

## Exchange of experiences on the development and enforcement of asset and income declaration systems, for public officials

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### The Anti-corruption Agency

- The Anti-corruption Agency became operational in 2010.
- Main competences:
  - Prevention/education/international cooperation
  - Oversight of Financing of Political Entities
  - Establish and keep registers (of officials and officials' property), oversight of officials' property and resolve conflict of interest of public officials

## Regular Property Disclosure Report

- The Law on Anti-corruption Agency envisaged that:
- Official is obligated to submit to the Agency disclosure report on his property and income within 30 days of election, appointment or nomination
- Official is obligated to submit disclosure report of the property and income of his/her spouse or common-law partner, as well as of under-age children if they live in the same household
- Official is obligated to submit to the Agency disclosure report on his/her property and income is within 30 days from the day of termination of office with the status as of the day of termination of office

## Extraordinary Property Disclosure Report

- Official is obligated to file EXTRAORDINARY PROPERTY DISCLOSURE REPORT only if significant change occurs in respect of data from the Report filed previously
- This type of report shall be filed not later than 31 January of the current year with the status of property and income as of 31 December of the previous year

## Content of the Report

- The Law on Anti-corruption Agency listed property and income that should be the content of the report in home and abroad
- The director of the Agency is obliged to specify the content form and filing procedure

## Property Register

The Law envisaged that following information should be published on the Agency's web site:

- Information on the public functions he/she discharges is public;
- Information on salary and other entitlements received by the official from the budget and other public sources;
- Ownership right on real property in the country of residence or abroad, without specifying the address of such property;
- Ownership right on a vehicle, without specifying the registration number;
- Savings deposit, without specifying the bank and account number;
- Right to use a flat for official purposes.

## What the Agency is obliged to do?

- The Agency checks due filing of Report and accuracy and completeness of information, in other words if the form is filled in properly
- The Agency is obliged to make annual verification schedule
- The Agency checks the accuracy of information in the Report and to carry out the checks the Agency may request from competent authorities to obtain data from financial organizations, companies and other persons.
- The Agency follows the procedure if a discrepancy is revealed between the data presented in the Report and actual situation
- When the Agency establishes that an official has violated provisions of the Law, it shall notify the competent body for the purpose of instituting a disciplinary, misdemeanor or criminal procedure, in accordance with law.
- The bodies are obliged to notify the Agency on the measures they have undertaken within 90 days from the date of notification.

## Criminal and misdemeanor offences

**Criminal offence** “Failure to report property or reporting false information”

- An official who fails to report property to the Agency or gives false information about the property, with an intention of concealing facts about their property, shall be punished with imprisonment from six months to five years.

**Misdemeanor offence**

- An official shall be fined if he or she fails to report property in the manner and within deadlines provided under articles of the Law.

## Challenges

- In 2010 the property reports were submitted in printed form, or sometimes even handwritten, which slowed down their input into the temporary electronic system;
- There were technical shortcomings and irregularities noted in the submitted officials' reports, which weren't corrected even after the Agency's repeated requests to those officials to complete their reports;
- The Agency can't access to databases and other records maintained by other state bodies and institutions, such as Tax Administration, Tax Police, Ministry of Interior etc. The Agency obtains data through correspondence.

## Improving the implementation of the Law in 2011

- The applicative software is created and installed for electronic keeping and maintaining registers

Advantages:

- Officials are obliged to file electronic form downloaded from the Agency's website;
- The form contains so called required fields, drop down menus and identification number that reduce opportunity for error;
- After submitting the form, the sender will receive bar code confirming that the process worked and that the form is from the Agency's server.

## Results:

- In 2010 and 2011 the Agency received 20 853 property disclosure reports;
- In 2011 the Agency filled one criminal charge in regard of criminal offence “Failure to report property or reporting false information”;
- In two cases the prosecutor was notify to initiate criminal procedures against two public officials for giving false information in the property report;
- In eight cases the Agency notified Misdemeanor courts to initiate procedure against eight public officials for failing to report property on time.

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