



REPUBLIC OF MOLDOVA

**International workshop
Conflicts of Interest prevention, tools and
measures**

CONFLICT OF INTEREST AND RELATED PERSONS

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LAWS of R. Moldova

- **Law on conflict of interest No. 16-XVI from 15.02.2008**
- **Law on prevention and combating of corruption No. 90-XVI from 25.04.2008**
- **Law on Ethics Code for civil servants No. 25-XVI from 22.02.2008**
- **Law on public function and statute of the civil servant No. 158-XVI from 04.07.2008**

DEFINITION OF CONFLICT OF INTEREST

- a situation where a person with a public function, should take a decision or participate in making decisions, or undertake, in carrying out his duties, other actions that affect or may affect his personal interests

DEFINITION OF RELATED PERSONS

- the husband (wife), persons related by blood or adoption (parents, children, brothers, sisters, grandparents, grandchildren, uncles, aunts) and persons related by affinity (brother in-law, sister in-law, mother in-law, father in-law, son in-law daughter in-law)

Opinions of national experts

- **PRO extension of the list of related persons**
- **AGAINST extension of the list of related persons**

PRO extension of the list of related persons

To include in the list first-degree cousins, godfathers, godparents, godsons, goddaughters, friends, current and former colleagues for:

- correct interpretations of the term “related persons”
- identifying all the situations of conflict of interests

AGAINST extension of the list of related persons

- the list of related persons would have no limit
- it won't work in rural area
- the essence of conflict of interest is based on affection and not on title
- might cause some people to be unwilling to occupy public function

RESTRICTIONS APPLICABLE TO RELATED PERSONS

- **Art. 26 of the Law on public function and statute of the civil servant**
- **Public officials can not exercise a public function under the direct subordination of a direct relative (parent, brother, sister, son, daughter) or a relative by affinity (husband / wife, parent, brother or sister of spouse) in the same public authority**
- **The same prohibition applies when the civil servant's immediate superior (chief) has the status of higher ranked official**
- **People who are in situations described above should take action to end direct hierarchical relationship within two months**
- **If these conditions are not met, the public servant is transferred to a position that would exclude such subordination, and if the transfer is not possible, it is dismissed from public function**

RELATED PERSONS AND FINANCIAL DISCLOSURE

- public servants are obliged to submit in writing form to the chief or hierarchically superior body, interest statement in which they declares only private interests or those of the related persons (Law on conflict of interest no. 16-XVI from 15.02.2008)
- public servants submits annually the declaration of the year income, in which they declare their and earnings of spouse, minor children and those on maintenance (Law on declaring income and property and control of state officials, judges, prosecutors, public officials and persons in position of leadership no. 1264-XV of 19.07.2002)

RELATED PERSONS AND FINANCIAL DISCLOSURE

- **prior review of declaration of income - Control departmental committees**
- **de facto control of the declarations of income – CCECC**
- **Center only verifies if the public servant disclosed all assets and only if the declaration is erroneous Center may start a penal case**
- **public officials can not be liable for prosecution if they declare assets and properties that exceeds the amount of the income during the year**

SANCTIONS

- **Moldovan legislation does not provide directly the responsibility for violations of legislation on conflict of interest**
- **corruption behavior fact - implication into the activity of any other organ, enterprise, institution or organization independently on their types of property or legal organizational structure, when such implication is not a part of their competence, with abuse of authority, resulting in the appearance of conflict of interests (art. 15 of the Law on prevention and combating of corruption)**

SANCTIONS

- **misconduct - the violation of provisions established by law on obligations, incompatibility, conflict of interest and other restrictions (art. 57 of the Law public service and statute of the civil servant)**
- **cover-up of a corruption fact and nepotism, the escape from undertaking the necessary measures towards the subordinate officials guilty of committing such actions (art. 314 of the Code of Offenses of the Republic of Moldova, approved by Law no. 218-XVI from 24.10.2008)**

Thank you for your attention