

Date: 16.09.2022.

Number: 02-06-1003

Criminal complaint against Minister Vojin Mitrović: Illegal regulations enable millions from vehicle registration to be directed to a private company

Banja Luka, September 16, 2022: Two days ago, Transparency International in BiH (TI BiH) filed a criminal complaint against the Minister of Transport and Communications of BiH, Vojin Mitrović, due to the illegal adoption of the new Ordinance on vehicle registration, which opens the possibility of significant revenues that will be charged by the state for future directions to the private company.

With this rulebook, which came into force on September 1, Mitrović predicted that the Ministry could hand over the work of purchasing stickers, which until now had been handled by state institutions, to an "expert institution" that would be chosen through a public competition. It is also foreseen that drivers in Bosnia and Herzegovina will be able to pay the fee to the "expert institution" chosen by the Ministry in the future during vehicle registration, which practically means that significant public funds would be diverted to a private company.

Everything was done illegally because the minister can only prescribe provisions on the appearance and content of the sticker by means of an ordinance, which is an act of lower legal force. Stickers, but public authorizations can only be given by law. However, not a single article of the Law on the Basics of Traffic Safety on Roads in Bosnia and Herzegovina stipulates that the minister has the authority to prescribe who will procure stickers and collect public revenues. That is why TI BiH believes that Mitrović committed the criminal offense of abuse of official position or authority from Article 220 of the Criminal Code of BiH, which can be committed by an official if he exceeds his authority in order to obtain benefits for himself or others.

The proof that there is a clear intention to benefit others is reflected in the very precisely set conditions in the rulebook that must be met by the "professional institution". As one of the conditions, it is stated that persons employed as team members in a "professional institution" must possess certain certificates, which a few years ago, during the million-dollar procurement of software for the Forests of the Republika Srpska, was possessed by only one company, which in recent years received tens of millions of marks in tenders in the Republic Serbian.

Also, this rulebook requires the bidder to possess the ISO standard 18000-63, which is stated on the website of the International Organization for Standards ISO as being withdrawn from use. By setting such conditions, they are obviously trying to favor certain bidders and limit competition, and a particular problem is that a private company is given the competences already held by the state Agency for Identification Documents, Records and Data Exchange (IDDEEA).

The Agency previously announced that the Ministry ignored their opinion, which states that the introduction of new stickers with RFID technology is unnecessary because the competent MUPs have already acquired a large number of cameras that check whether the vehicle is registered via license plates. For this reason, IDEEA states that the introduction of expensive new technology that would do the same thing is unnecessary and will cost drivers more, but will also require additional investment in equipment for reading new chips. An additional problem is security, because the regulation allows a private company to dispose of citizens' data, and this can lead to the misuse of technology that allows locating and tracking vehicles.

Bearing in mind all of the above, it is evident that this is about passing regulations tailored to individuals, as we already had the opportunity to see with the passing of the Law on Games of Chance in the Republic of Srpska, where the exclusive right to organize was given to a private company connected to the top of the government. This move is an obvious example of how a captured state functions, where institutions serve the interests of individuals and the ruling elite instead of the public interest.