will be beneficial for minorities and vulnerable groups too. Publicity and dissemination of information will help to empower minorities and vulnerable groups as well as the society as whole. Based on the fundamental principles of promoting equality and combating discrimination, participation in the Action will be guaranteed on the basis of equal access regardless of racial or ethnic origin, religion or belief, disability, age or sexual orientation.

## 9.3 Environmental considerations

The project aims at strengthening the capacities of APIK and will not have any negative impact on the environment and effect on climate change. The activities from this project will be delivered in the most environmentally friendly possible way. Green procurement will be promoted for all activities related to the implementation of the Action, in turn supporting its mainstreaming in the wider PA.

## 9.4 Civil society development and dialogue

Civil society organisations have been consulted throughout the design of the intervention which is supposed to represent the basis for the Action development. When it comes to the implementation of this specific action, all envisaged activities will be open to cooperation and setting synergies with civil society organization and other interested non-state stakeholders if needed.

## 9.5 Good governance, with particular attention to fight against corruption

All relevant requirements to insure a sound financial management of the Twinning Project will be fulfilled in accordance with the principle of good governance.

## 9.6 Human rights

The project will contribute to addressing to the human rights through the rights-based approach by strengthening the capacity of the government to ensure citizens' rights are being respected.

## 9.7 Public Administration reform

The project contributes directly to the following areas of Principles of Public Administration (PoPa): policy development and co-ordination; public service and human resource management and accountability.

All necessary provisions will be taken to fight against corruption in accordance with the IPA Implementing Regulation.

## **10. Conditionality and sequencing**

*n/a*

The present proposal is framed by the expectation that the twinning partner will possess and therefore provide the bulk of the necessary expertise to lead the beneficiary through the assessment and reorganisation processes necessary to achieve the stipulated results.

## **11. Indicators for performance measurement**

Indicator for Component 1 - Recommendations for improving the institutional development and change management capacities developed and adopted by APIK

Indicator for Component 2 - APIK staff is equipped to ensure effective coordination on prevention of AC

## **12. Facilities available**

Required contributions of Beneficiary institution (including equipment, offices):

- I. Office space: Sufficient office space shall be allocated by the APIK to the MS Twinning Partner for the RTA, the Project Assistant(s) and for the short-term experts on mission. Meeting space will be provided when necessary.

## **ANNEXES TO PROJECT FICHE**

1. The Simplified Logical framework matrix as per Annex C1a

\*Baseline data to be provided by APIK

Timelines and targets to be reviewed and specified during Inception Phase

	<b>Description</b>	<b>Indicators (with relevant baseline* and target data)</b>	<b>Sources of verification</b>	<b>Risks</b>	<b>Assumptions (external to project)</b>
<b>Overall Objective</b>	APIK leads BiH toward more strategic anti-corruption (prevention) policies	Future AC reforms in BiH <ul style="list-style-type: none"> <li>• utilise knowledge promoted by APIK</li> <li>• demonstrate positive outcome-level results based on better AC policies promoted by APIK</li> <li>• Select public perceptions data about the fight against corruption (on APIK, thematic areas addressed by APIK, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Internal APIK-collected data</li> <li>• Comparable survey data</li> </ul>	Beneficiary institution management unable or unwilling to undertake required restructuring  Twinning institution unable to deliver necessary expertise	APIK mandate remains at a minimum in its current scope

<p><b>Specific (Project) Objective 1</b></p>	<p>APIK's has strong institutional development and change management capacities</p>	<p>Recommendations for improving the institutional development and change management capacities developed and adopted by APIK</p>	<p>Same as those defined under SO 2 and 3, below.  Project documents</p>	<p>BiH authorities unwilling to dedicate additional financial support</p>	
<p><b>Mandatory results/outputs by components 1.1</b></p>	<p>APIK has a comprehensive institutional development plan with short, medium- and long-term objectives, including the objectives of the present project, in order to:</p> <ul style="list-style-type: none"> <li>• to tap into evolving international AC knowledge base and transmit within BiH;</li> <li>• harness the power of public opinion to advance AC in BiH.</li> </ul>	<p>Revised strategy/plan adopted within 6 months of project start:</p> <ul style="list-style-type: none"> <li>• Based on an assessment of Institutional capacities and needs, including functional capacities (e.g. communication, public speaking/presentation, data analysis, data visualisation, language skills, etc.);</li> <li>• Based on analysis of efficiency/effectiveness of operational procedures;</li> <li>• Contains an assessment of advisory support/training requirements;</li> <li>• Contains cost estimates;</li> <li>• Other TBD in inception phase.</li> </ul> <p>By end of year 1, APIK has:</p> <ul style="list-style-type: none"> <li>• Relevant sub-strategies to reach designated objectives (e.g. communications, outreach strategy, etc.)</li> <li>• Relevant operational procedures to reach designated objectives;</li> <li>• APIK has relevant performance monitoring systems to reach designated objectives.</li> </ul>	<ul style="list-style-type: none"> <li>• Internal APIK documents; details TBD during Inception Phase</li> </ul>	<p>Mitigation measure: restructure APIK staff competencies to cover stipulated functions</p>	

<p><b>Specific (Project) Objective 2</b></p>	<p>APIK is the main authority coordinating and managing anti-corruption prevention in BiH</p>	<ul style="list-style-type: none"> <li>• APIK staff is equipped to ensure effective coordination on prevention of AC</li> </ul>	<ul style="list-style-type: none"> <li>• Informal discussions with AC partners;</li> <li>• Reports e.g. EU Progress Report, EUD evaluation of IPA AC assistance, etc.</li> <li>• Partner surveys (with simple free software e.g. Survey Monkey; first to be launched at Inception Phase of project)</li> </ul> <p>Existence of survey instruments TBD</p>		
<p><b>Mandatory results/outputs by components 2.1</b></p>	<p>APIK has the necessary infrastructure to improve communications and outreach</p>	<p>Dedicated sustainable financial and human resources exist for all the specified results/outputs secured within 6 months of project start:</p> <ul style="list-style-type: none"> <li>• Dedicated job description(s), including formalized backup roles</li> <li>• Formal request for all necessary budgeted salaries</li> <li>• Formal request for all necessary budgeted IT support funds</li> </ul>	<ul style="list-style-type: none"> <li>• Organigram</li> <li>• Job descriptions</li> <li>• APIK budget</li> </ul>		
<p><b>Mandatory results/outputs by components 2.2</b></p>	<p>APIK maintains regular communication with all relevant actors (ACB, NGOs, press, citizens, donors, international partners, etc.)</p>	<ul style="list-style-type: none"> <li>• Prompt and courteous communication (phone, e-mail) with all relevant actors</li> <li>• Proactive (min. monthly, TBD) solicitation of information from all partners and provisions of updates</li> </ul>	<ul style="list-style-type: none"> <li>• Customer satisfaction survey (feasibility TBD)</li> <li>• Internal performance and monitoring data</li> </ul>		

<p style="text-align: center;"><b>Mandatory results/outputs by components 2.3</b></p>	<p>APIK is the main news/ information/ knowledge resource on AC in BiH</p>	<p>APIK web site is</p> <ul style="list-style-type: none"> <li>• clearly organised,</li> <li>• user-friendly,</li> <li>• informative and</li> <li>• up-to-date</li> </ul>	<p>Web site contains up-to-date information:</p> <ul style="list-style-type: none"> <li>• AC architecture in BiH with links to other actors</li> <li>• APIK &amp; partners' current AC projects, events, etc.</li> <li>• Social media posts</li> <li>• Library/ archives on current AC knowledge in and outside BiH</li> <li>• Other TBD</li> </ul> <p>User satisfaction data integrated into web site and surveys</p>		
<p style="text-align: center;"><b>Mandatory results/outputs by components</b></p>		<ul style="list-style-type: none"> <li>• APIK staff are designated to establish and maintain contact with key AC knowledge sources/resources</li> <li>• Job descriptions incorporate above-noted knowledge enhancement responsibilities</li> <li>• Designated staff regularly (TBD) share updates on new information/resources within APIK and on public outlets</li> </ul>	<ul style="list-style-type: none"> <li>• Job descriptions</li> <li>• Internal performance monitoring data on: <ul style="list-style-type: none"> <li>○ Communications with partners</li> <li>○ Web/social media content</li> </ul> </li> </ul>		

<p><b>Mandatory results/outputs by components 2.4</b></p>	<p>APIK visibility and public knowledge about AC is increased through social media presence (FB, Twitter, LinkedIn, other)</p>	<ul style="list-style-type: none"> <li>• Public communication outputs (minimum bi-monthly, TBD)</li> <li>• Other standard indicators of social media effectiveness (e.g. number of followers, etc. TBD)</li> </ul>	<p>Internal performance monitoring data on:</p> <ul style="list-style-type: none"> <li>• Press releases,</li> <li>• web/social media posts,</li> <li>• e-mailing list messages,</li> </ul> <p>others TBD</p>		
<p><b>Mandatory results/outputs by components 2.5</b></p>	<p>APIK is the main coordination body on corruption prevention (donor, ACB, NGO)</p>	<ul style="list-style-type: none"> <li>• 2 donor coordination meetings annually (6 months + 1 year after project start)</li> <li>• 1 (minimum) all-AC actors information/coordination meeting(s) annually</li> <li>• Cost-efficiency benchmarks developed and met as a model of good practice</li> </ul>	<ul style="list-style-type: none"> <li>• meeting summaries circulated to all relevant partners</li> <li>• cost report circulated to relevant partners</li> </ul>		