

ADMINISTRATIVE AND CRIMINAL PROCEDURES

Standard documents of a administrative procedures.

Sources of identifying conflicts of interest cases.

General attitudes.

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THE SYSTEM OF IDENTIFYING CONFLICTS OF INTEREST

- 1) The system of identifying the interests in the condition of case by case conflicts of interest.
- 2) The system of identifying the periodic private interest.

PROCEDURES OF IDENTIFICATION SYSTEMS

At anytime in written documentation.

- Procedures of self-declaration
- ✓ By the public official in both systems within the legal time limits.
- Procedures of the declaration upon request
- ✓ By the public official in both systems upon request of the relevant structure.

THE OFFICIAL DOCUMENTATION

- ❑ Declaration form of case by case conflicts of interests.

- ❑ Declaration form of periodic private interests.
 - Declaration form of private interest before starting work.
 - Declaration form of private interests after leaving function.

EXCLUSIONARY CASES

- The declaration form in a written form is not indispensable when the verbal declarations of the public officials are registered and can be documented in conformity to the procedures stipulated in the law or in the internal regulation of every public institution.

PRIVATE INTERESTS

- Private interests are obligatory to be declared.
- Private interests that are not declared and are not required to be declared.
 - ✓ Ethnical relations
 - ✓ Religious relations
 - ✓ Friendship or enmity relations
 - ✓ Engagements in political activities

SOURCES OF IDENTIFYING THE PRIVATE INTERESTS

- Third persons.
 - ✓ Any public official, superior of the official
 - ✓ Public institution
 - ✓ Interested parties
- Other sources of information
 - ✓ Any public or private register.
 - ✓ Data from the media
 - ✓ Any lodged complaints from the public
 - ✓ Other lawful sources

THE REPRESENTATIVE AUTHORITIES AND THE RESPONSIBLE STRUCTURES

- HIDAA the Main Responsible Authority
- The superiors of the public officials according to the hierarchy
- Directors of the human resource units and other especially established units.
- Superior institutions.

COMPETENCES OF THE REPRESENTATIVE AUTHORITIES

- To collect the data on private interest of the public official
- To accept and collect information
- To verify the credibility of the information and data
- To announce this information to the public officials
- To provide the possibility to the official to provide the opposite
- To register the private interests

REGISTRATION OF CONFLICTS OF INTEREST

To be registered case by case

- The identity of the public official
- The private interests because of a conflict of interest
- The essence of the conflict of interest
- The interested parties
- The source of the data
- Manner of collecting and verifying the private interests
- The decision that is taken (superior, superior institution or court)

THE MEASURES TAKEN BY THE PUBLIC OFFICIAL

- Transfer or alienation of private interests
- Self-exclusion
- Transferring the competences to another public official
- Resignation from private interests or engagements
- Resignation from public function

MEASURES TAKEN BY THE SUPERIOR


- Limitation to information
- Avoidance from the public function that leads to a conflict of interest
- Avoidance to decision-taking process
- Alteration of public function and competences of the public official
- Transfers the public official to a different function
- Avoids the appointment with regard to functions related to conflict of interests.
- Revokes the acts on conflicts of interests.

CONSEQUENCES

- Disciplinary measures
- Administrative measures
- Criminal measures
- Criminal liability is applied notwithstanding the administrative liability and vice-versa
- Invalidity of administrative acts and contracts.

LEGAL FRAMEWORK

- Law no 9367 dated 7 April 2005 “On the prevention of conflicts of interests in the exercise of public functions”
- Laws that regulate the work relations and status of the public officials
- Code of Administrative Procedures
- Code of Criminal Procedures
- Code of Civil Procedures



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