

Bosnia and Herzegovina

58

Summary of Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The tobacco industry (TI) has been employing various tactics to hinder or alter tobacco control policies in Bosnia and Herzegovina (BiH). This includes influencing MPs and introducing amendments that weaken the original bills. During the final voting for the Law on Control and Restricted Use of Tobacco in the Federation of BiH from March to May 2022, the TI successfully opposed the bill resulting in significantly weakened tobacco control measures. It is suspected that some MPs accepted offers or assistance from the TI in exchange for suggesting amendments that weakened the law. The government's collaboration with the TI is still being determined, but local authorities have consulted the TI in policy drafting, and the reasoning provided for policy changes is not based on evidence-based facts or the WHO FCTC.

There is no evidence of the TI's participation in the BiH delegation to the COP or other subsidiary bodies, and the government does not allow/invite the TI to sit in government interagency/multi-sectoral committees/advisory groups that set public health policy. The TI's interference in the legislative process poses a threat to public health and raises concerns about the transparency and integrity of the legislative process.

2. INDUSTRY CSR ACTIVITIES

The TI engaged local decision-makers in its CSR activities in Bosnia and Herzegovina, including encouraging participation in the "Unsmoke Sarajevo" campaign. It donated \$100,000 towards COVID-19 pandemic relief efforts to the governments.

3. BENEFITS TO THE INDUSTRY

The TI has benefited from recent developments in Bosnia and Herzegovina. In May 2022, an amendment proposed by one of the clubs in the FBiH Parliament to postpone the implementation of smoke-free policies in public places from six months to one year was accepted and incorporated into the new tobacco control law. The BiH Council of Ministers also introduced a three-year moratorium on increasing excise taxes on tobacco products in 2019, which was then extended for another year in 2022.

4. UNNECESSARY INTERACTION

The evidence suggests no unnecessary interaction between the Bosnian government and the TI at the highest levels; top officials do not attend tobacco-sponsored events or foster relations with tobacco companies. However, the Administration of Indirect Taxation's "Stop the Smuggling" campaign is supported by major tobacco companies like PMI, JTI, and BAT.

5. TRANSPARENCY

There is a lack of transparency in the interactions between the government and the TI in Bosnia and Herzegovina. There is no public disclosure when necessary interactions for regulation take place, and there is no rule for the disclosure or registration of TI entities and their affiliates.

6. CONFLICT OF INTEREST

In BiH there is no policy in place to prohibit contributions from the TI to political parties or to require disclosure of such contributions. However there is also no evidence of

retired senior government officials being part of the TI, nor of current government officials or their relatives holding positions in the tobacco business.

7. PREVENTIVE MEASURES

The evidence on preventive measures suggests that there is no procedure for disclosing government interactions with

the TI in BiH. However, the newly adopted law on tobacco control in FBiH prescribes standards for government officials' dealings with the TI. The government can require the TI to submit information on production and market share, but not on lobbying or philanthropy. There is no program or plan to raise awareness of FCTC Article 5.3 Guidelines within government departments, and no policy to disallow acceptance of contributions or gifts from the TI.

Recommendations

1. Establish robust regulations to prohibit industry participation in policy development, ensuring the integrity of public health policies. By creating clear and enforceable laws that explicitly prevent the TI from influencing policy development, the government can protect public health interests and prevent the dilution of effective tobacco control measures.
2. Implement a transparent framework that requires public disclosure of necessary interactions between the government and the TI. By establishing a transparent reporting mechanism, the government can ensure accountability and build public trust by openly disclosing any interactions with the TI, promoting transparency in decision-making processes.
3. Enforce a complete ban on TI contributions to political parties, promoting independence and integrity in decision-making processes. By eliminating the influence of TI funding on political parties, the government can prevent conflicts of interest and uphold the principle of unbiased policy development.
4. Implement and enforce strict policies to prevent government officials or their relatives from holding positions in the TI, ensuring unbiased decision-making. By establishing stringent regulations and monitoring mechanisms, the government can minimize the risk of conflicts of interest and safeguard against undue industry influence on policy decisions.
5. Develop and promote awareness programs within government departments to educate officials on the WHO FCTC Article 5.3 Guidelines, reinforcing the importance of avoiding TI influence. By providing comprehensive training and awareness programs, officials can gain a better understanding of the risks associated with TI interference, enabling them to make informed decisions that prioritize public health.
6. Prohibit government officials from accepting contributions or gifts from the TI, safeguarding against potential conflicts of interest. By establishing a strict code of conduct that prohibits officials from accepting any form of TI gifts or benefits, the government can maintain the integrity of its decision-making process and prevent undue influence.
7. Implement an outright ban on TI corporate social responsibility (CSR) activities, in accordance with the guidelines outlined in Article 13 of the Framework Convention on Tobacco Control (FCTC). By adopting a ban rather than mere regulation, governments can effectively prevent the industry from exploiting CSR initiatives to promote tobacco products or create a favorable public image, which would otherwise undermine efforts toward tobacco control.
8. Ratify the Protocol to Eliminate Illicit Trade in Tobacco Products to enable BiH to discontinue collaboration with TI entities in tackling tobacco smuggling. Instead, BiH should seek direct technical assistance from countries and inter-governmental agencies specialized in combating smuggling. By ratifying the Protocol and shifting collaboration efforts, BiH can enhance its effectiveness in addressing the illicit trade in tobacco products and benefit from expertise and resources offered by relevant international entities dedicated to tackling smuggling.