

Bosnia and Herzegovina



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

The tobacco industry (TI) continues to exert significant influence over tobacco control policies in Bosnia and Herzegovina (BiH), undermining legislative progress. The Government of the Federation of BiH failed to meet the 28 November 2023 deadline to appoint the Federal Commission as mandated by the Tobacco Control Law, raising concerns about its commitment to effective implementation. Industry-backed amendments and procedural delays have weakened the law's impact, with bylaws postponed for more than a year, hindering enforcement.

In Republika Srpska, TI influence remains strong, with weaker regulations and the absence of comprehensive smoke-free laws limiting tobacco control. In the Brčko District, regulatory loopholes have enabled tax evasion by the TI, undermining public health initiatives and delaying stronger protections.

2. Industry CSR Activities

Although Article 5.3 of the WHO FCTC is incorporated into BiH's tobacco control law, data on TI corporate social responsibility (CSR) activities remain limited. A key success was the blocking of the "Unsmoke Sarajevo" campaign, after which no major CSR initiatives were observed. In response, the TI shifted to marketing through parties and entertainment, reinforcing tobacco use among youth. Further research is needed to assess the impact of this strategy.

3. Benefits to the Industry

The TI exploits regulatory gaps, including a moratorium on excise tax hikes since 2018, which keeps tobacco products affordable and delays necessary adjustments. Delays in implementing tobacco control measures and inconsistent enforcement further benefit the industry. Major companies such as Philip Morris International (PMI) and British American Tobacco (BAT) have used these gaps to promote new products, such as IQOS and GLO, through online platforms and influencer partnerships. The Ministry of Health in Republika Srpska has also refused to cooperate with civil society organizations on tobacco control, indirectly supporting TI interests. Additionally, the lack of updated data about the TI limits transparency and oversight.

4. Unnecessary Interaction

There is no official evidence of unnecessary interactions between high-level government officials and the TI, though unofficial sources confirm such interactions occur. Collaborations such as the "Stop the Smuggling" campaign, supported by PMI, Japan Tobacco International (JTI), and BAT, raise concerns about conflicts of interest. The continued involvement of the Administration of Indirect Taxation in these campaigns risks undermining independent policymaking.

5. Transparency

Government–TI interactions lack transparency. The new tobacco control law requires disclosure of interactions with the TI, which should occur only when necessary for regulation. However, implementation of these provisions is lagging, and there is no publicly accessible registry of TI entities or affiliates.

6. Conflict of Interest

There is no evidence of retired senior government officials joining the TI, nor current officials or their relatives holding TI positions. The tobacco control law prohibits partnerships, agreements, or incentives from the TI to public bodies, but it lacks a monitoring and enforcement mechanism. This creates accountability gaps and insufficient education on conflict-of-interest rules for public officials.

Although no official records exist, credible sources indicate informal interactions between the TI and policymakers, raising concerns about undue influence. In Republika

Srpska, no specific conflict-of-interest provisions exist in tobacco control law, although officials are required to avoid conflicts under the Law on Conflict of Interest in Bosnia and Herzegovina.

7. Preventive Measures

The Federation's tobacco control law sets standards for government–TI interactions but lacks a procedure for disclosing these interactions. While the TI must provide information on production and market share, lobbying and philanthropy activities are not disclosed.

There are no awareness programs on WHO FCTC Article 5.3 guidelines, and no policy prevents the acceptance of TI contributions or gifts. Industry influence and lobbying efforts undermine enforcement, while limited inspection capacity creates further challenges. Increased transparency, institutional capacity, and public oversight are needed to ensure accountability and prevent TI interference.

RECOMMENDATIONS

1. Strengthen tobacco control legislation by enhancing the MPOWER framework and ensuring its full implementation in the Federation of BiH, while improving MPOWER measures in Republika Srpska through new legislation without exemptions for any tobacco products.
2. Ensure effective implementation of the tobacco control law by prioritizing immediate and sustained enforcement efforts to achieve both short-term and long-term public health benefits.
3. Strengthen transparency and integrity by mandating full public disclosure of government interactions with the TI and implementing strict regulations prohibiting TI involvement in policy development.
4. Eliminate TI influence by enforcing a complete ban on TI contributions to political parties and prohibiting government officials and their relatives from holding positions in the industry.
5. Raise awareness of WHO FCTC Article 5.3 by developing and implementing comprehensive education and awareness programs across all levels of government, from local officials to ministry leadership, to reinforce the importance of avoiding TI influence.