

**BOSNA I HERCEGOVINA**  
*Konkurencijsko vijeće*



**БОСНА И ХЕРЦЕГОВИНА**  
*Конкуренцијски савјет*

**BOSNIA AND HERZEGOVINA**  
*Council of Competition*

# **CODE OF ETHICS**

**Sarajevo - 2004.**

Bearing in mind the role and the importance of the Council of Competition, as an independent body, emerging from the Law on Competition, («Official Gazette of BiH», No. 30/01) as well as duties set forth for the Councilors of the Council of Competition and the Staff of Council of Competition, pertaining to the enforcement of the competition and other laws and regulations of Bosnia and Herzegovina, the Council of Competition of Bosnia and Herzegovina at its 3 (third) session held on 3 June 2004, adopted

## **CODE OF ETHICS**

This Code of Ethics (hereinafter: Code) prescribes the general and special duties and principles pertaining to the work, activities, and behavior of the Councilors of the Council of Competition (hereinafter: Councilor) and the Staff of the Council of Competition (hereinafter: Staff).

Code is adopted to affirm the activities of the Council of Competition as impartial and professional body, which applies laws and regulations of Bosnia and Herzegovina.

Code is based on the provisions of the laws, moral and ethical principles and objectivity.

Councilors and Staff, regardless of:

- who appointed or selected them,
- whether they were appointed or selected from the public or private sector

are bound to remain independent from any political or economic influence.

Work, activities, and behavior of the Councilors or Staff shall serve as an example to other parties /institutions in Bosnia and Herzegovina – Offices for the Competition and the Consumer Protection in Federation of Bosnia and Herzegovina and the Republika Srpska.

### **1. Provisions based on laws of Bosnia and Herzegovina**

#### ***1.1. Keeping and non-publication of the business secret***

Based upon Article 11 of the Law on Competition of Bosnia and Herzegovina, Councilor has a status of independent administrative judge.

Based upon Article 237 of the Criminal Code of Bosnia and Herzegovina, a person who unauthorized discloses information, learned from the court, minor offense or administrative procedure before Court or the institutions of Bosnia and Herzegovina, which cannot be made public in accordance with the law or the respective Court decisions or respective institutions of Bosnia and Herzegovina, shall be sanctioned by the respective institution.

#### ***1.2 Discretion in work, activities, and behavior***

Within the Council of Competition, the Councilor has to respect the procedure for the publication of business secret, which particularly covers legal documents, content of the procedure, consultations, as well as results prior to the publication of the decision in subject.

Based upon Article 54 of the Law on state service in the institutions of Bosnia and Herzegovina, Staff may be the subject of disciplinary proceeding in case of the violation of office pertaining to the publication of official secret, for the actions contrary to the provisions pertaining to the keeping of such secret or for undertaking of such actions that could impede or prevent citizens or other parties/subjects in realization of their rights during the proceedings held before the competent state institutions.

Based upon article 54 of the same Law, Staff cannot undertake any actions or activities which are contrary to the interests of the state service. This principle is particularly applicable in case of publication of documents and statements presented within activities pertaining to the

representation or dissemination of information to the public about the competition concepts in concrete cases.

These duties include all the facts, information, and documents of which the Councilors and Staff are aware during the execution of their set responsibilities.

Councilor and Staff are to inform the President of Council of Competition on the views before they were made public or publication.

### ***1.2. Exceptions based on laws***

Based upon Article 11 of the Law on Competition, activities and actions of Councilors are incompatible with any other direct or indirect, permanent or temporary activity or duty, with the exception of academic activities.

In case of any academic activity carried out by individual Councilor or Staff member, they have to find the balance between their own rights to the freedom of speech and their own responsibilities in the capacity of Councilor or Staff member.

## **2. Principle based upon objectivity, ethics, and moral**

### ***2.1. Incompatibility in work and activities of Councilor who used to be a President of one of the interested parties***

Councilor who was on the management board or was in any other way linked with the party that became a party in a dispute before the Council of Competition is advised not to participate in decision making of the decision in subject to be made by the Council of Competition.

### ***2.2 Delivering of information to the Council of Competition on the interests or functions of the Staff which they had while working in the economic activity***

Staff is to inform the Council of Competition on their own operation/activities in the economic subjects, aiming to avoid eventual participation in the cases, considered by the Council of Competition, involving their business interests or functions.

## **3. Accepting of the Code**

Councilor and Staff shall sign the Statement, clearly indicating that they are informed about the content of the Code and that shall abide by the general and special duties and principles pertaining to the work and activities of the Council of Competition.

During the signing of the Statement, every Councilor and a Staff member shall get a copy of the Code.

Statement is integral part of the Code and it is signed in two originals, out of which one original is filed in a personal file, and the other into the archive of the Council of Competition.

**C.C. No.: 01-12/04  
07 June 2004  
Sarajevo**

**President  
Council of Competition  
Dragiša Stanković**