

## **To annul the appointment of the Director of IDDEEA due to the incompatibility of functions**

TI BiH requested from the Ministry of Civil Affairs to annul the appointment of Arif Nanic to the position of the Director of IDDEEA, because he has been a member of the Procurement Review Body at the same time, which is contrary to the Law on Public Procurement of BiH.

**Banja Luka, 30th May 2017** – Transparency International in Bosnia and Herzegovina (TI BiH) submitted to the Ministry of Civil Affairs of BiH a proposal to cancel the appointment of Arif Nanic to the position of the Director of the Agency for Identification Documents, Registers and Data Exchange of BiH (IDDEEA). Nanic was appointed by the Council of Ministers to the position of the Director of IDDEEA although he has been a member of the Procurement Review Body (PRB) at the same time, which is contrary to the Law on Public Procurement of BiH that clearly prescribes that the function of a member of PRB is „incompatible with any other direct or indirect, permanent or temporary duty“.

TI BiH received from PRB a confirmation that Nanic has not resigned as a member of the PRB in subsidiary Banja Luka until 19th May 2017, which is why they contacted the Ministry of Civil Affairs with an objection to the appointment of Nanic as the Director of IDDEEA since it was against the principles of the Law on Ministerial Appointments, Appointments of the Council of Ministers and other Appointments in BiH – specifically principle of legality which requires that all public appointments are made in a legal manner and in accordance with all applicable rules, regulations and laws.

This case caused not only a violation of legal provisions, but it also demonstrated weaknesses in performing checks that should stop appointments to the incompatible functions. On the other hand, Nanic could be in conflict of interest in this position, since he manages the contracting authority that performs public procurement and at the same time exercises the function of the member of PRB which is responsible for the implementation of the Law on Public Procurement and acting upon appeals to specific actions.

For all above mentioned, TI BiH requested from the Ministry of Civil Affairs to annul this appointment and to initiate new appointment procedure. If the Ministry fails to act upon this proposal, TI BiH will address institutions responsible for the dismissal of members of PRB in order to correct the incompatibility mentioned.