1(8) ISSN 2083-7127

THE ANTI-CORRUPTION BULLETIN

BULLETIN OF THE CENTRAL ANTI-CORRUPTION BUREAU

WARSAW 2017

1(8)

THE ANTI-CORRUPTION BULLETIN

BULLETIN OF THE CENTRAL ANTI-CORRUPTION BUREAU

South-East Europe Anti-Corruption Authorities

WARSAW 2017

The Central Anti-Corruption Bureau has the pleasure of presenting a new edition of the Anti-Corruption Bulletin dealing with anti-corruption authorities (ACA's) in Central and Eastern Europe.

The content of the magazine is the result of international cooperation continuously reinforced between the ACA's in the region. The collaboration is not limited to operational activities, but also aims to exchange the best practices and solutions as well as to promote peer institutions established to fight corruption.

The Bulletin contains self-descriptions of the authorities and the original versions of translations of the legal acts which formed the grounds for their establishment, as they were provided by the ACA's.

EDITOR-IN-CHIEF:
Iwona Czerniec

CONTACT:
The Central Anti-Corruption Bureau
Al. Ujazdowskie 9
00–583 Warsaw

COVER DESIGN AND COMPOSITION:
The Central Anti-Corruption Bureau
Al. Ujazdowskie 9
00–583 Warsaw

PRINT:
Publishing House: Police Training Centre in Legionowo
ul. Zegrzyńska 121, 05–119 Legionowo

FRONT COVER PHOTO:
www.freepik.com

Edition: 300 copies

ISSN 2083-7127

TABLE OF CONTENTS

South-East Europe Anti-Corruption Authorities in Light of European Partners against Corruption (EPAC) Anti-Corruption Standards

In the times when both the governing elites and society notice that corruption is reflected not only in the depletion of the state budget and its stability, but also in the content of the wallets of ordinary citizens and their security, social and political awareness aiming to prevent and combat this phenomenon tends to grow. All countries have been joining their endeavours to develop the best mechanisms to fight corruption. International conventions oblige the signatory states to establish anti-corruption authorities vested with powers set forth in national laws. Cross-border and transnational crime force different nations to strengthen and streamline international cooperation as well as to build on previous expertise of other agencies. During international events, such as seminars or conferences, the authorities exchange best practices arising from a long-term involvement in the fight against crime, including corruption.

As a result of the dynamically evolving reality, the European Union requires from the member states, acceding and candidate countries to establish anti-corruption authorities and ensure their efficient operation. Leaving the structural issues at the states' discretion, the EU obliges the states to vest the bodies with necessary independence, to enable the bodies to carry out their functions effectively and free from any undue influence. The states should also provide specialised staff and training that such staff may require to carry out their functions.

Combating corruption constitutes the most serious problem in the post-communist countries. Years of social and political determinants, an extensive administrative system which did not render services to the citizens and making significant decisions dependent on a civil servant's whim ingrained a belief in society that bribes must be paid. "Settling" issues for money, openings for particular persons or the "favour" for "favour" practice became commonplace of the communist countries in Europe. In the new reality, the countries have to cope with the problem not only on legal grounds, but also on social and cultural.

Beside Poland, also Romania, Moldova, Lithuania, Serbia, and Ukraine got involved in the fight against corruption in a similar context. Each of the countries established an authority specialised to counteract and combat corruption. Poland set up the Central Anti-Corruption Bureau (CBA) as a coordinator of activities undertaken by agencies fighting corruption. Romania shared competences between the National Integrity Agency (ANI), the Anti-Corruption General Directorate (DGA), and the National Anticorruption Directorate (DNA). Lithuania founded

the Special Investigation Service (STT), and Moldova the National Anticorruption Center[1] (CNA). Serbia established the Anti-Corruption Agency and Ukraine the National Anti-Corruption Bureau of Ukraine.

International organisations support European countries in their endeavours to curb corruption through issuing guidelines which assist establishing anti-corruption policies and codes of ethics as well as shape proper attitudes of citizens and civil servants.

In November 2011, at the 11th European Partners against Corruption/European Contact-Point Network against Corruption (EPAC/EACN) Annual Professional Conference held in Laxenburg, Austria, having considered contributions from the Member States concerned, EPAC adopted *Anti-Corruption Authority Standards*.[2] The elaboration is based on international conventions and other legal instruments, basically on the United Nations Convention against Corruption, the Council of Europe Criminal Law Convention on Corruption, the Council of Europe Civil Law Convention on Corruption, the Council of Europe Resolution (97) 24 on the twenty guiding principles for the fight against corruption, the Organisation for Economic Co-operation and Development (OECD[3]) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Anti-Bribery Convention).

EPAC presents ten standards which should be satisfied by anti-corruption authorities. They were also meant as guidelines in the abovementioned countries, providing an opportunity to streamline an effective fight against corruption. The standards issued by the OECD are as follows:

1. the rule of law: establishing of an anti-corruption Agency (ACA) pursuant to a law which provides for the agency's main attributes, its position in the existing institutional framework of the country as well as its powers and accountability;
2. independence, which constitutes the grounds for the credibility of ACA's, including political independence, functional independence (meaning powers and competence which enable to perform the ACA's statutory tasks), institutional independence (the position in the administrative system of the state, the manner of appointing as well recalling, removing and dismissing of the ACA authorities) as well as financial independence (eliminating the possibilities of undue influence on the ACA's decision through financial means allocations); ACA's should perform their activities without undue influence or undue reporting obligations on their decisions and procedures undertaken; the notion of independence also covers the term in office of the head of the ACA;[4]
3. accountability regulated by proper procedures and mechanisms which ensure the assessment of the bodies' performance and their compliance with the law and the principles of ethics while allowing space for mechanisms to protect the authorities against malicious and unjustified accusations;
4. integrity and impartiality in performing professional duties, and to be an exemplar of the standards and values that the authority seeks to promote and enforce;
5. accessibility consisting in: (1) providing society with tools to prevent and report corruption, including by anonymous communication channels; (2) the anti-corruption authority, in turn, should have access to all necessary information, subject merely to limitations and restrictions resulting from the democratic system of the state;
6. transparency and confidentiality ensured by mechanisms which create balance between the ACA transparency and confidentiality of sources of information, tactics and methodology of carrying out statutory tasks;

[1] Transformed from the Centre for Fighting Economic Crimes and Corruption.
[2] *Anti-Corruption Authority (ACA) Standards*.
[3] Organisation for Economic Cooperation and Development.
[4] For more information on the independence of anti-corruption authorities see the attachment to *Anti-Corruption Authority (ACA) Standards: EPAC/EACN 10 Guiding Principles and Parameters on the Notion of Independence of AC Bodies*.

7. financial and material resources which allow the employment of a sufficient number of qualified staff, providing them with an attractive system of remuneration and incentives as well as ensuring proper working conditions;
8. recruitment based on transparent and fair principles, specialist training, and objective requirements for a career ladder;
9. bilateral and multilateral cooperation between national and foreign sectors and agencies;
10. holistic approach to preventing and fighting corruption including legal, social and administrative aspects as well as an active participation of society in prevention of and fight against corruption at all levels and all stages.

The above standards are meant to be guidelines and they have to be adjusted to legal systems as well as social and cultural environments of the countries intending to curb corruption. Beside the determination of the anti-corruption agencies and the social acceptance, political will appears the most important and the most decisive factor in implementing the standards into national legal and political framework.

Let us see how the anti-corruption authorities presented in this Bulletin can be assessed in light of EPAC standards.

NATIONAL INTEGRITY AGENCY (ANI,[5] Romania)

1. **The rule of law**

ANI was established pursuant to the Act No. 144/2007, which sets forth the scope of its competence and tasks as a separate, autonomous administrative authority, established to verify asset declarations, conflicts of interest and incompatibilities.

2. **Independence**

The Agency is headed by a President, assisted by a Vice President, both appointed for a 4-year unrenewable term of office by the Senate, based on a competition organised by the National Integrity Council. The Agency's President acts as the main chief financial officer. The main decision makers as well as the integrity inspectors act according to the principle of operational independence, and they may not seek or receive provisions relating to the assessments of property of persons, conflicts of interest and incompatibilities of any public authority, institution or person.

3. **Accountability**

Each trimester or every time when requested by the Council, the Agency submits a report to the National Integrity Council. The Council analyses the reports and the information provided by the Agency, elaborates recommendations, and presents the Senate with the report on the Agency's performance.

The quality of the Agency's management is evaluated once a year by an independent, external auditing unit selected in compliance with legal provisions on public procurement. Public or private sector entities to which the state is a shareholder may not participate in the public procurement procedures.

4. **Integrity and impartiality**

The Act establishing the ANI ensures that the Agency conducts its activities free of any undue influence. The members of the National Integrity Council and the staff of the Agency may not express publicly its opinion regarding the cases pending with the Agency and the Council. Responsibilities and ethical values of an ANI integrity inspector are set forth in the Act. Moreover, the Agency's inspectors are obliged to act according to legality, confidentiality, impartiality, operational independence, speed, good governance, right to defence and the presumption of lawful acquisition of wealth. The staff of the Agency may be subject to civil, disciplinary, administrative and criminal liability when not abiding by the above principles.

The Agency has also elaborated a code of conduct, which imposes obligations on all persons employed by the Agency.

5. **Accessibility**

The Agency's official website offers three manners of reporting law violations: by telephone, in person or through a form available on the website. Via all public and private institutions as well

[5] Agenția Națională de Integritate.

as natural persons, the Agency has access to all information necessary to carry out verification. However, there is an obligation to keep the information confidential. This access is broadened and facilitated through the application of Prevent – an integrated system for prevention and identification of conflict of interest in public procurement.

6. **Transparency and confidentiality**

Each time, on its official website, ANI informs the public about the findings of the cases carried out. The site also provides news on pending causes. ANI's performance reports reveal information on incompatibilities. The results of cases accomplished are available on the official website and in ANI's performance reports.

The staff of the Agency may not express publicly their opinion regarding the cases pending with the Agency. They are also not allowed to disclose data or information to which they had access, except when requested by the law. This prohibition continues to apply 5 years after the activity ceased. Non-compliance is sanctioned by the criminal law.

7. **Financial and material resources**

The establishing Act ensures that ANI is provided with sufficient financial resources to carry out the Agency's activities, and entrusts the President of the Agency with the powers of the main chief financial officer. The state budget guarantees all necessary material and logistic resources to conduct the Agency's statutory tasks.

8. **Recruitment, training, and career**

The procedures for recruitment of management members and inspectors are strictly prescribed by the Act. The candidates are selected in the course of a competition or an examination. The maximum number of positions of the Agency is 200, and the employees' remuneration is laid down by the Act. ANI develops annual training plans to raise the skills of the staff.

9. **Cooperation**

ANI cooperates both with national and foreign entities in the form of conferences and study visits. Cooperation with other public and private bodies in the area of verification of declarations may be initiated by the inspectors on the grounds of the Act.

10. **Holistic approach**

Pursuant to the law, the Agency verifies declarations and statements filed by obliged person, but also their co-habitants. The citizens may contact ANI via electronic mail or telephone as well as in person, which often results in control procedure instituted against the persons indicated in the report.

ANTI-CORRUPTION GENERAL DIRECTORATE

(DGA,[6] Romania)

1. **The rule of law**

The Directorate was established within the structure of the Ministry of Internal Affairs under Act No. 161/2005 as an authority specialised to prevent and combat corruption within the Ministry of Interior. Apart from the DGA, the Ministry is composed of the Police, the Inspectorate for Crisis Management, the Border Guard, the Military Police, the National Archives, the Central Intelligence and Internal Security Directorate, the Special Aviation Unit, and the Special Task Group for Protection and Intervention.

2. **Independence**

The Minister of Internal Affairs is responsible for the DGA's administrative issues, and the prosecutor who carries out a particular case is responsible for procedural matters. However, it has its own organisational structure, including field offices. The Directorate is headed by the Director General who, like other persons exercising managerial functions, is selected by way of a competitive exam. The law does not provide for the Director's term in office. The financial resources for the Directorate's activity are assigned from the state budget via the Ministry of Internal Affairs. The DGA may also be awarded grants.

3. **Accountability**

The Director General reports to the Minister of Internal Affairs. By the end of each year, the DGA evaluates its performance. Where nu-

[6] Direcţia Generală Anticorupţie.

merous cases are carried out, such evaluation may take place twice a year. There is no term indicated to submit the evaluation report, but commonly it is presented to the minister at the beginning of January for the previous year.

4. **Integrity and impartiality**

To be impartial, the DGA officers may not become members of political parties or the parties' agencies, express their political views in public, apply for local government, parliament or the highest state positions. They are not allowed to undertake any activity which is detrimental to the service reputation. They must be loyal to the institution, respect others, raise their own qualifications, and prove by their conduct that they are worthy to be a DGA officer. Throughout the entire period of their service, the officers are subjected to integrity tests.[7]

5. **Accessibility**

One of the tasks assigned to the DGA is conducting grievance procedures, derived from citizens' reports pertaining to acts of corruption committed by the Ministry of Internal Affairs staff. The Directorate also manages a free-of-charge telephone line – TelVerde, available to the citizens who report corruption deeds in the Romanian or the English language.

Under the Act, the DGA has the right to demand, from public authorities as well as other institutions, legal entities and natural persons, data and documents necessary to carry out the Directorate's statutory tasks.

6. **Transparency and confidentiality**

One of the DGA's tasks is to deal with public relations issues within its competence. The unit for contacts with society includes the PR and Information Bureau which cooperates with the media only in the area of cases carried out by the DGA. The causes do not cover issues referring to the entire ministry.

While sticking to the principle of transparency, the DGA has a statutory obligation to keep professional information confident, not to disclose data connected with activities currently carried out against the employees of the Ministry.

7. **Financial and material resources**

Financial and material resources are ensured via the Ministry of Internal Affairs. The Minister of Finance adopts the budget allocated to the Ministry, out of which he assigns the means dedicated for distribution directly by the Director General of the DGA. The Directorate is also entitled to raise funds from other sources.

8. **Recruitment, training, and career**

The DGA employs police officers and specialists on manifold areas of science, whose expertise is necessary to exercise the statutory tasks. The applicants must complete a training course organised by the Ministry of Internal Affairs. All applicants who satisfy the requirements set forth in the law, e.g. no criminal record or physical and mental ability to fulfil their duties, are eligible for the training course. Before the commencement of the service, the officers must complete a basic training course, during the service – a vocational training course organised by the Ministry of Internal Affairs, via the General Police Inspectorate. The career path is set out in the Police Law. The Director General of the DGA is responsible for the development and implementation of training programmes and career development.

9. **Cooperation**

The DGA cooperates with national and foreign authorities. In the course of operational work, the Directorate may request for legal assistance or providing information otherwise. Where causes are of common interest, it may collaborate with non-governmental organisations, legal entities, and natural persons.

International cooperation aims to exchange information to achieve better results of the methods and measures applied. By cooperating with other entities, the DGA also implements European standards based on partnership agreements.

10. **Holistic approach**

The personal scope of the DGA's activity is limited to the employees of the Ministry of Internal Affairs. However, they constitute a large group of public administration staff, and their number

[7] An integrity test – a test aiming to verify the attitude of an officer; a type of "provocation" for which the officer agrees when joining the service; carried out to confirm the officer's honesty and observance of the law.

amounts to 145 thousand. Corruption is understood very broadly. It covers not only fighting corruption, but also corruption prevention. By facilitating the citizens from outside the Ministry to report corruption acts committed by the Ministry's employees, the DGA involves society in the Directorate's activities.

NATIONAL ANTI-CORRUPTION DIRECTORATE (DNA,[8] Romania)

1. **The rule of law**

Pursuant to the Government Emergency Ordinance No. 43 Regarding the National Anti-Corruption Directorate, the Directorate was established as a structure with legal personality, within the framework of the Prosecutor's Office attached to the High Court of Cassation and Justice (GPO), through the reorganization of the National Anticorruption Prosecutor's Office. Its task is to combat corruption on the highest level of public administration.

2. **Independence**

The Directorate is independent from the courts of justice and the prosecutor's offices attached to them, as well as other public authorities. The Chief Prosecutor of the DNA is appointed by the President of Romania after the proposal of the candidate by the Minister of Justice and the approval by the Superior Council of Magistracy, which is meant to ensure political independence. The Chief Prosecutor's mandate is unlimited. Although the Directorate is not a separate entity, it has its own budget administered by the Chief Prosecutor.

3. **Accountability**

Not later than in February next year, the DNA submits an annual report on its performance to the Superior Council of Magistracy and to the Minister of Justice, who provides the Parliament with the conclusions resulting from the report.

4. **Integrity and impartiality**

The Act imposes an obligation on the DNA to act independently. The sole aim of its activity is to ensure that all citizens abide by the law, with no exceptions.

5. **Accessibility**

The official website provides addresses of all organisational units of the DNA, and facilitates contact with the Directorate by electronic mail, online form or by phone. The tab Report corruption provides information on corruption features, the manner of reporting suspicion of having perpetrated an act of corruption to the Directorate, and the content the report should include. The site also depicts the issues connected with whistleblower protection, rights and duties of persons involved in criminal proceedings and the stages of such procedures.

Other authorities qualified to carry out control are obliged to inform the Directorate about their findings if they may interfere with the DNA's competence. The Directorate has the right to receive all information which is necessary to carry out its statutory tasks.

6. **Transparency and confidentiality**

Within the National Anticorruption Directorate, the Information and Public Relations Office is set up to ensure compatibility and transparency of criminal investigations conducted by the Directorate. The Office is headed by a prosecutor appointed by the Chief Prosecutor of the National Anticorruption Directorate or a journalist employed as an expert, appointed on the basis of a competition or an exam. The Office was established due to the implementation of the Act on Access to Public Information and the strategy for communication between prosecutors and journalists, which guarantees transparency of activities undertaken by prosecutors, simultaneously ensuring necessary confidentiality. The communication principles were set forth in the "Guide on the relationship between the Romanian judiciary and the mass-media" as well as the "Manual for the spokespersons and the structures for public information and the relations with the mass-media" adopted in 2012 by the Superior Council of the Magistracy.

7. **Financial and material resources**

Each year, the budget allocated to the DNA is sufficient to employ experienced prosecutors,

[8] Direcţia Naţională Anticorupţie.

judicial police officers, specialists as well as administrative and logistics staff. Material expenses and services related to proceedings in flagrant corruption offences constitute a separate budget line.

8. **Recruitment, training, and career**

The recruitment procedure is carried out among prosecutors with a minimum of a 6-year professional experience. The Directorate also employs experts in many areas of science. The rights and obligations of all DNA staff as well as their career path and remuneration are set forth in the Ordinance.

9. **Cooperation**

In order to exchange information and data connected with the proceedings carried out, the DNA cooperates with its partners in other countries. To this end, pursuant to the Ordinance, the institution of a liaison officer was set up.

10. **Holistic approach**

The Directorate perceives corruption as a phenomenon spreading in more and more differentiated forms. Having the above in mind, the Directorate employs high-profile specialists with extensive knowledge and experience in economics, finances, banking, customs policies, IT other fields of science.

NATIONAL ANTICORRUPTION CENTER

(CNA,[9] Moldova)

1. **The rule of law**

The National Anticorruption Center was established under Act No. 1104 of 6 June 2002 on the National Anticorruption Center.[10] The NAC is a body specialised in preventing corruption, money laundering and financing of terrorism as well as combating these criminal offences.

2. **Independence**

The Center is a legal person, fully financed by the state budget. It is apolitical and it does not support any political party. The Center carries out its activities independently, and the sole determinant of this activity is compliance with the law. The Act provides for the Center's independent organisational, functional and operational structure.

The Center is headed by a Director appointed by the President of the Republic of Moldova, following the proposal of the Prime Minister for a term of 4 years.

3. **Accountability**

Each year, till the end of March, the Center submits a performance report concerning its activity in the previous year to the Parliament and the government. If necessary, the NAC may be requested to file supplementary reports. The Act also stipulates that NAC's activities will be monitored by society and the judiciary, within scopes laid down by law. The disbursement of finances is controlled by external public audit.

4. **Integrity and impartiality**

The Act on the National Anticorruption Center sets forth the principles to follow while carrying out the Center's activities. These are, among others, independence, impartiality, respecting basic human rights and freedoms. Throughout the entire period of employment, the Center's staff are subjected to integrity tests, and their lifestyle is monitored by the Internal Security Unit.

5. **Accessibility**

Citizens may communicate with the Center by sending written notifications, which should be signed and contain the name and surname of the author, his/her address as well as a detailed description of the act committed and the indi-

[9] Centrul Naţional Anticorupţie.

[10] The Act of 6 June 2002 gave rise to the Center for Combating Economic Crimes and Corruption (CCECC), which was created by the fusion of the Department of Financial Control and Inspection of the Ministry of Finance, Anti-Corruption Department for Combating Organized Crime and Corruption and Financial-Economic Police Department of the General Police Inspection under the Ministry of Internal Affairs and Financial Guard previously subordinated to the Principal State Tax Service. On 25 May 2012, the Parliament adopted Law No.120, pursuant to which, beginning with 1 October 2012, the CCECC was transformed into an independent structure – the National Anticorruption Center (NAC). NAC competences comprise corruption prevention and combating corruption crimes, crimes related to corruption, offences of money laundering and financing of terrorism.

cation of the perpetrator, if known. The notification may also be sent by e-mail or via an online form available on the official website. The Center does not accept anonymous reports.

6. **Transparency and confidentiality**

One of the principles to follow is transparency of the Center's undertakings, ensuring confidentiality of operational activities. This principle is provided for in the Law on the National Anticorruption Center. Confidentiality of the proceedings carried out is guarded by the Center's Director.

7. **Financial and material resources**

Allocation of financial resources and financing of other needs connected with NAC's activities are envisaged each year in the budgetary act in the amount sufficient to cover all material and technical expenses as well as the financial obligations arising from employment. The Director approves internal forward budget within the resources allocated from the state budget, and passes it to the Ministry of Finance for coordination.

8. **Recruitment, training, and career**

Recruitment procedures are set forth in the Act. Each candidate is subjected to a detailed screening, including psychological and polygraph tests. In the course of service, NAC's officers participate in periodical psychological and integrity tests. Their career path, rights and obligations are laid down in the Act.

9. **Cooperation**

The Center cooperates with other public administration authorities, civil society organisations, and private entities. When carrying out proceedings, it may demand information and documents from other entities as well as request them for expertise to support the laws being created. The Center can cooperate with the media to determine the circumstances of criminal offences which have been perpetrated and to prosecute the offenders.

10. **Holistic approach**

Although the Act establishes the NAC as an authority to fight against corruption, its main tasks also comprise prevention of and combating corruption-related criminal offences, such as money laundering or financing of terrorism. The NAC employs persons having higher education, mainly graduates of legal and economic studies as well as experts in other areas if required by the specific nature of the work.

ANTI-CORRUPTION AGENCY (ACA,[11] Serbia)

1. **The rule of law**

The Anti-Corruption Agency was established by the Act of 27 October 2008 on the Anti-Corruption Agency. It defines the Agency's legal status, its powers and principles of operation.

2. **Independence**

The Agency is an autonomous, independent state authority, having legal personality. The Agency's activities are financed from the state budget and other sources. The bodies of the Agency are the Board and the Director, who is appointed by the Board through public competition. The term in office of a Board member is four years and the same person may be elected member of the Board twice at most. The term in office of the Director is five years and may be renewed only once.

The Law sets forth procedures to be applied in cases of undue influence on the ACA's representative, e.g. during public procurement implementation. The Director or the Board member may not be a member of a political party. However, an employee may be a member of a party in which he or she may hold a function, provided that such engagement is not prohibited by law and that the public office and public resources are not used for promotion of political parties.

3. **Accountability**

The Director submits a report on the Agency's performance and its progress in the Strategy and Action Plan implementation to the Board. Not later than on 31 March each year, the Board files a report of the Agency's previous year's performance with the National Assembly. The Assembly may also request a report under an

[11] Агенција за борбу против корупције.

extraordinary procedure. The Agency may submit a report on corruption on its own initiative.

4. **Integrity and impartiality**

An Agency employee may become a member of a political party and hold a function in this party if it is compatible with the law. However, while exercising their duties, they may not express their political views. Having been granted a written consent of the Director, an employee may undertake an additional employment provided it will not interfere with the working hours at the Agency, not create a conflict of interest or influence the impartiality of the work performed for the ACA. The consent issued by the Director is not required for research and development activities, book publishing and work performed for the benefit of vocational organisations and exercising managerial functions herein.

The Act sets out the principles governing the acceptance and giving of protocol or appropriate gifts by the employees in the course of cooperation with other entities, it also contains a catalogue of gifts which are allowed.

5. **Accessibility**

The Anti-Corruption Agency has adopted an informative policy through a special unit established for contacts with the media and society. It receives the citizens' reports on corruption via the channels provided on the official website. The Law stipulates the procedures for handling complaints, emphasising the necessity to keep the whistleblower anonymous. Anonymous reports are examined only if they relate to proceedings carried out by the Agency or to the evidence known to the Agency.

Public institutions and other legal entities are obliged to deliver all documents and information that are necessary for the Agency to perform its duties.

6. **Transparency and confidentiality**

When informing the public, the Agency must protect personal data of the persons of interest to the ACA. The Agency may not share information which could be detrimental to the pending cases.

7. **Financial and material resources**

The amount of financial resources allocated for ACA's activity from the state budget must be sufficient for the Agency's effective performance of its tasks.

8. **Recruitment, training, and career**

The conditions of employment and career ladder are stipulated in the Civil Service Act and the Act on Civil Servants' Remuneration. A special requirement which must be satisfied by the candidates is the completion of 4-year studies or other relevant programme supplemented by at least a 9-year professional experience. The vacancies are filled by transfer from another position within the Agency, an employee acquisition from another government agency, or by an internal or open competition. Persons employed from outside of the ACA are subjected to a 6-month probationary period. Afterwards, the employees are appraised once a year, not later than by the end of February for the previous year, according to the criteria envisaged for all civil servants by the government. The abovementioned assessment constitutes the basis for all human resource decisions. Throughout their entire period of employment, the employees are obliged to raise their professional qualifications.

The Division for Education, Civil Society Cooperation and Surveys carried out training needs analysis among the Agency's staff, in which 78% of the employed took part. The results of the analysis gave rise to the development of a Training Plan and Training Programme, including the program for additional professional development of the ACA's Professional Service staff, which are implemented to raise the qualifications of the Agency's staff within the framework of training programmes on ethics and integrity. The staff needs to increase their competence were also measured in order to improve the performance of their daily duties. The Agency evaluates the training projects periodically. Such evaluations were scheduled in 2008, 2013, and by the end of 2015.

9. **Cooperation**

The Anti-Corruption Agency cooperates with public authorities and other legal entities,

academia and civil society organisations. It undertakes manifold international initiatives aiming to exchange data and information connected with the cases carried out.

10. **Holistic approach**

The cooperation with public institutions and law enforcement agencies, with colleges and universities as well as citizens refers mainly to tasks arising from the implementation of the anti-corruption strategy and the action plan. It also covers training programmes, analysis of the state of corruption, awareness campaigns and other activities related to corruption prevention. The Agency develops and implements educational programmes in the field of corruption prevention as well as orders to carry out research on the state of corruption in Serbia.

SPECIAL INVESTIGATION SERVICE (STT,[12] Lithuania)

1. **The rule of law**

The Special Investigation Service was established under the Act of 2 May 2000 No. VIII-1649 on the Special Investigation Service, which sets forth the principles of conducting the Service's activities, its tasks and structure as well as the officers' rights and obligations. Its main tasks include prevention and detection of corruption as well as combating this pathology.

2. **Independence**

The STT is an independent service, reporting exclusively to the President of the Republic of Lithuania and the lower chamber of the Parliament. Pursuant to the establishing Act, it has a competence to perform its tasks independently. It is also independent in respect of finance and it has a bank account at its own disposal. The STT may have its own special funds allocated to special operations. The Service emphasises its individuality and separation from any other public institution by having its own flag and insignia. The STT director is appointed to and removed from the office by the President, upon the approval of the Parliament lower chamber. His or her term in office takes 5 years and may be renewed only once. None state institutions, political parties, organisations, media or natural and legal persons may influence the activities carried out by the Service officers.

3. **Accountability**

At least twice a year, the STT submits a performance report to the President and the Parliament Speaker, along with a proposal on how to improve the pending procedures.

4. **Integrity and impartiality**

The STT activity is based on the rule of law, lawfulness, respect for human rights and freedoms, the principles of equality before the law, openness and confidentiality, as well as on the principle of balance between personal initiative of the officers and the institutional discipline. The officers may not accept gifts or services directly or indirectly related to their office, except in cases provided by the law. Pursuant to the Statute of the Special Investigation Service of the Republic of Lithuania, an officer of the Service is personally responsible for his or her own actions, decisions and the consequences thereof, as well as for the actions, decisions and the consequences thereof as performed by the officers subordinates according to authority and competence.

5. **Accessibility**

The citizens may report corruption directly on the STT premises as well as via around-the-clock hotline, fax or e-mail. The information concerning the above possibilities is provided on the official website of the STT. The Service also pursues anonymous reports.

Public institutions at central and local levels are required to provide the Service with records, classifiers, databases of public institutions, agencies and businesses. Databases of other entities may be made available on the basis of relevant agreements.

6. **Transparency and confidentiality**

The Act emphasizes the need for openness on the one hand, and confidentiality on the other, as well as the necessity to maintain a balance between the officers' own initiative and the discipline stipulated in internal regulations.

[12] Specialiųjų Tyrimų Tarnyba.

7. **Financial and material resources**
Financial resources allocated for the STT activities from the state budget include the means to ensure material and technical facilities necessary to perform the tasks of the service and to employ high-profile experts.

8. **Recruitment, training, and career**
The principles of recruitment and career are provided for in the Statute of the Special Investigation Service. The officers' performance is evaluated by their direct superior and a standing committee composed of STT officers appointed for a two-year term by the Director. The Committee decides on promotion or demotion of the officers. The officers may raise their qualifications in the country or abroad pursuant to procedures set forth by the STT Director.

9. **Cooperation**
The STT cooperates with other law enforcement agencies, institutions, agencies, and domestic organisations. It may inform about its achievements via the media and publications. The cooperation with foreign institutions and services is based on international standards and refers both to operational activities and information exchange as well as raising the officers' qualifications.

10. **Holistic approach**
Gathering, storage and analysis of information are among the statutory tasks of the Service. These tasks refer not only to corruption, but also to economic crimes and crimes against society. The Service cooperates with the citizens through non-governmental and civil society organisations.

NATIONAL ANTI-CORRUPTION BUREAU OF UKRAINE (NABU,[13] Ukraine)

1. **The rule of law**
The NABU was established under the Act of 14 October 2014 on the National Anti-Corruption Bureau of Ukraine. The Act stipulates the legal grounds for the organisation and operation of the service. The Bureau was set up to combat corruption among high-ranking officials of central and local government administration. The scope of its activities also covers prevention of and fight against criminal offences which are detrimental to the security of the state.

2. **Independence**
The institution's independence is protected by the establishing Act. Political neutrality and impartiality are the obligations imposed on the Bureau. The officers are forbidden to belong to political parties. The interference by state authorities, political parties, civic organisations, and any other entities is considered unlawful. No written or oral instructions issued by external bodies are accepted. In case such instructions are received, the officer is obliged to report them to the NABU's Director. The Bureau's independence is fostered by the fact that its Director is appointed by approval of the Verkhovna Rada of Ukraine and dismissed from office by the President of Ukraine, according to the procedures established by the Law. The National Bureau's Director is appointed for 7 years and their term in office may not be renewed.

3. **Accountability**
The Verkhovna Rada of Ukraine, by suggestion of at least one third of the deputies who are its constitutional members, can pass a vote of no confidence to the Director of the National Bureau, which must result in their dismissal from office.

4. **Integrity and impartiality**
The Bureau is governed by the rule of law, respect for and observance of human and citizen rights. The officers must present such values as impartiality and honesty. They may be held liable pursuant to democratic principles.

5. **Accessibility**
On its official website, the NABU instructs the citizens how to report corruption by phone or by e-mail. The Bureau proceeds anonymous reports if they provide material and verifiable information pertaining to a particular person. The NABU is obliged not to disclose the personal data of the persons reporting corruption and voluntarily co-

[13] Національне антикорупційне бюро України.

operating with the Bureau. The National Bureau has access to IT systems, records, bank databases, telecommunication networks data as well as data obtained from other technical devices. The above data are subject to legal protection and must be processed by the Bureau pursuant to the provisions of the Act on Personal Data Protection.

6. **Transparency and confidentiality**

The NABU officers' powers and rights as well as the scope of their tasks are strictly set out in legal regulations. The Bureau submits annual reports on its performance and informs society about the results of its activity. In order to strengthen the transparency and civil supervision over the Bureau's activities, the Civil Control Board was created, composed of 15 persons appointed via an open competition.

However, the Law prohibits to reveal information about the employees and their families. It is not allowed to disclose their place of residence, and any information concerning their service or employment may be issued exclusively upon the Director's or the Deputy Director's consent. If an employee of the National Bureau is detained, or subjected to preventive measures in the form of custodial restraint, they remain in isolation from other persons. The personal data and information protection also pertains to individuals who cooperated with the Bureau on their own initiative.

7. **Financial and material resources**

The establishing Law ensures financial and technical support to the Bureau from the state budget and emphasises that it is one of the factors determining the NABU's independence.

8. **Recruitment, training, and career**

The recruitment is based on the results of an open competition. The qualification requirements are determined by the Bureau's Director. Employees newly admitted to the NABU who have no professional background derived from working for services go through a compulsory internship. The Director approves the internship rules. The employees of the National Bureau undergo mandatory advanced training at least once per two years. The career path is stipulated in the Law.

9. **Cooperation**

The National Anti-Corruption Bureau of Ukraine cooperates with central and local government authorities as well as other national bodies pursuant to the laws in force and agreements concluded between the heads of the bodies. In cases set forth in the Law, the Bureau's employees act as the representatives of the government and sign international agreements in the name of the state, within its competence. The NABU can undertake cooperation with authorities of other states and international organisations in issues connected with pending proceedings as well as request for legal assistance.

10. **Holistic approach**

The National Anti-Corruption Bureau of Ukraine was established to fight against corruption and corruption-related criminal offences as well as other crimes detrimental to the security of the state. Ultimately, the NABU will employ experts in various fields of science who will facilitate the achievement of this goal. The Bureau is aware that the effectiveness of the fight against corruption is increased with the participation of civil society.

CENTRAL ANTI-CORRUPTION BUREAU (CBA,[14] Poland)

1. **The rule of law**

The CBA was established under the Act of 9 June 2006 on the Central Anti-Corruption Bureau. The Central Anti-Corruption Bureau is a special service established to fight corruption in public and economic life, particularly in state and local government institutions as well as to fight against activities detrimental to the economic interest of the State.

2. **Independence**

The Bureau is managed by the Head of the CBA, supervised by the Prime Minister. The Head, his deputies and the CBA officers are not allowed to belong to political parties or act for their benefit. Individually or in coopera-

[14] Centralne Biuro Antykorupcyjne.

tion with other authorities, the Bureau accomplishes its statutory tasks, among others operational intelligence, prevention and detection of corruption offences, verification of accuracy and veracity of asset declarations or declarations on conduct of business activities by persons performing public functions as well as verification of economic decisions and carrying out of analytical activities. The Bureau's activities are financed from the state budget pursuant to an annual action plan presented by the Head of the CBA and approved by the Prime Minister. Within its financial capacity, the Bureau has an operational fund, and the rules of its management are determined by the Head of the CBA.

3. **Accountability**

Each year, by 31 March, the Head of the CBA presents a report on the previous calendar year's performance. At the same time, the Sejm and the Senate obtain a report on the Bureau's activities, excluding classified information. The Prime Minister supervises the Bureau's activities while the Sejm controls them.

4. **Integrity and impartiality**

In the course of the performance of their activities, the CBA officers must respect human dignity, observe and protect human rights irrespective of a person's nationality, origin, social situation, political, religious or ideological beliefs. The officers are not allowed to belong to a political party or act for its benefit. Neither may they exercise public functions. However, they may be members of national and foreign organisations and associations provided they obtain the approval of the Head of the CBA. The officers and the employees of the Bureau may not remain in a labour relation or undertake any other paid job outside the service except for scientific or research and didactic activities, after receiving the consent of the Head of the CBA. Such regulations aim to ensure impartiality during the implementation of the tasks.

5. **Accessibility**

Polish citizens may report corruption via a toll-free hotline, electronic or traditional mail, automatic call recorder or in person. Anonymous reports are also accepted. All necessary information about the methods of informing the CBA about corruption cases can be found on the official website of the Bureau. The CBA may obtain, gather, verify and process information as well as obtain data from data collections, including personal data bases, maintained by public authorities as well as by state or local government organisational units. Where necessary for an effective accomplishment of the Bureau's tasks, the CBA may use data and information processed by banks. The Bureau may also be granted access to telecommunications data without the participation of the employees of the entity conducting the telecommunications activity or with their indispensable assistance. In specific circumstances, the entities may refuse to grant the CBA access to such information.

6. **Transparency and confidentiality**

The Bureau informs about its activities on its official website and on social networking websites. The CBA cooperates with the media and provides them with public information. In addition to the transparency of its activities, the Bureau ensures protection of means, forms and methods of task accomplishment as well as the information gathered, and own premises and data which are likely to facilitate the identification of the CBA officers and persons assisting the CBA in the course of operational intelligence. The conformity of the personal data gathered by the CBA with the provisions of the Act and the regulations on personal data protection is supervised by a plenipotentiary for verification of personal data processed by the CBA. The plenipotentiary also administrates information security. He is appointed by the Head of the CBA from among the Bureau's officers, and may be removed from office upon the consent of the Prime Minister after consulting the Parliamentary Committee for Special Services.

7. **Financial and material resources**

The CBA's activity is financed from the state budget. The Bureau employs experts in many

areas of science, having a broad experience derived from services. Their emoluments are stipulated in specific regulations.

8. **Recruitment, training, and career**

The selected candidates go through a multi-level qualification procedure, including a security-screening process. The persons accepted to service are appointed to positions appropriate to their education, professional skills and abilities. The probation period takes 3 years and exclusively in reasonable cases it may be shortened by the Head of the CBA. Detailed recruitment principles as well as rights and obligations of the officers are set forth in the Act. The officers go through basic training followed by specific and supplementary courses, depending on the needs of their organisational unit. The form of and procedure for the training are provided for by the Head of the CBA, by way of a regulation.

9. **Cooperation**

The CBA may undertake cooperation with governmental, regional, and local government authorities as well as public institutions while these entities are obliged to grant support to the CBA. Having obtained the approval of the Prime Minister, the Bureau may also cooperate with foreign authorities and services as well as with international organisations.

10. **Holistic approach**

It is worth emphasising that the scope of the Bureau's activities is very broad. The CBA deals with not only prosecution of corruption offences but also with fighting against activities detrimental to the economic interest of the State. To this end, the Bureau employs experts in many scientific areas, cooperates with other anti-corruption authorities in Poland and abroad. The abovementioned cooperation is carried out pursuant to memoranda of understanding entered into by the heads of the services and international organisations. In the years 2011–2015, an Advisory Board to the Head of the CBA executed its consultative tasks. To prevent corruption, the Bureau carries out educational and training activities targeted at civil servants as well as the youngest recipients. It also develops cooperation with non-governmental and civil society organisations by requesting opinion of experts associated with them. It organises seminars and conferences, actively participates in similar events created by other entities.

On an annual basis, the Central Anti-Corruption Bureau elaborates the Corruption Map, which presents the state of corruption in Poland. It is a unique publication, elaborated by the CBA in cooperation with the Ministry of Justice, the General Prosecutor's Office, the Police, the Internal Security Agency, the Border Guard, the Military Police, the Prison Service, and the Customs Service.

The Bureau conducts educational activities aimed at civil servants, learners, and other citizens. This activity is not expressed directly by the law, but it is implied through the Bureau's statutory task to prevent corruption.

Standards promoted by the EPAC in relation to selected authorities established to combat corruption:								
	ANI Romania	**DGA Romania**	**DNA Romania**	**CNA Moldova**	**ACA Serbia**	**STT Lithuania**	**NABU Ukraine**	**CBA Poland**
The rule of law	Act	Act	Ordinance	Act	Act	Act	Act	Act
Independence	separate authority	central authority within the structure of the Ministry of Interior	within the structure of the Prosecutor's Office	separate authority	separate authority	separate authority attached to the Ministry of Interior	separate authority	separate authority
	President appointed by Parliament on competitive basis		Chief Prosecutor appointed and removed by the President	Director appointed and removed by the President	Board as collective body; Director appointed and removed by the Board	Director appointed and removed by the President	Director appointed by the Supreme Council, removed by the President	Head appointed and removed by the Prime Minister
	President's term in office		Chief Prosecutor's term in office	Director's term in office	Board's and Director's term in office	Director's term in office	Director's term in office	Head's term in office
	own budget	own budget	own budget	own budget	own budget	own budget		own budget
	political neutrality	political neutrality	political neutrality	political neutrality	Director / Board – no party affiliation; employees – may join parties, not allowed to express their views at work	political neutrality	political neutrality	political neutrality
Accountability	4 times a year to an independent Senate organ; management evaluated by external audit	administrative issues – once a year to MOI; procedures – prosecutor in charge	once a year to the Superior Council of Magistracy and the Minister of Justice	once a year to the Parliament and the government	once a year to the National Assembly	twice a year to the President and the Speaker of the Lower Chamber (Seimas)		once a year to the Prime Minister and the Parliamentary Committee for Special Services

	ANI Romania	DGA Romania	DNA Romania	CNA Moldova	ACA Serbia	STT Lithuania	NABU Ukraine	CBA Poland
Integrity and impartiality	legality, confidentiality, speed, operational independence, right to defence, presumption of integrity, personal liability of inspectors, prohibition of incompatibility and additional job	no party affiliation, restrictions on applying for offices, neutrality, integrity tests, code of conduct, prohibition of incompatibility and additional job	abiding by the law as exclusive interpretation of activities, prohibition of incompatibility and additional job	polygraph tests, integrity tests, lifestyle monitoring, prohibition of incompatibility and additional job	catalogue and register of gifts, Director and Board – prohibition of additional paid job / incompatibility employees – additional job under certain conditions	prohibition to accept gifts, personal liability of officers, prohibition of additional job / incompatibility	accountability to society, prohibition of additional job / incompatibility	no party affiliation, prohibition to perform public functions, prohibition of additional paid job except for didactic and research jobs, organisation affiliation upon the consent of the Head, polygraph tests, code of ethics
Accessibility	reports: by phone, online form, in person; verification of declarations upon individual reports	toll-free hotline, in person, e-mail, reports from MOI employees and citizens	reports: by email, phone or e-form	reports: in writing, by e-form	reports: in writing, in person, by phone	reports: in person, by phone, fax, e-mail	reports: in person, by phone, fax, e-mail, anonymous reports	reports: toll-free hotline, e-mail, traditional mail, by automatic call recorder, in person
	anonymous reports	anonymous reports			anonymous reports	anonymous reports	anonymous reports	anonymous reports
	obligation to provide information by other entities	obligation to provide information by other MOI units, other legal and natural persons	obligation to provide information by other entities	obligation to provide information by other entities	obligation to provide information by other entities	obligation to provide information by other entities	obligation to provide information by other entities	obligation to provide information by other entities

	ANI Romania	DGA Romania	DNA Romania	CNA Moldova	ACA Serbia	STT Lithuania	NABU Ukraine	CBA Poland
Transparency and confidentiality	news on website, obligation to report cases completed, transparent remuneration	PR Department separate from MOI, news on website	Prosecutor or journalist as Press Officer, public information, news on website	public information, news on website	public information, news on website	public information, news on website	Civil Control Board	news on website and social networks, public information
	prohibition to provide information on pending cases, prohibition to provide information for 5 years after job completion	statutory obligation of confidentiality	*Guide on the relationship between the Romanian judiciary and the mass-media, Manual for the spokespersons and the structures for public information and the relations with the mass-media*	confidentiality of operational issues	protection of informants' personal data, prohibition to share information detrimental to pending proceedings	officers' own initiative limited by internal discipline	confidentiality where an officer is detained, confidentiality of officers and their families' matters, protection of informants' personal data	confidentiality of methods applied, protection of own premises, confidentiality of officers' and informants' data, protection of informants' personal data, plenipotentiary for personal data protection
Resources	activity financed from the state budget	activity financed from the state budget, within MOI resources and other sources	budget allocated from the High Court of Cassation and Justice	financed from the state budget	financed from the state budget and other resources	financed from the state budget	financed from the state budget	financed from the state budget
Recruitment, training, and career	procedures set forth in the Law, competition, examination, max. 200 employees, annual training scheme	pursuant to the Police Act, candidates trained at MOI, training programmes	procedures set forth in the Ordinance, recruitment from among prosecutors, 6-year experience	procedures set forth in the Law, psychological tests, polygraph tests, mainly lawyers and economists	pursuant to the Civil Service Act, higher education or relevant experience, 4 recruitment methods, probation period, career dependent on performance appraisal, training based on needs analysis, periodical evaluation of training	procedures set forth in the Statutes, evaluation committee for officers, training pursuant to Director's decisions	procedures set forth in the Law, open competition, requirements determined by Director, internship, mandatory training at least once per two years	multi-level recruitment – screening process, polygraph tests, psychological tests, 3-year preparatory period, basic, specialist, and supplementary training

	ANI Romania	DGA Romania	DNA Romania	CNA Moldova	ACA Serbia	STT Lithuania	NABU Ukraine	CBA Poland
Cooperation	with national and foreign entities as set forth in the Law, may be initiated by inspectors	with national and foreign entities, including peer agencies	with national and foreign entities as set forth in Ordinance, liaison officer for international cooperation	with national and foreign entities as set forth in the Law, statutory right to cooperate with the media for establishing the circumstances of an offence	with national and foreign entities as set forth in the Law	with national and foreign entities as set forth in the Law	with national and foreign entities as set forth in the Law, right to conclude agreements in the name of the state	with national and foreign entities as set forth in the Law (after the Prime Minister's approval)
Holistic approach	participation of society, verification of asset declarations of family members	participation of society, fight against and prevention of corruption	dealing with corruption from different perspectives	participation of society, fight against and prevention of corruption, money laundering, financing of terrorism	cooperation with society, training programmes, analysis of corruption state, social campaigns, educational programmes, orders for research on corruption	corruption, economic offences, offences against society, cooperation with society, educational programmes	mainly corruption offences and crimes detrimental to the state security, participation of society	broad scope of activity, participation of society and academia, educational programmes, social campaigns, anticipation of corruption threats, *Corruption Map*

The above overview shows that all anti-corruption agencies were established pursuant to legal acts which provide a stable basis for their existence and operation. The acts include provisions on the scope of tasks, powers, procedures, and accountability of the ACA's.

Most of them are separate entities. The case is different with two of the three Romanian agencies – the Anti-Corruption General Directorate (DGA), which operates within the structure the Ministry of the Interior, and the National Anticorruption Directorate (DNA), within the structure of the Prosecutor's Office. The authorities are financed from the state budget and are financially independent, having their own budgets and making their own decisions on the allocation of the resources. Some authorities (e.g. the CBA, STT) allocate part of their funds to educational activities intended for civil servants, learners, and the general public.

Their heads are appointed to or elected via a competition for four- to seven-year terms in office, usually with a limit of two terms. The National Anti-Corruption Bureau of Ukraine does not envisage an election of the same person for another term in office, but offers the longest term of seven years. The Anti-Corruption General Directorate, Romania, does not determine the term of the Director's office. The heads of anti-corruption authorities submit reports at least once a year. Most often, one of the report addresses is the Parliament.

All ACA's assume political neutrality. To this end, they forbid both the management and the officers or the employees to join political parties or act in their name or on their behalf. In Serbia, it is possible to act for the benefit of a party under terms stipulated by the law.

Political neutrality is only one of the factors making up an officer's impartiality and integrity. The authorities created codes of ethics and codes of conduct or carry out integrity tests. Various legal acts and guidelines provide the principles of acceptance and exchange of gifts. To ensure the officers' ethical conduct, in-house training is provided.

Anti-corruption authorities cooperate with national, foreign, and international organisations having similar scope of tasks. They participate in international projects, conferences and seminars, which results in information and best practices exchange. Transnational and cross-border cooperation is possible pursuant to national and international legal regulations in force. Some institutions may act as the representatives of the government and sign international agreements in the name of the state, within their competence. Others need the approval of the head's supervisor (e.g. the CBA may undertake international cooperation upon the consent of the Prime Minister).

All authorities approach corruption in a holistic manner. To this end, they employ experts in various areas of economy and science and thanks to their broad knowledge the ACA's anticipate corruption threats. The staff of all authorities are subjected to continuous training in order to maintain the highest and updated level of their competence.

The managements of the ACA's are aware of the need to involve society in the fight against corruption. Anti-corruption programmes invite non-governmental organisations and their experts to express their opinions on the issues relevant to the state policies. The cooperation also comprises academia.

Citizens may report corruption. The official websites provide information on the ways and forms of contacting the representatives of the authorities. Whistleblowers' personal data are protected by the law. Most ACA's accept anonymous reports.

The authorities participate in the development and implementation of anti-corruption programmes and strategies which often include anti-corruption assessment of enacted and drafted laws. For example the Central Anti-Corruption Bureau is currently working on the 2014–2019 Government Programme for Counteracting Corruption, which is a key factor for national anti-corruption policy. It refers both to curbing corruption and the

fight against social acceptance of this pathology. The main objective of the Programme is curbing corruption in Poland through: (1) the reinforcement of preventive and educational activities, and (2) the increase in the effectiveness of the fight against corruption. The improvement of coordination of the works undertaken by the ACA's as well as cooperation between them are the most often emphasised issues. The need to eliminate legal loopholes facilitating corruption is also of great significance to the states.

While actively participating in law-making, the authorities established to fight corruption fulfil their preventing role at the highest level envisaged for them in the states' policies. □

NATIONAL INTEGRITY AGENCY (ANI) – Romania

INTRODUCTION

The concept of integrity in Romania, from the legislative and institutional perspective, is clearly defined by the efforts of combating and preventing cases of acquiring unjustified assets, conflict of interest and incompatibilities. In addition to this, integrity is strongly related to assuring transparency of asset and interest disclosures, submitted by a range of public officials. The engine that moves these dimensions is the National Integrity Agency (ANI), an autonomous administrative authority with operational independence, established in 2007 in order to provide integrity in exercising public functions and dignities, as well as for the prevention of institutional corruption.

The present paper covers a brief history of the National Integrity Agency, as well as the aims of the institution, followed by a statistical presentation of its activity, which covers both the evaluation activity and the success rate. Moreover, the financial resources are brought forward, together with a presentation of ANI's most ambitious challenge since its establishment – PREVENT – Implementing Integrated Information System for Prevention of Conflicts of Interests in Public Procurement. Last, but not least, the Best Practices Compendium and the Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism are presented.

BRIEF PRESENTATION OF THE NATIONAL ANTICORRUPTION AGENCY

The National Integrity Agency (ANI) is an autonomous administrative authority, with legal personality, operating at the national level as a single structure, with its headquarters in Bucharest, Romania.

By the adoption of Law No. 144/2007, Romania became the first European country specialized in verifying wealth, and the legal regime of conflict of interest and incompatibilities.

Although the liability to declare the wealth had existed since 1996, and although the asset disclosures had become public documents since 2003, the control mechanisms were difficult to use and the control of conflict of interest had never been exercised systematically. The appearance of the National Integrity Agency was due both to the deficit of legislative regulation in this respect and to the lack of a specialized, unique institution, administrating efficiently the verification system in

the area of accumulation of unjustified incomes, conflicts of interest and incompatibilities.

The aims of the National Integrity Agency are to both ensure the integrity in the exercise of public positions and dignities and prevent institutional corruption through exercising responsibility in assessing wealth statements, data and information regarding wealth as well as patrimonial changes occurred, incompatibilities and potential conflict of interest during the performance of public positions and dignities.

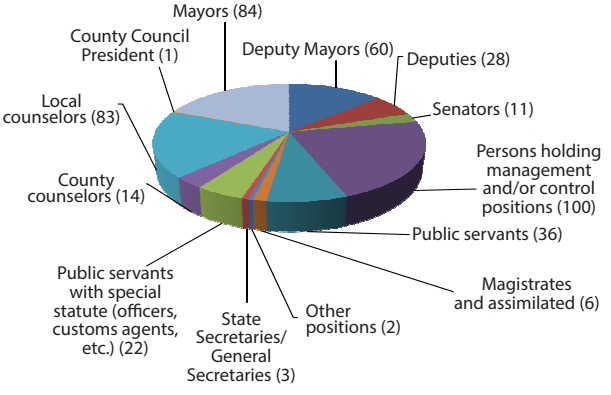
The main attributions of the National Integrity Agency are to:

- Receive, collect, collate and process data and information in regard to the existing wealth while exercising public functions and dignities, incompatibilities and conflict of interest of persons holding public positions or public dignities;
- Assess asset and interest disclosures;
- Monitor and sanction the failure to submit asset and interest disclosures in the time provided by the law;
- Evaluate significant differences between the changes appearing in wealth during the exercise of public positions and the income during the same period;
- Assess conflict of interest or incompatibility of persons holding public office or dignity;
- Take actions and apply penalties provided by the law.

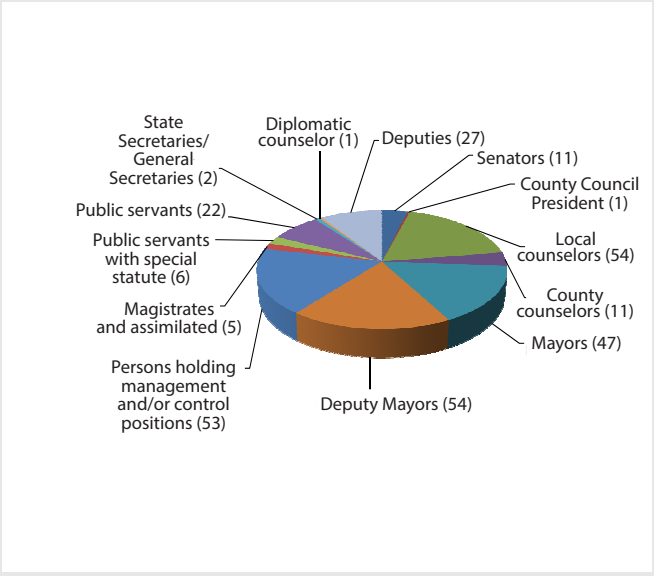
EVALUATION ACTIVITY

Summary of the 2014 Evaluation Activity

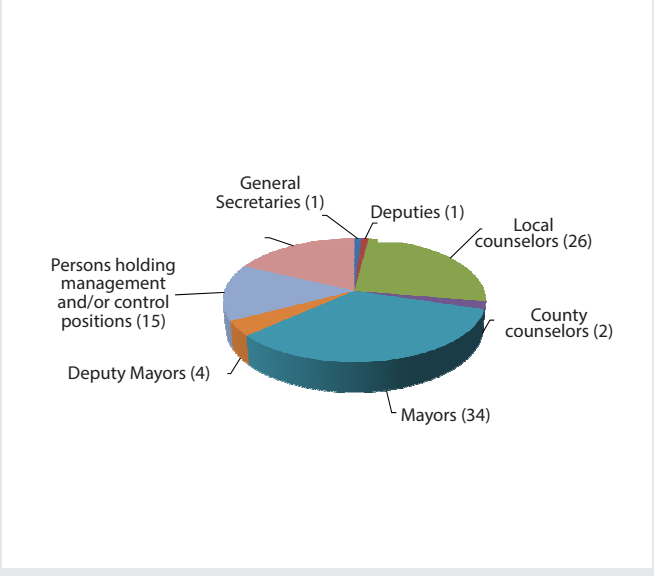
Throughout 2014, the National Integrity Agency ascertained 514 cases of breaching the incompatibilities legal regime (294 cases), breaching the administrative conflict of interest legal regime (101 cases), breaching the criminal conflict of interest legal regime (60 cases), acquiring unjustified wealth (29 cases), indications of false statements, abuse of office, crimes assimilated to corruption deeds, etc. (29 cases).



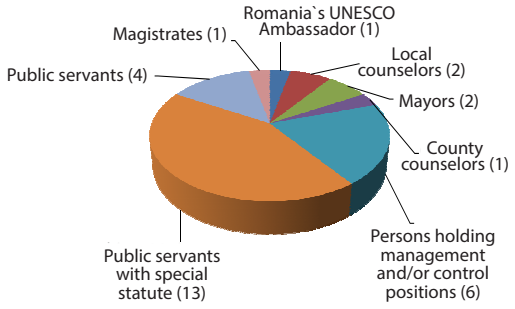
Main offices of the persons in whose case ANI ascertained, in 2014, the existence of the incompatibility state, administrative and criminal conflict of interest, unjustified wealth as well as other crimes.



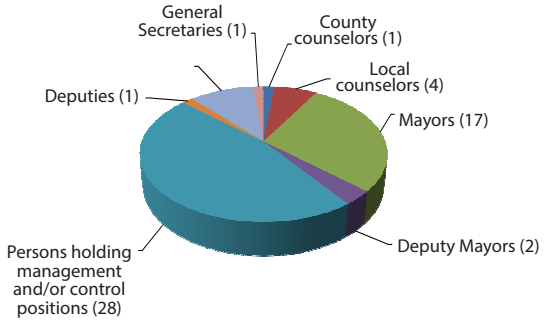
Office of the persons in whose case ANI ascertained, in 2014, the existence of the incompatibility state – 294 cases.



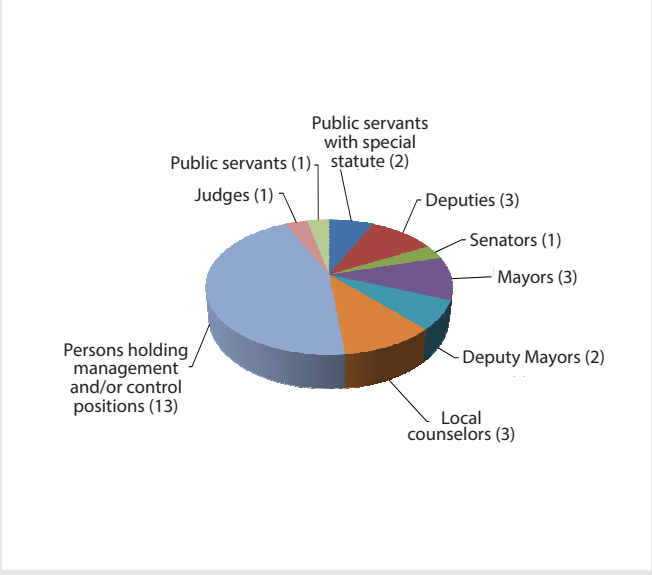
Office of the persons in whose case ANI ascertained, in 2014, the existence of administrative conflict of interest – 101 cases.



Office of the persons in whose case ANI ascertained, in 2014, the existence of unjustified wealth – 29 cases.

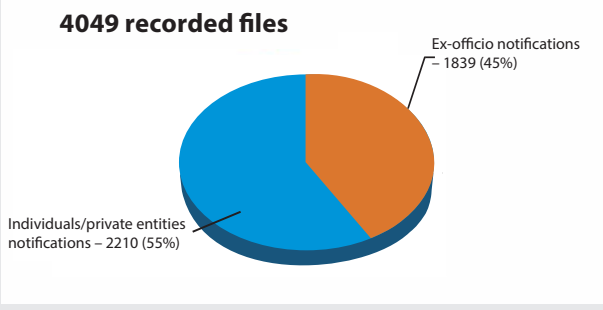


Office of the persons in whose case ANI ascertained, in 2014, the existence of criminal conflict of interest – 60 cases.

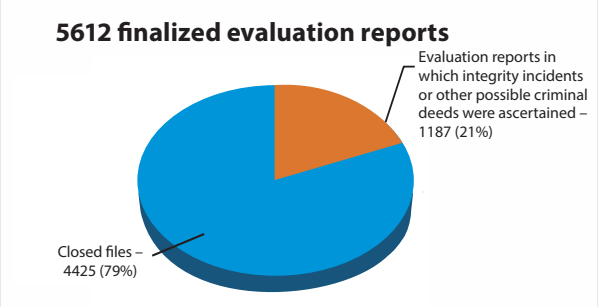


Office of the persons in whose case ANI ascertained, in 2014, the existence of other crimes (abuse of office, false statements, corruption deeds, etc.) – 29 cases.

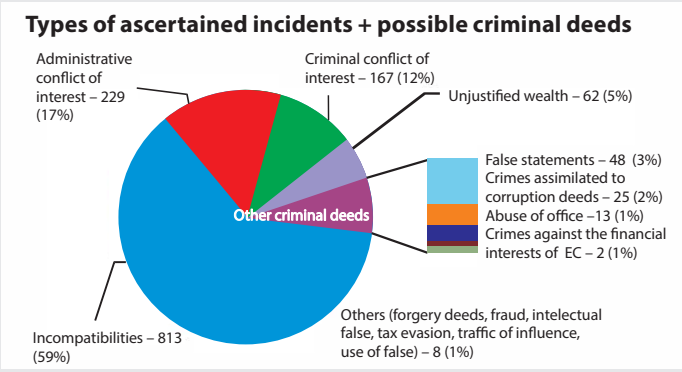
Summary of the 2012–2015 Evaluation Activity



1. No. of recorded cases (individuals/ private entities notifications and ex-officio notifications): 4049.



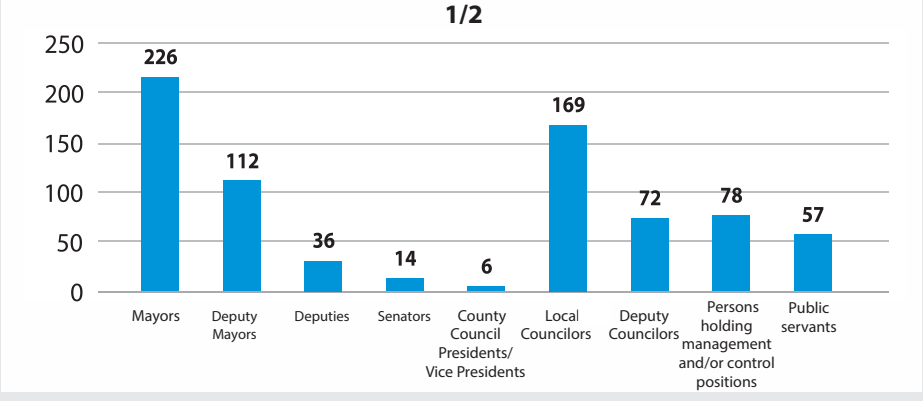
2. No. of evaluation reports (finalized evaluation reports + closed files): 5612.

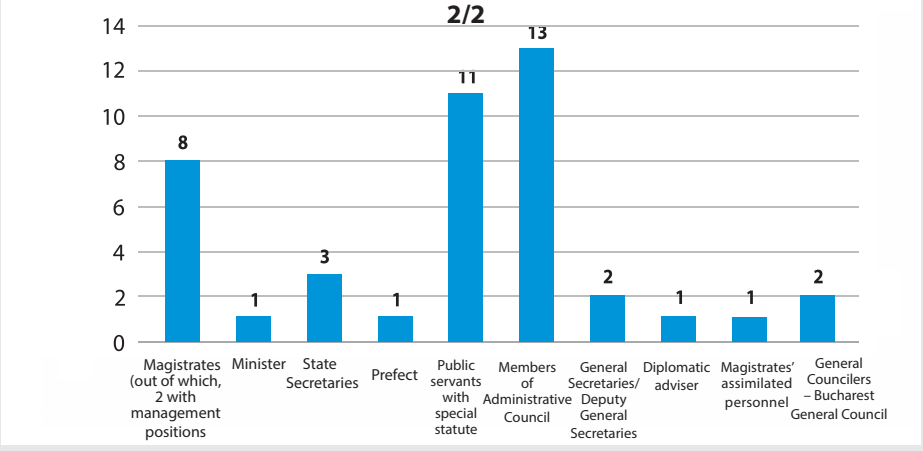


3. 1367 integrity incidents of possible criminal deeds ascertained in the 1187 evaluation reports.

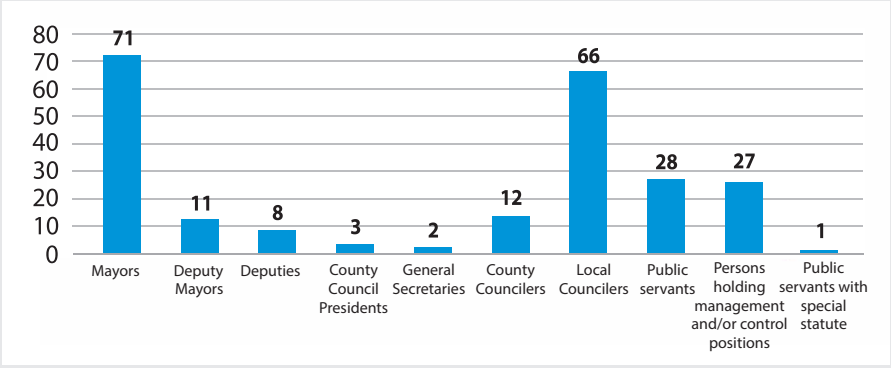
4. Office of persons/integrity incidents

4.1. Incompatibilities

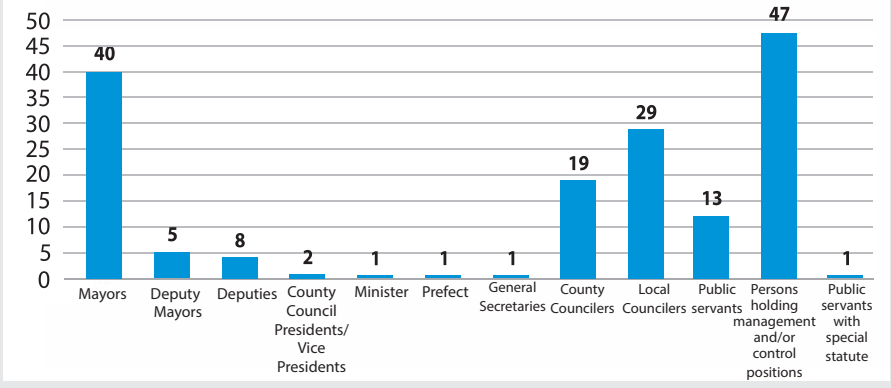




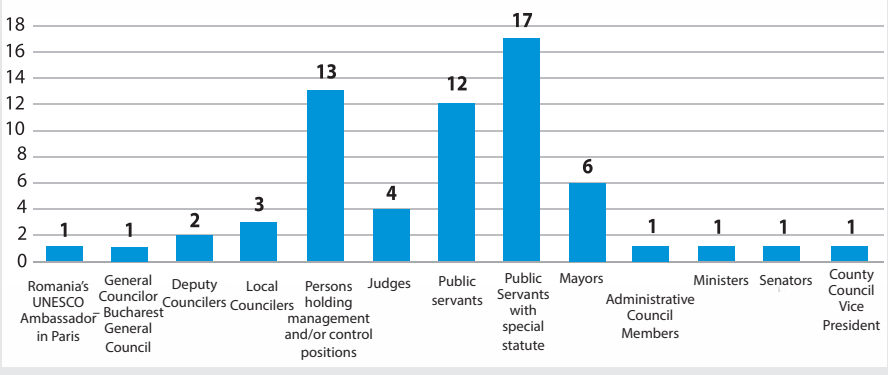
4.2. Administrative conflict of interest



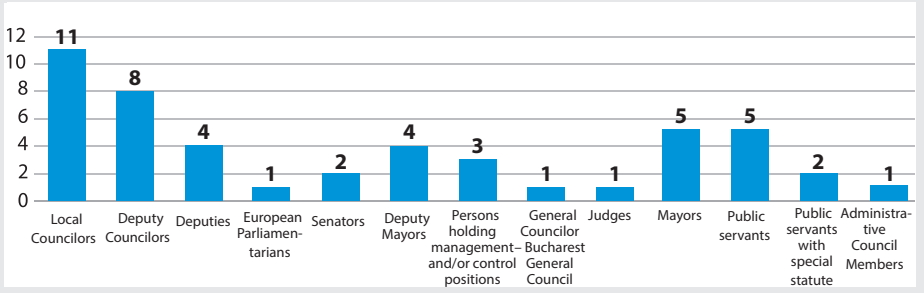
4.3. Criminal conflict of interest



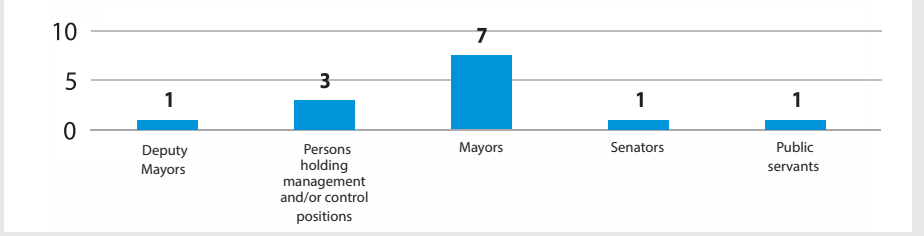
4.4. Unjustified wealth



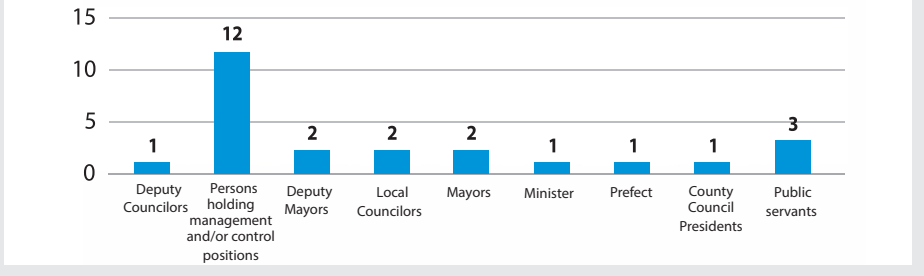
4.5. False statements



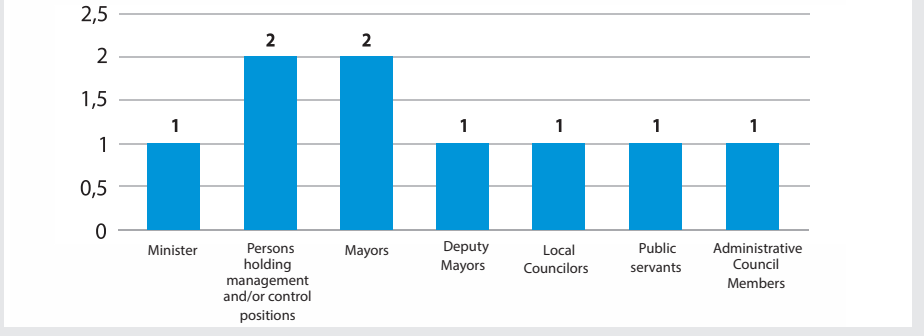
4.6. Abuse of office



4.7. Crimes assimilated to corruption deeds



4.8. Other criminal deeds (crimes against EU financial interests, fraud, intelectual false, forgery deeds, tax evasion, traffic of influence, use of false)

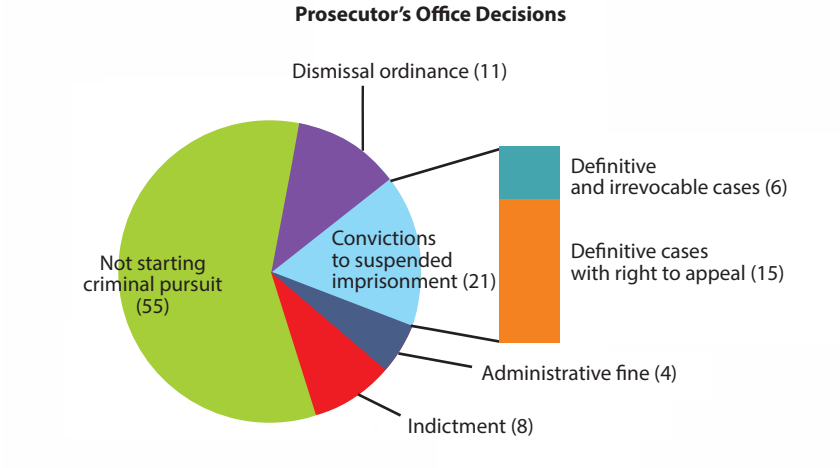


Follow-up on cases finalized by ANI

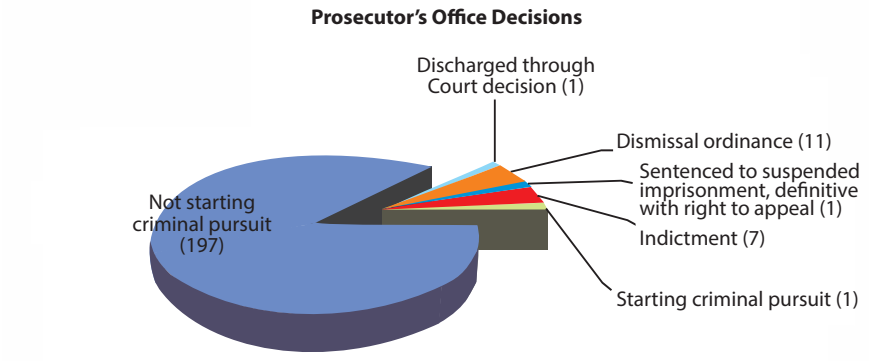
Decisions on the 354 incompatibility cases investigated by the Disciplinary Commission[1]

229 cases	**The evaluated person resigned after ANI's findings**
55 cases	**The evaluated person was dismissed from their position**
48 cases	**The evaluated person got a verbal or written warning, was transferred to another institution, got a salary decrease, their right to be promoted was suspended for a determined period of time or the person was downgraded**
18 cases	**The Disciplinary Commission did not take any measure**
4 cases	**Other**

Criminal conflict of interest (205 cases)



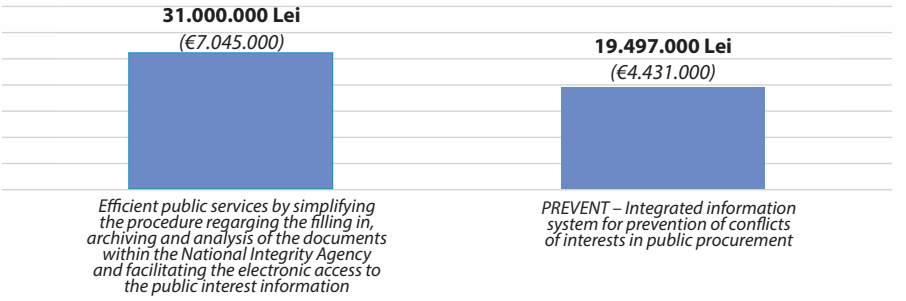
Other criminal deeds (296 cases)

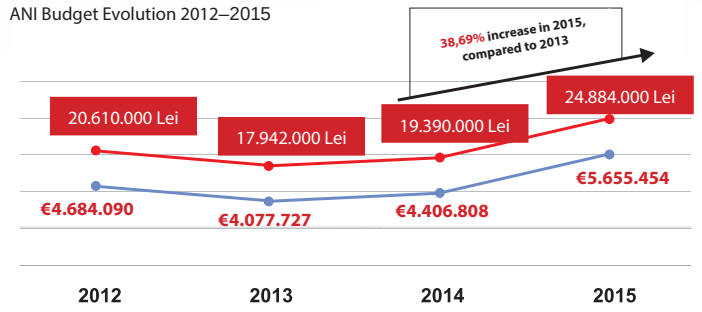


[1] The Disciplinary Commission is a body authorized to sanction the evaluated person, following the Court's confirmation of the integrity incidents ascertained by ANI.

FINANCIAL RESOURCES

Total value of projects financed through UE funds, implemented by ANI in the years 2012–2015: 50,5 million Lei (approx. €11,4 million)





TECHNICAL RESOURCES

PREVENT – Implementing Integrated Information System for Prevention of Conflicts of Interests in Public Procurement

PREVENT is an integrated informatics system for prevention and identification of the situations that determine conflict of interest in the public procurement process conducted within the projects financed through European funds. It is a new integrated IT solution, through which, for the first time in Romania, several electronic databases will work together in order to identify and eliminate potential conflict of interest. It will prevent conflict of interest through data and information processing, so that the National Integrity Agency will issue integrity warnings to those involved while ensuring and monitoring their implementation, without blocking public procurement procedures and without affecting the management of projects and the absorption of structural funds.

Brief history

In 2012, the European Commission recommended, through MCV, that "urgent action should be taken (...) in order to assure protection against conflict of interest in the management of public funds." Therefore, the Government adopted a Memorandum establishing the basis for ANI to implement a project of an integrated informatics system for prevention and identification of the conflict of interest.

Furthermore, in 2013, an inter-institutional working group was established where various institutions from the public procurement area determined a legislative proposal for offering a legal framework of the prevention and verification mechanism of potential conflict of interest.

In order to operate the PREVENT project, the National Integrity Agency accessed European structural funds by applying to the finance program within the OP IEC – Operational Program

Increase of Economic Competitiveness under the priority axe III "Information and Communication Technology for private and public sectors."

Following the procedure of public procurement organised by ANI, in March 2014 the tenders were opened in order to assign the service contract for PREVENT – integrated informatics system for prevention of conflicts of interests in public procurement and subsequently the service contract for implementing the Project, of approximately €5 million, was signed. The project was finalized in 2015.

BEST PRACTICES COMPENDIUM

Throughout 2014, the National Integrity Agency continued its cooperation with other relevant parties, by exchange of best practices in the integrity and anti-corruption field, aiming to reinforce mutual learning, whereas the conflict of interest, incompatibility and unjustified wealth incidence is an emerging problem in all consolidated democracies and developing states.

ANI has been and is permanently invited to participate in a wide range of regional or global events, on various themes of discussions and is asked to contribute to stand proof of the complex implications of ANI's field of activity – integrity – as well as of the expertise it acquired. ANI's management, as well as experts of the Agency have participated in numerous national and international conferences, seminars, workshops and meetings, on diverse topics, such as: *Promoting transparency, accountability and participation (TAP): The role of check and balance institutions* (Caserta, Italia), *Reinforcing public support for CNI's objectives* (Chisinau, Republic of Moldova), *How do we communicate to the public on the conflicts of interests and asset disclosure? CNI's communication with the media and the society's various players* (Chisinau, Republic of Moldova), *Typology of the conflicts of interests. Analysis of the income and property statements* (Chisinau, Republic of Moldova), *Towards effective Institutional and legal Framework for fighting corruption* (Cairo, Egypt), *Prevention of Corruption – trends and Successful Practices in Eastern Europe and Central Asia* (Tirana, Albania), *Intergovernmental Working Group on Asset Recovery* (Vienna, Austria), *Fight Against High-Level Corruption in Romania* (Sofia, Bulgaria).

Likewise, there is a high frequency and level of the delegations visiting the Agency to hold talks with the management of the institution on integrity issues, among others: a delegation of 8 prosecutors and investigators from Bosnia and Herzegovina, magistrates of the Tunisian Republic, prosecutors, judges and investigation officers on combating corruption from the Republic of Moldova, representatives of the Directorate for Combating Corruption and Economic Crimes in Botswana, magistrates of the Prosecutor's Office in Zhejiang Province, experts of the Anti-Corruption Commission in Yemen, or state inspectors of the Bulgarian Government.

EVALUATION OF ANI'S ACTIVITY

Romania's Progress under the Co-operation and Verificaton Mechanism
Brussels, 28.1.2015
COM (2015) 35 final

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on Progress in Romania under the Co-operation and Verification Mechanism

1. INTRODUCTION
(…)
2. STATE OF PLAY OF THE REFORM PROCESS IN ROMANIA
(…)

2.3. Integrity
The National Integrity Agency and the National Integrity Council

The National Integrity Agency (ANI) has continued to process a strong flow of cases in 2014.[1] A high percentage (70%) of ANI's deci-

[1] Technical Report Section 2.1.3. 638 cases were notified to ANI and 541 started ex-officio. ANI finalized 514 reports in 2014. Compared to 2013, there was an increase in cases of conflict of interest and unjustified wealth, and a decrease of cases of incompatibilities.

sions on incompatibilities and conflict of interest are challenged in court, but about 90% of these cases have been confirmed by the courts. ANI's interpretations of the law have been confirmed in both the CCR and the HCCJ. It can therefore be seen as acting on a sound legal footing. In 2014, the HCCJ also helped by finding ways to accelerate incompatibility cases, despite other calls on its workload. This has helped to deliver certainty and to improve the dissuasive effect of the integrity laws.

However, whilst the borderline between judicial independence and inconsistency is a sensitive area, in 2014 there were several examples of contradictory decisions from different courts (even at the appeal court level) providing different interpretations. This included interpretations which differed from the HCCJ itself.[2]

The follow up of ANI's decisions is perceived to be improving. However, there are still cases where the lack of implementation has forced ANI to send the file to the prosecution (not applying a final decision is a criminal offence) or issue fines.[3] This seems to imply a low level of public understanding of incompatibility rules as a means to prevent conflict of interest. This is illustrated by the high number of elected officials who are found to be incompatible.[4] As the jurisprudence strengthens the recognition that incompatibility decisions must be enforced, other measures could also be used to ensure that the rules are well known.

From a staffing and budget point of view, the situation of ANI is stable. ANI secured the resources to undertake an important new project in 2015. The "Prevent" IT system for ex-ante check of conflict of interest in public procurement was finalized in 2015 and should bring major benefits in avoiding conflict of interest in the first place. The system will cover procurement both with EU and national funds. The necessary implementing law was adopted in spring 2015, after consultation.

The National Integrity Council (NIC) has continued to fulfill its role as an oversight body, notably by intervening publicly as well as in front of the Parliament when required.[5] The current NIC's mandate expired in November 2014. The initial process for appointing a new NIC was subject to a number of controversies, including the nomination (in a first phase) of candidates who were themselves subject to ANI proceedings, casting doubts on the full commitment of authorities to support the integrity institutions and suggesting that the goal of integrity is not well understood. (…)

2.4 The fight against corruption

Tackling high-level corruption

(…)

Tackling corruption at all levels

Public procurement procedures, especially at a local level, remain exposed to corruption and conflict of interest – a fact widely acknowledged by the Romanian integrity and law enforcement authorities. This has had consequences for the absorption of EU funds. However, it is also true that there are many other factors here – including the administrative capacity of public purchasers, the lack of stability and fragmentation of the legal framework, and the quality of competition in public procurement. Renewed structured dialogue between the Commission and Romania in the context of the implementation of the new public procurement directives, and of ex-ante conditionality for European Structural and Investment Funds should help to identify short-

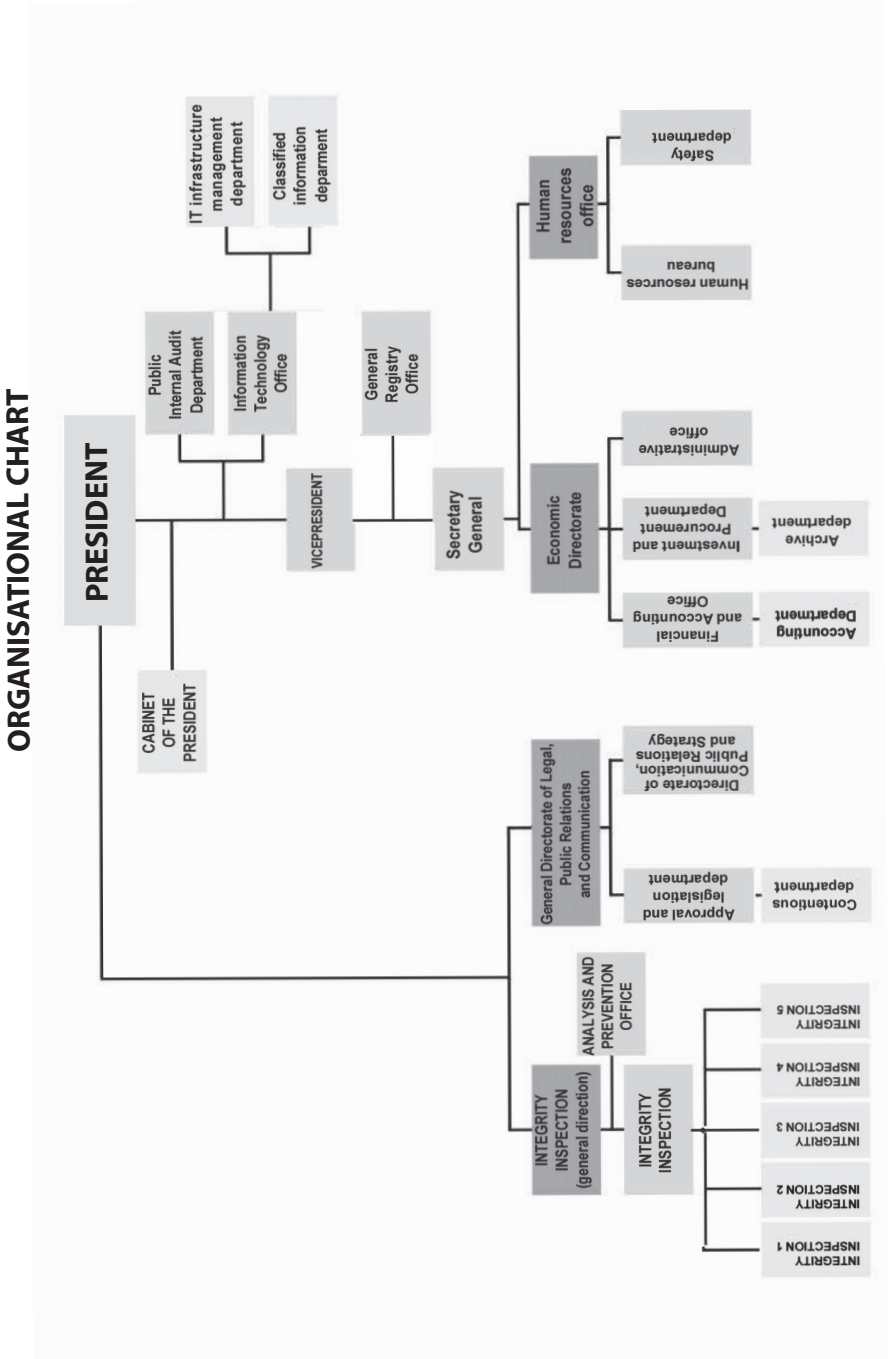
[2] One of the candidates in the May 2014 EP elections was subject to an incompatibility decision. His eligibility to run was challenged by ANI, but the Court of Appeal ruled that he could run (although the issue at stake was the question of the "same office", on which the HCCJ had already ruled). The Court of Appeal did not refer the case to the HCCJ, so there was no mechanism for the HCCJ to restore its own interpretation of this question.

[3] For example, ANI had to fine members of a city council until they eventually applied an ANI decision on conflict of interest concerning one of their peers and removed him from office. ANI even had to consider taking similar steps against a Parliamentary committee.

[4] (See technical report section 2.1.) 294 cases of incompatibility were established by ANI in 2014; 70% concerned elected officials.

[5] For example to guarantee ANI's independence in front of the Senate:
http://www.integritate.eu/Comunicate.

comings, including risk areas for corruption and conflict of interest. The ex-ante check of public procurement designed by the National Integrity Agency seems to be a step in the right direction but would need to be accompanied by other actions to minimize the scope for conflict of interest, favoritism, fraud and corruption in public procurement. (…)



Law No. 144 of 21 May 2007, republished on the establishment, organization and functioning of the National Integrity Agency

– after the publication of Law No. 176/2010

Chapter I
General provisions

Art. 1–12 are repealed.

Chapter III
The National Integrity Agency
Section 1
Organization and functioning

Art. 13

(1) The present law sets up the National Integrity Agency, an autonomous administrative authority with legal personality, operating at national level as a single structure, with its headquarters in Bucharest.

(2) The personnel of the Agency shall be composed of the Agency president, the Agency deputy-president, integrity inspectors, public officials and contractual personnel. The Agency president shall be a dignitary having the rank of a Secretary of State, and the Agency deputy-president shall be a dignitary having the rank of a Subsecretary of State; the office of integrity inspector is a public office of special statute.

At Art. 13, alignment (3) is repealed.

Art. 14 is repealed.

Art. 15

(1) In fulfilling the tasks it was assigned by law, the Agency shall act in accordance with the principle of operational independence.

At Art. 15, alignment (2) and (3) will have the following content:

"(2) The Agency is led by a President, assisted by a Vice President, both appointed by the Senate, based on a competition, organized by the National Integrity Council. The mandates of the President and of the Vice President remain valid until the end of their exercise period.

(3) According to the principle of operational independence, the President, Vice President and the integrity inspectors shall not seek or receive provisions relating to the assessments on property of persons, conflicts of interest and incompatibilities of any public authority, institution or person."

Art. 16

(1) The current and capital expenses shall be entirely financed by the state budget. The draft budget is drawn up by the president of the Agency, with the avis of the Ministry of Economy and Finances and shall be forwarded to the Government in order to be included in a distinct section of the draft state budget to be approved by law.

At Art. 16, alignments (2) and (4) will have the following content:

"(2) The Agency's President shall act as main chief financial officer. If the position of Agency President is vacant as well as in other cases where the President is unable to perform its duties, the main chief financial officer position is exercised by the Vice President or by the General Secretary of the Agency."

(3) The maximum number of positions of the Agency shall be 200; this number may be increased by the law on the state budget, at the proposal of the Agency president.
"(4) The organizational structure of the Agency, the tasks, duties and responsibilities of the staff from its own device are established through the Rules of Organization and Operation (ROI) approved by an order of the Agency's President and will be published in the Romanian Official Gazette, Part I."

Art. 17 is repealed.

Section 2
Status of the Agency Staff

Art. 18
(1) The person who meets the requirements provided by Art. 19 par. (2) may be appointed as an inspector.
(2) The appointment of inspectors shall be made following a competition or an examination, organized in accordance with a regulation approved by decision of the National Integrity Council, at the proposal of the president of the Agency and published in the Official Journal of Romania, Part I, as well as on the website of the Agency.
(3) The appointment of inspectors, of other public servants and of contractual personnel shall be made in accordance with Law No. 188/1999 on the Civil Servants Statute, as amended, as well as in accordance with the Government Emergency Ordinance No. 24/2000 on the system of setting basic pays for budgetary-sector employees hired in virtue of employment contracts, approved by Law 383/2001, as subsequently amended and Law 53/2003 – Labour Code as subsequently amended.
(4) The staff of the Agency may not express publicly its opinion regarding the cases pending with the Agency.
(5) The staff of the Agency has the duty not to disclose data or information to which it had access, except when requested by the law. This prohibition shall continue to apply 5 years after the activity has ceased; non-compliance is sanctioned by the criminal law.
(6) The staff of the Agency may be subject to civil, disciplinary, administrative and criminal liability, in accordance with the law.

*) To see the National Integrity Council Resolution No. 3/2008 on approval of the contest or examination to fill in the position of integrity inspector within the National Integrity Agency, published in the Official Gazette, Part I, No. 116 of February 14, 2008, with modifications and ulterior completions.

Art. 19
(1) The president and vice-president of the Agency shall be appointed by the Senate, for a 4-year unrenewable term of office following a competition organised in accordance with the present law.
(2) The president or the vice-president of the Agency shall be any person cumulatively fulfilling the following requirements:
a) is a Romanian citizen;
b) has full exercise of his/her rights;
c) has a university degree in law or economics, certified under the law;
d) is not a member or has not been for the past 3 years a member of a political party, group or alliance;

e) was not an agent or collaborator of intelligence services before 1990, was not and is not an operative worker, including an undercover agent, informer or collaborator of the intelligence services;
f) has not been convicted for a criminal offence committed with intention, for which a rehabilitation order has not been issued and which renders him/her incompatible with the public dignity function, and does not have a fiscal record;
g) is medically and psychologically able to fulfil his/her duties.
(3) The evidence that the requirements provided by par. (2), letters d) and e) are met shall be done by means of a written statement on own responsibility authenticated by a public notary.

Art. 20
(1) Within 5 days from approval of the Regulation on the Competition, the Council shall make public the initiation of the procedure for selecting the president or vice president by publishing an announcement on the Agency's website, in at least three national newspapers and in Part III of the Official Journal of Romania. The expenses made while organizing the first competition for the president and vice president's appointment of the National Integrity Agency, as the case may be, shall be provided by the Agency itself.
(2) Candidacies, accompanied by certifying documents, shall be submitted within 30 days after the date the announcement was published, with the Human Resources Department of the Agency.

Art. 21
(1) Within maximum 10 days from the expiry of the deadline for submitting the candidacies, the National Council of Integrity shall examine whether eligibility requirements provided by Art. 18 par. (2) are met and shall select the eligible candidates' files.
(2) Within 30 days after completing the verifications, the candidates who meet the eligibility requirements provided by Art. 17 par. (2) shall participate in a competition.

Art. 22
(1) The competition conditions and procedure shall be established by a Regulation.
(2) The Regulation on the competition or examination shall be approved by decision of the National Integrity Council and published in Part I of the Official Journal of Romania and on the Agency website within 15 days from the setting up of the Council.
(3) The topic areas for the competition and the membership of the board responsible for the organisation of the competition, drafting the subjects, checking the papers and solving the appeals shall be established by decision of the National Integrity Council and shall be published on the Agency's website.
(4) The competition or the examination shall consist of a written test and an interview.
(5) The subjects for the written test shall be drafted based on the topic areas, so as to reflect the candidates' knowledge as well as their leadership and organisation abilities. The subjects shall be marked from 1 to 100.
(6) To pass the written test, candidates must obtain at minimum 70 points for each subject.
(7) The appeals shall be lodged within 2 days from the publication of the results and shall be solved within 2 days from the end of the lodging deadline.
(8) Candidates who obtained the minimal score provided in par. (6) shall take an interview before the National Integrity Council within 5 days from the resolution of any objections to the examination results.
(9) The results of the competition shall be validated by the National Integrity Council, within 15 days from settlement of the appeals.

(10) Within 5 days from the resolution of any objections to the examination results, at the request of the board that organised the competition, the National Council for the Study of "Securitate" Archives shall check and communicate to the board whether any of the candidates used to belong to or collaborate with the intelligence services before the year 1990. The results of such checks shall be attached to the files of candidates.

*) To see the National Integrity Council Resolution No. 2/2007 on the approval of the contest or examination for the positions of president and vice president of the National Integrity Agency, published in the Official Gazette, Part I, No. 479 of July 17, 2007, with modifications and ulterior completions.

Art. 23
The appointment of the successful candidates shall be made by the Senate, within 15 days following validation of the results, in accordance with the provisions of the Regulation.

Art. 24
(1) Within 5 days from validation of the competition, the Agency president and deputy-president shall take the following oath before the Senate: "I swear to abide by the Constitution and by the laws of this country, to protect the rights and fundamental freedoms of individuals, to fulfil my competences with honour, scruples and impartiality. So help me God!" or, where appropriate, they shall state the following formula: "I assume the obligation to abide by the Constitution and by the laws of this country, to protect the rights and fundamental freedoms of individuals, to fulfil my competences with honour, scruples and impartiality." The reference to a divinity is not compulsory.
(2) The refusal to take the oath or to pronounce the phrase shall result in the annulment of the appointment/entails nullity of the appointment.

Art. 25
The president and the vice-president of the Agency may be removed from office in the following situations:
- resignation;
- managerial inability, ascertained under Art. 26 par. (2);
- final conviction for the commission of a criminal offence;
- breach of the legal provisions on the conflict of interests or incompatibilities was ascertained or if the confiscation of a part of the assets or of a specific good was decided;
- failure to meet any of the requirements provided by Art. 19 par. (2).

Art. 26
In the situations mentioned in Art. 25, the Senate disposes, through decision the removal from the function, at the National Integrity Council's proposal.
At Art. 26, alignment (2) will have the following content:
„(2) The finding of the situation under Art. 25 let. b) is done by a Committee made up of five members appointed by the Council, based on the proposal of the President of the Council, who based on an independent external audit report provided in par. (3), ensures the assessment of managerial abilities of the Agency positions. The conclusions of the evaluation are submitted to the Senate by the President of the Agency."
(3) The Senate may issue a report yearly by an external independent audit.
(4) The National Integrity Council shall ascertain any of the situations provided by Art. 25 let. c) and e), ex officio or upon the notification of any person.

Art. 27
Positions of president and vice-president of the Agency shall be incompatible to any other public or private position, except for exclusively academic teaching positions or activities.

Art. 28
(1) The main duties of the president of the Agency are the following:
At Art. 28, alignment (1) let. h) will have the following content:
"a) to organise, coordinate, lead and control the current activities of the Agency, within the limits established by law;
b) to approve the organizational and personnel chart;
c) to appoint, the staff of the Agency by order, in accordance with the provisions of the law;
d) to initiate disciplinary actions against the staff under his/her supervision;
e) to ensure the publication of the Agency's annual activity report and of the external independent audit report on the Agency website;
f) present to the Council, quarterly or on request, whenever necessary, briefings on the work of the Agency;
g) to represent the institution in its relationships with any other public or private institution or natural person;
h) ensures the elaboration of the strategy regarding the procedure of the asset evaluation, conflict of interest and the incompatibilities by the Agency, taking into account the recommendation of the Council; The strategy is elaborated annually and presented to the Council for Approval."
i) issue orders and instructions;
j) to fulfil any other duties specified by the law.
(2) The vice-president of the Agency shall fulfil the duties established by the present law or assigned to him/her by the president. The duties provided by par. (1) let. b) and g) may be carried out only by the president.
At Art. 28, alignment (3) will have the following content:
„(3) The President, Vice President and General Secretary of the Agency do not have operational functions regarding the asset evaluation, conflict of interest and incompatibilities."

Art. 29
Art. 29 will have the following content:
„(1) Staff salaries and other rights of the Agency personnel shall be established taking into account the importance, responsibility, complexity and specificity of the work performed, the prohibitions and incompatibilities provided by law, seeking to guarantee its independence and autonomy according to the law.
(2) The President and Vice President of the Agency are to be remunerated according to Annex XI from Law No. 330/2009 regarding the unitary salaries paid to the personnel from the public funds and benefits from other funds and salary rights as these are mentioned in the Law for the integrity inspectors.
(3) The basic salary levels for the integrity inspector positions are those mentioned in Annex XI from Law No. 330/2009.
(4) The Agency supports for the Council members the travel expenses, in the cases where their residence is in another city than Bucharest and other expenses necessary to for home and abroad travelling, for the purpose of achieving the objectives of this law, within the approved budget.
(5) Board members are entitled to a hearing allowance, in accordance with Government Emergency Ordinance No. 27/2010 regarding the amendment of Art. II, from Law No. 203/2009 to

approve the Government Emergency Ordinance No. 79/2008 on financial and economic measures for the economic operators, published in the Official Gazette, Part I, No. 230 dated 12 April 2010, respectively 1% of gross salary income of the Agency's President. These rights are taxed according to law."

Art. 30

(1) The security of premises of the Agency, of its assets and values, the monitoring of access and maintenance of internal order necessary to undertake the ordinary activity in such premises, shall be ensured, free of charge, by Gendarmerie, through its specialized structures.

(2) Manpower and necessary funds for the protection and safety of the operations carried out shall be established by a Government Decision at the proposal of the president of the Agency. Protection by the Gendarmerie shall be ensured on condition the funds and manpower shall be increased accordingly. The terms on the use of the Gendarmerie units for securing and protecting the premises and the personnel shall be established by a protocol concluded between the Ministry of Interior and Administration Reform and the Agency.

Art. 31

At Art. 31, alignment (1) and (5) will have the following content:

"(1) The preventive arrest of the President, Vice President or an integrity inspector of the Agency will attract the suspension from the held position.

(2) Within 24 hours from the date the measures provided by par. (1) were ordered, a prosecutor or, as the case may be, a judge, shall communicate the decision to the Agency or, as the case may be, to the National Integrity Council.

(3) The suspension from the position of president and vice-president of the Agency shall be ascertained by the National Integrity Council, and by the Agency's president for the staff under his/her supervision. The decision of suspension shall be communicated to the person concerned.

(4) If the president or the vice-president of the Agency are suspended from their positions, the National Integrity Council shall delegate the leading powers to an integrity inspector. The interim tenure ends when the suspended persons are reinstated or when new persons are appointed.

(5) If it is ordered the revocation of the preventive arrest, the suspension shall cease and the respective person will be reintegrated into the position previously held and the remuneration for the period of suspension will be paid."

Art. 32

(1) Evaluation of the Agency leadership quality shall be done on a yearly basis, by an external independent audit.

(2) Financing of the audit provided by par. (1) shall be ensured from the Agency's budget. The selection of the entity which performs the audit shall be done in compliance with legal provisions on public procurement.

(3) Public or private sector entities to which the state is a shareholder may not participate in the public procurement procedures.

Art. 33

(1) The audit report shall be prepared in the first three months of the year and shall necessarily include recommendations on the fulfillment of managerial duties, efficient organization, conduct and communication, the taking of responsibilities by the Agency's leadership, as well as

recommendations on the need to reduce or, as applicable, to increase the number of the Agency positions.
(2) Within maximum 5 days after receiving the report, the president shall communicate it to the Council.

Chapter IV
The National Integrity Council

Art. 34
The National Integrity Council, hereinafter "the Council", is a representative body under Parliamentary authority exercised by the Senate, with non-permanent activity, having the tasks provided by the present law.

Art. 35
(1) The Council is appointed by the Senate and shall consist of a number of members, appointed as follows:
a) 1 representative by each parliamentary group from the Senate plus the national minorities group from the Chamber of Deputies;
b) 1 representative by the Ministry of Justice and 1 by the Ministry of Economy and Public Finances;
c) 1 representative by the National Union of County Councils in Romania, designated by the general assembly, according to the statute;
d) 1 representative by the Local Authorities Associations in Romania designated by the general assembly, according to the statute;
e) 1 representative by the Town Authorities in Romania designated by the general assembly, according to the statute;
f) 1 representative by the Commune Authorities in Romania designated by the general assembly, according to the statute;
g) 1 representative of high public servants and 1 representative of the public servant designated by National Agency of the Public Servants;
h) 1 representative designated in common agreement by the legally established associations of the magistrates;
i) 1 representative designated by civil society organizations, legally constituted, with activity in human rights, judicial or financial area.
(2) The entities in par. (1) shall designate their own representatives to the Council within 20 days from the entry into force of this Law. The National Integrity Council shall be validly set up if the entities in par. (1) have designated at least half plus one of its members.
(3) The authorities, the institutions and the structures provided under par. (1) shall adequately appoint a substitute for each designated member.
(4) Within 5 days from designation by the entities in par. (1) of the Council's members, the Senate shall convoke the session for the setting up of the National Integrity Council. The session shall be quorate if at least the majority of its members are attending.
After Art. 35 a new Art. 35.1 is introduced with the following content:
Art. 35.1 – (1) It may be appointed in the position of Member of the National Integrity Council the person who cumulatively meets the following conditions:
a) is a Romanian citizen;
b) has full legal capacity;

c) has high educational background certified according to the law;
d) was not an agent or employee of the intelligence service before 1990, was not and is not an operational agent, inclusively an undercover agent or has co-operated with the intelligence service;
e) it is definitely sure that there was not a state of incompatibility or conflict of interest that there were significant differences of more than $10,000;
f) it has not been convicted for offenses committed with intent, for which rehabilitation has occurred, and it does not have a fiscal record;
g) it is medically and psychologically fit for this position;
Proof of fulfillment of the conditions set out in par. (1) let. d) is done based on the declaration on oath, certified by a notary public.

Art. 36
(1) The Council's president is elected from their members, through the secret vote of half plus one of the members, in five days from the date of the Council's meeting.
(2) The president of the Council can be revoked through the secret vote of at least 2/3 of the Council' s members, in case he brakes the Constitution and the laws of the country or he executed with dishonesty his prerogatives through the public function he exercises.

Art. 37
At Art. 37, alignment (1) and (3) will have the following content:
(1) The mandate of the Members of the Council is of 4 years.
(2) The mandate of the Council's members shall cease when the new members are designated, taking into account the provisions of par. (1).
(3) The Member mandate ceases before term, by dismissal from the Senate, due to the breach of the legal duties by resignation or death. Failure or the breach of the legal duties means that a Council Member is unfounded absent at three consecutive meetings or at any 6 Council meeting during the year.
(4) The substitute shall participate with full rights to the Council's meetings, in the absence of the Council's member he replaces.
(5) In the cases provided in par. 3, the designation of the new members of the Council or, as the case may be, of their substitute shall be made according to the provisions of Art. 35 par. (1) and (3).
(6) Between the 90th and the 30th day before the mandate of the Council expires, the new members for the Council shall be designated.

Art. 38
(1) The Council's sessions shall be public.
(2) The Council shall have the following tasks:
At Art. 38, alignment (2) let. c) and f) will have the following content:
a) to propose the Senate the appointment and the removal from office of the Agency's president and vice-president;
b) to ascertain the suspension from office of the Agency's president and vice-president;
c) approves by decision the Rules of Organization and Operation (ROI) of the Council, of the Council Committees as well as the internal norm of conduct;
d) to approve by decision the Regulations on the organization of the competition/examination for the selection of the Agency's president and vice-president, as well as the topic areas and the

structure of the board responsible for the organization of the competition, the drawing up of the subjects, the correction of tests and the settlement of appeals;
e) it analyzes the information and reports which are presented by the president of the Agency regarding its activity, trimester or every time are asked by the Council, through its president;
f) elaborates recommendations referring to the strategy and the asset evaluation activity, conflicts of interest and incompatibilities of the Agency;
g) to analyze annual audit reports, provided under Art. 33;
h) It draws up to the Senate, yearly and every time is necessary, a report about the Agency's activity;
i) any other prerogatives foreseen by the law.
After Art. 38 a new article is introduced with the following content:
"Art. 38.1 – The activity of assets evaluation, interests and incompatibilities for the President and Vice President of the Agency, as well as for its staff is made under the provisions of the present law, by an evaluation committee within the National Integrity Council, composed of five members appointed by the Council, at the proposal of the Council's President."

Art. 39
The members of the Council have the obligation in their exercise to abstain from the expression or the public manifestation of their political convictions regarding the Council's activities or the Agency and not to encourage any political party or any organization which has the same juridical regime as the political party.

Art. 40
(1) The Council shall meet monthly or every time is necessary.
(2) The President of the Council and at least a quarter of its members shall summon the Council.
(3) The Council shall function in the presence of at least 2/3 of its members and shall adopt decisions with the simple majority vote of the present members.
(4) The secretariat of the Council shall be ensured by the personnel designated by the Agency.
(5) The Council's meetings shall regularly take place at the premises of the Agency.

Chapter V
Disclosure of assets and interests

Art. 41–57 are repealed.

Chapter VIII
Final and transitory provisions

Art. 58
Within maximum 30 days after the entry into force of the present law, according to Art. 62 par. (1), let. b) the documents from the archive located at the committees foreseen by Law No. 115/1996, with later amendments, will be submitted to the Agency based on a Minute. The cases in which checks are in progress will be solved further on under the responsibility of the committees for assets evaluation, according to Law No. 115/1996, with subsequent amendments.

Art. 59
For the position of President and Vice President of the Agency all documents will be submitted to the Council.

Art. 60
Within 30 days of the entry into force of this law, the persons designated in accordance with Art. 10 shall ensure the enforcement of the present law and shall introduce in their internal regulations detailed provisions regarding conflicts of interests adjusted to the specific nature of that institution, which shall be communicated to all the employees together with the provisions of the present law.

Art. 61
Fines applied under this law are revenues to the state budget.

Art. 62
(1) The present Law enters into force:
a) in 3 days from its publishing in the Romanian Official Gazette, Part I, in regard to chapter III and IV, referring to National Integrity Agency and National Integrity Council;
b) in 6 months from its publishing in the Romanian Official Gazette, Part I, in regard to chapter I, II and chapter V – VII.
(2) The members of the National Integrity Council shall be designated within maximum 30 days after the entry into force of the present law, according to par. (1) let. a).
(3) The president and vice-president of the Agency shall be designated by the Senate of Romania, in accordance with this law.
(4) The Agency shall operate with no more than 25 posts until the date when it becomes operational, within the time limit set forth in par. (1). Within 5 days from the taking of the oath by the President of the National Integrity Agency, the Ministry of Economy and Finance, the Ministry of Justice, the Ministry of the Interior and of Administrative Reform, the Ministry of Labour, Family and Equal Opportunities, the National Fiscal Administration Agency, the Fraud Squad and the National Agency of Public Officials shall assign persons to perform operations relating to the setting up, organisation and operation of the Agency. At the date when the Agency becomes operational, such persons may choose, with the consent of the Agency president, to be transferred to work within the Agency, under the law.
(5) The institutions mentioned in par. (4) shall designate seconded staff as follows:
a) Ministry of Economy and Finances – 4 persons;
b) Ministry of Justice – 3 persons;
c) Ministry of Interior and Administrative Reform – 5 persons;
d) Ministry of Labour, Family and Equal Opportunities – 4 persons;
e) National Agency for Fiscal Administration – 3 persons;
f) Financial Guard – 3 persons;
g) National Agency for Public Servants – 3 persons.
(6) In order to comply with provisions of par. (2)–(5), the Government shall provide the financial, material and the logistical resource necessary for the operation of the Agency within 20 days after the present law has come into force, pursuant to par. (1) let. a). Within the same period, the Government and the local public administration authorities shall take the measures to ensure the Agency's premises.
(7) The first evaluation of the Agency shall be carried out starting with the mandate of the president designated in accordance with Art. 23.

Law. 144/2007 on the establishment, organization and functioning of the National Integrity Agency was published in the Official Gazette, Part I, No. 359 of May 25, 2007.

*) According to the Government Emergency Ordinance No. 221/2008 for the establishment of some measures for the reorganization of central public administration, published in the Official Gazette, Part I, No. 882 of December 24, 2008, in the normative acts in force the names Ministry of Economy, Trade and Business, Ministry of Justice, Ministry of Interior and Administrative Reform, Ministry of Labor, Family and Equal Opportunities are replaced with the following Ministry of Public Finance, Ministry of Administration and Interior, Ministry of Labor, Family and Social Protection.

Art. 63

(1) On the date of the entry into force of this law, in accordance with Art. 57 par.1, let. b), the following provisions shall be repealed:

Art. 1, 2, Art. 3 par. (2) and (3), Art. 4–9, Art. 11–13, Art. 14 par. 1, Art. 15 let. b), Art. 16 par. (2), Art. 19, Art. 21–23, Art. 32, 35, 36, 38 and 39 of Law No. 115/1996, with the subsequent amendments and completions;

b) Chapter I – "General Provisions"– Art. 73 par. (3)–(7), Art. 74 and Art. 76 par. (2)–(4) from Chapter II – "Conflict of interests"– and Art.112–113 from Chapter VI – "Common Provisions" – Title IV, – "Conflict of interests and the status of incompatibilities in the exercise of dignities and public functions"– from Book I – "General Provision concerning prevention and fight against corruption" – of Law 161/2003 on measures to ensure transparency in exercising public dignities, public positions and in the business community, on preventing and sanctioning corruption, published in the Official Journal of Romania No. 279 Part I of April, 21, 2003, with the subsequent amendments and completions;

c) par. (1) of Art. 54 of Law 393/2004 Statute of local officials, published in Official Journal of Romania, Part I, No. 912 on 7 October 2004, with the subsequent amendments.

(2) The provisions concerning incompatibilities comprised in Art. 80–110 of Chapter III, Title IV, Book I, as well the ones stipulated by Art. 115–117 of Chapter VII, Title IV, Book I, of Law 161/2003 on measures to ensure transparency in exercising public dignities, public positions and in the business community, on preventing and sanctioning corruption, as amended are and shall remain in force.

(3) The provisions of the present Law regarding the verification of conflicts of interests and the ascertainment of incompatibilities doesn't apply to magistrates in the activity of solving the causes from the judgment courts and the parquet around them, regarding to which the conflict of interests or the ascertained facts of incompatibilities were invoked.

Art. 64

On the date of entry into force of the present law, Law No. 115/1996 on declaring and controlling the wealth the dignitaries, magistrates, persons holding a leading or controlling position and of public servants, published in the Official Journal of Romania, Part I, No. 263 of October, 23rd 1996, as amended shall be completed as follows:

Par. (2) of Art. 14 shall be modified and shall have the following content:

"(2) The dismissal ordinance shall be communicated to the parties and to the prosecutor's office attached to the Court of Appeal in the circumscription of which operates the commission, either to the National Integrity Agency or to the chief prosecutor of the National Anticorruption Directorate, as well as to the general direction of public finances in the circumscription of which the person whose assets are under control has residence."

Par. (1) of Art. 16 shall be modified and shall have the following content:
"(1) The President of the Court of Appeal or the president of the fiscal and administrative contentious, when receiving the file, shall set a term of hearing, according to law and shall order the summoning of all the parties who had been called to the Agency. The state, through the Ministry of Economy and Finances, shall always be summoned during court proceedings. The presence of the prosecutor and of the Agency is mandatory."
Art. 20 shall be modified and shall have the following content:
"Art. 20. The sentences of the Court of Appeal – the disputed claims office administrative and fiscal can be appealed by the interested parts, by the Agency and the public prosecutor, in 15 days from the communication, to the High Court of Cassation and Justice – Sentences by the court of appeal, section for contentious administrative and fiscal business."
The naming "investigation commission" shall by replaced by the naming "National Integrity Agency" throughout Law No. 115/1996.

LAW No. 176
DATED 1 SEPTEMBER 2010

REGARDING THE INTEGRITY IN EXERCISING THE PUBLIC OFFICIALS AND DIGNITIES, IN ORDER TO MODIFY AND COMPLETE LAW No. 144/2007 REGARDING THE ESTABLISHMENT, ORGANIZATION AND OPERATION OF THE NATIONAL INTEGRITY AGENCY AS WELL AS FOR THE MODIFICATION AND COMPLETION OF OTHER NORMATIVE ACTS

ISSUER: ROMANIAN PARLIAMENT
PUBLISHED IN OFFICIAL GAZETTE No. 621 dated 2 September 2010
The Romanian Parliament adopts the present law.

PART I
TITLE I
Integrity and transparency obligations in the performance of the public officials and dignities positions

Chapter I
Declaration of assets/wealth and interests

Art. 1
(1) The provisions of the present Law are applied to the following categories of persons, that have the obligation to declare their assets/wealth and interest:
1. The President of Romania;
2. Presidential Advisors and State Counselors;
3. The Presidents of the Chambers of Parliament, Deputies and Senators;
4. The Members from Romania in the European Parliament and Members in the European Committee on behalf of Romania;
5. The Prime-Minister, Members of the Government, State Secretaries, State Deputy-Secretaries, their comparables, as well as the State Counselors from the persons from the work-group of the Prime-Minister;
6. The Members of the Superior Council of Magistracy;
7. The Judges, Prosecutors, Deputy-Magistrates, their comparables, as well as Judicial Assistants;
8. The Specialized support staff in Courts and Prosecutor's Office;
9. The Judges from the Constitutional Court Of Romania;
10. The Members of the Romanian Court of Accounts and the personnel holding management and control positions in this institution;
11. The President of the Legislative Council and Section Presidents;
12. The Romanian Ombudsman and its deputies;
13. The President and Vice-President of the National Authority for the Supervision of Personal Data Processing;
14. The Members of the Competition Council;
15. The Members of the National Council College for Studying the Intelligence Service Archives;
16. The Members of the National Securities Commission;
17. The Members of the Economic and Social Council;
18. The Members of Insurance Supervision Commission;

19. The Members of the Supervisory Commission of Private Pension System;
20. The Members of the National Council for Discrimination Combat;
21. The Members of the National Audiovisual Council;
22. The Members of the Boards of Administration and Board of Directors of the Romanian Radio and TV Company;
23. The President and Vice-President of the National Integrity Agency as well as the members of the National Integrity Council;
24. The General Manager and members of the Board of Directors of the National Press Agency AGERPRESS;
25. The Manager of the Romanian Intelligence Service, Prime-Deputy and its deputies;
26. The Manager of the Foreign Intelligence Service and its deputies;
27. The Diplomatic and Consular personnel;
28. The Manager of the Security And Protection Service, Prime-Deputy and its Deputy;
29. The Manager of the Special Telecommunication Service, Prime-Deputy and its deputies;
30. The local elected persons;
31. The persons holding management and control positions as well as the public officials, inclusively those with special status that run their activity in all central government or local authorities or, where appropriate, in all public institutions;
32. The persons holding management and control positions the state education system units and units of state public health system;
33. The personnel assigned to central government officials in the public administration and the personnel assigned to the prefect's office;
34. The Board Members, Board of Management or Board of Supervisors, and persons holding management positions in the national interest or autonomous local companies and national companies, or, as appropriate companies in which the State or an local governmental authority has a significant holding;
35. The Governor, First Vice-Governor, Vice-Governors, the Members of the Board Administration, employees responsible for the management of National Bank of Romania as well as the bank management personnel where the state is significant shareholder;
36. The personnel of public institutions, including employees with individual employment contract, involved in carrying out the privatization process as well as the personnel government institutions, including employees with individual employment contract, that manage or implement programs or projects funded from external or budgetary funds;
37. The Presidents, Vice-Presidents, Secretaries, Trades in the union federation and confederation;
38. The Prefects and Deputy-Prefects;
39. The candidates applying for the position of the President of Romania, Deputy, Senator, Local Counselor, Chairman Of The County Council and Mayors.

(2) The obligation to declare assets/wealth and interests also returns, according to this law, to other categories of persons, who are appointed by the President of Romania, by the Parliament, Government or Prime Minister, except those who occupy positions in the religious cults.

(3) The assessment of wealth statement/asset evaluation, data, information and patrimonial changes that may have occurred, interests and incompatibilities for those persons mentioned in par. (1) and (2) will take place at the National Integrity Agency, established by the republished Law No. 144/2007 regarding the establishment, organization and operation of the National Integrity Agency, hereinafter called the Agency. For the President and Vice-President of the Agency and its personnel, wealth statement assessment activities, interests and incompatibilities shall be conducted within the National Integrity Council.

Art. 2
The Wealth statement and declarations of interests are to be completed according to Annexes No. 1 and 2 and send certified copies to the Agency along with the declaring person personal identification number.

Art. 3
(1) The Wealth statements and declarations of interests are acts of personal interests, which can be corrected only as provided by this law.
(2) The Wealth statements shall be done in writing, on oath, and include rights and include the rights and obligations of the declaring person, declaring person spouse and dependent children, according to Annex 1.
(3) The declarations of interests shall be done in writing, on oath, and include functions and activities listed in Annex 2, according to the provisions of Law No. 161/2003 regarding some measures for ensuring transparency in the exercise of public dignities, public positions and in business, prevent and punish corruption, with subsequent amendments.
(4) Persons applying for positions of President of Romania, Deputy, Senator, Romanian Member in the European Parliament, County Councilor, Alderman, Chairman of The County Council or Mayor are required to declare their wealth and interests.
(5) Wealth statements and declarations of interests of persons referred to in par. (4) shall be submitted to the Central Election Office or, where applicable, the Election District Office, with the declaration of application acceptance, in duplicate. Central Election Office and Election District Office send a copy of the wealth statements and declarations of interest to the Agency within 48 hours of submission.
(6) Wealth statements and declarations of interests of the candidates for the Presidency of Romania, made according to the provisions of Annexes No. 1 and 2, are published in the Official Gazette, Part III and are displayed on the website of the Agency within 10 days of the date of receipt or, where appropriate, and are kept on this page.
(7) Wealth statements and declarations of interests of candidates for deputy, senator, county councilor, alderman, chairman of the county council or mayor position, elaborated according to the provisions of Annexes No. 1 and 2, are displayed on the website of the Agency within 10 days of receipt.

Art. 4
(1) Wealth statements and declarations of interests shall be submitted within 30 days from date of appointment or election in the respective position or from the date of commencement of work.
(2) Persons covered by the present law have the obligation to submit or update their wealth statements and declarations of interests annually, no later than June 15. Wealth statements are elaborated as follows: for the previous fiscal year ended December 31, for the income, respectively the status at the statement date and for the other chapters of the statement, according to Annex 1. The persons suspended from exercising their positions or dignity of public office for a period covering the full fiscal year will update their statements within 30 days after termination of the suspension.
(3) No later than 30 days from the date of termination or cessation of office, persons covered by this law are required to submit further representations of wealth and interest statements.
(4) Within 30 days of the entry into force of this law, persons who were not required to file wealth statement and declaration of interests, and now the law sets this obligation, have to submit such statements.

CHAPTER II
Implementation of legal provisions on wealth statement and declaration of interests

Art. 5

(1) Within the entities in which persons are required to submit wealth statement and declaration of interests, in accordance with law, there will be designate persons responsible to ensure the implementation of legal provisions in regard to the wealth statement and declaration of interests.

(2) Wealth statement and declaration of interests shall be submitted as follows:

a) The President of Romania, Presidential Advisors and State Counselors – to the person designated by the Head of Chancery of the Presidential Administration;

b) The Presidents of the Chambers of Parliament, Deputies and senators – the person designated by the Secretary General of the Chamber of which they belong;

c) The Romanian Members of the European Parliament and the Romanian Members of the European Commission – the Permanent Election Authority;

d) Prime-Minister, Members of Government, State Secretaries, State Deputy-Secretaries and the comparable, as well as State Counselors from the working cabinet of the Prime Minister – the person designated by the Government General Secretary;

e) Members of the Superior Council of Magistrates, judges, prosecutors, judicial assistants and assistant-magistrates – the person designated by the Secretary General of Supreme Council of Magistrates;

f) Members of the National Integrity Council as well as the President and Vice-President – the person designated by the General Secretary of the Senate;

g) County and Local Councilors, Mayors as well as Presidents of County Council – the person designated by the secretaries of administrative-territorial units;

h) Prefects and deputy-prefects – the person designated by the Prefect Secretary Chancery;

i) Other categories of persons foreseen by law – the person designated by the Head of the Human Resources Department or, where appropriate, the Head of the Secretariat of the public authorities, public institutions or units to which they belong.

(3) In exercising the duties under this law, the persons designated under the provisions of par. (2) are directly subordinated to the institution manager, who is responsible for smooth conduct of their activity.

(4) In the period of traveling or delegation, persons who are required to submit wealth statements and declarations of interest have to submit them to the institution from which they were delegated or seconded.

Art. 6

(1) The persons responsible for implementing the provisions on wealth statements and declarations of interest have to fulfill the following requests:

a) Receive, record the wealth statement and declarations of interests and issues at the submission date a proof of receipt;

b) Upon request make available to the personnel the wealth statements and declarations of interest;

c) Advice on the correct filling in and submission of the wealth statement and declarations of interests in order to be submitted in due time;

d) Highlights the wealth statements and declarations of interest in particular records of a public character, called Wealth Declarations Register and declarations of interest Register, examples of which are established by the Government Decision on a proposal from the Agency;

e) Ensures and maintains displayed of the wealth statements and declarations of interest provided in Annexes 1 and 2, on the website of the institution, if any, or its bulletin board, of the institution not later than 30 days after receipt by anonymous address declared for the buildings, except the city location, the address of the institution that manages assets financial as well as the personal identification number and signature. Wealth statements and declarations of interests are kept on the website of the institution and of the Agency for the entire duration or term in the office and three years after their termination and then these will be filed according to law;
f) Submits to the Agency in order to perform the assessment duties certified copies of wealth statements and declarations of interest already submitted together with a certified copy of records provided at letter d) within 10 days of receipt;
g) Prepare, after the submission deadline, a list of persons who have not submitted the wealth statements and declarations of interest in this period and immediately inform them, asking for their point of view within 10 working days;
h) Advise on the content and application of legal provisions concerning the statement and evaluation of assets/wealth, conflicts of interest and incompatibilities, and prepared opinion notes in this respect, at the request of persons who are responsible for filing wealth statements and declarations of interest.
(2) The final list of persons who have not submitted within the deadline or those that have submitted late their wealth statements and declarations of interests, together with the point of views received, shall be submitted to the Agency by 1 August of the same year.

Art. 7
(1) If, within 10 days from the receipt of wealth statements and declaration of interests, those responsible, according to Art. 5 alignment (2), seize deficiencies in the filing in of the statements and declarations, will recommend, in writing, on signature or letter basis, to the respective person the rectification wealth statements and/or declaration of interests no later than 30 days after the recommendation. Correction of the statement may be initiated by persons referred to in Art. 1, within 40 days from the initial submission. Rectified wealth statements and/or declaration of interests may be accompanied by justifying documents.
(2) The wealth statements and/or declaration of interests submitted together with the supporting documents are immediately sent to the Agency in certified copy.
(3) By the deadline for submitting the rectified wealth statements and/or declaration of interests, the Agency can not initiate the proceedings under this Law, provided they are submitted in due time.

TITLE II
Procedures to ensure the integrity and transparency in performing public positions and dignities

CHAPTER I
Proceedings before the National Integrity Agency

SECTION 1
GENERAL PROVISIONS

Art. 8
(1) The goal of the Agency is to ensure the integrity in the exercise of public positions and dignities and to prevent institutional corruption through exercising responsibility in assessing

wealth statements, data and information regarding the wealth as well as patrimonial changes occurred, incompatibilities and potential conflicts of interest where the persons from Art. 1 may be implied, during the performance of public positions and dignities. In achieving this goal, the Agency may develop collaboration through the conclusion of protocols with entities in the country or abroad.

(2) The assessment activity run by the integrity inspectors of the Agency shall be conducted for the existing wealth while exercising public positions, conflict of interest and incompatibilities of persons subject to this law, according to its provisions, amended with normative regulation in force.

(3) The principles according to which the evaluation activity is run are legality, confidentiality, impartiality, operational independence, speed, good governance, right to defense and the presumption of lawful acquisition of wealth.

Art. 9

(1) In order to conduct the activity in terms of professionalism, respecting the principles laid in Art. 8 alignment (3), the allocation of work is done randomly by the integrity management inspectors through electronic system.

(2) Reallocation of works assigned to the integrity inspectors can be done only in the following cases:

a) Impossibility to run its duties for at least 20 days;

b) The integrity inspector that has been assigned reasoned request;

c) Suspension of activity, according to the law;

d) Incompatibility;

e) Conflict of interest;

f) There are significant differences in regard to the provisions of Art. 18 between the changes in property of the integrity inspector while exercising the public position and the revenues obtained in this period;

g) Not working the files, for reasons attributable to the integrity inspector for a period exceeding 30 days.

Art. 10

Integrity inspectors perform the following activities:

a) Receive, collect, collate and process data and information in regard to the existing wealth while exercising public positions, incompatibilities and conflicts of interest of persons holding public positions;

b) Assess the wealth statements and declarations of interest;

c) Evaluate the timely submission of the wealth statements and declarations of interest by persons covered by this law;

d) Evaluate, under this chapter, significant differences in the provisions of Art. 18, between the changes appeared in the wealth during the exercise of public positions and the income during the same period;

e) Assesses conflict of interest or incompatibility of persons holding public office or dignity;

f) Prepare assessment reports where, after assessment, identifies elements of infringement on the regime of wealth statement, conflicts of interest, respectively of incompatibilities and, where appropriate, disciplinary law, and criminal offenses;

g) Prepare assessment reports where, after assessment, identifies the elements of infringement on the regime of wealth statement, conflicts of interest respectively the incompatibilities;

h) Take actions and apply penalties provided by law in their jurisdiction.

Art. 11

(1) The assessment of the wealth statements, data and information on existing wealth and economic changes occurring during the performance of existing public position or dignity, and the assessment of conflicts of interest and incompatibilities shall be done during the performance of public dignities, and within three years after their termination.

(2) The work carried out on the duration mentioned under par. (1) consists in the evaluation of the wealth statements, the data and information on existing wealth and economic changes occurred, conflicts of interest and incompatibilities, only for the exercise of public positions or dignity.

Art. 12

(1) The Agency shall perform the evaluation activity mentioned under Art. 8 ex officio or upon notification by any individual or legal entity, respecting the Government Ordinance No. 27/2002 regarding the regulation of settlement petitions approved with amendments by Law No. 233/2002.

(2) Ex officio notification will be done in one of the following ways:

a) Referral based on a report prepared by the President of the Agency;

b) Based a note prepared by the integrity inspector, approved by the inspectors integrity management if it rejects the ex officio notification, the reasoned refusal will be submitted to the President of the Agency who decides either to start the investigation or to maintenance the proposal.

(3) A seize done in bad faith attracts the legal liability of the person who seized.

(4) Allocation of the work initiated undo seizes both of the individual and legal entity and that of ex officio as provided in par. (2) is done random, according to Art. 9 par. (1).

(5) The Agency may bring action for recovery in maximum one year from the date the decision become final, decision through which it was forced to pay against the guilty party.

(6) The Agency shall ensure the display of wealth statements and declarations of interests, provided in Annexes 1 and 2 on the website of the Agency, not later than 30 days after receipt by anonymous address for the declared buildings, except city location, the address of the institution that manages financial assets, the personal identification number, and the signature. Wealth statements and declarations of interests are maintained on the website of the Agency for the duration of the term in office and three years after its termination and archive them according to the law.

SECTION 2
WEALTH ASSESSMENT

Art. 13

(1) After the random distribution of work, the integrity inspector shall proceed with the assessment of wealth statements, data, information and existing economic changes in the meaning of this law as follows:

a) Until the information of the person subject to assessment and its invitation to present a point of view, are performed administrative procedures by reporting only to public information;

b) After informing the person subject to assessment and its invitation to present a point of view, individuals or legal entities are requests data or information that are not public.

(2) The documents prepared by the integrity inspector based on data and non-public information requested front the intervals or legal entities, after the start of evaluation, without the person being called and informed according to Art. 14, are null and void.

Art. 14

(1) If from the assessment activity results that there are significant differences in the provisions of Art. 18, the integrity inspector informs the person concerned and it has the obligation to invite that person to present a point of view.

(2) The person informed and invited under par. (1) may submit to the integrity inspector data or information it deems necessary, in person or by sending written terms.

(3) The information and are invitation are done by post, by registered letter with receipt confirmation.

(4) The person under assessment has a right to be assisted or represented by a lawyer and is entitled to present any evidence, data or information it deems necessary.

(5) If the person whose wealth is assess is married or if it has dependent children, within the meaning of Family Code, the assessment will extend to property of the spouse and, where applicable, dependent children of wealth.

Art. 15

(1) During the course of evaluation, the integrity inspector may require to all public institutions and authorities, other legal entities governed by public or private rights and individuals, documents and information necessary to carry out the assessment, under the confidentiality obligation.

(2) On reasoned request of the integrity inspector, individual and legal entities, authorities managers, institutions, public or private companies managers and managers of the autonomous companies are obliged to communicate, not later than 30 days, data information, records and documents required under the provisions of par. (1), regardless of their support, and data, information or documents in their possession, which could lead to settlement assessment.

Art. 16

(1) For explanation of all aspects of significant differences in the provisions of Art. 18, it can be carried out extrajudicial expertise, by law, with the consent of the person whose property is subject to assessment.

(2) The person whose wealth is subject to review has the right to choose an expert assistant, at its own expense, under the provisions of par. (1).

(3) Where the person whose property is not subject to review consents for making expertise, integrity inspector may request the court in whose jurisdiction the investigated person resides extrajudicial admission of carrying out an expertise at the Agency's expense.

Art. 17

(1) If, after the person invited expressed its the point of view orally or in writing, or not, following a period of 15 days of information receipt confirmation by the person under assessment following are identified, based on existing data and information available to the integrity inspectors, significant differences in the provisions of Art. 18, the integrity inspector shall elaborate an assessment report.

(2) In the absence of the confirmation referred to in par. (1) the integrity inspector may elaborate an assessment report after completion of a new communication procedure.

(3) The assessment report will have the following content:

a) The descriptive part of the facts;

b) The point of view of the person to be assessed, whether it was expressed;

c) The evaluation of the possible differences in the provisions of Art. 18;

d) The conclusions.

(4) The assessment report shall be communicated within 5 days of completion to the person subject of assessment and, where appropriate, to the fiscal authorities, to the criminal investigation authorities and the disciplinary and wealth investigation committee case foreseen in Law No. 115/1996 for the declaration and control of the wealth of dignitaries, magistrates, of persons holding management and control positions and public officials, with subsequent amendments, as well as those brought by the present Law. Within the fiscal authorities and the criminal investigation authorities will be designated the persons responsible for the relation with the Agency, which provides emergency outbreak especially their specific procedures.
(5) If the integrity inspector considers that the condition under par. (1) elaborates an assessment report to that effect, which is sent to the person who made the proceeding. This report may include, where appropriate, references to errors in the filling in the wealth statements and remedial suggestions.
(6) A person whose wealth statement was subject to review and there have been significant differences identified according to the provisions of Art. 18 is considered incompatible.
(7) The provisions of Art. 22 par. (1) and (2) shall apply accordingly.

Art. 18
By significant differences, in the meaning of the present law, is the difference of more than €10,000 or its equivalent in lei between the wealth during the dignity/the exercise of public positions and the revenues from the same period.

Art. 19
(1) The assessment reports, submitted to the tax authorities, the criminal investigation authorities, wealth investment committee under the Law 115/1996, with subsequent amendments, and those made by the present law and institutions referred to in Art. 26, will be binding assessed by these institutions, including in terms of proposals, and will be taken particular urgent and appropriate measures, according to legal provisions.
(2) The tax and the criminal investigation authorities will quarterly inform the Agency upon the measures taken in the files submitted under the provisions of par. (1).

SECTION 3
EVALUATION OF CONFLICT OF INTEREST AND INCOMPATIBILITIES

Art. 20
(1) If, after evaluating the declaration of interests and other data and information, integrity inspector identifies items that there represent a conflict of interest or incompatibility, inform the person concerned and it has the obligation to invite the respective person to present a point of view.
(2) The person notified under the provisions of par. (1) is invited by the integrity inspector to submit information or data as it considers necessary, personally or by sending a written point of view.
(3) The information and the invitation will be sent by post, with confirmation receipt.
(4) A person under assessment has a right to be assisted or represented by lawyer and is entitled to submit any data or information it deems necessary.
(5) The provisions of Art. 13 and 15 will apply properly.

Art. 21
(1) If, after the person invited expressed its the point of view orally or in writing, or not, following a period of 15 days of information receipt confirmation by the person under assessment, the

inspector integrity still considers that there are elements that confirm a conflict of interest or incompatibility, elaborates an evaluation report.
(2) In the absence of confirmation referred to in par. (1) the integrity inspector may elaborate the assessment report after completion of a new communication procedure.
(3) The assessment report will have the following content:
a) The descriptive part of the facts;
b) The point of view of the person to be assessed, whether it was expressed;
c) The assessment of the conflict of interest or incompatibility elements;
d) The conclusions.
(4) The assessment report shall be communicated within 5 days of completion to the person subject of assessment and, where appropriate, to the fiscal authorities, to the criminal and disciplinary investigation authorities.

Art. 22
(1) The person under assessment can challenge the conflict of interest or incompatibility assessment report within 15 days of its receipt, to the administrative court.
(2) If the conflict of interest assessment report has not been challenged within the period specified in par. (1) to the administrative court, the Agency notifies within six months, the competent bodies to trigger disciplinary proceedings and, where appropriate, the administrative court in order to annul the issued documents adopted or elaborated with the breach of the legal provisions regarding the conflict of interest.
(3) If the incompatibility assessment report was not challenged within the period specified in par. (1) to the administrative court, the Agency within 15 days notifies the competent bodies to trigger disciplinary proceedings; if appropriate, the Agency notifies within six months the administrative court in order to annul the issued documents adopted or elaborated with the breach of the legal provisions regarding the incompatibles.
(4) If after the evaluation of the declaration of interests as well as other data and information the integrity inspector notes the absence of a state of incompatibility or conflict of interest it elaborates a report to that effect and send it to the person who was the subject of the assessment in terms of Art. 17 par. (5) second thesis.

Art. 23
(1) Where there is a conflict of interest or only something related to a conflict of interest situation, all legal or administrative documents closed directly or through intermediaries in violation of laws on conflict of interest, are null and void.
(2) The absolute nullity action in judicial or administrative provisions documents closed in violation of laws on conflict of interest, may be introduced by the Agency even if the respective person no longer has that position.
(3) The court may have reasoned, in addition to absolute nullity, and throw parties in the previous situation.

Art. 24
(1) The actions brought in administrative courts follow the rules of jurisdiction laid down in Administrative Contentious Law No. 554/2004 with subsequent amendments that apply accordingly.
(2) The Court procedure is that prescribed by Law No. 554/2004, with subsequent amendments, and duly applied, insofar as there is in this law provisions derogating from it.

Art. 25

(1) The act on the person who it was found that issued an administrative act, a legal act or has taken a decision or participated in a decision contrary to legal requirements on conflict of interest or incompatibility is considered disciplinary and is punished according to applicable rules of dignity, position or activity in question, insofar as this law does not derogate from it and if the action does not meet the elements of an offense.

(2) The person removed from office under the provisions of par. (1) or towards which it was found the existence of a conflict of interest or incompatibility losses its right to exercise a public position or dignity that is the subject of this law, except for election, for a period of three years after removal from office or that public dignity or from the date of mandate termination. If the person has occupied an eligible position, it can not occupy the same position for a period of three years of mandate termination. If the person no longer has a public office or a dignity when it is found the state of incompatibility or conflict of interest, the three years prohibition according to the law, remains valid from the date of the final assessment report, respectively from the date of the final court irrevocable decision confirming the existence of a conflict of interest or a state of incompatibility.

(3) The act of the person to whom it was found the state of incompatibility or conflict of interest it is considered grounds for dismissal or, where appropriate, it is considered and it is punishable under applicable rules for dignity, public position or respective activity.

(4) By derogation from the provisions of special laws governing disciplinary liability, disciplinary sanctions that may be imposed as a result of having committed the offense of the present law can not consist in a reprimand or warning.

Art. 26

(1) The Agency will communicate the evaluation report as follows:

a) For the Romanian President and Prime Minister – Parliament;

b) For the other members of Government – The Prime Minister, who proposes to the President of Romania the removal from office, according to the Romanian Constitution, republished, and Law No. 90/2001 regarding the organization and functioning of the Romanian Government and ministries, with subsequent changes;

c) For State Secretaries, State Deputy-Secretaries and for their comparable – the Prime Minister, who may order dismissal;

d) For the Senators and Deputies – The Chamber from which are they from, this will apply disciplinary sanctions according to the law and regulation the respective Chamber;

e) For the judges, prosecutors, members of the Superior Council of Magistrates and deputy-magistrates – Superior Council of Magistracy that will impose a disciplinary sanction;

f) For the judges of the Constitutional Court – Constitutional Court that will impose a disciplinary sanction;

g) For the Members of the Court of Accounts, the Ombudsman and his deputies – Parliament;

h) For local officials, except Mayors and Presidents of county councils – local council or, where appropriate, the county council, which will impose a disciplinary sanction under the law;

i) For the Mayors and Presidents of county councils – the institution of the Prefect;

j) For the civil servants – Disciplinary Committee or Disciplinary Board, the authority provided by law proposes a penalty under the law;

k) For the persons covered by this law – the disciplinary committee, authority or the competent institution, which will impose a disciplinary sanction under the law.

(2) The disciplinary sanction is valid even if the evaluation report of the Agency was communicated to the Prosecutor's Office, according to Art. 21 par. (4).
(3) By derogation from the provisions of special laws governing disciplinary liability, disciplinary sanctions that may be imposed in maximum six months from the date of the final assessment report, according to the legal provisions. If the incompatibility clause has ceased before referral to the Agency the disciplinary sanction may be applied within 3 years after the cause of incompatibility, unless the law provides otherwise.

TITLE III
Penalties

Art. 27
(1) Failure to respond to the requests of the Agency, foreseen in this law is punishable by civil fine of 200 lei for each day of delay. Seize to the court is done by the integrity inspector of the Agency.
(2) The court that may decide on imposing the fine under par. (1) is the court in whose jurisdiction the registered legal person fined or sanctioned has its individual residence. The judgment is done especially urgent and summoning the parties.
(3) The decision of the court referring to the imposing the fine is subject to appeal within 10 days from the calling date for those present, and within 10 days from communication for those that were absent.

Art. 28
The action of the persons who intentionally, submitted wealth statements or declarations of interests which do not correspond to the truth constitutes the offense of making false statements and punishable under the Criminal Code.

Art. 29
(1) Failure to submit wealth statements and declarations of interest in terms provided by this Law, and withholding information in the declaration made under Annex 1, the amount of income gained or their declaration with reference to other documents is a contravention and is punished with fine from 50 lei to 2.000 lei. The Agency may automatically trigger the assessment process.
(2) If the obligations foreseen in Art. 6 by the persons responsible for implementation of this Law is a contravention and is punishable by from 50 lei to 2.000 lei. The same penalty applies to the entity manager if it does not fulfill its obligations under this law.
(3) Non disciplinary sanction or non-observance of termination of the public position, as appropriate, where the notice of determination has become final, is a contravention and is punished with fine from 50 lei to 2,000 lei, if the action is an offense.

Art. 30
Finding and sanction violations under this law shall be made by persons empowered by the Agency according to the Government Ordinance No. 2/2001 regarding the legal regime of contraventions, approved with amendments by Law No. 180/2002, with subsequent amendments.

Art. 31
(1) Seize made in bad faith, if that caused to the seized person moral or material damage, constitutes the offense of denunciation.

(2) Failure to comply with the principles mentioned in Art. 8 alignment (3) undertake civil, criminal or administrative liability of the Agency and, where appropriate, to its members.

Art. 32

The provisions of this Law shall be supplemented by the Law No. 115/1996, with subsequent amendments, as well as those made by this law, Law No. 188/1999 on the Statute of civil servants, republished, with subsequent amendments, Law No. 53/2003 – Labor Code, with subsequent amendments, the Code of Civil Procedure, the Government Ordinance No. 2/2001, approved with amendments by Law No. 180/2002, with subsequent amendments, Law No. 554/2004, with subsequent amendments, and with other regulations, including those governing other incompatibilities or conflicts of interest, if not contrary to this Law and the Law No. 161/2003, with its subsequent amendments.

PART II
TRANSITIONAL AND FINAL PROVISIONS

Art. 33

Law No. 144/2007 on the establishment, organization and functioning of the National Integrity Agency, republished in the Official Gazette, Part I, No. 535 of 3 August 2009, is amended and supplemented as follows:

1. Art. 1 to 12 are repealed.
2. Art. 13 alignment (3) is repealed.
3. Art. 14 is repealed.
4. Art. 15 alignments (2) and (3) are amended and will have the following content:

"(2) The Agency is managed by a President, assisted by a Vice-President appointed by the Senate, on a competitive basis, organized by the National Integrity Council. The mandates of President and of the Vice President remain valid until the end of their exercise.

(3) According to the principle of operational independence, the President, Vice President and integrity inspectors shall not seek or receive disposals relating to the assessments on the wealth of persons, conflicts of interest and incompatibilities from any public authority, institution or person."

5. Art. 16 alignments (2) and (4) are amended and will have the following content:

"(2) The President of the Agency shall act as Chief Officer. Should the Agency President position to be vacant, as well as in other cases where the President is unable to perform its duties, the Chief Officer position is exercised by Vice President or General Secretary of the Agency.

(4) The Agency's organizational duties, tasks and the responsibilities of the staff from its own device is set by the organization and operation regulation (ROI) approved by order of the President of the Agency and published in the Official Gazette, Part I."

6. Art. 17 is repealed.
7. Art. 26 alignment (2) is amended and will have the following content:

"(2) Finding as provided in Art. 25 letter b) will be done by a committee made up of five members appointed by the Council according to the proposal of the Council President which, based on independent external audit report provided in par. (3), evaluates the managerial capabilities of the Agency positions. The conclusions of the evaluation committee shall be submitted to the Council and forwarded to the President of the Council."

8. Art. 28 alignment (1) letter h) is amended and will have the following content:

"h) Ensures the elaboration of the strategy regarding the procedures for wealth statement evaluation, conflicts of interest and incompatibilities by the Agency, taking into account the re-

commendations of the Council, the strategy is elaborated annually and presented to Council for approval."

9. Art. 28 alignment (3) is amended and will have the following content:

"(3) The President, the Vice President and the General Secretary will not have operational positions referring to the assessment of the wealth of the persons, conflicts of interest and incompatibilities."

10. Art. 29 is amended and will have the following content:

"Art. 29

(1) The salaries and other rights of the Agency staff shall be determined taking into account the importance, responsibility, complexity and specific work performed, the prohibitions and incompatibilities provided for by law, seeking to guarantee its independence and autonomy according to the law.

(2) The President and Vice-President of the Agency are remunerated according to the Annex No. XI from Framework Law No. 330/2009 regarding the unity of the salaries for the personnel remunerated from government funds and they will receive other bonuses, awards and salary rights provided by law for the integrity inspectors.

(3) The basic salary level for the integrity inspector positions are those in Annex no XI from Framework Law No. 330/2009.

(4) The Agency will support for Council members, travel expenses, where their residence is in another city than Bucharest and other expenses necessary for traveling in the country and abroad in the interest of achieving the objectives of this laws, within the approved budget.

(5) The Board Members are entitled to an allowance for each hearing, in accordance with Government Emergency Ordinance No. 27/2010 on the amendment of Art. II of Law No. 203/2009 approving Government Emergency Ordinance No. 79/2008 regarding the financial and economic measures of economic operators, approved by Law No. 148/2010, respectively 1% of gross salary income of the President of the Agency. These rights shall be taxed according to the law."

11. Art. 31 alignments (1) and (5) are amended and will have the following content:

"Art. 31

(1) The preventive arrest of the President, the Vice President or of an integrity inspector of the Agency will trigger the rightful suspension from the position it currently holds.

(5) If preventive arrest measure is revoked, the suspension shall cease and that person will be reintegrated into the position previously held and will be paid the remuneration for the period of suspension."

12. After Art. 35 is inserted a new Art. 35^1, with the following content:

"Art. 35^1

(1) It may be appointed as a member of the National Integrity Council a person who meets the following conditions:

a) It is a Romanian citizen;

b) It has full legal capacity;

c) It is attested with high educational background, according to the law;

d) It was not an agent or employee of intelligence before 1990 was not operational and is not employed, including undercover informer or collaborator of intelligence service;

e) It was definitely found that it was never in a state of incompatibility or conflict of interest that there were significant differences of more than $10,000;

f) It has not been convicted for offenses committed with intent, for which rehabilitation has occurred, and has no tax records;

g) It is medically and psychological fit to exercise this function.

(2) Proof of the conditions under par. (1) letter d) is made by statement on oath, certified by a notary public."
13. Art. 37 (1) and (3) is amended and will have the following content:
Art. 37
"(1) The mandate of the members of the Council is four years.
(3) The mandate as member ceases before term, by removal by the Senate, for breach of the legal duties or by the resignation or death. It is considered not fulfilling the legal duties if a Council member is unmotivated absent from three consecutive meetings or from any six meetings of the Council during the year."
14. Art. 38 (2), letters c) and f) is amended and will have the following content:
"c) Approves by decision organization and operation regulation (ROI) of the Council and Council Committees as well as internal rules of conduct;
f) Elaborates recommendations regarding the strategy and wealth assessment activity of the Agency as well as the assessment of conflicts of interest and incompatibilities."
15. After Art. 38 is inserted a new Art. 38^1, with the following wording:
"Art. 38^1
The assessment of assets, interests and incompatibilities for the President and the Vice-President of the Agency and its staff is made according to the present law, by an evaluation committee from the National Integrity Council, composed of five members appointed by Council based on the proposal from the Council President."
16. Art. 41–57 are repealed.

Art. 34
(1) The evaluation in progress at the Agency after the entry into force of the current law will continue under the procedure presented therein.
(2) Acts and the works done within the Agency, become final until publication of the Constitutional Court Decision No. 415 of April 14, 2010 in the Official Gazette, Part I, No. 294 of May 5, 2010, remain valid.
(3) The evidence and procedural acts carried out in courts and prosecution bodies before the entry into force of the present Law shall be maintained.
(4) The wealth statements and declaration of interest submitted until the date of entry into force of the present Law shall remain valid and will be valued by the Agency within its procedures to exercise its specified duties foreseen by the law.

Art. 35
Law No. 115/1996 for the declaration and control of assets evaluation (wealth statement) of the officials, magistrates, of persons holding management and control positions and of public officials, published in the Official Gazette, Part I, No. 263 of October 28, 1996, is amended and supplemented as follows:
1. Art. 3 shall be repealed.
2. Art. 10 is amended and will have the following content:
"Art. 10
(1) In addition to each appellate court will operate a wealth Investigation Committee, hereinafter called "Investigation Committee" composed of:
a) 2 Court of Appeal judges, appointed by its President, from who one will act as chairman;
b) 1 prosecutor from the Prosecutor's Office that works with the court of appeal, appointed by the Prime Prosecutor of the institution above mentioned.

(2) The President and Investigation Committee members are appointed for a period of three years. For the same period, and by the same persons will be appointed three deputies who will replace the President and Investigation Committee members if they, by legal reasons, will not be able to take part in the proceedings of the research.
(3) The Investigation Committee has a secretary appointed by the President of the Court of Appeal out of that court clerks."
3. After Art. 10 introduces four new articles, Art. 10^1–10^4, as follows:
"Art. 10^1
The Investigation Committee will begin the control action once it is brought to its attention by the National Integrity Agency with the evaluation report.
Art. 10^2
(1) The documents and proceedings of the Investigation Committee are not public. The person concerned may inspect the documents and the files and may be assisted by an attorney.
(2) The President may urgently summon to appear in front of the Investigation Committee, the representative of the National Integrity Agency and the person whose property is subject to review and spouse, if applicable, to be heard. Investigation Committee may summon any person who can give useful information in order to clarify the origin of property of the controlled person and may require government or any other legal information necessary to resolve the case. Those who, in the period under review, have acquired property from the person subject to investigation will automatically be heard.
(3) The Investigation Committee may conduct local investigation or it may ask for an expert for the clarification of the case.
(4) The investigations conducted by persons other than members of the Investigation Committee are null.
Art. 10^3
The persons summoned in front of the Investigation Committee will be all heard and will have the opportunity to present evidence which gave rise to the assessment report. The person whose property is subject to the investigation by the Investigation Committee will be able to produce evidence in its defense or it may request their administration by the Investigation Committee and, if it considers necessary, may submit a statement that will show income and the acquisition of wealth.
Art. 10^4
(1) The Investigation Committee decides, by majority vote, within three months from the date of referral, calling a reasoned order, which may have:
a) Submitting the case to the Court of Appeal afferent to the residence of the person whose property is subject to investigation if it finds, based on the evidence, that the acquisition of a share of it or certain specific assets is not legally justified;
b) Dismissal, if it finds that the origin of goods is justified;
c) Suspension of the control and referral to the competent Prosecutor's Office, whether the goods whose origin is unjustified represents an offense.
(2) The ordinance of is communicated to the parties and Prosecutor's Office by the Court of Appeal that works in range of Investigation Committee o, if the case, to the Prosecutor's Office by the High Court of Cassation and Justice or fiscal institutions.
(3) The control is resumed by the Investigation Committee if:
a) After the dismissal of the case appear new elements that can lead to a contrary approach;
b) The prosecuting authority, after conducting the investigation, in the situation referred to in par. (l), letter c), do not refer to the Criminal Court of Justice."

4. Art. 14 (2) is repealed.
5. Art. 24 is repealed.
6. Art. 26 (1) is amended and will have the following content:
"Art. 26
(1) The legal decision that remained irrevocable, stating that the acquisition of a certain part of the wealth or several determined goods do not have a justified character will be published in the Official Gazette Part III and it is communicated to the National Integrity Agency as well as to the specialized body of the Ministry of Finance where is the domicile of the person whose property was searched, in order to be enforced/seized. The publication expenses are borne by the budget of the Ministry of Justice."
7. Art. 28 (3) is amended and will have the following content:
(3) The investigation request regarding the wealth a person who held a public office or dignity of those specified in this Law, may be made not later than three years after the end of office or its removal from the position.

Art. 36
Upon entry into force of this law is repealed Government Emergency Ordinance No. 14/2005 regarding the modification forms for wealth statements and declaration of interest published in the Official Gazette, Part I, No. 200 of March 9, 2005, approved by Law No. 158/2005.

Art. 37
Within 60 days after entry into force of this law, persons who have the obligation to submit wealth statements and declaration of interest will fill in and will submit them, according to Annexes No. 1 and 2.

Art. 38
Annexes 1 and 2 are part of this law.
This law was passed by the Parliament of Romania, in terms of Art. 77 par. (2) of the Romanian Constitution, republished with the provisions of Art. 75 and Art. 76 par. (1) of the Romanian Constitution, republished.

PRESIDENT OF THE CHAMBER OF DEPUTIES
ROBERTA ALMA ANASTASE
SENATE PRESIDENT
MIRCEA-DAN GEOANA

Bucharest, September 1, 2010.
No.176

ASSET DISCLOSURE

I, the undersigned ……., holding the position of ....., at ....., PIN ....., having the residence ....., aware of the provisions of article 292 from the Criminal Code regarding the false statements, I declare that together with my family*1) I own the following:
……..
*1) By family it is understood spouse and dependant children.

I. Real estate

1. Lands

NOTE:
It will be declared including those abroad.

Address or area	Category*	Acquisition year	Surface	Share	Acquisition method	Owner *2)

*The indicated categories are: (1) agricultural; (2) forestry; (3) land within built-up area; (4) body of water; (5) other categories of land outside localities that are in the civil circuit.
*2) At "Owner" it is mentioned, in the case of own goods, the owner's name (owner, spouse, child), and for the co-property goods, the share and the name of the other co-owners.

2. Buildings

NOTE:
It will be declared including those abroad.

Address or area	Category*	Acquisition year	Surface	Share	Acquisition method	Owner *2)

* The indicated categories are: (1) flat; (2) house; (3) vacation house; (4) commercial locations /production.
*2) At "Owner" it is mentioned, in the case of own goods, the owner's name (owner, spouse, child), and for the co-property goods, the share and the name of the other co-owners.

II. Movables assets

1. Vehicles/cars, tractors, farm machinery, boats, yachts and other means of transport that are subject to registration by law

Nature	Mark	No. of pieces	Production year	Acquisition method

2. Goods in the form of precious metals, jewelry, art and religious items, art collections and numismatic objects that are part of the national and universal culture heritage that summed exceed the value of 5.000 EURO

NOTE:

It will be mentioned all goods that are in possession, no matter if these are on the Romanian territory or abroad at the date of declaring.

Brief description	Acquisition year	Estimated value

III. Movable assets of which value exceeds 3.000 EURO each and the immovable goods acquired in the past 12 months

Nature of the alienated good	Date of alienation	Person to whom it was alienated	Form of alienation	Value

IV. Financial assets

1. Accounts and bank deposits, investment fund, equivalent forms of saving and investment, including credit cards, if all their value summed exceeds 5.000 EURO

NOTE:

It will be declared including those in banks or financial institutions abroad.

Administrating institution and its address	Type*	Currency	Opened in year	Balance/value to date

* The indicated categories are: (1) current account or equivalents (including card); (2) bank deposit or equivalents; (3) investment funds or equivalents, inclusively private pension funds or other similar funds (it will be declared the one afferent to the previous fiscal year).

2. Investments, direct investments and loans granted, if their total market value summed exceeds 5.000 EURO

NOTE:
It will be declared the investments and participation abroad.

Issuer title/company where the respective person is shareholder/associate or loan beneficiary	Type*	No. of titles participation share	Total value to date

* The indicated categories are: (1) financial instruments held (state titles, certificates, bonds); (2) actions or other social parts in commercial companies; (3) loans granted personally.

3. Other assets that generate income, if all their value summed exceeds 5.000 EURO annually:

……
……
……
.....
NOTE:
It will be declared including those abroad.

V. Debts
Debts, mortgages, warranties issued for a third party, goods acquired in leasing system and other similar goods, if all their value summed exceeds 5.000 EURO

NOTE:
It will be declared including the financial debts cumulated abroad.

Creditor	Contracted in year	Due date	Value

VI. Gifts, services or benefits received free or subsidized to market value from persons, organizations, companies, autonomous administrations, companies/national companies or public institutions either Romanian or foreign, including scholarships, loans, guarantees, payments for expenses other than those of the employer, if all their value summed exceeds 500 EURO*

* Are exempted from statement the goods and usual treats received from 1st and 2nd degree relatives.

Who generated the income	Income source: name, address	Provided service/object generating the income	Annual income cashed
1.1. Owner			
1.2. Spouse			
1.3. Children			

VII. Income of the declaring person and family members, completed in the last fiscal year ended (according to art. 41 of Law no. 571/2003 on Fiscal Code, with subsequent amendments)

NOTE:
It will be declared including the income generated abroad.

Who generated the income	Income source: name, address	Provided service/object generating the income	Annual income cashed
1. Salary income			
1.1. Owner			

1.2. Spouse			
1.3. Children			
2. Income from independent activities			
2.1. Owner			
2.2. Spouse			
3. Income from disposal of property use			
3.1. Owner			
3.2. Spouse			
4. Investment income			
4.1. Owner			
4.2. Spouse			
5. Pension income			
5.1. Owner			
5.2. Spouse			
6. Income from agricultural activities			
6.1. Owner			
6.2. Spouse			
Who generated the income	Income source: name, address	Provided service/object generating the income	Annual income cashed
7. Income from prizes and gambling			
7.1. Owner			
7.2. Spouse			
7.3. Children			
8. Income from other sources			
8.1. Owner			

8.2. Spouse			
8.3. Children			

This disclosure is a public document and I respond to criminal law for any inaccuracy or incompleteness of the mentioned data.

Filling in date

.....

Signature

.....

INTERESTS DISCLOSURE

I, the undersigned, ..., holding the position of ....., at ....., PIN ....., having the residence ....., aware of the provisions of article 292 from the Criminal Code regarding the false statements, I declare the following:

1. Associated or shareholder in companies, commercial/national companies, loan institutions, groups of economic interest, as well as member in associations, foundations or other non-governmental institutions:			
Company - name and address -	Quality held	No. of shares or social parts	Total value of shares or/and social parts
1.1.....			

2. Member in management, administration and control within commercial companies, autonomous administrations commercial/national companies, loan institutions, groups of economic interest, as well as member in associations, foundations or other non-governmental institutions:		
Company - name and address -	Quality held	Value of the benefits
2.1.....		

3. Member in professional associations and/or unions:
3.1.....

4. Member in management, administration and control bodies, remunerated or unremunerated, within political parties, position held and name of the political party:
4.1.....

5. Contracts including those of legal assistance, consultancy and civil, obtained or running while exercising their functions, mandates, public dignities financed by the state budget, local or from external funds or closed with commercial companies with state capital where the state is majority or minority shareholder:						
5.1. Contract beneficiary: Name and surname / name and address	Contracting company: name and address	Procedure by which it was given the contract	Type contract	Date of signing the contract	Duration of the contract	Total value of the contract
Owner.....						

Spouse.....						
First degree relatives [1] of the owner						
Commercial companies/physical authorized person/ familly association / individual cabinets, associated cabinets, civil professional companies with limited liabilities developing lawyer activities / non-governmental organizations/ foundations/ associations [2]						

[1] by 1st degree relatives are understood: parents on ascending line and children on descending line.

[2] it will be declared the name and address of the contract beneficiary where, through the quality held by the owner, spouse and 1st degree relatives obtain contracts, as these are defined at point 5.

This disclosure is a public document and I respond to criminal law for any inaccuracy or incompleteness of the mentioned data.

Filling in date

.....

Signature

……

Best Practices in Preventing and Countering Corruption.

The experience of DGA – ANTI-CORRUPTION GENERAL DIRECTORATE, MINISTRY OF INTERNAL AFFAIRS – Romania

INTRODUCTION

Corruption is one of the main topics for debates in any area and at any level, representing one of the highest challenges of the contemporary world. It is present in poor states, in the developing countries and in the developed ones, and fighting it has become a serious problem, especially as this phenomenon may expand rapidly, from isolated sectors and areas to the entire society, endangering the democratic values and undermining the rule of law.

In the public perception, corruption continues to be identified as a barrier for the quality of the central and local public services, as a phenomenon which undermines efficient management of public funds and the exercise of justice and also affecting the business environment.

Although there is no unanimous definition of corruption, we acknowledge that this is the abuse of power committed in the exercise of a public function by a public servant, regardless of the status, structure or hierarchical position, in order to obtain a personal interest, directly or indirectly, for oneself or for other natural or legal person.

Also, corruption may be defined as the misuse of the power entrusted, both in the public and private sectors, in order to satisfy certain personal or group interests.

LEGAL PROVISIONS

In Romania, corruption crimes are provided for and sanctioned by the Criminal Code and a special law, that is Law No. 78/2000 for preventing, detecting and punishing corruption, with subsequent amendments.

In order for an act to constitute an offence of corruption and therefore be subject to penal sanctions, it must meet the constituent elements provided for by the criminal law.

An act of corruption has to meet the following elements:

- the existence of a public officer or of third parties who are in relation to the officer;
- the existence of an act or a potential act falling within the duties of an official and their service for the benefit of a third person;
- the purpose of the offence is to gain or provide an illegal use, material or intangible asset (money, goods, services, gifts or any other benefits) by or to a civil servant or one that is in relationship with him, in exchange for eluding the duties of the official service.

Corruption offences as provided for by Title V – Offences of corruption and of service, Chapter II – Service offences, Art. 289–294 of the Criminal Code are:

Art. 289 – Taking bribe
Art. 290 – Giving bribe
Art. 291– Influence trafficking
Art. 292 – Buying influence
Art. 293 – Acts committed by members of the arbitration court or in connection with them
Art. 294 – Acts committed by foreign officials or in connection with them.

The provisions of the Criminal Code are corroborated with those of Law No. 78/2000, which in Art. 6 states that bribery offenses referred to in Art. 289 of the Criminal Code, bribery referred to in Art. 290 of the Criminal Code, influence trafficking referred to in Art. 291 of the Criminal Code and buying influence referred to in Art. 292 of the Criminal Code are punishable under the provisions of legal documents and the provisions of Art. 308 of the Criminal Code, and will be applied accordingly.

Additionally, Law No. 78/2000 provides for and sanctions the offences against the financial interest of the European Union.

ANTI-CORRUPTION AGENCIES IN ROMANIA

In Romania the following institutions are empowered to fight corruption:

- **Ministry of Justice,**
- **National Integrity Agency (ANI),**
- **National Anticorruption Directorate (DNA),**
- **Ministry of Internal Affairs**, through the **Anti-Corruption General Directorate (DGA)**.

THE ANTI-CORRUPTION GENERAL DIRECTORATE

General presentation

The Anti-Corruption General Directorate (DGA) was established by Law No. 161/2005 as a specialized structure for preventing and countering corruption within the Ministry of Internal Affairs' personnel. The Monitoring Report of the European Commission of 2002 emphasized that the anti-corruption measures for the personnel of the Ministry of Internal Affairs (MoIA) were inefficient, one of the causes being the lack of a specialized anti-corruption unit, and that the responsibilities in that field were under the competence of several institutions. The DGA setup was supported by the European Commission through the 2002 Phare Project *Developing anti-corruption measures for the Ministry of Administration and Interior*, with an implementation period of 26 months, from December 2003 to February 2006.

The Ministry of Internal Affairs is the largest body of the Romanian Government, with over 145,000 employees and it is constituted of the most relevant law enforcement agencies, such as the Romanian Police, the Border Police, the Gendarmerie, the Civil Emergencies and so on.

The DGA is part of the Central Body of the Ministry of Internal Affairs, directly subordinated to the minister of interior, from the administrative point of view, while from the procedural point of view, as judiciary police, during an investigation, the DGA officers are co-ordinated by the particular case prosecutor.

The DGA's activity is conducted in accordance with the provisions of the Constitution and the laws, treaties and international conventions, Government Decisions, decisions of the Supreme Council of National Defence, orders and instructions of the Minister of Internal Affairs, so as not to impede in any way the human rights and freedoms, to ensure complete neutrality toward any interference or interest, to promote objectivity, fairness, legality and full responsibility for its actions.

DGA responsibilities

The general objectives of the DGA are preventing and combating corruption among MIA staff. Within this scope, the DGA has the following main tasks:

- conducts specialized activities for prevention of corruption among MoIA staff;
- organizes and carries out campaigns/actions for corruption prevention aiming at rising awareness of the consequences of involvement in acts of corruption;
- carries out the necessary investigations to discover and combat corruption offences committed by the MIA staff;
- conducts criminal investigations under the Ordinances issued by the case prosecutor, in accordance with the legal provisions;
- carries out, in accordance with the law and the internal rules, the professional testing of the MoIA staff;
- receives and resolves complaints/petitions from citizens regarding acts of corruption involving the MoIA staff;
- manages the call center system set up for allowing the citizens to report corruption deeds;
- conducts PR issues within the specific competence;
- develops studies, analyses and forecasts concerning the evolution of corruption at the level of the MoIA and the MoIA leadership, periodically or upon request, makes proposals for solving the problems identified;
- conducts specific activities in the field of European affairs and international cooperation in preventing and combating corruption;
- manages databases/systems for specific activities.

The DGA has a central structure and territorial units in each of the 41 counties of Romania, thus providing national coverage. The headcount is of approximately 600 officers.

Preventing corruption

The MoIA Order No. 86 of 12 June 2013 on the organization and carrying out of activities preventing corruption within the MoIA, is an anti-corruption strategy at an institutional level which regulates the organization and development of activities for preventing corruption deeds committed by the MoIA personnel.

Examples of prevention activities:

- Preventing reunions and training seminars for MoIA personnel on legal aspects about DGA role and its attributions, corruption deeds, administrative and penal measures, risk factors and areas vulnerable to corruption, obligations of the public servants;
- Conducting opinion surveys and public awareness campaigns for general public or public servants;
- Elaborating risks analysis and strategies and proposing measures to eliminate causes and factors generating corruption.

Raising awareness campaigns

The DGA plays an active role in developing anti-corruption campaigns, with the aim of raising awareness of the public servants on ethics on the one hand, and on the other, to draw the attention of the Romanian society to the threats of corruption.

Example: between 14 February and 15 March 2014, the DGA conducted, at the national level, the anti-corruption awareness campaign entitled **DO NOT GIVE AND DO NOT RECEIVE BRIBE! Avoid and denounce corruption.** The initiative was part of the campaign aiming at raising intolerance to corruption within public services, co-financed through the **Swiss – Romanian Cooperation Program for reducing economic and social differences within the extended EU**. Within the framework of the campaign, promotional materials were disseminated and a video spot was broadcasted by the radio and TV stations, at the local and national levels. Following the campaign, the number of citizens who addressed the TelVerde green line increased, so did the public trust in general.

The Methodology for identification of risks and vulnerabilities to corruption

The management of the risks to corruption started in November 2009, upon the approval of the Methodology of identifica-

tion of risks and vulnerabilities which was implemented within all MoIA structures in the years 2010–2011. The Methodology identifies, describes, evaluates and builds a hierarchy of the risks and vulnerabilities to corruption, in order to ensure further prevention and control.

The most significant aspect of this document is the use of a pro-active method, meant to avoid the occurrence of corruption deeds.

Following the implementation of the Methodology, a Report on the risks and vulnerabilities to corruption identified within the MoIA structures/institutions was developed. The document provides an inventory of the risks to corruption identified in the general and specific areas of the ministry's activity, circumstances favouring corruption, an impact on the objectives, and an inventory of general and specific measures applied.

Considering the provisions of the abovementioned Methodology, approved by MoIA Order No. 86/2013, the DGA officers organised training activities, aiming at monitoring of the implementation of the measures for preventing/control provided by the risks registry of each structure.

According to the *Procedure on evaluating the measures taken by the MoIA structures to remedy the aspects that lead to integrity incidents*, evaluation visits were made to the MoIA structures that had employees who were brought to court or were prosecuted for corruption deeds. The objectives of these activities were: verification if the preventing corruption measures were implemented and if the recommendations to limit the possibility of corruption in the future were issued.

Within the project *Strengthening MoIA capacity to identify and diminish risks and vulnerabilities to corruption through IT solutions*, the DGA representatives, in cooperation with the MoIA partner structures, developed the *Manual of best practices on the use of IT applications for the analysis of the risks and vulnerabilities to corruption*. Moreover, the IT application MARC (assisted management of corruption risks) was elaborated to be implemented within MoIA units.

Research of corruption and perception on corruption

In the years 2007–2014, the DGA drafted and developed 20 major activities of research for a better understanding of the particularities of the phenomenon:

- Population perception on corruption within the MoIA structures/institutions;
- MoIA employees perception on corruption within the institution and in specific areas of activity;
- Corruption within the MoIA institutions that ensure initial and continuous training,
- Evaluation of the efficiency of corruption prevention activities;
- Efficiency of the anti-corruption green line 0800.806.806.

TelVerde/Call Center

The DGA has a free-of-charge telephone line – TelVerde 0800.806.806 – available to the citizens who report corruption deeds (the citizens can report corruption deeds in the Romanian or the English language).

Depending on the available funds, the Call Center system will become operational as a system designed for the calls for the entire public sector. Based on common procedures, the DGA operators will electronically forward the records of the calls to the Prosecutor's Office attached to the High Court of Cassation and Justice or to the National Anticorruption Directorate (DNA), according to the legal provisions. The Prosecutor's Offices can keep the respective calls for own investigation or can forward them to the local Prosecutor's Offices, according to their material/local competence.

Inter-institutional co-operation

Internally

The DGA cooperates with other institutions with responsibilities in the field of

preventing and countering corruption – the National Anticorruption Directorate (a specialized Anti-corruption Prosecutor's Office), the Public Ministry, the Ministry of Justice or other national order and safety institution (special commissions of the Romanian Parliament, the Romanian Intelligence Service, the External Intelligence Service, the Special Transmissions Service, the Ministry of Defence) in order to ensure an operative exchange of intelligence and to strengthen the intervention capacity. The DGA has strong co-operation relations with governmental institutions, NGOs, city halls, business environment, etc.

Internationally

The DGA is represented in international organizations with attributions of fighting corruption, such as the IAACA (International Association of the Anti-corruption Agencies) or the EPAC (European Partners against Corruption)/EACN (European Anti-corruption Network).

As regards bilateral co-operation, the DGA focused mainly on the neighbouring states, as the current activity requires the need to work together, especially in the case of events occurring within common Border Crossing Points. The DGA developed judicial cooperation with similar anti-corruption agencies based on bilateral cooperation documents. The DGA central and territorial units instrumented corruption files jointly or with support granted by anti-corruption agencies from Hungary, the Republic of Moldova, Serbia, and Bulgaria. Cooperation with the Polish Central Anti-Corruption Bureau is an example of the best practices exchange.

Project Implementation

In the years 2006–2014, the DGA accessed approximately €8.5 million of non-refundable funds. The projects sustained the DGA's institutional development and the strengthening of the personnel's professional knowledge and skills.

Additionally, the projects aimed at developing civil society's involvement in elaborating, implementing and evaluating anti-corruption policies, improving the MoIA capacity to identify and diminish risks and vulnerabilities to corruption, change of culture on giving/taking bribes, promoting anti-corruption measures for citizens and the DGA institutional development.

Countering corruption

As a judiciary police, the DGA conducts the following investigative proceedings:

- Receipt of the notifications/complaints/denounces regarding corruption deeds allegedly committed by the ministry's personnel. The DGA has the competence to self-notify of corruption deeds or associated to corruption, encountered within overt and covert sources;
- Verification, development and turning into account of information and intelligence;
- Conduct of all proceedings, based on the case prosecutor's delegation, necessary to draw the probatory within criminal files.

The procedure

After being notified, the officers of the Anti-Corruption General Directorate verify the received information through specific investigating methods – operative surveillance, integrity testing or accessing relevant databases (passports, criminal records, estate declarations, Trade Registry and other).

According to the Criminal Procedure Code, when there is sufficient information and circumstantial evidence on the possibility of a corruption criminal offence having been committed, the Anti-Corruption General Directorate notifies the prosecutor from the Anticorruption National Directorate, in the event of the high-profile corruption cases, or the local prosecutor from the territorial Prosecutor's Offices, in other corruption cases.

Subsequently, the case prosecutor delegates judiciary police officers from the Anti-cor-

ruption General Directorate to conduct criminal investigation activities, with the aim to:

- Gather/collect intelligence on the type of offence and the profile of the offender;
- Hear all suspects, witnesses or other involved parties;
- Use undercover investigators;
- Conduct investigations, searches and catching in the act operations, under the supervision of the case prosecutor;
- Collect evidence related to the investigated offences.

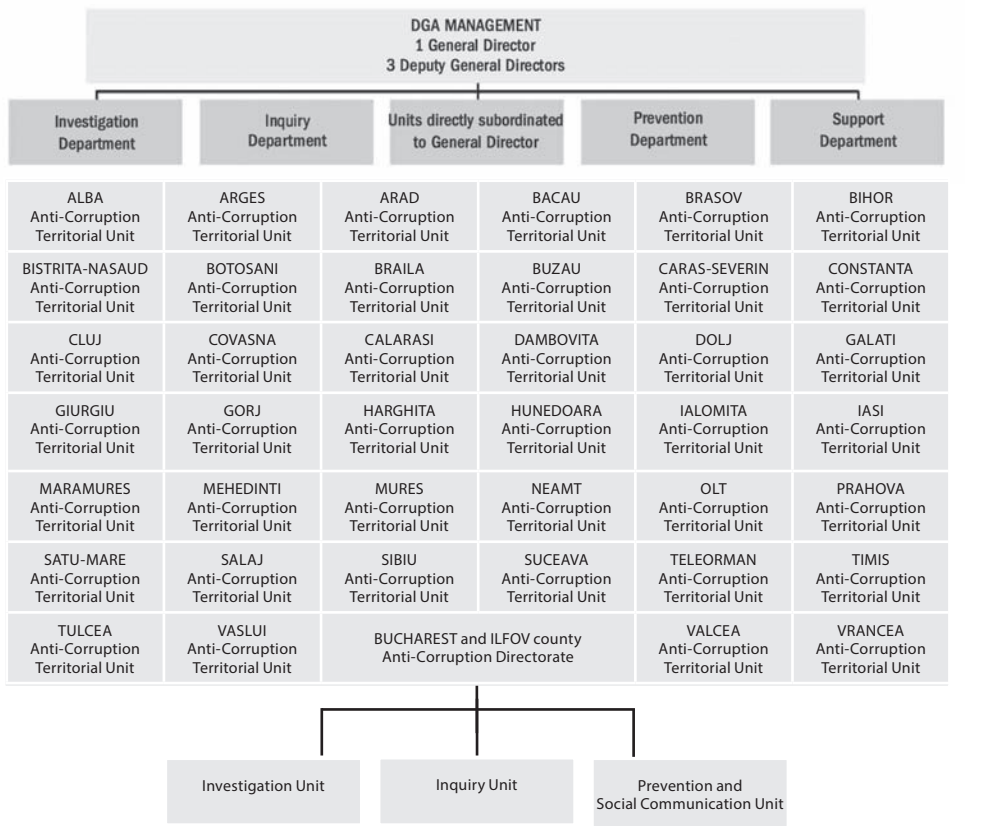
Conclusions

It is undeniable that today, over the past decade, the issue of corruption has been situated in the center of the political agenda, not only in the case of post-communist states, but also in western democracies. Recent years have been marked by the increasing attention paid to this phenomenon by international bodies such as the World Bank, the International Monetary Fund, the European Commission, various non-governmental organizations and academia.

According to the Stockholm Programme, corruption represents "a threat to the internal security of the EU." In addition to this, the World Bank has identified corruption as the biggest obstacle to economic and social development.

Having in view the globalisation of criminality, corruption has to be addressed jointly. International instruments, such as the UNCAC have been created to this purpose and a better use should be made of them.

ORGANISATIONAL CHART



Law 161/2005
establishing certain measures to prevent and fight corruption within MoAI

The Romanian Parliament has adopted the following Law:

Art. 1
At Art. 11 of the Governmental Emergency Ordinance No. 63/2003 on MoAI organization and functioning, published in Romanian Official Journal, part I, No. 462 of 28 June 2003, approved with subsequent modifications and supplements by Law 604/2003, as subsequently amended, after par. (2) two new paragraphs shall be introduced: par. (3) and (4) having the following contents:
"(3) At the level of MAI central structure Anti-Corruption General Directorate shall be set up as the specialized structure to prevent and fight corruption among MoAI staff personnel.
(4) The Anti-Corruption General Directorate shall be directly subordinated to the minister of administration and interior."

Art. 2
Art. 4 of Law 364/2004 regarding the organization and functioning of judiciary police, published in Romanian Official Journal, part I, No. 869 of 28 September 2004, shall be amended and shall have the following contents:
"Art. 4 – The prosecuting bodies of judiciary police are set up and are operational within the MoAI central structure, within the structure of Romanian Police General Inspectorate, Border Police General Inspectorate and their territorial units."
This Law was adopted by the Romanian Parliament, according to the provisions of Art. 75 and 76 par. (1) of the Romanian Constitution, republished. □

NATIONAL ANTICORRUPTION DIRECTORATE (DNA) – a Specialized Structure for Combating High Level Corruption in Romania

DNA'S ORGANIZATION AND STRUCTURE

The DNA is led by the General Prosecutor of Romania through the chief prosecutor of the DNA, who is assimilated to the prime deputy of the General Prosecutor of Romania. He is assisted by two deputies assimilated to the deputies of the General Prosecutor of Romania.

The appointment of the chief prosecutor of the DNA, of his/her deputies and of the chief prosecutors of sections follows the same procedure as the appointment of the general prosecutor, of his/her deputies and of the chief prosecutors of sections from the Prosecutor's Office Attached to the High Court of Cassation and Justice. This procedure implies the proposal of the candidate by the Minister of Justice, the approval of the Superior Council of Magistracy and the appointment by the President of Romania. The mandate of the chief prosecutor of the DNA and of the other prosecutors with management positions is of 3 years with the possibility of renewing it once.

The DNA has jurisdiction in the whole state, having a central structure in Bucharest, as well as a territorial one.

The central structure is divided into sections, services and offices. The territorial structure of the DNA is made of 14 territorial services with their offices located in the cities where there are courts of appeal. Both the central structure, and the territorial services have the same material jurisdiction, but the territorial services usually prosecute cases regarding facts committed in their area of territorial jurisdiction. The prosecutors' activity is carried out according to the traditional division of criminal proceedings, i.e. the criminal investigation stage and the trial. Therefore, the central structure is divided into criminal investigation sections (carrying out the inquiries) and the judicial section (functioning with prosecutors who plead the DNA cases in courts, both on the merits of the case and legal remedies).

A feature that illustrates the specificity of the National Anticorruption Directorate and distinguishes it from other prosecutor's offices is the fact that the DNA is a complex structure. The prosecutors of the National Anticorruption Directorate are supported in their activity of criminal investigation by police officers and specialists in the economic, financial, banking, customs, and IT fields. 145 prosecutors, 220 judicial police officers, 55 specialists, as well as 200 auxiliary, administrative and economic personnel are employed by the DNA.

To be appointed to a position in the DNA, the prosecutors need to have at least 6 years of experience and a good reputation. They have an unlimited mandate in the DNA. The police officers are seconded by order of the Minister of Internal Affairs for 6 years that can be renewed. Once seconded, the police officers are paid by the DNA, they work under the direct leadership and control of the DNA prosecutors and do not keep any link of command with the hierarchy in the Ministry of Internal Affairs. This way, working in mixt teams is insured and the risk of information leaking is minimized. The DNA specialists are also a very useful category of personnel in corruption investigations; they are highly-qualified people in fields such as economy, finances, banking, customs, IT, etc., their task being to clarify the technical or economic details necessary to prosecutors in their criminal investigation activity. Prosecutors ask them to draft expert reports that can become pieces of evidence in the file (such as: the assessment of the damage caused as a result of the offence; the explanation of the fraud mechanism used in a public procurement or privatization procedure, the explanation of the financial circuit of the money laundering coming from bribery etc.).

DNA'S JURISDICTION

The DNA's jurisdiction does not cover the entire category of corruption offences but only those of high and medium level. The prosecutor's offices attached to tribunals are still in charge with the rest of corruption offences (the small corruption). Why this separation and why was this a very good decision? In order to answer these questions, one should remember the strong critics addressed to Romania during the pre-accession negotiations since, at the time, prosecutors used to focus only on investigations related to small civil servants, the last links of sophisticated but undisclosed networks, the number of these files being large, but their relevance and impact upon the system being absolutely irrelevant. This has substantially changed since the specialized prosecutors have started investigating large and complex cases, related to civil servants in high positions, state dignitaries placed on top of the criminal pyramid, and the courts have started confirming the investigations of the anticorruption prosecutors, by ruling final conviction decisions.

The jurisdiction of the DNA, as established by the law, is defined by three criteria:

- the public positions owned by the persons suspected to have committed a corruption offence;
- the value of the caused damage;
- the value of the given or received bribe.

Briefly, at present, the DNA is competent to investigate and prosecute cases regarding the following categories of criminal offences:

- Bribery offences – if the value of the bribe is over €10,000;
- Offences assimilated to corruption, incriminated by Law No. 78/2000, such as: establishing a diminished value of the assets of a company in way of privatization, using information obtained by virtue of the official position or duty in order to carry out financial operations incompatible with the position or duty, using the influence as leader of a political party, a trade union, or a non-governmental organization, all these in order to obtain undue advantages – if the value of the damage caused is over €200,000;
- the same two categories of offences, regardless the value of the bribe or damage – but when they are committed by persons with certain high level public positions (i.e. Members of Parliament, Members of Government, generals, magistrates, prefects, mayors, police officers, directors of national companies, etc.);
- Offences against the financial interests of the European Communities – regardless of the value of the damage;
- Serious economic offences, such as abuse of office, diversion of public tenders, usur-

pation of functions – if the damage caused is over €1,000,000.

One of the key factors of a successful activity of an anticorruption prosecution office is the inter-institutional cooperation, to be more precise – the support that the state institutions with attributions of control, audit, law enforcement and intelligence have to give to the anticorruption prosecutors, by sending them all the data they have regarding the perpetration of the corruption offences, or other data that could support the investigations into this type of offences.

Thus, according to the law, the state agencies with control attributions, intelligence services and police – are under the obligation to provide the DNA with all the data and information they obtain regarding the perpetration of corruption offences that fall under the DNA competence. Besides providing the DNA with information regarding the perpetration of corruption offences, these state agencies, according to their competence, also give further assistance to the investigations carried out by the DNA, following the prosecutors' request.

DNA'S ACTIVITY AND RESULTS

Relevant statistics of 2014, which was probably the most intense year since the set-up of the DNA in 2002:

Over 4100 files were registered within the DNA. The criminal investigation into corruption offences and offences assimilated to it were conducted in these cases.

Over 1100 defendants were indicted, among them being: 9 members of Parliament (7 Deputies and 2 Senators), 1 state secretary from the Ministry of Transport, 5 presidents and vice-presidents of national agencies, 1 president of the Romanian Chamber of Commerce, 1 army general, 2 prefects and 1 sub-prefect of a county, 9 presidents and 1 vice-president of County Councils, 23 judges (4 from the High Court of Cassation and Justice), 6 chief prosecutors, 6 prosecutors, 36 mayors, 7 vice-mayors, etc.).

During the same period of time, when talking about indicted, it is worth mentioning that final conviction decisions were ruled against over 1100 defendants, at the end of the criminal proceedings. Among the people against whom such final conviction decisions were ruled, there were: former prime minister of Romania, other 2 former ministers, 5 members of Parliament (4 deputies and 1 senator), 2 presidents of national agencies, 1 prefect, 2 sub-prefects, 24 mayors, 7 judges and 13 prosecutors, etc.

As in previous years, the convictions rate in the DNA files is of over 90%, which in our opinion, is a very good success rate, one that can be compared to that of prosecutors from other European democratic states and also from the United States of America.

PILLARS SECURING DNA'S SUCCESS

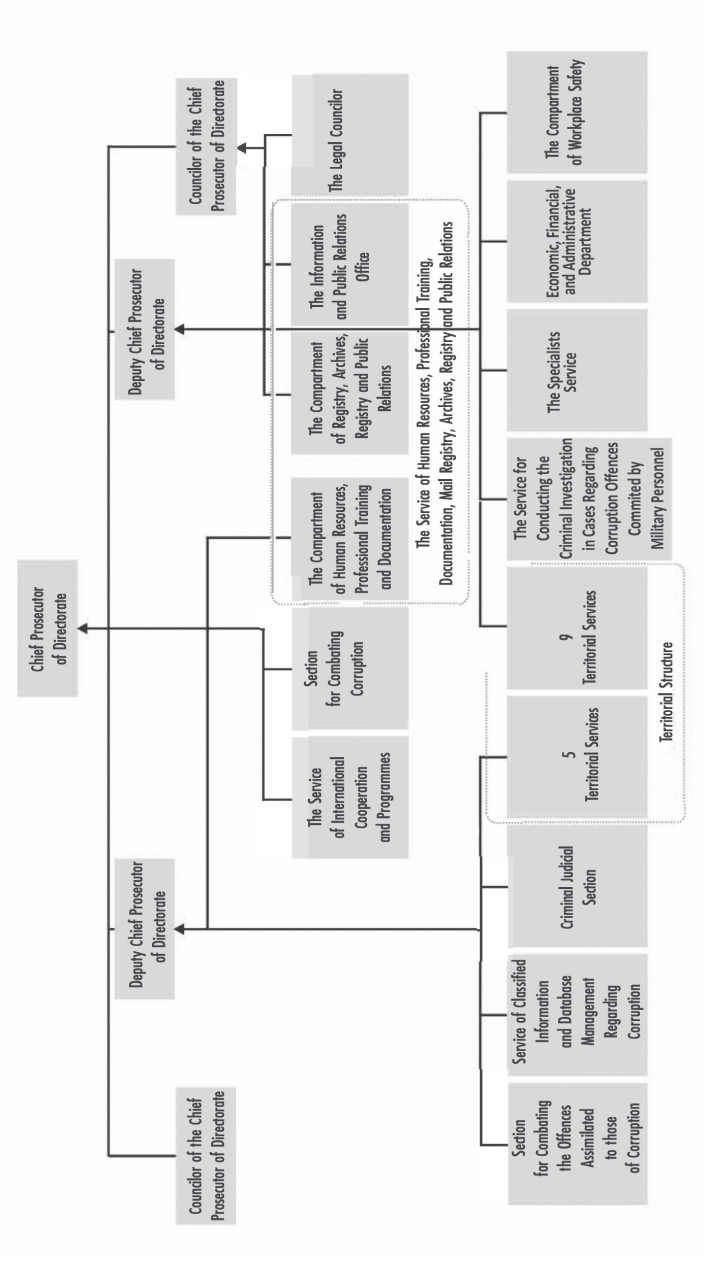
There is a series of pillars securing the DNA's success; pillars that can prove in time to be solid or fragile, according to the political will to keep the pace of the fight against corruption.

The first important element is the complex structure that the DNA is provided with by the law. Police officers paid from the DNA's budget work together with the prosecutors and they are exclusively coordinated by the DNA prosecutors (they do not receive orders from their former superiors). The DNA prosecutors also work with specialists in the fields of economy, finances, banking, IT, etc., who contribute to the clarification of technical or economic details that the prosecutors need in their criminal investigation activity. This activity is conducted in complex teams, which leads to a higher celerity, guaranteeing at the same time the necessary level of confidentiality.

Another advantage is represented by the fact that we enjoy an increasingly higher level of trust from the citizens, and it also helps significantly when it comes to denouncements regarding the perpetration of offences investigated by the DNA.

The most important aspect for the DNA to continue to accomplish its mission is to maintain the stability of the legislative and institutional framework in terms of combating corruption. With regards to the DNA, we take into account, on the one hand, the legislation ensuring its structure and competences, its financial and human resources, as well as its independence as an institution; on the other hand, the criminal legislation and the procedural criminal legislation providing the prosecutors with the necessary instruments to take action against complex forms of criminality.

ORGANISATIONAL CHART



The Government Emergency Ordinance No. 43 Regarding the National Anticorruption Directorate

(Entered into force on: March 16, 2006)

Text brought up to date on the basis of the amending laws, published in the Official Gazette of Romania, Part I, until March the 13th 2006, as follows:
– Law No. 503/2002, through which the Government Emergency Ordinance No. 43/2002 was approved with amendments;
– Law No. 161/2003;
– The Government Emergency Ordinance No. 102/2003 approved with amendments through Law No. 26/2004;
– Law No. 26/2004;
– The Government Emergency Ordinance No. 24/2004 approved with amendments through Law No. 601/2004;
– Law No. 601/2004;
– Law No. 247/2005;
– The Government Emergency Ordinance No. 120/2005;
– The Government Emergency Ordinance No. 134/2005;
– Law No. 383/2005;
– Law No. 54/2006;
– The Government Emergency Ordinance No. 43/2002 also approved with amendments through Government Emergency Ordinance No. 103/2004, rejected through Law 35/2006.

CHAPTER 1
General dispositions

Art. 1
(1) Through the present emergency ordinance, the National Anticorruption Directorate is set up, as a structure with legal personality, within the framework of the Prosecutor's Office attached to the High Court of Cassation and Justice (GPO), through the reorganization of the National Anticorruption Prosecutor's Office.
(2) The National Anticorruption Directorate has its headquarters in Bucharest and exerts its attributions on the whole territory of Romania through prosecutors specialized in combating corruption.
(3) Repealed;
(3^1) The General Prosecutor of the High Court of Cassation and Justice leads the National Anticorruption Directorate through the Chief Prosecutor of this Directorate. The General Prosecutor of the High Court of Cassation and Justice solves the conflicts of competence between the National Anticorruption Directorate and the other structures or units within the Public Ministry.
(4) *** Repealed.

Art. 2
The National Anticorruption Directorate is independent in its relationship with the courts of justice and the prosecutor's offices attached to these, as well as in its relationship with the other public authorities, carrying out its attributions on the law's basis and in order to provide the fact that the law is respected by all.

Art. 3

(1) The attributions of the National Anticorruption Directorate shall be the following:

a) carrying out criminal investigations according to the Criminal Procedural Code, the Law No. 78/2000 on preventing, discovering and sanctioning corruption offences and in the present emergency ordinance, for the offences provided in the Law No. 78/2000 which fall, according to Art. 13, under the competence of the National Anticorruption Directorate;

b) leading, supervising and controlling the criminal investigations requested by the prosecutors and carried out by the judicial police officers which are under the exclusive authority of the Chief Prosecutor of the National Anticorruption Directorate;

c) leading, supervising and controlling the technical activities of the criminal investigation, carried out by specialists in the economic, financial, banking, customs, IT fields, as well as in other fields, appointed within the framework of the National Anticorruption Directorate;

c1) notifying the courts for taking legal measures for sentencing cases regarding the offences provided by Law No. 78/2000, with the subsequent amendments, which fall, according to Art. 13, under the competence of the National Anticorruption Directorate;

c2) participating at trials, according to law;

c3) applying the judges' decisions, according to law;

d) analyzing the causes which generate corruption and the conditions which favor it; drawing up and submitting proposals with a view to their elimination, as well as for improving the criminal legislation;

e) drawing up the annual report on the NAD's activity and submitting it to the Superior Council of Magistracy and to the Minister of Justice no later than February next year; the Minister of Justice will submit to the Parliament the conclusions on the activity report of the National Anticorruption Directorate;

f) setting up and updating the data base in the field of corruption deeds;

g) carrying out other attributions provided by law.

(2) The National Anticorruption Directorate exerts its rights and fulfils its legal procedural duties in cases regarding the offences provided by the present emergency ordinance within its competence.

(3) In carrying out his attributions, the Chief Prosecutor of the National Anticorruption Directorate issues orders.

CHAPTER 2
The organizing and functioning of the National Anticorruption Directorate

Art. 4

(1) The National Anticorruption Directorate is led by a Chief Prosecutor, assimilated to the Deputy General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice. The Chief Prosecutor of the National Anticorruption Directorate is assisted by 2 deputy chief prosecutors, assimilated to the Deputy General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

(2) In carrying out his activity, the Chief Prosecutor of the National Anticorruption Directorate is assisted by two counselors, assimilated to the counsellors of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

(3) The Chief Prosecutor of the National Anticorruption Directorate is a secondary credit accountant.

Financing the current and capital expenses of the National Anticorruption Directorate is ensured from the state budget, the fund designated for the NAD's use being distinctly mentioned in the

budget of the Prosecutor's Office Attached to the High Court of Cassation and Justice. A deposit of at least 2 million RON is annually constituted for actions regarding the organizing and ascertaining of flagrant corruption offences, at the disposal of the Chief Prosecutor of the National Anticorruption Directorate. This sum is provided in the National Anticorruption Directorate's budget, with the title "Material expenses and services" and its way of managing and using, shall be set up by order of the chief prosecutor of this Directorate.

Art. 5
(1) The National Anticorruption Directorate is organized in sections led by chief prosecutors of section, assisted by deputy chief prosecutors of section. The sections are set up and dissolved through the order of the Chief Prosecutor of the National Anticorruption Directorate with the approval of the Superior Council of Magistracy.
(2) Territorial services, services, offices and other compartments of activity can be set up within the National Anticorruption Directorate through the order of the Chief Prosecutor of this Directorate.
(3) The headquarters of the territorial services and their district are established by the Chief Prosecutor of the National Anticorruption Directorate, usually in the cities where the prosecutor's offices attached to the courts of appeal have their headquarters and by taking into consideration their district.
(4) The territorial services, the services and the offices are led by chief prosecutors.
(4.1) Within the National Anticorruption Directorate, an Information and Public Relations Office will be set up. It will ensure the connection to the public and to the media, in order to guarantee the transparency of the criminal investigation activity, according to the law.
(4.2) The leader of the office, which is also the spokesman, can also be a prosecutor appointed by the Chief Prosecutor of the National Anticorruption Directorate or a journalist, hired on the position of expert, appointed on the basis of a competition or exam.
(5) The judicial police officers and agents carry out their activity within sections, services or other activity compartments, being assigned through the order of the Chief Prosecutor of the National Anticorruption Directorate.

Art. 6
The National Anticorruption Directorate's staff is formed of prosecutors, judicial police officers and agents, experts in the economic, financial, banking, customs, IT field and also in other fields, special auxiliary personnel, as well as economic and administrative personnel, to the extent of the number of positions provided in the functions status, approved according to law.

Art. 7*** Repealed.
Art. 8*** Repealed.
Art. 9*** Repealed.

Art. 10
(1) Judicial police officers work within NAD with the purpose of carrying out with celerity the activities of discovering and investigating the corruption offences.
(2) The judicial police officers and agents (as mentioned in the first paragraph) carry out their activity only within the National Anticorruption Directorate, under the exclusive authority of the chief prosecutor of this Directorate.

(3) The judicial police officers and agents can carry out only those criminal investigations disposed by the prosecutors of the National Anticorruption Directorate. The judicial police officers and agents carry out their activity under the direct leading, supervision and control of the prosecutor.
(4) The dispositions of the NAD prosecutors are mandatory for the above mentioned judicial police officers. The documents drawn up by the judicial police officers as a result of the written disposition of the prosecutor are carried out on his behalf.
(5) The transfer of the judicial police officers and agents within the National Anticorruption Directorate is made, at the nominal proposal of the Chief Prosecutor of the National Anticorruption Directorate, through the order of the Minister of Administration and Interior, and their appointment is made through the order of the chief prosecutor of this Directorate.
(6) The judicial police officers and agents are transferred to exercise their job attributions for a period of 6 years, with the possibility of extending it, with their consent.
(6.1) The transfer of the judicial police officers and agents within the National Anticorruption Directorate ceases before the end of the period of time provided in the sixth paragraph through revocation from the position disposed by the motivated order of the Chief Prosecutor of the National Anticorruption Directorate.
(7) The judicial police officers and agents cannot receive any orders from the hierarchically superior bodies.
(8) The judicial police officers and agents, during the period of appointment within the National Anticorruption Directorate have the rights and duties provided by law for the judicial police officers and agents, with the exceptions provided by the present emergency ordinance. The duties provided by law for the Minister of Administration and Interior regarding the rights and responsibilities of the judicial police officers and agents are exerted by the Chief Prosecutor of the National Anticorruption Directorate. The responsibilities regarding the granting of professional degrees for the judicial police officers and agents are exerted by the Minister of Administration and Interior, at the proposal of the Chief Prosecutor of the National Anticorruption Directorate.
(9)*** Repealed.

Art. 11
(1) Experts of high qualification in the economic, financial, banking, customs, IT fields, as well as in other fields, are appointed within the framework of the National Anticorruption Directorate, through the order of the Chief Prosecutor of this Directorate, with approval of the competent ministries, for clearing up technical aspects during the criminal investigation activity.
(2) The experts provided in the first paragraph have the quality of a public official and they carry out their activity under the direct leading, supervision and unmediated control of the prosecutors within the National Anticorruption Directorate. The experts have the rights and obligations provided by law for public officials, with the exceptions mentioned in the present emergency ordinance. The experts adequately benefit of the rights provided in Art. 26 of the Government Emergency Ordinance No. 177/2002, regarding the salaries and other rights of the magistrates, with subsequent amendments and completions.
(3) The technical-scientific findings carried out by the experts provided in the first paragraph as a result of the written disposition of the prosecutor, represents a mean of evidence according to law.
(4) The technical-scientific findings and surveys can be carried out by other experts from public or private, foreign or Romanian institutions, organized according to law, as well as by individual experts, authorized or admitted, according to law.

Art. 12
The position of prosecutor, judicial police officer or expert within the framework of the National Anticorruption Directorate is incompatible with any other public or private position, except high educational didactic positions.

CHAPTER 3
The Competence of the National Anticorruption Directorate

Art. 13
(1) The offences provided in the Law No. 78/2000 for preventing, discovering and sanctioning corruption deeds, with the subsequent amendments and completions, fall under the competence of the National Anticorruption Directorate, when committed under one of the following circumstances:
(a) if, regardless of the quality of the persons who committed them, these offences caused a material damage greater than the equivalent in ROL of €200,000, or a particularly serious perturbation was brought to the activity of a public authority, public institution or any other legal person, or if the value of the sum or of the good which represents the object of the corruption offence is greater then the equivalent in ROL of €10,000;
(b) if, regardless of the value of the material damage or the seriousness of the perturbation brought to a public authority, public institution or any other legal person, or regardless of the value of the sum or of the good which represents the object of the corruption offence, these offences are committed by deputies, senators, Government's members, state secretaries, under state secretaries and the persons assimilated to them, the counselors of the ministers, the judges of the High Court of Cassation and Justice and of the Constitutional Court, the other judges and prosecutors, the members of the Superior Council of Magistracy, the president of the Legislative Council and the person who replaces him, the Ombudsman and his deputies, the presidential and state counselors within the Presidential Administration, the state counselors of the Prime Minister, the members and the financial controllers of the Court of Accounts and of the County Chambers of Accounts, the Governor and Prime vice-governor and the Vice-governor of the National Bank of Romania, the president and the vice-president of the Council of Competition, officers, admirals, generals and marshals, police officers, the presidents and the vice-presidents of the county councils, the general mayor and the vice-majors of the Bucharest municipality, the mayors and the vice-majors of the districts of Bucharest, the mayors and the vice-majors of the municipalities, the county counselors, prefects, sub-prefects, persons filling control position within the central and local public institutions and authorities, except for the leaders of the public institutions and authorities at the level of cities and counties and of the persons with leading positions within them, lawyers, commissioners of the Financial Guard, customs employees, persons with leading positions, higher than and including that of a director within the framework of the autonomous administrators of national interest, of the national companies, of the banks and trading companies where the state is a main shareholder, of the public institutions having attributions in the privatization process, and of the central financial – banking units, persons provided in Art. 8^1 from Law No. 78/2000, with the subsequent amendments and completions, judicial liquidators, executors of the Authority for State Assets Recovery.
(1.1) The offences against the financial interests of the European Community fall under the competence of the National Anticorruption Directorate.
(1.2) The National Anticorruption Directorate has the competence to carry out the criminal investigation if a material damage was caused and if it was higher than the equivalent in ROL of

€1,000,000, the case of the offences provided by Art. 215 par. 1, 2, 3 and 5, Art. 246, 247, 248 and 248.1 from the Criminal Code, of the actions provided by Art. 175, 177 and 178–181 from Law No. 141/1997 regarding Romania's Customs Code, with the subsequent amendments and completions, and by Law No. 241/2005 for preventing and combating tax evasion.
(2) The specialized prosecutors within the National Anticorruption Directorate must carry out the criminal investigation for the offences provided at par. (1), (1.1) and (1.2).
(3) The criminal investigation in cases regarding offences provided at the par. (1), (1.1) and (1.2), committed by military personnel shall be carried out by the military prosecutors of the National Anticorruption Directorate, with no regard to the rank the investigated persons have.
(4) The offences provided by Law No. 78/2000, with the subsequent amendments and completions, which do not fall under the competence of the National Anticorruption Directorate according to par. (1), (1.1) and (1.2), fall under the competence of the prosecutor's offices attached to the courts of law, according to the dispositions of the Criminal Procedure Code.
Art. 13.1*** Repealed.

CHAPTER 4
Procedural dispositions

Art. 14
(1) The persons with control attributions have the obligation to notify the National Anticorruption Directorate regarding any data or information from which it results that one of the offences fallen under the competence of the National Anticorruption Directorate, through the emergency ordinance, was committed.
(2) The persons with control attributions have the obligation, during the carrying out of the control, in the situations provided at par. (1), to ensure and preserve the traces of the offence, the material evidence and any other means of evidence which can help the criminal investigation structures.
(3) The services and structures specialized in collecting and processing information shall have the obligation to immediately put at the disposal of the National Anticorruption Directorate the data and information they hold in connection with the commission of corruption offences.
(4) The services and structures specialized in collecting and processing information shall, at the request of the Chief Prosecutor of the National Anticorruption Directorate or of the prosecutor specially assigned by him, put at his disposal the data and information provided under par. (3), unprocessed.
(5) Non-observance of the obligations provided under par. (1) through (4) shall entail the juridical liability, according to the law.

Art. 15
Whenever the prosecutors of the prosecutor's offices attached to the courts of law find out, in carrying out the criminal investigation, that the offence making the object of the case is one of the offences assigned by the present emergency ordinance within the competence of the National Anticorruption Directorate, they shall have the obligation to immediately inform the prosecutors from this Directorate.

Art. 15.1
The National Anticorruption Directorate is authorized to have and to use adequate means to obtain, verify, process and store the information regarding the corruption offences provided in

the Law No. 78/2000, with the subsequent amendments, according to law. Any information of an operative nature is immediately transmitted to the competent authorities, for verifying and valuing it.

Art. 16
(1) When there are substantial signs with regard to the commission of one of the offences which, according to the present emergency ordinance, fall under the competence of the National Anticorruption Directorate, the following measures can be disposed, in order to collect evidence and to identify the perpetrator:
a) the surveillance of the bank accounts and the accounts assimilated to these;
b) the surveillance or interception of the communications;
c) the access to the IT systems.
(2) The measures provided at par. (1) let. a) and c) can be disposed by the prosecutors within the National Anticorruption Directorate, for a duration of maximum 30 days. For substantial reasons, these measures can be extended by the prosecutor, through justified ordinance, each extension being of no more than 30 days. The maximum duration of the disposed measures is of 4 months.
(3) The measure provided at par. (1) let. b) can be disposed by the judge, according to the dispositions of Art. 91ˆ1–91ˆ6 from the Criminal Procedural Code which applies adequately.
(4) The prosecutors within the National Anticorruption Directorate can dispose to be provided with financial, banking, accountability or other documents, according to par. (1).

Art. 17*** Repealed.

Art. 18
For the proper carrying out of the criminal investigation, the prosecutors within the National Anticorruption Directorate can dispose specific measures for protecting the witnesses, the experts and the victims according to law.

Art. 19
The person, who committed one of the offences assigned by the present emergency ordinance within the competence of the National Anticorruption Directorate and who, during the criminal investigation, denounces and facilitates the identification and bringing to criminal liability of other persons, who committed such offences, shall benefit of the reduction to half of the penalty limits provided by law.

Art. 20
(1) After the initiation of the criminal investigation the banking secret and the professional one, except for the lawyer's professional secret, shall not be opposable for the prosecutors of the National Anticorruption Directorate. The data and information requested by the prosecutor shall be communicated at his written request.
(2) The provisions under par. (1) shall be applied accordingly, also with regard to the court of law.
(3) The verification of the bank accounts and of the accounts assimilated to these may be carried out only at the request of the prosecutor within the National Anticorruption Directorate who carries out the criminal investigation.

Art. 21
The persons who carry out the criminal investigation, the experts provided under Art. 11, as well as the auxiliary specialized personnel, shall be obliged to keep the professional secret with regard to the data and information obtained in this quality.

Art. 22
(1) In the case of the offences assigned by the present emergency ordinance within the competence of the National Anticorruption Directorate, the provisions of Art. 118 of the Criminal Code with regard to confiscation of the goods shall be applied.
(2) In case the goods making the object of the offences provided under par. (1) are not found, their equivalent in money or the goods obtained in exchange shall be confiscated.
(3) In order to guarantee the fulfillment of the confiscation, the ensuring measures provided by the Criminal Procedure Code may be taken. Such measures shall be immediately taken by the persons especially designated from the National Anticorruption Directorate.

Art. 22.1
The indictments drawn up by the prosecutors within the territorial services of the National Anticorruption Directorate are confirmed by the chief prosecutors of these services. The ones drawn up by the chief prosecutors of the territorial services, as well as those drawn up by the prosecutors within the central structure of the National Anticorruption Directorate are confirmed by the chief prosecutors of sections. When the indictments are drawn up by the chief prosecutors of the National Anticorruption Directorate's sections, the confirmation is made by the chief prosecutor of this Directorate.

Art. 23
The persons under preventive arrest in the cases under the competence of the National Anticorruption Directorate shall be detained in places especially established within the National Anticorruption Directorate, functioning with delegated personnel from the General Direction of Penitentiaries or, as the case may be, in the preventive arrest sections of the penitentiaries or in the arrest of the general anticorruption direction within the Ministry of Administration and Interior.

Art. 24
The provisions in the Criminal Procedure Code and the procedural provisions in the Law No. 78/2000 regarding the prevention, detection and sanctioning of corruption deeds and in the Law No. 115/1999 on ministerial responsibility, republished, shall be applied accordingly, also in the cases falling within the competence of the National Anticorruption Directorate.

CHAPTER 5
International Cooperation

Art. 25
With a view to a mutual consultation regarding the offences under the competence of the National Anticorruption Directorate and to a data and information exchange regarding the investigation and prosecution of such offences, a liaison office with similar institutions from other states is set up.

Art. 26*** Repealed.

CHAPTER 6
Final Dispositions

Art. 27

(1) The National Anticorruption Directorate shall function with the following maximum number of positions:

a) 130 positions for prosecutors;

b) 170 positions for judiciary police officers and agents;

c) 45 positions for experts;

d) 85 positions for auxiliary specialized personnel;

e) 80 positions for economic and administrative personnel.

(2) The maximum number of positions within the National Anticorruption Directorate can be modified through the decision of the Government.

Art. 28

(1) The prosecutors within the National Anticorruption Directorate benefit from all the rights established for magistrates in the GEO No. 177/2002, with the subsequent amendments and completions, in other laws, as well as in the present emergency ordinance. They are paid according to Annex No. 1, chap. A, No. crt. 2–11 from the GEO No. 177/2002.

(2) The experts within the National Anticorruption Directorate benefit of all the rights established in the GEO No. 192/2002 regarding the salary rights of the public officials, with the subsequent amendments and completions, as well as of the rights provided by the present emergency ordinance. The basic salary for experts is established according to Annex No. 1, chap. A, No. crt. 29 from the GEO No. 177/2002.

(3) The judicial police officers and agents within the National Anticorruption Directorate benefit of all the rights established in Annex No. 4 from the GEO No. 38/2003 regarding the salary and other rights of the police officers, approved with amendments and completions by the Law No. 353/2003, with subsequent amendments and completions, as well as of the rights provided by the present emergency ordinance. The salary for the position filled by: – the police agent is established according to chap. A No. crt. 32 from Annex No. 1 at the GEO No. 177/2002, approved with amendments and completions by the Law No. 347/2003, with the subsequent completions; – the judicial police officer, according to chap. A No. crt. 29 from Annex No. 1; – the head of the office, according to chap. A No. crt. 28 from Annex No. 1; – the head of service, according to chap. A No. crt. 27 from Annex No. 1 of the same emergency ordinance.

(4) The judicial police officers and agents, as well as the experts within the National Anticorruption Directorate benefit from the rights provided by Art. 17 from GEO No. 177/2002, with the subsequent amendments and completions.

(5) The staff provided at par. (1), the panel of judges specialized in corruption offences – according to Art. 29 from Law No. 78/2000, with the subsequent amendments and completions – the prosecutors which participate in the judging of these cases, the president, the vice-president, the presidents of sections and the judges within the High Court of Cassation and Justice, the general prosecutor of the High Court of Cassation and Justice, his deputies and the prosecutors within the High Court of Cassation and Justice benefit from a 40% raise added to the gross monthly salary. The staff within the National Anticorruption Directorate provided at par. (2) and (3) benefit from a raise of 30% for the carried out activity specialized in combating corruption offences.

(6) The wages of the specialized auxiliary personnel and of the administrative and economic one is provided by law for the same category of staff within the High Court of Cassation and Justice.
(7) The gross monthly salaries, as well as other salary rights of the staff provided at par. (1)–(3) and (5) are established by the chief prosecutor of the National Anticorruption Directorate, according to law.
(8) The material and financial rights of the prosecutors, specialized auxiliary personnel, experts, administrative and economic staff, military employees and other categories of staff within the National Anticorruption Directorate, as well as of the judicial police officers and agents are paid from the funds of this Directorate.
(9) The manner of granting the raises at the gross monthly salaries provided at par. (5) is established by norms approved through the order of the Minister of Justice.

Art 28.1
The National Anticorruption Directorate can grant monthly bonuses with in the limit of 5% of the wages expenses, up to the annually approved funds from the budget with this destination. The bonuses can be granted to the magistrates and to the other categories of staff which achieved or directly participated in the obtaining of results, considered to be valuable. The remained sums can be used in the following months within the same budgetary year.

Art. 28.2
The auto park, the fuel consumption and the manner of using the auto park are established through the order of the chief prosecutor of the National Anticorruption Directorate.

Art. 28.3
The rights of the staff within the National Anticorruption Directorate sent abroad or invited on the account of the organizations or other foreign partners are established through the rules approved by order of the chief prosecutor of this Directorate, and the necessary expenses for traveling abroad are approved, within the limits of the rules approved for the public institutions staff, by the chief prosecutor of the National Anticorruption Directorate.

Art. 29
The funds necessary to enforce the present emergency ordinance shall be provided from the Public Ministry's budget approved for the year 2002, which shall, by Government Decision, be supplemented from the Reserve Fund at the Government's disposal.

Art. 30
The provisions of the Law No. 92/1992 on judicial organization, republished, with subsequent amendments and completions, shall be applied also in the case of the National Anticorruption Directorate, to the extent in which through the present emergency ordinance it is not otherwise provided.

Art. 31
(1) The Government and the General Council of the Municipality of Bucharest shall take immediate measures to provide the headquarters for the National Anticorruption Directorate.
(2) The Ministry of Justice, the Prosecutor's Office attached to the High Court of Cassation and Justice, the Ministry of Administration and Interior and the Ministry of Public Finance shall take

the necessary measures for the organization of the National Anticorruption Directorate, within 60 days after the coming into force of the present emergency ordinance.
(3) The National Anticorruption Prosecutor's Office shall start functioning on September 1st 2002.

Art. 32
(1) For the cases regarding the offences provided by the Law No. 78/2000, which are in the criminal investigation phase on the 1st of September 2002, the criminal investigation shall be carried out by the prosecutors of the National Anticorruption Prosecutor's Office. The acts and documents drawn up by the 1st of September 2002 shall remain valid.
(2) The cases regarding the offences provided by the Law No. 78/2000, which are at the trial courts and which are sent, according to the Criminal Procedure Code, to the criminal investigation structures, shall be within the competence of the National Anticorruption Directorate.

Art. 33
The chief prosecutor of the National Anticorruption Directorate shall adopt, through an order, the rules for enforcing the provisions of the present emergency ordinance.

Art. 34
On September 1st 2002, the provisions of Art. 28 and of Art. 29 par. (2) of the Law No. 78/2000, with the subsequent amendments and completions, shall be repealed. □

NATIONAL ANTI-CORRUPTION CENTRE (NAC) – Moldova

The National Anti-Corruption Centre (NAC) is the national authority specialized in the prevention of and the fight against corruption, corruption related acts and acts of corruptive behaviour. The Centre acts in conformity with Law No. 1104 of 6 June 2002 on the National Anti-Corruption Centre. It is an apolitical body and does not support any political party. It is independent in its activity and abides only by the law.

The National Anti-Corruption Centre has the following tasks:

- preventing, detecting, investigating and curbing corruption contraventions and offenses and those related to corruption offenses, as well as acts of corrupt behaviour;
- preventing and combating money laundering and financing of terrorism, according to Law No. 190-XVI of 26 July 2007 on preventing and combating money laundering and terrorism financing;
- performing anti-corruption expertise of draft legislative acts and draft normative acts of the Government as well as other legislative initiatives submitted to Parliament, to ensure their compliance with the state policy to prevent and combat corruption;
- ensuring the performance of corruption risk assessment within public authorities and institutions through training and consultation, monitoring and analysis of data on corruption risk assessment as well as coordination of the drafting and implementation of integrity plans.

DOMAINS OF ACTIVITY

Preventing corruption

The General Division for Preventing Corruption acts in accordance with the Regulation on the Organization and Functioning of the General Department for Preventing Corruption. The mission of the department is to prevent corruption and to develop strategic policies with the aim to curb this phenomenon, through the following attributes:

- anti-corruption expertise of draft legislative and normative acts: in 2014, NAC examined 909 draft normative acts, out of which 307 received approval, with the presentation of recommendations. Out of the 909 draft laws, 602 were subject to anticorruption expertise.

During the year 2014, 3 draft normative acts were developed: Government Decision Regarding Certain Measures for the Implementation of Law No. 269 XVI of 12 December 2008 Regarding the Application of Polygraph Testing No. 475 of 19 June 2004; the Government Decision for the Implementation of Law No. 325 of 23 December 2013 Regarding Professional Integrity Testing No. 767 of 19 September 2014; draft Law for the Amendment and Completion of Certain Legal Acts (325/2013, 90/2008, the Criminal Code, the Criminal Procedures Code, the Contravention Code);

- awareness raising and anti-corruption education: in 2014, 542 anti-corruption training courses were organized with the participation of approximately 28,000 persons. The courses addressed the following subjects: Law No. 325 Regarding Professional Integrity Testing, Whistleblowers, Judicial Liability for Corruption Acts and *Youth against Corruption*, which is composed of youth campaigns (*EU(I) – for education through integrity*), summer schools and projects (*Involvement of mass media and youth in anti-corruption activities*);
- evaluating corruption risks: in 2014 NAC's experts participated in the working groups of 9 public entities: the NAC, the Ministry of External Affairs and European Integration, the Customs Service, the Border Police, the Agency for the Protection Of Consumers' Rights, the Ministry of Defence as well as 3 medical sanitary institutions;
- integrity testing: on February 25 2014, a new Law No. 325 of 23 December 2013 on Integrity Testing came into effect. The law provides that the NAC officers are subject to integrity testing since the publication of the law, while NAC is to test the rest of public employees in 6 months' term, starting with mid-August 2014. Following the implementation of Law No. 325 of 23 December 2013 on Professional Integrity Testing, the number of denunciations filed with the NAC increased considerably. This way, pursuant to the entry into force of the Law, reporting on corruption cases increased 5 times, and pursuant to the initiation of integrity testing on 14 August 2014, reporting on corruption cases increased 58 times;
- developing cooperation between the Centre and similar structures abroad and international organizations, contributing, within the Centre's competence, to the involvement of the Republic of Moldova in the community of states with European democratic values.

Combating and investigating corruption offences

The General Division for Combating Corruption acts in conformity with the Regulation of the General Department for Combating Corruption and the Law No. 59 of 29 March 2012 Regarding Special Investigation Activity. The Division is responsible for special investigation measures and prosecution, all with the purpose to combat corruption efficiently. The basic functions of the Division is to monitor the operative criminogenic situations within the system of law enforcement bodies, central and local public administration, through the accumulation of operative information regarding corruption and related offences as well as acts of corrupt behaviour, and the evaluation of the information and circumstances for the purpose of initiating prosecution and bringing to account the persons found guilty. The Division is also competent to receive declarations, communications and other information regarding offences and their verification, to contact structural subdivisions of the Centre and cooperation with other law enforcement bodies for the purpose of investigating crimes and exchanging information, to submit to the Centre's administration proposals for the optimization of methods and tactics for detecting and documenting offences within the competence of the General Division.

The General Division for Criminal Investigation is established in conformity with the Regulation Regarding the Organization and Functioning of the General Direction for Criminal Investigation. Also, specific to the Direction, Law No. 333 of 10 November 2006 Regarding the Status of the Prosecution Officer and the Law No. 59 of 29 March 2012 Regarding Special Investigation Activity.

The main functions of the Direction are:

- ensuring the implementation of the principles of legality, respecting the fundamental human rights and liberties and ensuring the proper operation within the scope of prosecution activities of the Centre;
- preventing, detecting, researching and curbing offences which by law fall under the Center's competence;
- ensuring the registration and monitoring of crimes and of the persons who have committed them;
- internal and external exchange of experience in the domain of the trial process;
- publicizing high level cases managed by the Centre, and their results.

For example in 2014, NAC identified and investigated a total of 570 offences, of which 448 were corruption offences, 39 – money laundering offences and 73 – other related crimes. Most of the corruption crimes identified by NAC were committed in the field of justice, law enforcement and public administration sectors. The NAC's activity was directed primarily towards combating highly serious and serious crimes. This way, the following cases were documented: highly serious and serious crimes – 75.1%, less serious crimes – 18.4%, petty offences – 6.5%.

PREVENTING AND COMBATING MONEY LAUNDERING

The Service for Preventing and Combating Money Laundering acts based on the Regulation for the Activity of the Service for Preventing and Combating Money Laundering within the National Anti-Corruption Centre. Under this Regulation, the Service acts as a specialized body, with a special purpose within the domain of preventing and combating money laundering and the financing of terrorism, with the status of independent direction within the National Anti-Corruption Centre.

The basic tasks of the service are as follows:

- preventing and combating money laundering and the financing of terrorism;
- developing and implementing policies and strategies with the aim of preventing and combating money laundering ad the financing of terrorism in the Republic of Moldova;
- coordinating and ensuring the implementation of the international standards in the domain.

The Service also collects and analyzes statistical materials regarding the efficiency of the system of prevention and combating of money laundering and terrorism financing and identifies risk factors regarding the economic security of the Republic of Moldova, develops and monitors the implementation of the National Strategy for Preventing and Combating Money Laundering and Terrorism Financing, ensures the exchange of information with central and local public administration.

As a result of financial investigations, in 2014 the NAC initiated 19 criminal cases. With regard to prevention, SPCML registered a 47% increase in the informational exchange with national partners. Within the investigation on the typology of legalization of financial means, the Service also addressed 331 requests towards similar institutions abroad and received 216 responses.

Analytics

The Analytical Division is a structural subdivision within the central apparatus of the NAC, subordinated to the Director of the Centre.

The mission of the Division is to conduct multilateral analysis of the models, trends in

corruption offences, corruption related offences, as well as acts of corruptive behaviour. The division performs strategic and operational analysis.

In the first semester of 2014, the NAC analytical subdivision completed 61 operational studies, at the request of NAC investigators, as well as four strategic analysis, including: peculiarities of high-level corruption; embezzlement of environmental funds; avoiding drunk driving sanctioning. Other areas of ongoing strategic research were related to the misuse of foreign assistance, court sentences on corruption, public procurement in selected areas, etc.

STRUCTURE

According to the Parliament Decision No. 230 of 25 October 2012, "On approval of the structure and personnel of the National Anti- Corruption Centre", the Centre is composed of the following units:

- General Directorate for Combating Corruption,
- General Directorate for Corruption Prevention,
- General Directorate for Human Resources and Security,
- Operational Security Directorate,
- Operational Management Directorate,
- Service to prevent and combat money laundering (department status),
- Financial, Economic and Administrative Division,
- Department of Analysis,
- Legal Service,
- Internal Audit Service,
- International Cooperation and Public Relations Service,
- Territorial Directorate General "Nord",
- Territorial Directorate General "South".

The main office and the jurisdiction of the National Anti-Corruption Centre units:

- The main office with its seat in Chisinau, will serve the following regions: Straseni, Ialoveni Noi, Dubasari Telenesti, Causeni, Stefan Voda, Hincesti, Nisporeni, Ungheni, Calarasi, Orhei, Criuleni and Chisinau;
- The Territorial Directorate General "Nord", located in Balti, will serve Briceni, Ocnita, Edinet, Donduseni, Soroca, Drochia, Riscani, Glodeni, Floresti, Falesti, Singerei, Soldanesti, Rezina and Balti;
- The Territorial Directorate General "South", located in Cahul, will serve Taraclia, Cahul, Cantemir, Basarabeasca, Leova, Cimislia and Gagauzia.

PARLIAMENT LAW No. 1104
of 6 June 2002
on the National Anti-Corruption Center*

Published: 5 Oct. 2012 in the Official Gazette No. 209–211 Art. No. 683
AMENDED
LP180 of 22 Oct. 2015, MO297-300/30.10.15 Art. 546
LP106 of 3 May 2013, MO109/10 May 2013 Art. 342
LP93 of 19 Apr. 2013, MO91/20 Apr. 2013 Art. 300
LP49 of 22 Mar. 2013, MO82/12 Apr. 2013 Art. 260
LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154

* Republished in accordance with Art. XXXV (10) c) of Law No.120 of 25 May 2012 – the Official Gazette of the Republic of Moldova, 2012, No. 103, Art. 353.
Amended through modifications and additions by the following Laws of the Republic of Moldova:
LP197-XV of 15 May 2003, MO97/31 May 2003 Art. 436
LP206-XV of 29 May 2003, MO149/18 July 2003 Art. 598
LP12-XV of 6 Feb. 2004, MO35-38/27 Feb. 2004 Art. 190
LP136-XV of 6 May 2004, MO91-95/11 June 2004 Art. 482
LP432-XV of 24 Dec. 2004, MO01-04/1 Jan. 2005 Art. 24; effective from 1 Feb. 2005
LP332-XVI of 10 Nov. 2006, MO186-188/8 Dec. 2006 Art. 871
LP243-XVI of 16 Nov. 2007, MO194-197/14 Dec. 2007 Art. 747
LP273-XVI of 7 Dec. 2007, MO84-85/13 May 2008 Art. 288
LP139-XVI of 20 July 2008, MO125-126/15 July 2008 Art. 491
LP127-XVIII of 23 Dec. 2009, MO197-200/31 Dec. 2009 Art. 664
LP108-XVIII of 17 Dec. 2009, MO193-196/29 Dec. 2009 Art. 609; effective from 1 Jan. 2010
LP63 of 23 Apr. 2010, MO75-77/18 May 2010 Art. 213
LP195 of 15 July 2010, MO160-162/7 Sept. 2010 Art. 590
LP222 of 17 Sept. 2010, MO210/26 Oct. 2010 Art. 696
HCC27 of 25 Nov. 2010, MO247-251/17.12.10 Art. 28; effective from 25 Nov. 2010
LP66 of 7 Apr. 2011, MO110-112/8 July 2011 Art. 299
LP181 of 19 Dec. 2011, MO1-6/6 Jan. 2012 Art.4; effective from 1 Mar. 2012
LP229 of 25 Nov. 2011, MO7-12/13 Jan. 2012 Art. 24
LP47 of 22 Mar. 2012, MO76-80/20 Apr.12 Art. 253
LP120 of 25 May 2012, MO103/29 May 2012 Art. 353; effective from 1 Oct. 12

The Parliament adopts the present Organic Law.
The present Law establishes the legal framework, the guiding principles, the functions, obligations and rights of the National Anti-Corruption Center, as well as the conditions governing service within the Center.

Chapter I
GENERAL PROVISIONS

Art. 1. National Anti-Corruption Center
(1) The National Anti-Corruption Center (hereinafter referred to as the Center) is an agency specializing in preventing and combating corruption, related acts and corrupt conduct.

(2) The Center is a legal person of public right, funded entirely from the State Budget, possessing treasury accounts, a seal with the representation of the Coat of Arms of the Republic of Moldova and other necessary attributes.
(3) The Center shall be an apolitical agency and shall not provide assistance to nor shall it support any political party.
(4) The Center shall be independent in its activity and shall be subject only to the law. The Center shall have organizational, functional and operational independence under the conditions laid down by the law.

Art. 2. Legal Framework
(1) The legal framework governing the work of the Center comprises the Constitution of the Republic of Moldova, the present Law, other laws and regulations, as well as the international treaties the Republic of Moldova is party to.
(2) The present Law has been amended to incorporate the provisions of Law No. 158-XVI of 4 July 2008 on the Public Office and Status of the Public Official, of Law No. 199 of 16 July 2010 on the Status of High Public Office-Holders, of the labor legislation, and general provisions of civil, administrative or criminal law, as appropriate, insofar as they don't contradict the special legislation regulating the work of the Center's employees.

Art. 3. Guiding Principles
The Center shall be guided by the principles of:
a) legality;
b) independence;
c) impartiality;
d) precedence to preventive methods in dealing with corruption over counteractive ones;
e) respect for fundamental human rights and liberties;
f) necessariness;
g) combining public operation methods and means with secret ones;
h) combining unipersonal and collegial styles of management;
i) cooperating with other public authorities, with civil society organizations and members of the public.

Chapter II
FUNCTIONS, OBLIGATIONS AND RIGHTS OF THE CENTER

Art. 4. Functions of the Center
(1) The functions of the Center shall include:
a) to prevent, discover, investigate and counteract administrative and criminal offenses of corruption and related offenses, as well as corrupt conduct;
[Art. 4(1) b) repealed by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
c) to prevent and combat money laundering and terrorism financing, under the conditions laid down by Law No. 190-XVI of 26 July 2007 on preventing and combating money laundering and terrorism financing;
d) to provide anti-corruption expert assessment to draft laws and Government regulations, as well as to other legislative initiatives introduced in the Parliament, to check them for consistence with the state policy on preventing and combating corruption;
e) to ensure the conducting of assessment for corruption risks within public authorities and institutions by providing training, advice, monitoring and data analysis on corrup-

tion risk assessment, and to coordinate the development and fulfillment of integrity plans;
f) to carry out operational and strategic analyses of corruption and related acts, as well as corrupt conduct, of information on analytical studies on the corruption phenomenon.
[Art. 4(1) f) introduced by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
(2) The functions of the Center are listed exhaustively and may only be amended through law.

Art. 5. Obligations of the Center
In performing its functions, the Center shall observe the following obligations:
a) to operate in strict compliance with the Constitution of the Republic of Moldova, with the present Law and other laws and regulations;
b) to carry out special investigative actions in conformity with the law;
c) to take actions under its competence to prevent, discover and counteract corruption, acts related to corruption and corrupt conduct, including by providing anti-corruption expert assessment to draft laws and draft Government regulations, as well as to other legislative initiatives introduced in the Parliament, while respecting the relevant principles, criteria and procedures;
d) to conduct prosecution in cases whose counteracting falls under its jurisdiction;
e) to conduct proceedings in administrative offense cases that fall under its jurisdiction;
f) to take actions to repair the damages caused to the state through offenses whose counteracting falls under its jurisdiction;
g) to receive and record statements, reports, alerts and other information reporting offenses, and to verify them in accordance with the law;
h) to ensure a safe activity and protection for its employees in the line of duty;
i) to ensure training, re-training and continuing professional development for its staff;
j) to keep record, in conformity with the law, of the persons subject to military duty employed by the Center as officers;
k) to ensure protection and safekeeping of information classified as state, bank or trade secret, as well as of other classified information protected by the law which have become known in the exercise of duties. Such information may be provided to other public authorities under the conditions laid down by the law;
l) to submit, each ear until March 31, a report to the Parliament and the Government accounting for its activity. The annual report shall be published on the Center's website one month prior to being submitted to the Parliament and the Government. If necessary, the Parliament and the Government may request further reports on the Center's work.

Art. 6. Rights of the Center
In performing its functions, the Center shall have the following rights:
[Art. 6 a) and b) repealed by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
c) to operate a remand facility, under the conditions laid down by the law;
d) to issue notices accusing violations of administrative legislation in cases that fall under its competence;
e) to request and receive from public authorities, and from natural and legal persons, any documents, records, information and data necessary for the Center to be able to exercise its duties of preventing and analyzing acts of corruption and related acts, as well as of examining requests or reports, registered in the manner prescribed by the law, which report administrative or criminal offenses that fall under its jurisdiction;

[Art. 6 e) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
f) to perform forensic and other expert examinations as well as investigations that fall under its competence, to request from public authorities, state enterprises, organizations and institutions the participation of specialists and experts in performing verifications or expert examinations, in elucidating specific matter issues;
g) to perform the photographing, audio and video recording, recording of fingerprint data and taking of other records of the persons held in custody, in conformity with the law;
h) to initiate summons to appear before a court, in accordance with the law;
i) to participate in developing and improving the legal framework on preventing and combating offenses of corruption, related offenses and corrupt behavior;
j) to request and to receive from public authorities support with information and advice necessary for providing anti-corruption expert assessment to draft laws and draft Government regulations, as well as other legislative initiatives introduced in the Parliament;
k) to to issue notes, in accordance with the law, requesting the elimination of causes and circumstances which favored the commission of offenses and whose counteracting falls under the Center's jurisdiction;
l) to make use of mass media to establish the circumstances of offenses and to track fugitives from justice;
m) to process personal data, including within the scope of informational and strategic analysis, in conformity with the law;
[Art. 6 m) introduced by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
n) to develop and administrate institutional registers, informational systems and data bases, within their competence.
[Art. 6 n) introduced by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]

Chapter III
ORGANIZATION OF THE CENTER'S ACTIVITY

Art. 7. Organization of the Center's Activity
(1) The Center is an unitary body, centralized and hierarchically structured, composed of a central office and territorial subdivisions.
(2) The Center shall enjoy independence in developing its work agenda and in performing its functions.
(3) The structure and the staff number limit of the Center, the number and the location of its territorial subdivisions and their territorial jurisdiction shall be approved by the Parliament on the proposal of the Center's Director.
[Art. 7(3) amended by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 7(3) amended by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
(4) The Center is a legal person, operating a treasury account and endowed with other necessary attributes.
[Art. 7(4) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
[Art. 7(5) repealed by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 7(5) amended by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
[Art. 7(6) repealed by LP180 din 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]

Art. 8. Appointment and Dismissal of the Center's Director
(1) The Centre is led by a director. The director of the Centre (hereinafter referred to as director)

is appointed by the Parliament with the majority vote of elected deputies, for a mandate of 5 years, without the possibility of appointment for a consecutive mandate.
(2) The function of director is incompatible with any other remunerated activity, with the exception of scientific, didactic and artistic activity.
(3) The candidate for the function of director is selected based on a contest organized by the Legal committee for appointments and immunities of the Parliament, with the involvement of representatives from the civil society or the academic domain as observers.
(4) The candidate to the function of director must meet the following criteria:
a) holds citizenship of the Republic of Moldova and is resident on its territory;
b) holds full functional capacity;
c) holds a university degree in law;
d) holds minimum 10 years of employment in the legal domain;
e) has an irreproachable reputation;
f) is not and has not been a member of a political party for the last 2 years, is not and has not been employed within the permanent bodies of any political party and/or has not carried out agitation for any electoral contender;
g) does not have any criminal antecedents;
h) has full proficiency in the state language;
i) is medically apt to exercise his function.
(5) At the date of appointment, the director makes the following oath in front of the Parliament: "I swear to strictly respect the Constitution and laws of the Republic of Moldova, to carry out my obligations in good faith, to protect the rule of law, the human rights and freedoms, the general interests of the society and citizens of the Republic of Moldova to live and develop in a corruption-free environment."
(6) The director is irremovable during the period of exercise of his mandate.
(7) The director's mandate is terminated in the event of:
a) demission;
b) incompatibility;
c) loss of citizenship of the Republic of Moldova;
d) impossibility of carrying out the exercise of his attributions for longer than 4 consecutive months, due to a health status that has been established by means of a medical exam;
e) reaching the age limit;
f) the passing of a definitive sentence of conviction;
g) non-submission of the declaration of personal interests and the assets declaration in the conditions and terms established by law;
h) issuance/adoption of an administrative act or conclusion of a legal act with the violation of the legal provisions on conflict of interests, a fact established by a definitive report on findings;
i) demise;
j) revocation.
(8) The terms provided in par. (7) let. a) – i) are ascertained in the plenary session of the Parliament, based on the report of the Legal committee for appointments and immunities, by adopting a decision taking note of the occurrence of the cause that determines the termination of mandate.
(9) The revocation from function of the director, due to noncompliance with the terms of appointment to function or due to the attainment of a negative result at professional integrity testing, is adopted by the Parliament, under the provisions of Art. 14, with the vote of the majority of the elected deputies, at the initiative of minimum 20 deputies.

(10) The director is assisted by two deputy directors in exercising his function, appointed by the Parliament, at the proposal of the director, for the period of the director's mandate. The selection of candidates for the function of deputy director is carried out based on a contest organized by the director of the Centre, with the involvement of representatives from the civil society or academic domain in the evaluation process. To be selected, the candidate must meet the criteria in par. (4). The deputy director stops activating under the conditions of par. (7), (8) and (9). The revocation from function of the deputy director is adopted by the Parliament by majority vote of the elected deputies, at the initiative of the director.
[Art. 8 as re-worded by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 8 amended by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
[Art. 8 amended by LP93 of 19 April 2013, MO91/20 April 2013 Art. 300]

Art. 9. The attributions of the director and deputy directors
[Art. 9 title as re-worded by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
(1) The Director shall:
a) organize and supervise the work of the Center, including of its subdivisions and of the Board, and shall be responsible for how the Center performs its functions;
b) establish and assign the functions of his deputies and of the heads of the central office subdivisions;
c) participates in the Government and Parliament sessions, based on an invitation or request in the event that the review of certain problems is of interest for the Centre;
[Art. 9(1) c) as re-worded by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 9 c) as re-worded by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
d) approve the employment scheme of the central office and territorial subdivisions in conformity with the structure and within the staff number limits approved by the Parliament;
[Art. 9(1) d) amended by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 9 d) amended by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
e) develops the draft budget of the Centre for the following year and submits it to the Parliament for approval;
[Art. 9(1) e) as reworded by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 9 e) as re-worded by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
f) approve the Center's internal Rules of Procedure;
g) issue, on the basis of and for enforcing the present Law, orders, directions and instructions;
h) organize the selection, deployment and training of staff;
i) ensure conspiracy and confidentiality procedures;
j) award ranks to the Center's officers;
k) issue appointment and dismissal orders;
l) incentivize and discipline employees in accordance with the relevant laws;
m) represent the Center in its relations with other public authorities in the country and with similar agencies from foreign countries, and shall initiate and sign cooperation agreements, under the conditions laid down by the law, with similar institutions from foreign countries;
[Art. 9 m) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
n) revoke or modify orders, decisions, resolutions and directions issued by the heads of the territorial subdivisions when these are inconsistent with the laws and regulations.
(2) The deputy directors are subordinated directly to the director and organize the activity within the Centre within the limits of their attributions. In the absence of the director, the director's functions are exercised by the deputy director, who is appointed by order of the director.

[Art. 9(2) introduced by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546; the single article becomes (1)]

Art. 10. Board of the Center
(1) The collective management of the Center shall be exercised by the Board of the Center. The Board of the Center shall include in its composition: the Director, his/her deputies, the heads of the Center's subdivisions (having the status of general division), the Anti-corruption Prosecutor, the president of the National Integrity Commission, a representative of the relevant parliamentary commission who is also a representative of the opposition group, a representative appointed by the Government, a representative of the Center's labor union, a civil society representative selected in a public contest by the relevant parliamentary commission, and a representative of the Civil Council.
[Art. 10(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(2) The Board of the Center shall assemble quarterly for ordinary meetings or, as appropriate, for extraordinary meetings, which may be convened on the proposal of its members.
(3) The Board of the Center shall have the following functions:
a) to approve the Activity Regulation of the Center's Board reviewed by the Legal committee for appointments and immunities and the specialized committee;
[Art. 10 (3) a) amended by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 10 (3) a) amended by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
b) to approve strategic development policies for the Center;
c) to approve performance indicators for the Center's work;
d) to approve activity plans and periodical assessments of the Center's results;
e) to issue a notice of approval for the Center's activity report, which shall be annexed to the report;
f) to approve the Activity Regulation for the Center's Money Laundering Prevention and Combating Service reviewed by the Legal committee for appointments and immunities and specialized committee;
[Art. 10(3) f) amended by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 10(3) f) amended by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
g) to develop recommendations on how to organize the Center's work;
h) to perform other functions provided by the present Law.

Art. 11. Funding and Resourcing
(1) The Center shall rely for funding and material and technical resources on the State Budget, which must cover the estimated costs of all of the Center's activities so that the Center can perform its activities in an effective, efficient and plenary manner.
(2) The Center's budget shall be approved by the Parliament no later than on the 1st of July and shall be submitted to the Government to be included in the draft State Budget for the next budgetary year.
[Art. 11 as re-worded by LP49 of 22 Mar. 2013, MO82/12 Apr. 2013 Art. 260]

Chapter IV
EMPLOYMENT IN THE CENTER

Art. 12. Staff of the Center
(1) An officer of the Center is a person employed on the basis of a public contest, vested with

rights and obligations for the execution of the Center's functions, who is awarded a special rank in the manner prescribed by the present Law. The Centre's employee is a civil servant with special status.
[Art. 12 al. (1) amended by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 12(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(2) The Center employs dignitaries, subject to the regulations of the Law No. 199 of 16 July 2010 on the statute of dignitaries, public officials, subject to the provisions of Law No.158-XVI of 4 July 2008 on the Public Office and the Status of the Public Official, and contracted personnel, performing auxiliary activities and subject to the labor legislation.
[Art. 12(2) amended by LP180 of 22.10.15, MO297-300/30.10.15 Art. 546]
[Art. 12(2) amended by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
[Art. 12(2) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(3) Upon employment and subsequently each year, an officer of the Center has an obligation to submit a statement declaring income and property under the conditions laid down by the law.

Art. 13. Employment Requirements
(1) The employees of the Center must be citizens of the Republic of Moldova who speak the official language, have the individual and professional abilities required for the job, have higher hold a university degree in economics, law or other higher degree in conformity with the domain of activity of their subdivision, and whose physical condition allows them to discharge their duties. The public officials and the employees of the Center, except for the sub-officers, must have higher education relevant to the activity of the subdivision where they are to be employed.
[Art. 13 al. (1) amended by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 13(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(2) A person over 40 years of age shall not be eligible for a position carrying a special rank.
[Art. 13(3) repealed by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(4) To be employed by the Center, an applicant shall undergo a special screening, including a test for psychological aptitudes required for the job and a polygraph test as required by Law No. 269-XVI of 12 Dec. 2008.
(5) Upon employment, the officers shall have their fingerprint data recorded, in accordance with the law.
(6) The applicant who passed the contest successfully shall be employed only after expressing in writing his/her consent to the following:
a) to have his/her professional integrity examined and his/her lifestyle monitored in accordance with the provisions of Art. 14 of the present Law;
b) to undergo periodic tests for the physiological aptitudes required for the job;
c) to undergo polygraph testing as part of periodic or selective examinations of their work, in conformity with the provisions of Law No. 269-XVI of 12 Dec. 2008 on the use of the simulated behavior detection (polygraph) testing.

Art. 13.1. Probationary Period
(1) When a person is employed by the Center, he/she may be given a probationary period of 6 months. The probationary period shall not include any days of sick leave or other periods of justifiable, certified absence from work.
(2) The probation clause shall be indicated in the employment order. In the absence of such clause, it shall be considered that the employee has not been given a probation status.

(3) Throughout an employee's employment, he/she may be placed on probation only once.
(4) The purpose of the probationary period is to integrate an employee into the Center's activity, to help the employee accumulate practical experience and become familiarized with the particulars and requirements of the Center, and to test his/her professional knowledge, abilities and skills in the line of duty.
(5) A person appointed to a managing position may not be placed on probation.
(6) During the probationary period, the employee on probation shall be guided by a mentor. The role of the mentor shall be assigned to an experienced employee within the same subdivision where the beginner has been employed.
(7) No later than 18 days before the expiry of the probationary period, an evaluation procedure shall be initiated to assess the employee's work, evaluating the level of his/her knowledge of the particulars and requirements of the Center's activity, of the practical experience accumulated, and rating the behavior displayed by the employee in performing the duties and functions laid down in the job description in order to assess whether or not he/she successfully passed the probationary period.
(8) The evaluation procedure to assess an employee's performance during the probationary period shall be established by a regulation of the Center.
[Art. 13.1 introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

Art. 14. Professional Integrity Testing
(1) Professional Integrity Testing is a method to periodically verify how the Center's employees are following professional obligations and conduct standards, as well as to identify, evaluate and remove vulnerabilities and risks that may lead the employees of the Center to commit acts of corruption and related acts, engage in corrupt conduct or yield to undue influences in the exercise of their duties, which is a method that involves creating virtual situations similar to those experienced by the employees in the line of duty with the purpose of determining the responses and conducts they may have.
(2) Professional Integrity Testing shall be performed by the Security and Intelligence Service with the prosecutor's authorization.
(3) The results of the Professional Integrity Testing shall be submitted to the Disciplinary Board of the Center, which shall evaluate the behavior displayed by the tested employee and, if necessary, shall decide on imposing any disciplinary sanction listed at Art. 33(9). The results of the Professional Integrity Testing performed on the Deputy Directors shall be submitted to the relevant parliamentary commission, which shall evaluate the behavior displayed during the professional integrity test and decide whether reasons exist for dismissal.
[Art.14(3) amended by LP93 of 19 Apr. 2013, MO91/20 April 2013 Art. 300]
(4) The materials recording the behavior of the Center's employees during the professional integrity testing shall be kept as follows:
a) in the case of a positive result of the professional integrity test – until the result of the test is ascertained by the Disciplinary Board;
b) in the case of a negative result of the professional integrity test – until the court decision remains irreversible, if the decision of the Disciplinary Board has been appealed; or until the deadline for filing an appeal with the court expires.

Art. 15. Lifestyle Monitoring
(1) The lifestyle of the Center's employees shall be monitored by the Center's Internal Security subdivision to check correspondence:

a) of the Center's employees' standards of living with the level of the legitimate income received by them and by their household members;
b) of the Center's employees' conduct with the standards of irreproachable conduct, as laid down in the Code of Conduct of the Center's Employees, approved by the Parliament.
[Art. 15 m (1) b) amended by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 15(1) b) amended by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
(2) The lifestyle monitoring procedure shall be established by a departmental act of the Center.
(3) The results of the lifestyle monitoring shall be submitted to the Disciplinary Board of the Center, which shall examine the presented materials and, where necessary, shall decide on de-cide on imposing any disciplinary sanction listed at Art. 33(8).

Art. 16. Employment Restrictions
(1) A person shall be ineligible for employment in the Center if he/she has a criminal record with previous convictions, including expunged ones, or has been absolved of criminal charges by an amnesty act, or has been declared, in accordance with the established procedure, as having limited legal capacity or as being legally incapable.
(2) The Center's employee may not:
a) hold another paid job, except for teaching, scientific or creative activities;
b) engage personally or by means of a third party in any entrepreneurial activity;
c) be a member of the governing body of an enterprise;
d) act as an agent or representative for a third party in the Center;
e) use, for purposes other than work, any state funds, technical-material and information means and any other assets, as well as service information;
f) misuse his/her position in the interests of any parties and other social-political organizations, nongovernmental organizations, including trade unions, or religious communities;
g) be a member of a political party or participate in fund-raising for a political party, or offer logistical support to candidates for public offices.
[Art. 16(2) g) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(3) The Center's employee is required to entrust his/her interest or share in any company to another person in a fiduciary arrangement during employment in the Center, in the manner prescribed by the law.
(4) Should the Center's employee violate the provisions of the present Article or commit any act that is incompatible with the service in the Center, he/she shall be dismissed regardless of when the act was committed.

Art. 17. Badge and Uniform
(1) The Center's employee shall be given an official identification document, a badge and a personal seal of a design and following a procedure established by the Center.
[Art. 17(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(2) The official identification document confirms the right of the officer to carry and possess a service gun and special equipment, and other rights and entitlements offered by the law. The Center's officers shall wear a uniform that is provided for free. The uniform's design, its insignias and the procedures of providing uniforms shall be approved by the Parliament. The rules of uniform wear shall be established by the Center's Director.
[Art. 17 al.(2) amended by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 17 al.(2) amended by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
[Art. 17 al.(2) as re-worded by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

Chapter V
ASSIGNMENT OF SPECIAL RANKS

Art. 18. Special Ranks
(1) Officers shall include commissioned and non-commissioned officers. They shall be assigned the following special ranks:
a) plutonier; [sergeant first class]
b) plutonier major; [master sergeant]
c) locotenent; [lieutenant]
d) locotenent major; [lieutenant major]
e) căpitan; [captain]
f) maior; [major]
g) locotenent-colonel; [lieutenant colonel]
h) colonel; [colonel]
i) general-maior; [general major]
j) general-locotenent; [general lieutenant]
k) general-colonel. [general colonel]
(2) The officer staff shall be grouped according to special ranks as follows:
a) sub-officers: plutonier and plutonier major;
b) inferior officers: locotenent, locotenent major and căpitan;
c) superior officers: maior, locotenent-colonel and colonel;
d) commanding officers: general-maior, general-locotenent and general-colonel.
(3) The list of positions within the Center and the special ranks corresponding to them shall be established by the Parliament.
[Art. 18 al.(3) amended by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 18(3) amended by prin LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
(4) The special ranks awarded to the Center's officers are equivalent to the corresponding special ranks in other fields, except for the qualification grades of public officials.
[Art. 18(4) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(5) Special ranks are awarded for life. Upon retirement, the word "retired" shall be added to the special rank.

Art.19. General conditions for awarding special ranks
(1) Special ranks shall be awarded personally, taking into consideration the conclusions of the special commission created by order of the Director to assess the employee's qualification and level of professional competence, his/her length of service and position, and other criteria established by the present Law.
(2) The special ranks including general-maior and above, as well as the special rank conferred on the Director shall be awarded by the President of the Republic of Moldova.
(3) The special ranks including colonel and below shall be awarded by the Director.
(4) Special ranks are divided into initial ranks and next higher ranks.
(5) When appointing a person to a position carrying a special rank of maior and higher, the initial rank to be assigned shall not be higher than maior unless that person previously held a higher special or military rank.
(6) Next higher ranks shall be awarded successively, in correspondence with the special rank associated with the position held, upon the expiry of the term required for holding the previous special rank.

(7) By way of exception to the provisions of par. (6), in recognition of an outstanding service or for completing missions of special importance, the next higher rank may be awarded ahead, by decision of the Director, upon the expiry of no less than half of the time-in-service required for receiving the proposed rank; and a rank higher than the one normally offered for the position held may be awarded after serving at least one and a half time-in-service in the previous rank. Early assignment of the next higher rank or of a rank higher than the one normally offered for the held position may only occur once throughout one's special-ranks-based service.
(8) Next higher special ranks up to colonel, inclusive, may be also awarded during studies in specialized education institutions (as assigned by the Center) in accordance with the position held prior to the studies. After graduate and doctoral studies, the next higher special rank shall be assigned irrespective of the position held previously.
(9) It shall be forbidden to establish a procedure of assigning special ranks other than the one provided by the present Law.

Art. 20. Assignment of initial special ranks
(1) The special rank of plutonier shall be awarded upon employment in the Center and upon appointment to positions carrying the special ranks of plutonier or plutonier major.
(2) The special rank of locotenent shall be awarded to employees with higher education, appointed to positions carrying the special rank of locotenent and higher.
(3) The person employed by the Center who has a military rank or special rank of another public authority shall be assigned the special rank corresponding to the military or special rank held.
(4) The correspondence of the military ranks with the special ranks of the Center shall be established by the Parliament.
[Art. 20 al.(4) amended by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]
[Art. 20(4) amended by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]

Art. 21. The Oath
(1) Within 10 days from the assignment of the initial special rank, the Center's officer shall swear the following Oath:
"By joining the National Anti-Corruption Center service, I swear to faithfully serve the people of the Republic of Moldova. I swear to strictly respect the Constitution and other laws of the country, to protect human rights and freedoms, and to diligently discharge my duties.
I swear to virtuously endure all hardship, to be honest, brave and vigilant, to employ all my competence to curb corruption in the Republic of Moldova, and to strictly keep secret any classified information or other official information with limited access that comes to my knowledge in the exercise of my duties. Should I break this Oath, I shall be held responsible according to the law."
(2) The procedure of taking the oath shall be established by the Center's Director.

Art. 22. Time-in-service Requirements for Special Ranks
(1) The following time-in-service requirements are established for holding special ranks:
a) plutonier – 1 year;
b) locotenent – 2 years;
c) locotenent major – 3 years;
d) căpitan – 3 years;
e) maior – 4 years;
f) locotenent-colonel – 4 years.

(2) For the special rank of plutonier major and for the special rank of colonel and higher there shall be no time-in-service requirements.
(3) For the officers with higher education degrees in subjects of study relevant to the Center's work, the time-in-service requirement for the special rank of locotenent is one year.
(4) The next higher special rank corresponding to the position held shall be awarded upon the expiry of the time-in-service required for the previous rank, with the exceptions provided in Art. 19(7).
(5) In calculating the time in service in a particular rank, the following periods shall not count:
a) partially paid parental leaves for taking care of children under 3 years of age;
b) parental leaves for taking care of children under 6 years of age;
c) demotion to a lower special rank.
[Art. 22(5) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

Art. 23. Age Limits
(1) Officers in the Center's service shall be subject to the following mandatory retirement age limits:
a) from plutonier to căpitan – 50 years;
b) from maior to colonel – 55 years;
c) for general-maior – 60 years;
d) for general-locotenent and general-colonel – 65 years.
(2) The public officials and the technical personnel working in the Center shall be subject to the mandatory retirement age limits prescribed by the law.
(3) The persons subject to military duty and employed as officers by the Center shall be removed from military records, in accordance with the law, and shall be included in the staff of the Center.

Art. 24. Postponement of Promotion to Next Higher Rank
An officer shall not be assigned the next higher rank in the following cases:
a) the special ranks commission has issued a conclusion unfavorable to the officer;
b) the officer has received a disciplinary sanction – until such sanction is lifted;
c) the officer is under an internal investigation for a disciplinary violation or is under prosecution – until the termination of the internal investigation or clearance of criminal charges (except when absolved by an amnesty act), or until the pronouncement of an acquittal decision. Should the allegation of the disciplinary infringement prove unfounded, criminal charges be dropped on rehabilitation grounds or an acquittal decision be pronounced, the next higher rank shall be assigned the day the grounds for assignment appear.

Art. 24.1. Qualification Grades
(1) Assigning qualification grades to the Center's officers has the purpose to show approbation and stimulate professional development, improve the quality and efficiency of the output, increase responsibility in performing the duties, as well as to put in place a system of incentives for the officers.
(2) Based on the level of professional competence, length of service, theoretical knowledge and practical skills, the following qualification grades shall be assigned to the Center's officers:
a) specialist of 2nd grade;
b) specialist of 1st grade;
c) specialist of superior grade.

(3) The procedure and terms of assigning qualification grades to the Center's officers and of conferring certificates and insignias related thereto shall be established by a regulation of the Center.
[Art. 24.1 introduced by LP319 din 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

Chapter VI
SERVICE IN THE CENTER

Art. 25. Rights of Employees
(1) In discharging their duties, the Center's employees shall have the following rights, within the scope of their position:
a) to receive the information and materials they may need to perform their duties, having the authorization of the head of the specialized structure;
[Art. 25(1) a) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
b) to become acquainted with the documents that set out their rights and obligations, and the assessment criteria for the quality of their work;
c) to make decisions and/or participate in developing proposed decisions;
d) to submit suggestions on how to improve the Center's work;
e) to compete for a vacant job within the Center;
f) to take stock of the materials in a criminal case, of notices and other documents related to their work and to provide explanations to be attached to the criminal case;
g) to upgrade their professional competence by making use of the means offered by the Center for this purpose;
h) to request an internal investigation to refute allegations trampling on their dignity and violating their rights;
i) to attend meetings held within the Center;
j) to be issued with a service gun and to apply physical force, special means and the service gun in the cases foreseen by the present Law;
k) to enjoy financial, material, health and pension insurance and other entitlements provided by the law.
(2) The Center's employees shall enjoy also other rights provided by the law.

Art. 26. Obligations of Employees
(1) The Center's employees shall have the following obligations:
a) to observe the Constitution of the Republic of Moldova, the present Law and other laws and regulations;
b) to ensure respect and protection for fundamental human rights and liberties;
c) to follow the legitimate orders and instructions of their superiors;
d) to follow the Center's Rules of Procedure, the use of service information procedures, and other rules and regulations;
e) to keep secret information classified as state secret and other information protected by the law and not to disclose information that has come to their knowledge in the exercise of their duties, including information related to the private life, honor and dignity of people;
f) to record in a special register kept by the internal security subdivision any attempts by third parties to influence them in the exercise of their duties and to report this to the Director in writing;
g) to ensure the integrity of all the documents and materials received and handled in the exercise of their duties;
[Art. 26(1) g) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

h) to remain firm against attempts by persons or entities inside or outside the institution to influence their decisions, and to exhibit a behavior that is law-abiding, self-controlled, respectful and responsive, both at work and in their private lives.
[Art. 26(1) h) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(2) The employees' duties shall be laid down in the duty instructions approved by the Director.
(3) The following shall be considered exercise of duties:
a) executing the provisions of the regulations issued by the Center and by other public authorities that are relevant to the Center's work;
b) executing orders and directions from superiors, within the limits of powers, except for those which are obviously unlawful;
c) executing duties during or outside working hours in case of stringent necessity, pursuing formal studies on the Center's assignment;
d) participating in meetings, drills, contests and other activities which the Center has initiated or is taking part in;
e) participating in activities aimed to prevent or deal with natural or manmade disasters and catastrophes;
f) defending the life, health, honor and dignity of oneself and of others;
g) traveling for work (both to and from), carrying out missions or undergoing therapy;
h) being a hostage in connection with the exercise of duties;
i) going missing in action – until formally declared missing in action or dead;
j) other actions declared by the court to have been undertaken in the exercise of duties.

Art. 27. Attestation
(1) The Center's officers shall be subject to attestation that has the purpose to evaluate their professional performance by determining the level of fulfillment of the assigned objectives, the manifestation of their professional abilities; to improve the quality and efficiency of their work by determining the level of responsibility in the exercise of their duties with a view to assessing the achieved results and compatibility with the position held; and to identify the needs for their professional development and promotion.
(2) Attestation shall be carried out based on the following criteria:
a) knowledge and abilities used in the exercise of duties;
b) activism and sense of initiative;
c) ability to develop professionally and implement advanced practices;
d) ability to develop and implement progressive working methods;
e) adequate level of legal culture;
f) proficiency in languages of international communication;
g) ability to take the initiative and be high-principled in making decisions;
h) creativity and communication;
i) ability to organize work effectively and to assume responsibility for its outcomes.
(3) Officers shall undergo attestation once in 4 years.
(4) Officers shall be disqualified from undergoing attestation if they committed actions that make the object of an ongoing internal probe or if they are under prosecution. Their attestation shall be performed after the finalization of the internal probe or after a decision is pronounced by the competent body to terminate prosecution against them or acquit them.
(5) To organize the attestation process, an Attestation Commission with a permanent status shall be created by order of the Center's Director. The Commission's meetings shall be considered duly constituted provided that they are attended by two-thirds of its members. The Commi-

ssion's decisions shall be adopted in the absence of the officers under attestation, in an open manner and taking into consideration the attestation sheets and interviews, by a simple majority of votes of the members present.
(6) Depending on the results of the attestation, the Commission shall decide whether the officer is fit or not fit for the job held. The Commission's decision shall be communicated to the officer in question immediately after adoption.
(7) The procedure and conditions for performing attestation of the Center's officers shall be established by a regulation of the Center.
(8) The procedure of evaluating the professional performance of public officials is established by Law No. 158-XVI of 4 July 2008 on the Public Office and Status of the Public Official.
[Art. 27 as re-worded by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

Art. 27.1. Detachment
(1) An officer of the Center may be detached to work at an international organization, diplomatic mission, public authority, enterprise or institution for no longer than 2 years, unless the period is extended by consent of the parties.
(2) The officer may refuse a detachment involving relocation if the following circumstances exist:
a) the detachment involves taking a position inferior to the one currently held;
b) the detachment involves relocation to a place where he/she is not provided with lodging;
c) in case of pregnancy;
d) if he/she raises a minor child alone;
e) if the state of health, as proved by a medical certificate, makes detachment contraindicated;
f) if he/she is his/her family's only breadwinner;
g) upon the expiry of the period specified in par. (1);
h) in other justified situations.
(3) During detachment, the officer shall keep his/her job and enjoy the rights provided by this Law and other normative acts.
(4) Should the salary entitlements that come with the duty for which the officer is being detached be lower in value than the ones previously enjoyed, the difference shall be paid by the Center.
(5) The officer that refuses a detachment involving relocation in the absence of the reasons specified in par. (2) may be dismissed from the Center.
[Art. 27.1 introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

Art. 28. Conditions of and Limitations on the Use of Physical Force, Special Means and the Service Gun
(1) The Center's officers shall be authorized, after appropriate training, to possess and use service guns and special means within the limits and in the manner prescribed by the law.
[Art. 28(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
[Art. 28(2) through (12) repealed by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

Art. 29. Legal Liability of Employees
The Center's employees shall bear disciplinary, civil, administrative or criminal liability for illegal activities in conformity with the law.

Art. 30. Procedure of Reviewing Employees' Actions
The claims challenging the actions by the Center's employees which violated the rights,

liberties and legitimate interests of citizens shall be examined and settled in conformity with the law.

Art. 31. Reparation of Damages Caused by Employees
Should the Center's employees violate the rights, liberties and legitimate interests of natural and legal persons, the Center shall take measures to provide redress and compensate damages in conformity with the law.

Art. 32. Employee Motivation
(1) To ensure a conscious fulfillment of duties, employees may be incentivized through the following:
a) expression of recognition;
b) awarding of bonuses;
c) valuable presents;
d) awarding of the Honorary Diploma of the National Anti-Corruption Center;
e) conferral of the badges "Eminent Member of the National Anti-Corruption Center" or "Honorary Officer of the National Anti-corruption Center";
f) annulment of a disciplinary sanction prior to the completion of its period.
(2) In recognition of outstanding achievements in the line of duty, or for completing missions of special importance, an employee of the Center may be awarded the next higher special rank in advance or awarded a higher rank than the one corresponding to the position held, under the conditions set out in Art. 19(7).
(3) In recognition of acts of valor showed in the line of duty in protecting the economic security of the Republic of Moldova, or for other outstanding merits to the Motherland, employees may be nominated for state distinctions or for honorary titles of the Republic of Moldova, in conformity with the Law.
(4) The regulation on the conferral of the Honorary Diploma of the National Anti-Corruption Center, of the badges "Eminent Member of the National Anti-Corruption Center" and "Honorary Officer of the National Anti-Corruption Center", and of other decorations shall be approved by the Center's Director, in conformity with the law.
[Art. 32(4) as re-worded by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

Art. 33. Disciplinary Responsibility
(1) Acts of violation of professional obligations, employee discipline and professional conduct by the Center's employees shall be examined by the Disciplinary Board.
(2) The Disciplinary Board shall be composed of:
a) a representative of the internal security subdivision;
b) a representative of the human resources subdivision;
c) a representative of the Center's labor union;
d) a representative of the Center's legal service;
e) two representatives of the Civil Council;
f) a representative of the academia.
(3) The Disciplinary Board shall operate based on a regulation approved by the Director. The Disciplinary Board shall report on a biyearly basis to the Director to account for its activity.
(4) The Center's Director shall initiate disciplinary proceedings on the request of the internal security subdivision or of the direct superior of the Center's employee.
[Art. 33(4) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

(5) When examining a disciplinary case, the participation of the Center's employee against whom disciplinary proceedings have been initiated is mandatory. Should the employee fail to be present without having reasonable grounds, the Disciplinary Board may decide to examine the case in absentia.
(6) The Center's employee against whom disciplinary proceedings have been initiated has the right, or may be requested to provide explanations before the Disciplinary Board and do this personally or assisted by a legal adviser.
(7) A disciplinary sanction shall be imposed by order of the Director, based on a majority of votes of the Disciplinary Board members, within 6 months from the primary finding of the disciplinary violation, but no later than one year from its commission.
(8) For acts of violation of professional obligations, employee discipline and professional conduct, the following sanctions may be imposed on the Center's employee:
a) warning;
b) reprimand;
c) demotion to a lower special rank or position;
d) warning of partial compatibility with the job;
e) dismissal.
(9) Should the disciplinary proceedings be initiated in connection with acts or circumstances found as a result of professional integrity testing, as conducted in conformity with Art. 14, the Disciplinary Board shall propose dismissal for a sanction.

Chapter VII
TERMINATION OF EMPLOYMENT IN THE CENTER

Art. 34. Grounds for Terminating Employment
(1) Employment in the Center shall be terminated in case of discharge or death.
(2) Discharge may occur:
a) in case of resignation;
[Art. 34(2) a) as re-worded by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
b) when reaching the retirement age limit;
c) upon the expiry of the individual employment contract;
d) in case of transfer to work within another public authority;
e) in case of election to an elective office within another public authority;
f) in case of liquidation of the Center's subdivisions or personnel reductions within the Center's subdivisions;
g) in case of incapacity to discharge duties as found by a special medical examination;
h) in case of not being fit for the job as found by the attestation commission, if there is no inferior post vacant or the proposed post has been refused;
h1) in case of failing the probationary period;
[Art. 34(2) h1) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
i) for serious or systematic violations of the discipline;
j) under the circumstances laid down in Art. 14;
k) in connection with the omission to declare facts that preclude employment;
l) in case of committing an offense and being condemned by an irreversible court decision;
m) when it has been definitively found that the Center's employee issued/adopted an administrative act or concluded a deal in violation of the conflict of interest rules;
n) when the citizenship of the Republic of Moldova has been revoked;
o) in other cases provided by the law.

(3) It shall be forbidden to discharge an employee while on vacation leave or sick leave, except for the case laid down in par. (2) h).

Art. 35. Severance Pay
(1) When discharged from office under Art.34 (2) b) and g) or when retiring, employees shall be entitled to a one-time severance pay for length of service in the Center, as follows:
[Art. 35(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
a) from 2 to 10 years of service – 5 average monthly salaries;
b) from 10 to 15 years of service – 10 average monthly salaries;
c) from 15 to 20 years of service – 15 average monthly salaries;
d) over 20 years of service – 20 average monthly salaries.
(2) The one-time payment payable to an officer decorated with a state distinction while serving in the Center shall be supplemented with 2 average monthly salaries.

Chapter VIII
LEGAL AND SOCIAL STATE PROTECTION

Art. 36. Legal Protection
(1) The Center's employees shall enjoy inviolability status and state protection. Their personality, honor and dignity shall be protected by law.
(2) Criminal proceedings against the Center's employees are conducted by prosecutors.
[Art. 36(2) amended by LP106 of 3 May 2013, MO109/10 May 2013 Art. 342]
(3) To defend their rights and interests, employees have the right to turn to court.
(4) Officers may not be held responsible for damages and injuries incurred by offenders because of failure to comply or resisting arrest.

Art. 37. Inadmissibility of Interference in Employees' Work
(1) In performing their functions, the employees shall be subordinated only to their immediate and direct superior. No one else shall be authorized to interfere in the employees' work.
[Art. 37(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(2) Should employees receive orders or instructions contradicting the law from their superior or other persons in positions of authority, the employees shall follow the law.
(3) The requests by the Center's employees made to citizens and persons in authority as well as the employees' actions shall be considered legitimate unless proven otherwise by the authority or person in authority with functions to supervise the employees' activity and legality of such activity.

Art. 38. Right to Professional Risk
(1) It shall not constitute an offense if an officer acts in a situation of justifiable professional risk even when that action meets the elements of an act that carries disciplinary, administrative or criminal liability.
(2) Risk shall be considered justifiable when the action proceeds objectively from information, facts or circumstances known to the officer, provided that the legitimate goal could not have been achieved by actions that would have avoided that risk, and the officer has taken every possible steps to prevent any negative consequences.

Art. 39. Entitlement to Pension
The Center's employees shall be pensioned off in accordance with the legislation in force.

Art. 40. Social Protection
(1) Social protection for the public officials employed by the Center shall be ensured in conformity with Law No. 158-XVI of 4 July 2008 on the Public Office and Status of the Public Official and with Law No. 289-XV of 22 July 2004 on benefits for temporary incapacity and other social insurance entitlements.
[Art. 40(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(2) In case an officer dies in the line of duty, his/her family and dependents shall receive a one-time aid payment equivalent to the deceased's 10 years' worth of cash entitlements payable in his/her last position held in the Center. Minors who were dependent on the deceased shall be granted a supplementary monthly benefit equivalent to the average monthly salary payable to the deceased in his/her last position, until the minors reach the age of 18.
[Art. 40(2) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(3) In case an officer while on duty sustains a bodily injury that incapacitates him/her from performing his/her assigned duties, that officer shall receive a one-time aid payment equivalent to his/her 5 years' worth of cash entitlements payable in his/her last position held in the Center and shall be also granted, for the next ten years, complementary payments topping up the pension amount to arrive at the average monthly salary payable in his/her last position.
[Art. 40(3) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(4) Should an officer sustain a bodily injury that has milder consequences than those described in par. (3), he/she shall receive a one-time aid payment equivalent to 5 average monthly salaries.
[Art. 40(4) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(5) Any damage caused to the assets of an officer or his/her close family in connection with his/her work in the Center shall be repaired in full.
[Art. 40(5) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(6) Aid payments and compensation amounts in respect of damages shall be paid out from the State Budget, with the right of recourse against those responsible.
(7) Aid payments shall be paid out based on a court decision or a decision of the prosecution bodies or of the prosecutor in the case of termination of criminal proceedings or suspension of prosecution.
(8) The Center's employees not provided with employer-rented lodging shall be entitled to compensation of renting (sub-renting) costs in the amount indicated in the tenancy (sub-tenancy) agreement, which however shall not exceed the employees' base salary.
(9) The Center's employees shall be entitled to compensation for transportation costs when traveling for work-related purposes.
(10) The Center's officers shall be entitled to the following social benefits:
a) benefits for temporary incapacity caused by common illnesses or non-work related accidents, or in connection with orthopedic prosthetic procedures;
b) social insurance benefits for disease prevention (quarantine);
c) maternity benefits, including for the wife dependent on the Center's officer;
d) one-time birth allowances;
e) benefits for raising children under 3 years of age;
f) benefits for raising ill children under 7 years of age;
g) death benefits.
[Art. 40(10) as re-worded by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(11) The benefits payable to the Center's officers listed in par. (10)a) through c) of this Article shall be calculated pursuant to Art. 43(2) c) of the present Law. The size of the benefit laid down in par. (10) d) of this Article shall be determined annually by the State Budget Law. The calculation basis for the benefits provided for in par. (10) e) and f) of this Article shall be similar to the

one for the corresponding benefits provided for in Law. No. 289-XV of 22 July 2004 on benefits for temporary incapacity and other social insurance entitlements. The size of the benefit laid down in par. (10) g) of this Article shall be determined in accordance with par. (2) of this Article.
[Art. 40(11) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(12) The benefits payable to the Center's officers shall be paid out at the place of employment from State Budget sources.
[Art. 40(12) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

Art. 40.1. Health Care and Medical Assistance
(1) The Center's officers shall be entitled to medical assistance and medical treatment (out-patient and in-patient) at the public expense in the manner established by the Government.
(2) The Center's officers retired after reaching the retirement age limit or based on the length of service and the officers incapacitated for work, as established by a specialized medical examination, shall be entitled to receive free of charge, once in three years, health resort vouchers.
(3) Health resort vouchers shall be granted in conformity with Law on Veterans No. 190-XV of 8 May 2003.
[Art. 40.1 introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

Art. 41. Mandatory Insurance
(1) The Center's employees shall receive mandatory insurance from State Budget funds and from other sources designated for this purpose.
(2) Insurance coverage payable to the officers shall be granted as follows:
[Art. 41(2) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
a) in case the insured dies, in the line of duty or within one year from being discharged from the Center, because of bodily injuries, brain injuries or illnesses incurred while on duty – [the insurance coverage shall be issued] to his/her heirs in the amount of 10 average monthly salaries paid in the last year of employment;
b) in case the insured officer is assigned a degree of invalidity which was incurred while on duty or within one year from being discharged from the Center: [the insurance coverage shall be issued]
– in the amount of 7.5 average monthly salaries – to invalids of 1st degree;
– in the amount of 5 average monthly salaries – to invalids of 2nd degree;
– in the amount of 2.5 average monthly salaries – to invalids of 3rd degree;
[Art. 41(2) b) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
c) in case of severe damage to bodily integrity sustained while on duty – in the amount equal to one year's worth of cash entitlements; and in case of moderate damage to bodily integrity sustained while on duty – in the amount equal to six months' worth of cash entitlements.
(3) The size of annual cash entitlements shall be calculated on be basis of the last position held in the Center and shall include all the monetary entitlements payable in the year the insured event occurred.
[Art. 41(3) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(4) Further mandatory insurance terms for the Center's employees shall be established in the agreement concluded between the Center and the insurance organization.

Art. 42. Remuneration
(1) In exchange for the work done, officers shall receive a monthly salary and shall be issued food rations and equipment.
[Art. 42(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

(2) The monthly salary of the Center's officers shall consist of a base salary, bonuses for the special rank, longevity bonuses calculated as a percentage of the time in service, hazardous duty bonuses, and other pays, bonuses and recompenses provided for by the Law.
[Art. 42(2) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
(3) The public officials employed by the Center shall be remunerated in conformity with Law No. 48 of 22 March 2012 on the Public Officials' Pay Structure.
[Art. 42(3) as re-worded by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

Art. 42.1. Calculation of Length of Service/Contributory Period for Determining Pensions
(1) The length of service/contributory period for determining the size of the Center's employees' pensions shall be calculated in conformity with Law 1544-XII of 23 June 1993 on the provision of retirement pay to military and persons from Interior Affairs command corps and troops and with Law No. 156-XIV of 14 Oct. 1998 on State Social Insurance Pensions.
(2) The time in service as an officer of a Center's special subdivision involving increased risks to life and health shall count toward the special length of service required to accrue pension rights and shall be calculated using multipliers from 1 to 1.5 in accordance with the legislation in force.
[Art. 42.1 introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]

Art. 43. Leave of Absence
(1) Public officials and technical personnel shall be granted leaves of absence in conformity with the law.
(2) Officers shall be granted:
a) 35 calendar days of annual paid leave;
[Art. 43(2) a) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
b) supplementary leave:
6 calendar days – for 5 to 10 years' length of service;
12 calendar days – for 10 to 15 years' length of service;
18 calendar days – for more than 15 years' length of service;
[Art. 43(2) b) amended by LP319 din 27 Dec. 2012, MO49-55/8 Mar. 2013 Art. 154]
c) sick leaves based on a certificate issued by a medical institution. Officers shall keep their average monthly salary while on sick leave.
(3) The Center's employees shall be also able to take other leaves of absence under the conditions prescribed by the law.

Chapter IX
CONTROL AND SUPERVISION

Art. 44. Control and Supervision of the Center's Activity
(1) The Center's activity shall be subject to monitoring by society, to parliamentary supervision and judicial control within the powers established by the law.
(2) Control and supervision of how the Center's employees discharge their duties shall be exercised by the prosecution service under the conditions prescribed by the law.
(3) External public auditing of the use of budgetary funds allocated to the Center shall be performed by the Court of Accounts.

Art. 44.1. The Parliamentary control on the Centre's activity
(1) The Parliamentary control on the Centre's activity is exercised by the Parliamentary Commi-

ttee for national security, defense and public order and the Legal Committee for appointments and immunities.
(2) The Centre annually presents, till March 31, the report on carrying its institutional activities. On the deputies' request, the Centre's director can be heard on the report of the Centre's activities in a Parliamentary plenary meeting.
(3) The deputies can request the Centre's director hearing in a Parliamentary plenary meeting, at the meetings of the permanent committees, special committees or of the committees of inquiry regarding other issues on the Centre's activity, beside those stipulated at par. (2). The Centre's director is in right to refuse his participation at those meetings if the disclosure of the requested information affects the interest of the criminal prosecution, the principles of legality, presumption of innocence, protection of personal data and prosecution confidentiality.
[Art. 44.1 introduced by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]

Art. 44.2. The control of the civil society on the Centre's activity
(1) The Centre's activity is subject to the control by the civil society, according to the legal framework on transparency in the decision making process, access to information and the activity of the nongovernmental organizations. The additional control by the civil society on the Centre's activity is exercised based on the present law, through the Civil Council, which:
a) participates with voting right in the Centre's Board;
b) participates with voting right in the Centre's Disciplinary Board;
c) analyzes the Centre's activity reports;
d) monitors the court hearings on cases handled by the Centre and the hearings initiated by the Centre's former employees, who were dismissed by the decisions of the Disciplinary Board;
e) examines the citizens complaints against the Centre's employees.
(2) The Civil Council is composed of three members. The membership of the Civil Council could be carried only by a nongovernmental organization. The civil society delegates two members and the Parliamentary Legal Committee for appointments and immunities, following a public contest, delegates one member of the Civil Council for a period of three years.
(3) The nongovernmental organizations which participate at the contest for selecting the Civil Council members, have to carry statutory activities in one or more of the following domains: justice, human rights, transparency, integrity in the public sector, prevention and fighting corruption, civil participation.
(4) The Civil Council has the right:
a) to adopt and modify its Regulation of activity;
b) to create and administrate its web page;
c) to publicly communicate the monitoring reports and other data of public interest, resulted following its activity, by respecting the legal provisions on personal data protection, on information attributed to state secret and information attributed to the category of official information with limited accessibility;
d) to propose recommendations on improving the Centre's activity;
e) to propose topics to be discussed at the ordinary and extraordinary meetings of the Centre's Board;
f) to transmit to the internal security subdivision or to the prosecution the citizens' complaints against the Centre's employees;
g) to conduct surveys on the corruption phenomenon and on the society's perception on the Centre's activity;
h) to attract founds from authorized sources in order to conduct its activities;
i) to request information regarding the Centre's activity, according to the existing legal framework;

j) to undertake other activities directly related to the Centre's activity monitoring.
(5) The persons who represent the members of the Civil Council in the Centre's Board and the Centre's Disciplinary Board must meet the following requirements:
a) to have university degree;
b) not to hold a public function;
c) not to have been a Centre's employee during the last two years;
d) not to be a member of any political party and/or not to carry out agitation for any of the electoral candidate during the last two years;
e) not to have criminal records into force;
f) not to have the procedural position of suspect, accused or defendant in a criminal trial handled by the Centre in the last three years.
(6) If further is stated that the appointed person to represent the members of the Civil Council in the Centre's Board and the Centre's Disciplinary Board, doesn't meet the conditions stipulated in par. (5), within 10 days he is replaced with another representative, at the initiative of the Civil Council member who appointed him, based on the justified proposal of the Centre or of other member of the Civil Council.
(7) The membership of the Civil Council is revoked by the entity which have provided it, according to the provisions of par. (2), if:
a) the nongovernmental organization is disbanded;
b) the nongovernmental organization expressly refuses to be a member of the Civil Council before the term for which he was appointed in this position has expired;
c) the nongovernmental organization doesn't ensure the development of any of the activities, stipulated in par. (1), more than one year.
(8) In the cases stipulated at par. (7) let. a) and b), the entity which has appointed the nongovernmental organization as a member of the Civil Council, selects, within three months, a new member of the Civil Council, following the public contest referred to in par. (2) and (3).
(9) In the case referred at par. (7) let. c), the entity which selected the nongovernmental organization in the position of member of Civil Council revokes this position and informs it, in writing, regarding the decision of revocation. The revocation can take place at the entity's initiative, at the justified proposal of the Centre or of other member of the Civil Council. Within three months from the moment the decision of revocation was communicated, the entity selects a new member of the Civil Council, following a public contest referred to in par. (2) and (3).
[Art. 44.2 introduced by LP180 of 22 Oct. 2015, MO297-300/30 Oct. 2015 Art. 546]

Chapter X
FINAL AND TRANSITORY PROVISIONS

Art. 45. The Government:
a) shall ensure, in conformity with the legislation in force, that the workers laid off in connection with the creation of the Center are placed back in employment;
b) within 2 months:
– shall submit proposals to the Parliament to bring the legislation in force in line with the present Law;
– shall bring its secondary legislation acts in line with the Present Law;
– shall ensure that the regulations of ministries and departments are brought in line with the present Law.

PRESIDENT OF THE PARLIAMENT Eugenia OSTAPCIUC
No. 1104-XV. Chisinau, 6 June 2002

ANTI-CORRUPTION AGENCY (ACA) – Republic of Serbia

The Law on the Anti-Corruption Agency (ACA) entered into force on 4 November 2008 thus enabling the establishment of a new institution of the Republic of Serbia to fight corruption. The ACA is an autonomous and independent state authority with numerous preventive control and oversight competencies, being operational as of January 2010.

For conducting activities within its competences, the Agency is accountable to the National Assembly, to which it is required to file an annual work report that includes information on the implementation of the Strategy and a related Action Plan. Resources for work of the Agency are allocated from the budget of the Republic of Serbia as well as from other sources, in accordance with the law.

The Agency: supervises the implementation of the National Strategy for Combating Corruption, the Action Plan for the Implementation of the National Strategy for Combating Corruption; institutes proceedings and pronounces measures in case of a violation of this Law; deals with issues concerning conflict of interest; performs tasks in accordance with the law governing the financing of political parties, i.e. political entities; issues opinions and directives for enforcing this Law; launches initiatives for amending and enacting regulations in the field of fighting corruption; gives opinions related to the implementation of the Strategy, Action Plan, monitors and organises coordination of the state bodies in the fight against corruption; keeps a register of the officials; keeps a register of property and income of officials; extends expert assistance in the field of combating corruption; cooperates with other state bodies in drafting regulations in the field of the fight against corruption; issues guidelines for developing integrity plans in the public and private sector; cooperates with research organisations and civil society organisations in implementing corruption prevention activities; introduces and implements education programs concerning corruption, in accordance with this Law; keeps separate records in accordance with this Law; acts on complaints submitted by legal entities and natural persons; acts on reports by civil servants, i.e. employees in organs of the Republic of Serbia, autonomous province, local government and bodies of public enterprises, institutions and other organisations the founder of which is the Republic of Serbia, autonomous province or local government, i.e. bodies of companies the founder or member of which is the Republic of Serbia, autonomous province or local government and employees of state organs and or-

ganizations; organises research, monitors and analyses statistical and other data on the state of corruption; in collaboration with competent state bodies monitors international cooperation in the fight against corruption; performs other tasks set forth by law.

The bodies of the ACA are the Board and the Director.

The Director represents the Agency, manages its operation, organises and ensures lawful and efficient discharge of tasks of the Agency, issues decisions on the violation of this law and pronounces measures, gives opinions and instructions for the implementation of this law, prepares the annual report on the operation of the Agency, drafts the proposal of budget funds for the operation of the Agency, passes general and individual acts, decides on the rights, duties and responsibilities of the Agency staff, enforces decisions of the Board and performs other tasks determined by law.

The Agency has professional services managed by the Director of the Agency. Those are the Office of the Director, the Sector for Control of Officials' Assets and Income, the Sector for Control of Financing of Political Activities, the Sector for Resolving Conflict of Interest, the Sector for Acting upon Complaints, the Sector for Prevention, the Sector for International Cooperation, the Department for General Affairs and the IT Unit.

The Sector for Control of Officials' Assets and Income performs regular checks according to the annual verification plan (which the Agency establishes in accordance with the estimated priorities) for a certain number and category of officials as well as extraordinary checks when the data obtained from other sectors of the Agency cast doubt that the official is concealing the actual state of his property, and on the basis of reports and information obtained from other sources (media, civil sector, etc.) if the statement is accompanied by relevant proof (contract, statement of account, etc.). The Sector keeps: a register of public officials, a register of assets of public officials and associated persons, a catalogue of gifts and a record of legal entities wherein officials hold more than 20% stake, records of public procurement procedures of legal entities wherein officials have more than 20% stake.

The Sector for Control of Financing of Political Activities controls reports on regular activities (annual financial statements of political entities as well as the reports on contributions and assets) that political entities submit by 15 April of the current year for the previous year, and reports on the costs of the election campaign that the political entities are to submit within 30 days from the date of announcement of final election results.

Sector for Resolving Conflict of Interest aims, among others, to eliminate causes of corruption through the procedures of resolving conflicts of interest, and decumulation of public offices.

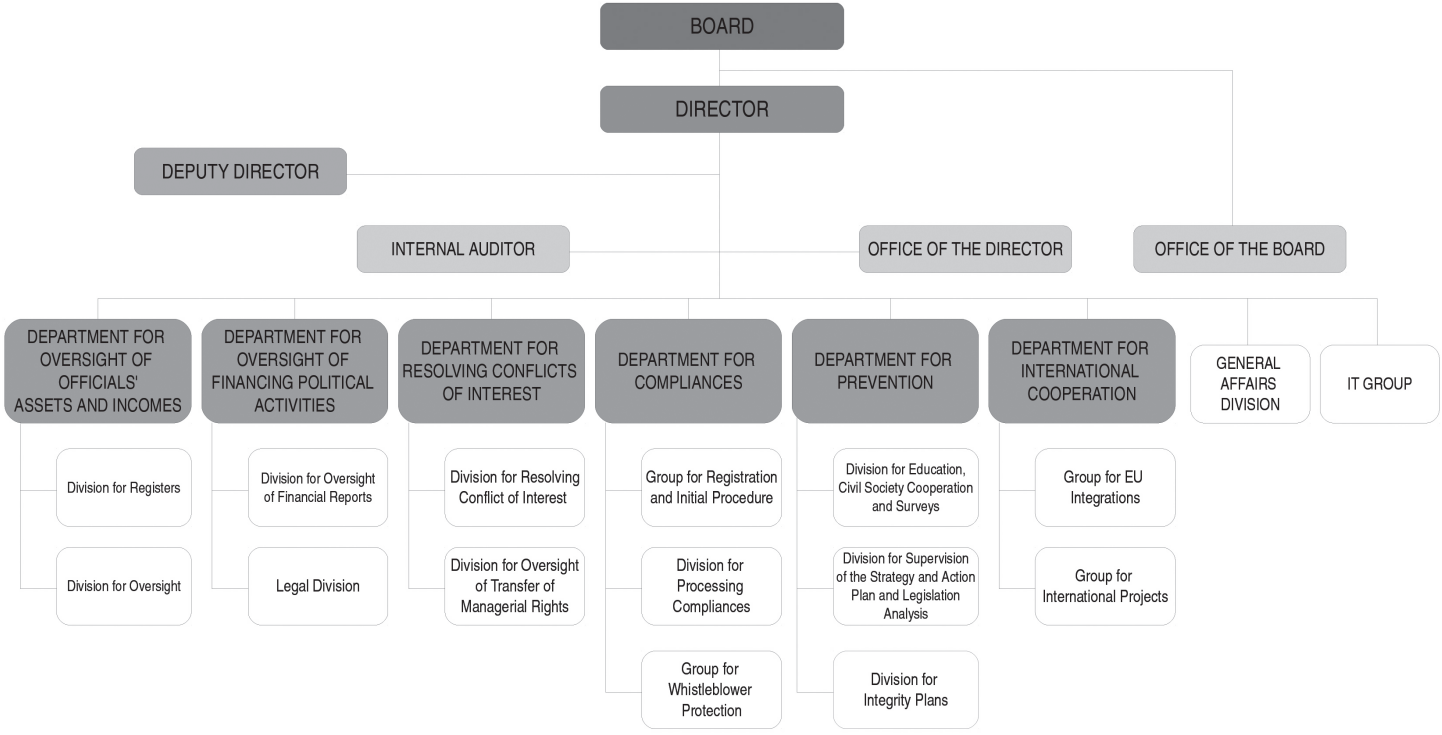
The Sector for Acting upon Complaints acts on complaints submitted by legal entities and natural persons, and provides necessary protection to persons who raise a concern about possible corruption.

The Sector for Corruption Prevention conducts activities which are primarily aimed at preventing and indicating risks which lead to systemic corruption. The role of the Sector has particular importance in the development and implementation of educational programs regarding ethics and integrity for various target groups, as well as anti-corruption cooperation with civil society organizations.

The Sector for International Cooperation follows up international standards in the field of combating corruption to indicate the importance of their compliance with the national legislation. It intensively cooperates, among others, with the Group of States against Corruption (GRECO), the United Nations Office of Drugs and Crime (UNODC), the Anti-Corruption Network of the Organization for Economic Cooperation and Development (ACN/OECD), the European Partners against Corruption (EPAC) and other international institutions.

For additional information please visit: www.acas.rs.

ORGANISATIONAL CHART



MODEL LAW ON THE ANTI-CORRUPTION AGENCY

I. BASIC PROVISIONS

Scope of the Law
Art. 1
This Law governs legal status, competencies, organisation and operation of the Anti-Corruption Agency (hereinafter: the Agency), rules concerning the prevention of conflict of interest in discharge of public offices, cumulation of public offices, disclosure of assets and incomes by persons discharging public offices, procedure and decision in case of violation of this Law, as well as other issues of relevance to the work of the Agency.

Purpose of the Law
Art. 2
The purpose of this Law is protection of public interest, reduction of corruption risk and promotion of integrity and responsibility of the public authority bodies and public officials.

Meaning of Terms
Art. 3
For the purpose of this Law the following terms shall mean:
1) "corruption" is a state based on an abuse of office, i.e. social status or influence, in public or private sector, with an aim to acquire personal benefits for oneself or another;
2) "public authority body" is a body of the Republic of Serbia, autonomous province, local self-government unit and town municipality; organisation that is entrusted with public authority; public service; public enterprise and other legal entity the founder of which or member is the Republic of Serbia, autonomous province, local self-government unit or town municipality; company in which public enterprise or other legal entity the founder of which or member is the Republic of Serbia, autonomous province, local selfgovernment unit or town municipality possesses shares or stocks; subject of privatization with regard to which privatisation is the contract on the sale of capital, i.e. of property terminated; subject of privatisation in restructuring; company in which subject of privatisation with regard to which privatisation is the contract on the sale of capital, i.e. of property terminated or subject of privatisation in restructuring possesses shares or stocks; the existent social enterprises and companies that operate with the social capital;
3) "official" is every person elected, appointed or nominated to the bodies of public authority;
4) "public office" denotes a function of public official based on election, nomination or appointment in the body of public authority;
5) "associated person" is a spouse or a common-law partner of the official, lineal blood relative of the official, lateral blood relative to the second degree of kinship, adoptive parent or adoptee of the official, in-law relative concluded with first degree of kinship, as well as any other natural person or legal entity who, according to other grounds and circumstances, may be reasonably assumed to be associated in interest with the official;
6) "private interest" is any kind of benefit or advantage to the official or associated person;
7) "conflict of interests" is a situation where an official has a private interest which affects or may affect actions of an official in discharge of public office;
8) "undue influence" is a psychological or physical attack, threat, blackmail, pressure and any other form of undue interference in the work of an official which affects or may affect his actions and decision-making;

9) "complaint" is a written submission of the natural person or legal entity to the Agency, containing facts that indicate doubt over corruption in the work of the public authority bodies or the official;
10) "regulation in the anti-corruption area" is any regulation whose adoption, amendments or implementation is envisaged or whose existence is determined by the National Anti-Corruption Strategy (hereinafter: the Strategy) and the Action Plan for the implementation of the Strategy (hereinafter: the Action Plan), as well as law regulating the area which is subject to the ratified international treaties falling under the anticorruption area;
11) "gift" is money, thing, right and service performed without adequate compensation and any other benefit given to the official or associated person in respect to discharge of public office;
12) "political entity" is political party, coalition or group of citizens within the meaning of the law regulating financing of political activities.
In accordance with gender equality principle, all the terms used in the text of this Law in the masculine gender shall comprise feminine gender forms as well.

II. THE AGENCY

Legal status of the Agency
Art. 4
The Agency is an autonomous and independent state body and is accountable to the National Assembly for performance of duties from its purview.
The Agency has the status of a legal entity.

Funds for the operation and functioning of the Agency
Art. 5
Funds for the operation and functioning of the Agency shall be provided in the budget of the Republic of Serbia, at the proposal of the Agency, and from other sources, in accordance with the law.
Annual funds for the operation and functioning of the Agency, being provided in the budget of the Republic of Serbia, shall be sufficient so as to enable effective and efficient performance of duties from its purview.
The Agency autonomously disposes with funds specified in par. 2 of this Article, in accordance with the law.

Seat and organisational units of the Agency
Art. 6
The seat of the Agency is in Belgrade.
The Agency may establish organisational units outside its seat.
Organisational units specified in par. 2 of this Article do not have the status of a legal entity.

Competencies of the Agency
Art. 7
The Agency:
1) supervises the implementation of the Strategy and the Action Plan and issues opinions with regard to their implementation;
2) issues directives, gives opinions, takes general stands and regulates forms for the implementation of this Law;

3) institutes proceedings and pronounces sanctions in accordance with this Law;
4) performs tasks in accordance with the law governing the financing of political activities;
5) files criminal charges, requests for motions of misdemeanor procedure and initiatives for motion of disciplinary procedure;
6) keeps register of officials;
7)keeps register of assets and incomes of officials and monitors property status of officials;
8) keeps separate records in accordance with this Law;
9) acts on complaints on natural persons and legal entities and upon its own initiative aimed at disclosure of corruption related acts;
10) acts on the employees in the public authorities bodies' complaints that indicate doubt over corruption in the public authority bodies where they work by implementing measures of protection of those persons;
11) organises coordination of the state bodies' operation in combating corruption;
12) co-operates with public authority bodies and other legal entities, with scientific organisations and civil society organisations, in the field of combating corruption;
13) autonomously and in cooperation with the other state bodies, conducts and monitors the international cooperation in the field of combating corruption;
14) launches initiatives for amending and enacting regulations in the field of combating corruption and participates in drafting of these regulations;
15) issues opinions on drafts and proposals of regulations in the field of combating corruption;
16) conducts corruption risk assessment in the work of public authority bodies and prepares reports with recommendations for eliminating these risks, in accordance with this Law;
17) issues guidelines, monitors adoption and implementation of integrity plans and drafts and publishes integrity assessments in public and private sector, in accordance with this Law;
18) introduces and implements education programs in the field of combating corruption, in accordance with this Law;
19) organises researches on state of corruption and
20) also performs other tasks set forth by this Law.

Bodies of the Agency
Art. 8
The bodies of the Agency are the Board and the Director.

Competencies of the Board
Art. 9
The Board appoints and dismisses the Director, decides on appeals to Director's decisions in accordance to this Law, adopts the annual report on operation of the Agency and the report on the implementation of the Strategy and the Action Plan, issues general stands for the implementation of this Law, performs supervision over the work and property status of the Director, proposes budget funds for operation of the Agency, enacts the Board's Rules of Procedures, issues opinion on the Rule Book on internal regulations and job classification within the Secretariat of the Agency and performs other tasks set forth under this Law.

Election Requirements for a Member of the Board
Art. 10
A person may be elected a member of the Board who meets the general requirements for employment in state bodies, holds university degree, has minimum nine years of work experience

in the profession and has not been convicted for a criminal offence making him/her unworthy to discharge the office of member of the Board.
A member of the Board may not be a member of a political party, i.e. political entity and is subject to the same obligations and prohibitions applicable to officials under this Law.

Composition of the Board
Art. 11
The Board is a collegiate body and shall have nine members.
Members of the Board shall be elected by the National Assembly following the nomination by:
1. the Administrative Committee of the National Assembly;
2. the Ombudsman;
3. the Republic Commission for the Protection of Rights in Public Procurement Procedures;
4. the Supreme Court of Cassation;
5. the State Audit Institution;
6. the Commissioner for Information of Public Importance and Personal Data Protection;
7. Social-Economic Council;
8. the Bar Association of Serbia;
9. the Associations of Journalists of the Republic of Serbia, in agreement.

A candidate for member of the Board who is nominated by nominators specified in par. 1, items 8) and 9) may be from the ranks of the nominators.

Term of Office of a Member of the Board
Art. 12
The term of office of a member of the Board is four years and the same person may be elected member of the Board twice at most.

Termination of Office of a Member of the Board
Art. 13
The office of a member of the Board shall terminate with expiration of his term of office, by resignation, if permanently incapacitated to discharge the office due to illness verified by a relevant medical institution, and by dismissal.
The nominators shall submit nominations for election of a new member of the Board three months prior to expiry of the term of office of a member of the Board.
If the office of a member of the Board terminates prior to the expiry of the term of his office, the nominator shall submit a list of candidates for a new member of the Board to the National Assembly within 30 days from the day of occurrence of circumstances specified in par. 1 of this Article.

Dismissal of a Member of the Board
Art. 14
Decision on dismissal of a member of the Board is passed by the National Assembly at the motion of the Board.
A member of the Board shall be dismissed in case of negligent performance of duties, if he becomes a member of a political party, i.e. political entity, if his conduct and behaviour undermines independence and impartiality of the Agency, if convicted for a criminal offence making him unworthy of the office or if determined that he has violated this Law.

The procedure to determine whether there are reasons for dismissal of a member of the Board shall be initiated by the Board, following the proposal of the Chairperson of the Board, at least three members of the Board, Director of the Agency or the nominator of the relevant member of the Board.
The procedure referred to in par. 2 of this Article shall be conducted and the decision shall be made by the Board.
A member of the Board shall have the right to declare in the procedure in which it is determined whether there are reasons for his dismissal.
A member of the Board shall exempt himself from a debate and vote in a procedure determining reasons for his dismissal.
The Board may suspend its member who is undergoing proceedings which shall establish whether reasons for his dismissal exist, until the termination of the procedure for dismissal.
If the decision is brought by which it is determined that there are reasons for dismissal of a member of the Board, the Board shall with no delay inform the National Assembly.

Operation and Decision Making of the Board
Art. 15
The work of the Board shall be managed by the Chairperson of the Board, elected by members of the Board amongst themselves.
The Board decides by a majority vote of all its members at the sessions presided by the Chairperson of the Board.
Issues regarding the operation and decision making of the Board are more specifically regulated by the Board's Rules of Procedures.

Remuneration for the Work of the Board Member
Art. 16
A member of the Board is entitled to monthly remuneration equal to two average monthly net salaries in the Republic of Serbia.

Competencies of the Director
Art. 17
The Director represents the Agency, manages its operation, organises and ensures lawful and efficient performance of duties from the Agency's purview, issues decisions on the violation of this Law and pronounces measures, gives opinions and directives for the implementation of this Law, prepares the annual report on the operation of the Agency and the report on the implementation of the Strategy and Action Plan that, after the acquired opinion of the Board, shall submit to the National Assembly, prepares the proposal of budget funds for operation of the Agency, passes general and individual acts, decides on the rights, duties and responsibilities of the Agency's staff and performs other tasks set forth under this Law.

Election Requirements for the Director
Art. 18
A person may be elected the Director who meets the general requirements for employment in state bodies, holds a degree in law, has a minimum nine years of work experience in the profession and has not been convicted for a criminal offence making him unworthy to discharge the office of the Director.

The Director may not be a member of a political party, i.e. political entity and is subject to the same obligations and prohibitions applicable to officials under this Law.

Public Competition for Election of the Director
Art. 19
The Director shall be elected through public competition announced and conducted by the Board.
The public competition shall be published in the Official Gazette of the Republic of Serbia and at least one public media with a state-wide coverage.

Term of Office of the Director
Art. 20
The term of office of the Director is five years and the same person may be elected the Director twice at most.

Termination of Office of the Director
Art. 21
The office of the Director shall terminate with expiration of his term of office, by resignation, if permanently incapacitated to discharge the office due to illness verified by a relevant medical institution, and by dismissal.
The Board shall announce a competition for election of a new Director three months before the expiry of the term of office of the Director.
If the office of the Director terminates prior to expiry of the term of his office, the Board shall announce a competition for election of a new Director, within 15 days from the day of occurrence of circumstances specified in par. 1 of this Article.

Dismissal of the Director
Art. 22
The Director shall be dismissed in case of unprofessional and negligent performance of duties, if he becomes a member of a political party, i.e. political entity, if his conduct and behaviour undermines independence and impartiality of the Agency, if convicted for a criminal offence making him unworthy of the office or if determined that he has violated this Law.
The procedure for dismissal of the Director shall be conducted by the Board.
The Director shall have the right to declare in the procedure for his dismissal.
The procedure specified in par. 2 of this Article is determined by the Board's Rules of Procedures.
The Board may suspend the Director if a procedure for his dismissal has been initiated, until the termination of the procedure for dismissal.

Deputy Director
Art. 23
The Director shall have a Deputy Director that performs tasks within the purview of competencies defined by the Director and is a replacement in case of Director's absence or incapacity to perform his duties.
The Deputy Director shall be elected through public competition, announced by the Director within 15 days of his election, and conducted by the Board.
The Director shall select a Deputy Director from three proposed candidates from the list determined by the Board.

Decision on dismissal of the Deputy Director is passed by the Director.
The term of office of the Deputy Director shall terminate by election of a new Director.
All provisions referring to a Director shall be applied accordingly to the requirements for selection and termination of terms of office of a Deputy Director and proceedings for his dismissal.

Salary of the Director and the Deputy Director
Art. 24
The Director is entitled to a salary equal to the base salary of a president of the Supreme Court of Cassation.
The Deputy Director is entitled to a salary equal to the base salary of a judge of the Supreme Court of Cassation.
The base salary specified in par. 1 and 2 of this Article, due to particular complexity of tasks and responsibilities of the position, shall be increased by 50%.
The Director and the Deputy Director are entitled to a remuneration in lieu of a salary for the period of 6 months beginning on the day of the termination of office, in the amount valid on the day of the termination of office.
The right to the salary specified in par. 2 of this Article, shall cease before the expiry of six months if the former director or deputy director concludes an employment contract or retires.

Secretariat of the Agency
Art. 25
The Agency has a Secretariat managed by the Director.
Internal organisation and job classification in the Secretariat of the Agency are determined with the general act brought by the Director, after the acquired opinion of the Board, with the approval of the committee of the National Assembly in charge for administration.
Duties and responsibilities of the employees in the Secretariat of the Agency that perform professional and administrative tasks for the Board shall be specified by the general act brought by the Director, after the acquired opinion of the Board.
A disciplinary procedure against the employees in the Secretariat of the Agency referred to in par. 3 of this Article as well as disciplinary sanction shall be issued by the Director, with the approval of the Board.
A disciplinary procedure referred to in par. 4 of this Article shall be specified by the general act brought by the Director, with the approval of the Board.
In a disciplinary procedure against other employees in the Secretariat of the Agency, provisions of the law that regulates rights and obligations of civil servants, shall directly be applied.

Status of Employees in the Secretariat of the Agency
Art. 26
The regulations applying to civil servants shall also apply to the employees in the Secretariat of the Agency, unless differently specified by this Law.
The civil servants in the Secretariat of the Agency are subject to the same prohibitions and obligations applicable to officials under this Law, except the obligation from Art. 46 par. 1 of this Law.
For a violation of this Law, to a civil servant in the Secretariat of the Agency shall be imposed a disciplinary punishment which, in accordance with the law governing the rights and duties of civil servants, may be imposed for serious violations of duties of employment.

The employees in the Secretariat of the Agency designated by the Director shall have official ID. Shape, form and content of the official ID from par. 4 of this Article shall be regulated by a specific act brought by the Director.

Institutional Adjustments to Salaries
Art. 27
The base salary of the civil servants in the Secretariat of the Agency, due to particular complexity of tasks and responsibilities of the position, shall be increased by 30% as related to base salary of civil servants whose positions are devised in the same rank.
With regard to other incomes of the civil servants in the Secretariat of the Agency, incomes are subject to regulations that define salaries, bonuses and other incomes of civil servants.

Cooperation with Public Authority Bodies and other Legal Entities
Art. 28
In performing tasks from its purview the Agency shall cooperate with public authority bodies and other legal entities, in a manner that does not undermine its independence.

Obligations of Public Authority Bodies and other Legal Entities
Art. 29
Public authority bodies and other legal entities shall be obliged to deliver all documents and information that are necessary for the Agency so as to perform duties from its purview, upon the request and within deadline set by the Agency, that can be no longer than 15 days.
Public authority bodies and other legal entities shall be obliged to enable to the Agency direct and unhindered access to the official record and documentation and to dispose all data that they have, and that are of importance for the procedure the Agency conducts.
Upon the request and within deadline set by the Agency, the public authority body, i.e. other legal entity shall be obliged to deliver copy of the official record and documentation referred to in par. 2 of this Article.
Tasks referred to in par. 2 of this Article can directly be performed by the employee of the Agency, with the use of official ID and based on special order issued by the Director.
With regard to obligations set in par. 1 and 2 of this Article prohibitions and restrictions set by other regulations shall not be applied.
The Agency's officials and the employees of the Agency shall be obliged to keep as a secret data to which they encounter while performing their office, i.e. official duty, that are set and marked with certain degree of secrecy by the law, other regulation or decision of the authorised body based on the law, even after the termination of the office, i.e. employment in the Agency.

Reporting
Art. 30
The Agency shall submit an annual report on its operation to the National Assembly, no later than 31 March of the current year for the preceding year, as well as extraordinary reports on its operation at the request of the National Assembly, i.e. on its own initiative.
The Agency may submit special reports on the state of corruption to the National Assembly on its own initiative.
The reports referred to in par. 2 of this Article the Agency shall submit to public authority bodies to which the reports refer and to public authority bodies which supervise their work.

III. CONFLICT OF INTEREST

Basic Rules on Discharge of Public Office

Art. 31

An official shall discharge public office in a manner which shall not subordinate the public interest to private interest.

An official shall totally comply with regulations concerning his rights and obligations and shall secure and maintain the trust of citizens concerning his conscientious and responsible discharge of public office.

An official shall not be in any dependant status towards the person that could influence his impartiality in discharging public office and shall not use the public office for any gain or benefit for him/herself or for associated person.

An official shall not use knowledge and information that he encounters while discharging public office, if those knowledge and information are not available to the public, for gaining any advantage or benefit for himself or other person or damaging others.

Prohibition referred to in par. 4 of this Article shall not cease even after the termination of the public office.

Notifying the Agency on Existence of Private Interest

Art. 32

The official that should make decision or participate in proceeding prior to decision making in which he or associated person has private interest, shall be obliged to notify the Agency, in written form, on existence of private interest, no later than the beginning of decision making, i.e. before undertaking any action in procedure prior to decision making.

This does not interfere to regulations dealing with exemptions that are foreseen by laws that regulate court, i.e. general administrative procedure.

Procedure upon Notification on Existence of Private Interest

Art. 33

If, acting upon notification from Art. 32 of this Law, the Agency determines that there is a conflict of interest, it brings a decision that sets a deadline for the official, that shall be no less than 15 nor exceed 30 days, in which he is obliged to take measures for elimination of conflict of interest in a manner determined by the Agency and inform the Agency.

The decision referred to in par. 1 of this Article shall be brought by the Director against which an appeal may be lodged to the Board within 15 days from the day of deliverance.

The decision of the Board referred to in par. 3 of this Article is final against which administrative procedure may be initiated.

If the official fails to take measures for elimination of conflict of interest in a way and within deadline set in the decision, the Agency shall initiate procedure on determining the violation of this Law.

Special Provisions on Notification of Director, i.e. Member of the Board of the Agency on Existence of Private Interest

Art. 34

The Board shall act and make decision upon the notification of the Director, i.e. member of the Board on the existence of private interest.

The member of the Board shall be obliged to exempt himself from a debate and vote in a procedure in which decision is made on his notification.

Annulment of Individual Legal Act, i.e. Contract

Art. 35

The individual legal act, i.e. contract, in which adoption, i.e. conclusion the official has participated and had to exempt himself due to conflict of interest, shall be annulled.

The decision that determines the annulment of individual legal act, i.e. contract referred to in par. 1 of this Article shall be made by the Agency.

The decision referred to in par. 2 of this Article is an integral part of the decision that determines the existence of the violation of this Law and the measure of public announcement of the recommendation for dismissal from the public office, i.e. the measure of public announcement of the decision on the violation of this Law is pronounced to the official.

About decision referred to in par. 2 of this Article, the Agency, upon the finalisation of decision, with no delay, shall inform the public authority body in which the official discharges public office or person on which right or obligation is determined by the individual legal act, i.e. other contracted party.

The public authority body referred to in par. 4 of this Article shall be obliged to inform the Agency on the taken measures, within deadline of eight days, upon the reception of notification referred to in par. 4 of this Article.

Performing Other Job

Art. 36

An official shall not perform other job if between the public office and that job exists a relation of dependence or other relation that endangers or may endanger impartial and efficient performance or reputation of public office, i.e. that it represents a conflict of interest or is envisaged by other law or other regulation that the official shall not perform that duty during discharge of public office.

Job referred to in par. 1 of this Article also envisages office that is not considered to be public in terms of this Law as well as freelance profession, proscribed by the separate regulation, that is not considered to be entrepreneurial in terms of the law governing the legal status of entrepreneurs.

Performing Counselling Duties

Art. 37

An official shall not perform counselling duties of legal entities and natural persons with regard to the public office he discharges, regardless of the fact that those duties are paid or not paid for.

Performing Offices in Legal Entities with the Participation of Private Capital

Art. 38

An official shall not be a representative nor member of the body of the legal entity with the participation of private capital.

Membership in bodies of associations

Art. 39

An official shall not be a member of a body of association if between the public office and membership in the body of association exists a relation of dependence or other relation that endangers or may endanger impartial and efficient performance or reputation of public office, i.e. that it represents a conflict of interest or is envisaged by other law or other regulation that the official shall not perform that duty during discharge of public office.

Membership and Holding a Function in Political Party, i.e. Political Entity
Art. 40
An official may be a member and hold a function in a political party, i.e. political entity, provided that such engagement is not prohibited by the law.
An official may not use the public office and public resources for promotion of political parties, i.e. political entities.
Exceptionally from par. 2 of this Article, an official may use public resources for protection of personal security, if such use of public resources is envisaged by regulations from that field or by decision of services that are in charge of the officials' security.
An official is required at all times to unequivocally present to his interlocutors and the general public whether he is presenting the viewpoints of the public authority body in which he discharges public office or viewpoints of a political party, i.e. political entity.
Provisions of par. 4 of this Article shall not apply to MPs, deputies and council members.

Transferring of Managerial Rights
Art. 41
An official that at the moment of assuming public office possesses, i.e. during tenure of public office, gains shares or stocks in a company, is obliged, within 30 days from the election, nomination or appointment, i.e. gaining shares or stocks, to transfer his managerial rights in the company to legal entity or natural person that is not associated person, so that they would, in their name, and on the account of the official, exercise these rights until the termination of the public office of the official.
Within five days from the day of the transferring of managerial rights, official is obliged, to the authorised body of the company and to the Agency, to deliver data on person to which he has transferred managerial rights and evidences on managerial rights transfer.
A person to which the official has transferred managerial rights shall become associated person.
An official shall neither give information, directives and orders to the person to whom the managerial rights have been transferred, nor influence in any manner through him on exercising rights and obligations in the company.
An official shall have the right to be informed on the state of the company.
An official owning up to 3% shares or stocks in a company is not required to transfer his managerial rights to another legal entity or natural person.

Entrepreneurial activities
Art. 42
An official that performs entrepreneurial activities at the moment of assuming public office, i.e. commences entrepreneurial activities during tenure of public office is obliged, within 30 days from the election, nomination or appointment, i.e. entrepreneur registration, to transfer managing to other natural person, in accordance with the law governing the legal position of the entrepreneur.

Notifying the Agency about participation in Public Procurement Procedure
Art. 43
A legal entity in which an official owns more than 20% shares or stocks, if taking part in a public procurement procedure, privatisation procedure or other procedure which results in the conclusion of contract with a public authority body, other budget spending unit, i.e. other legal entity in which the Republic of Serbia, autonomous province, local selfgovernment unit or town

municipality owns more than 20% of the capital, shall accordingly notify the Agency, within 15 days from the day of undertaking first action in the procedure as well as of the final outcome of the procedure within three days of learning of its completion.
The Agency shall keep records of the legal entities and procedures specified in par. 1 of this Article.
Records from par. 2 of this Article are public.
More specific content of the notification referred to in par. 1 of this Article, the form and method for submitting shall be stipulated by the Director of the Agency.
The notification referred to in par. 1 of this Article not being submitted in accordance with par. 3 of this Article, shall be considered as not submitted at all.

Notifying the Agency on Undue Influence on the Official
Art. 44
An official shall be obliged to immediately notify the Agency, in written form, on the undue influence he is exposed to in discharge of public office.
Upon receipt of notification referred to in par. 1 of this Article, the Agency files to a competent authority the criminal charge, request for motion of misdemeanor procedure, i.e. initiative for motion of disciplinary procedures in accordance with the law.
The authority referred to in par. 2 of this Article shall be obliged to inform the Agency on the taken measures, within deadline of 90 days, upon the reception of notification referred to in par. 1 of this Article.

Special Provisions on Undue Influence on the Official of the Agency
Art. 45
On the undue influence he is exposed to in discharge of public office, a member of the Board informs the Board and the Director, the Director informs the Board, and the Deputy Director informs the Director.
Upon receipt of notification referred to in par. 1 of this Article, the Agency files to a competent authority the criminal charge, request for motion of misdemeanor procedure, i.e. initiative for motion of disciplinary procedures in accordance with the law.
The authority referred to in par. 2 of this Article shall be obliged to inform the Agency on the taken measures, within deadline of 90 days, upon the reception of notification referred to in par. 1 of this Article.

Restrictions following Termination of Public Office
Art. 46
During the period of two years after termination of public office, the official shall neither establish business relations with the public authority body in which he had discharged public office nor accept position within the legal entity, i.e. establish employment or business relation with the legal entity, entrepreneur or other natural person, having had business relation with the public authority body in which the official had discharged public office, in the course of his public office.
The prohibition referred to in par. 1 of this Article, shall not refer to an official elected directly by citizens.
Final decision determining violation of the par. 1 of this Article shall be submitted by the Agency to legal entity, i.e. entrepreneur or other natural person referred to in par. 1 of this Article.

IV. CUMULATION OF PUBLIC OFFICES

Prohibition of Discharging other Public Office
Art. 47
An official may discharge only one public office, unless he is obliged by the law to simultaneously discharge two or more public offices.
An official may simultaneously discharge two or more public offices elected directly by citizens, unless in cases of incompatibilities set by the Constitution.

Dismissal of Public Official
Art. 48
An official that has been elected, nominated or appointed to the other public office contrary to provisions of this Law shall be dismissed from the later public office.
The decision on the dismissal of the official referred to in par. 1 of this Article shall be issued by the public authority body that had elected, appointed or nominated the official to later office, within deadline set by the Agency, that can be no less than eight days from the day of reception of the decision of the Agency determining that the official was elected, appointed or nominated to the other public office contrary to the provisions of this Law.
If an official has, contrary to the provisions of this Law, been elected directly by citizens to the later public office, he shall be dismissed from the public office on which he had been previously elected, appointed or nominated.

V. GIFTS

Prohibition of Accepting Gifts
Art. 49
An official may not accept a gift related to discharge of public office, except for protocol or appropriate gift which may not be in money or securities.
An associated person may not accept a gift related to discharge of public office of the official with whom he is associated.
As an exception to par. 2 of this Article, an associated person may receive protocol gift.

Protocol Gifts
Art. 50
Protocol gift shall be deemed a gift to the official from a representative of foreign state, international organisation or foreign natural person or legal entity, received during an official visit or on other similar occasions.
Protocol gift shall become public property.
The official shall be obliged to immediately, and no later than eight days from the gift reception day, i.e. from the arrival day in the country from abroad, hand over the protocol gift to the public authority body in which he discharges public office.
The public authority body referred to in par. 3 of this Article shall be obliged to hand over the protocol gift to the authority authorised for dealing with public property.
As an exception to par. 3 of this Article, the official shall have the right to retain the protocol gift if it stands for the appropriate gift the value of which does not exceed 10% of the value of the average monthly net salary in the Republic of Serbia, i.e. appropriate gifts the aggregate value of which does not exceed one average monthly net salary in the Republic of Serbia during a calendar year.

Appropriate Gifts

Art. 51

The Director of the Agency shall stipulate measures to determine which gifts shall be deemed appropriate as well as competence and criteria for the assessment of their value.

An official may not keep the appropriate gift which value exceeds the amount of 10% of an average monthly net salary in the Republic of Serbia, i.e. appropriate gifts which value during a calendar year exceeds the amount of an average monthly net salary in the Republic of Serbia.

An appropriate gift referred to in par. 2 of this Article, shall become public property.

The official shall be obliged to immediately, and no later than eight days from the gift reception day, i.e. from the arrival day in the country from abroad, hand over the appropriate gift referred to in par. 2 of this Article to the public authority body in which he discharges public office.

The public authority body referred to in par. 4 of this Article shall be obliged to hand over the appropriate gift referred to in par. 2 of this Article to the authority authorised for dealing with public property.

Rejecting Gifts

Art. 52

An official who has been offered a gift in relation to discharge of public office, in money or securities, i.e. not considered appropriate, shall reject the gift and inform the giver that he is not allowed to accept the gift.

The official shall immediately submit a written report, within deadline no longer than eight days from the gift rejection day, i.e. from the arrival day in the country from abroad, on the event referred to in par. 1 of this Article to the public authority body in which he discharges public office and the Agency.

Catalogue of Gifts

Art. 53

An official shall be obliged to immediately, and no later than eight days from the gift reception day, i.e. from the arrival day in the country from abroad, to inform the public authority body in which he discharges public office on every gift he has received.

The received gifts are listed in the record of gifts that is being kept by the public authority body in which official discharges public office.

The public authority body referred to in par. 2 of this Article shall be obliged to deliver a copy of the record of gifts to the Agency, no later than March 1 of the current year, for previous calendar year.

If, during the record of gifts examination, the Agency determines violation of this Law, the Agency shall inform about that the public authority body referred to in par. 1 of this Article.

Based on records of gifts the Agency shall make catalogue of gifts for previous calendar year and shall publish it on its internet presentation, no later than June 1 of the current year.

More specific content of the record of gifts, the form and method for submitting shall be stipulated by the Director of the Agency.

The record of gifts not being submitted in accordance with par. 6 of this Article, shall be considered as not submitted at all.

VI. DISCLOSURE OF ASSETS AND INCOMES

Register of Officials
Art. 54
The public authority body in which the official discharges public office shall notify the Agency that the official has assumed public office or that the public office has terminated, within eight days from the day of assuming or terminating public office.
Based on notification referred to in par. 1 of this Article the Agency shall keep a Register of Officials.
Data from the Register of Officials shall be public.
More specified content of the notification referred to in par. 1 of this Article, the form and method for submitting shall be stipulated by the Director of the Agency.
The notification referred to in par. 1 of this Article not being submitted in accordance with par. 4 of this Article shall be considered as not submitted at all.

Regular Disclosure of Assets and Incomes
Art. 55
An official shall, within 30 days from the day of election, appointment or nomination, submit to the Agency a report on his assets and incomes, and on assets and incomes of his spouse or common-law partner, his parents or adoptive parents and children or adoptees (hereinafter: the Report), with the status as of the day of election, appointment or nomination.
An official who has been re-elected, reappointed or renominated to the same public office shall not be obliged to submit the Report again, only if there were no changes to data from the previously submitted Report, but shall be obliged to inform the Agency about that, in written form, within the deadline referred to in par. 1 of this Article.
The Report shall also be submitted within 30 days from the day of termination of public office, with the status as of the day of the termination of public office.
Assets and incomes of associated persons referred to par. 1 of this Article the official reports according to available data and the Agency may, in the procedure of the Report verification, demand from the associated person, to deliver directly data on his assets and incomes, in a way and within deadline set by the Agency, if there is a doubt that the official covers the real value of his assets and incomes.

Extraordinary Disclosure of Assets and Incomes
Art. 56
An official shall submit to the Agency the Report, no later than the expiration of the deadline for submitting the annual tax report for determination of the tax on the citizens income for the income achieved in previous year, with the status as of Dec. 31 of the previous year, if a significant change occurred in respect of data from the previously submitted Report.
Significant change specified in par. 1 of this Article shall be deemed any change of data from the Report relating to assets and incomes which value exceeds the average annual net income in the Republic.
Change of data from the Report referred to in par. 2 of this Article shall mean increase and decrease of assets and incomes, i.e. change of property structure which value is over the amount referred to in par. 2 of this Law.
If there were changes of data from the Report relating to assets and incomes which value exceeds the amount of ten average annual net salaries in the Republic of Serbia, the official shall be

obliged to submit a Report to the Agency within 30 days from the day the change has occurred.
An official whose public office has terminated, two years after the termination of the public office, shall be obliged to submit the Report to the Agency, no later than the expiration of the deadline for submitting the annual tax report for determination of the tax on the citizens income for the income achieved in the previous year, with the status as of December 31 of the previous year, if a significant change occurred in respect of data from the previously submitted Report.

Officials Required to Submit the Report upon the Agency's Request
Art. 57
Provisions of Art. 55 and 56 of this Law shall not apply to council members and members of bodies of public enterprises, companies, institutions and other organisations the founder of which or member is municipality, town or town municipality.
The provision in par. 1 of this Article shall also refer to members of bodies of public enterprises, companies, institutions and other organisations the founder of which or member is the Republic of Serbia, autonomous province or the City of Belgrade, if remuneration arising from membership is not provided by the law, other regulation or other act.
The Agency may demand from the officials referred to in par. 1 and 2 of this Article to submit the Report, within deadline set by the Agency.

Content of the Report
Art. 58
The report contains data on property and incomes of official and associated persons from Art. 55 par. 1 of this Law in the country and abroad, including data on:
1) ownership rights over real estate;
2) ownership rights over movables subject to registration;
3) ownership rights over movables of high value (valuables, collections, art objects et al.);
4) cash and securities;
5) deposits in banks (the name of the bank, type and number of the account and the amount of funds on the account);
6) shares and stocks in legal entity and other securities;
7) shares and stocks of legal entity in which the official possesses shares and stocks in other legal entity;
8) entrepreneurial activities;
9) incomes from copyright, patent and similar intellectual property rights;
10) debts (principal, interest and repayment period) and receivables;
11) incomes from the budget and other public sources (basis and amount of net incomes);
12) entitlement to use an apartment for official purposes;
13) other incomes (basis, source and amount of net incomes);
14) other data deemed by the official as relevant for the implementation of this Law.
More specific content of the Report, form and method for submitting shall be stipulated by the Director of the Agency.
The Report not being submitted in accordance with par. 2 of this Article, shall be considered as not submitted at all.

Register of Assets and Incomes of Officials
Art. 59
The Agency shall keep a register of assets and incomes of officials, used to record data from

the Report and to monitor property status of officials and associated persons from Art. 55 par. 1 of this Law.
Data from the Report that shall be public are data on property and incomes of official in the country and abroad, including data on:
1) ownership rights over real estate, without specifying the address;
2) ownership rights on a vehicle, without specifying the registration number;
3) savings in banks, without specifying the name of the bank, type and number of the account and the amount of funds on the account;
4) incomes from the budget and other public sources (basis and amount of net incomes);
5) entitlement to use an apartment for official purposes.
Public shall also be data on assets and incomes of officials that are public in accordance to other regulations, as well as other data that official, i.e. associated person gives consent for publishing.
Exceptionally from provisions of the par. 2 and 3 of this Article, the data from the Report of officials in the state bodies from the law that sets the organisation and competencies of state bodies in combating organised crime, corruption and other especially serious criminal offences shall not be public until the expiration of deadline of two years upon the public office termination.
Data from the Report that are not public (hereinafter: non-public data) shall be used only in the procedure of the Report verification and in the procedure for deciding on the violation of this Law.
The Agency's officials and the employees of the Agency, as well as other persons that due to the nature of their job have access to non-public data, shall not report to third persons those data nor to enable access to those data.
Prohibition referred to in par. 6 of this Article does not cease not even after the termination of the status based on which the access to non-public data was acquired.
The Agency shall have the right to disclose non-public data to the court, public prosecutor's office, ministry in charge of internal affairs, body authorised for prevention of money laundering and tax administration, upon their request, in accordance to the law, i.e. with the aim of cooperation in performing activities from its competencies.

Report Verification
Art. 60
The Agency verifies the timeliness of the submission of the Report and accuracy and completeness of data from the Report.
The accuracy and completeness of data from the Report the Agency verifies in accordance with the annual plan of verification issued by the Director, with the approval of the Board.
The Agency shall perform extraordinary verification of accuracy and completeness of data from the Report in case of doubt that the official in the Report did not report accurate and complete data.
Bank shall be obliged that upon request, within the deadline set by the Agency, that does not exceed eight days, to deliver data on all accounts of official (type and account number, account balance and flow of funds on the account and the persons authorised to dispose of funds on the account), as well as all other business relations of the official and persons that are deemed to be associated persons in terms of this Law and the bank.
Obligation referred to in par. 4 of this Article refers also to other financial institutions, as well as on the National Bank of Serbia.
With regard to obligation to deliver data set in par. 4 and 5 of this Article prohibitions and restrictions set by other regulations shall not be applied.

Data referred to in par. 4 of this Article the Agency may be used exclusively in procedure of the Report verification.

Monitoring of Property Status
Art. 61

The Agency shall monitor property status of officials and associated persons from Art. 55 par. 1 of this Law and in a procedure of the Report verification shall determine if there is a inconsistency between the increased value of their assets and incomes and their lawful and reported incomes, i.e. if there is a inconsistency between data from the Report and real state.

Should a inconsistency be determined in the procedure of the Report verification, the Agency shall ask the official, i.e. associated person to declare, within deadline of 15 days, on the reasons for inconsistency.

An official shall be obliged, upon the request of the Agency, to deliver data on assets and incomes of other associated persons who are not covered by the provision of Art. 55 par. 1 of this Law, within 30 days from the day of deliverance, if there is a doubt that the official covers up the real value of his assets and incomes.

Until termination of the procedure of the Report verification the official shall have no right to have an insight to the case file and to be informed on the course of the procedure.

The rights referred to in par. 4 of this Article may be exercised after termination of the procedure of the Report verification, in person or by the proxy.

Should the rights referred to in par. 4 of this Article be exercised by the proxy, the authorization shall be notarized in accordance with the law governing signature notarization and shall include explicit powers in terms of having an insight to the case file and informing on the course of the procedure.

VII. PROCEDURE FOR DECIDING ON THE VIOLATION OF THE LAW

Initiation of procedure
Art. 62

The procedure for deciding on the violation of this Law shall be initiated by the Agency ex officio, at the request of the official or public authority body that had elected, nominated or appointed him to the public office.

The procedure referred to in par. 1 of this Article may also be initiated by the Agency upon the report of a natural person or a legal entity.

The report referred to in par. 1 of this Article shall be in writing and shall contain:

1) the name and registered office, i.e. the name and address of the plaintiff;

2) data on the official against whom the report is submitted: the name, public office that he discharges and public authority body in which he discharges a public office;

3) the facts that give rise to suspicion that there is a violation of this Law;

4) the signature of the plaintiff, if the report is submitted by an natural person, i.e. the signature of the representative and seal of the legal entity, if the report is submitted by an legal entity.

The procedure referred to in par. 1 of this Article may also be initiated by the Agency upon the anonymous report if the allegations from the report and the evidence attached thereto, either alone or in conjunction with other data available to the Agency indicate suspicion of violation of this Law.

Order

Art. 63

If the procedure has been initiated due to violation of this Law that can be eliminated, the Agency may, during the procedure, order the official to comply to this Law, within deadline no longer than 30 days, and in a manner set by the Agency.

If the official fulfils order referred to in par. 1 of this Article in a manner and within deadline set in the order, the Agency may, considering all circumstances, especially the level and consequences of the violation, suspend the procedure or continue with it and take into account fulfilment of order when imposing sanction.

Against the decision referred to in par. 1 of this Article a special complaint is not allowed.

Rights of Official

Art. 64

In the procedure for deciding on the violation of this Law the official has the right, prior to the decision, to state on all facts and evidence against him and to present all facts and evidence in his favor.

The Agency shall notify the official of the initiation of the procedure and shall ask the official to deliver written declaration on the statements from the notification, within 15 days from the day of reception the notification.

If the official does not declare in a manner and in deadline referred to in par. 3 of this Article, the Agency shall continue with the procedure in accordance to the Law.

Rights and Obligations of the Plaintiff

Art. 65

If upon receipt of the report reveals that there is no ground to proceed, the Agency shall notify the plaintiff.

The plaintiff shall be obliged, upon the request and within deadline set by the Agency, to deliver all available documents and information that are relevant to determine if there is ground to proceed, i.e. to determine if there is the violation of this Law, if the procedure was initiated.

The Agency shall be obliged to inform the plaintiff on the outcome of the procedure initiated upon the report, unless if the report is anonymous.

Protection of the Plaintiff

Art. 66

The plaintiff shall suffer no consequences due to submitting the report, if he has submitted the report justifiably trusting that this Law was violated.

The Agency shall protect the anonymity of the plaintiff.

Decisions and Legal Remedies

Art. 67

The decision that determines the violation of this Law and pronounces sanction in accordance to this Law shall be brought by the Director.

Against the Director's decision referred to in par. 1 of this Article , appeal may be lodged to the Board, within 15 days from the day of deliverance.

The decision of the Board referred to in par. 2 of this Article is final and an administrative procedure may be initiated.

The decision of the Director to suspend the procedure is final and an administrative procedure may be initiated.

Public Character of Proceedings
Art. 68
The data on whether the procedure for deciding on the violation of this Law against the official was initiated, as well as data on the outcome of the procedure, are available to the public.
The decision that determines the violation of this Law and pronounces sanction in accordance to this Law shall be published on the Agency's website.
If, after the completion of the procedure, the Agency determines that there is no violation of this Law, data contained in the case file, except data on the outcome of the procedure and the data that are public in accordance to other regulations, may not be available to the public without the consent of the official to whom the data refer.

Public Hearing
Art. 69
The Agency may, prior to the final decision in a procedure for deciding on violation of this Law or the law governing the financing of political activities, hold a public hearing.
The participants of the procedure shall be invited to a public hearing to present their views and give necessary explanations, and may be invited the representatives of public authority body that had elected, nominated or appointed the official to the public office and public authority body in which the public office is discharged, if it is of relevance for the estimation of the existence of the violation of this Law.
If necessary, public experts may be informed in an adequate way regarding holding of the public hearing.
The Agency shall prepare a report for the public hearing that shall be delivered to participants of the procedure and to other invited persons.
At the public hearing, the representative of the Agency shall present the facts regarding the issue that is a subject of the public hearing, not presenting the decision proposal, after which the participants of the procedure present and explain their views and give necessary information of importance for decision-making.
During the public hearing the representative of the Agency may, without presenting his opinion, ask questions and request explanations from the participants of the procedure and other invited persons, on the issue that is a subject of the public hearing.
The Agency may hold a public hearing even when the certain participants of the procedure are absent from the public hearing, or postpone or stop it due to obtaining necessary information, opinions and explanations, as well as in other justified cases.

Sanctions
Art. 70
For a violation of this Law, to the official that was elected to the public office by authority that had been directly elected by citizens, as well as to the official that was appointed or nominated to the public office, may be imposed: admonishment and measure of public announcement of the recommendation for dismissal from the public office.
For a violation of this Law, to the official that was elected to the public office directly by citizens and to the official whose public office was terminated, as well as to the associated person, may be imposed admonishment and measure of public announcement of the decision on the violation of this Law.
Admonishment shall be imposed if the Agency, considering all circumstances, especially the level and consequences of the violation, estimates that it would achieve the aim of this Law by admonishment imposing.

Measure of public announcement of the recommendation for dismissal from the public office, i.e. measure of public announcement of the decision on the violation of this Law shall be imposed if it is evident that, by admonishment imposing, the aim of this Law can not be achieved or if the official after the imposed admonishment violates this Law again.
If a measure of public announcement of the recommendation for dismissal from the public office should be imposed to the official that discharges more than one public office, the measure shall refer to the public office to which the official was subsequently elected, appointed or nominated, i.e. the public office to which the official was not elected directly by citizens.
Authorities in charge of election, appointments and nominations shall be obliged to, prior to the decision on the election, appointment or nomination, check with the Agency whether a measure of public announcement of the recommendation for dismissal from the public office or a measure of public announcement of the decision on the violation of this Law has been imposed to the nominated candidate in last four years, in such a case, the authority in charge shall not bring a decision on election, appointment or nomination of the nominated candidate.

Initiative for Dismissal from Public Office
Art. 71
If the measure of public announcement of recommendation for dismissal from the public office was imposed to the official, the Agency shall, after the final decision, with no delay submit an initiative for dismissal from the public office (hereinafter: the Initiative) to the public authority body that had elected, nominated or appointed the official to the public office.
The public authority body referred to in par. 1 of this Article shall be obliged to execute the recommendation for dismissal from the public office and, within deadline set by the Agency that shall be no longer than 60 days, to inform the Agency about that.
If the official was not dismissed from the public office within deadline referred to in par. 2 of this Article, the public authority body referred to in par. 1 of this Article shall be obliged to state reasons for not accepting the Initiative, and the Agency shall inform the public of that.

Obligation of Returning Material Gain
Art. 72
If the Agency determines that an official was discharging other public office contrary to provisions of this Law, the official shall have to return a material gain acquired on that basis into the account of the budget of the Republic of Serbia, i.e. territorial autonomy or local self-government, and shall deliver evidence on that to the Agency within deadline of eight days from the day of the payment.
Material gain referred to in par. 1 of this Article shall mean net salaries, remunerations and other incomes that the official achieved based on discharge of public office.
The decision that sets the obligation of returning material gain is an integral part of thedecision that determines the existence of the violation of this Law and the measure ofpublic announcement of recommendation for dismissal from public office, i.e. measure of public announcement of decision on violation of this Law is pronounced to the official. After the final decision referred to in par. 3 of this Article, the Agency shall issue a special decision that sets the amount of the obligation of returning a material gain and sets the deadline to the official, no longer than 30 days from the day of reception of this decision, that he shall be obliged to fulfil.

The public authority body in which the official discharged the other public office contrary to provisions of this Law, shall, upon the Agency's request, within eight days from the day of the reception of the request, deliver data on the net amount of salary, remunerations and other incomes that the official achieved based on discharge of public office.
The decision referred to in par. 4 of this Article is final and against it administrative procedure may be initiated.
If the official, within deadline set in the decision referred to in par. 4 of this Article, fails to fulfil an obligation of returning a material gain, the Agency shall, with no delay inform the authorised Public Attorney due to the payment of claims.

Suspension of Payment of Salaries, Remunerations and Other Incomes
Art. 73
If the official after the final decision referred to in Art. 72 par. 3 of this Law continues to discharge other public office contrary to provisions of this Law and based on that achieves a material gain, the Agency shall bring a decision on the suspension of payment of salaries, remunerations and other incomes that the official receives based on discharge of public office.
The decision referred to in par. 1 of this Article is final and against it administrative procedure may be initiated.
The Agency shall deliver the decision referred to in par. 1 of this Article, for the execution, to the public authority body in which the official discharges his public office.

Public Announcement of Decisions
Art. 74
Disposition and concise explanation of the decision by which the measure of public announcement of the recommendation for dismissal from the public office, i.e. the measure of public announcement of the decision on the violation of this Law was pronounced, shall be published in the Official Gazette of the Republic of Serbia.

Deliverance of Writs
Art. 75
When the official to whom needs to be delivered the writ is not present at the address stated in the Report, or there is no Report, it is considered that the writ was delivered when it has been delivered to the person who is designated to receive writs in the public authority body in which the official discharges the public office.
If the deliverer in prescribed working hours does not find the person who is designated to receive writs, the writs may be delivered to any person employed in the public authority body referred to in par. 1 of this Article who is found in their premises.
Provisions referred to in par. 1 and 2 of this Article refer to all decisions and other writs of the Agency, including decisions of which deliverance starts to run the deadline which can not be extended.

Application of the Law on General Administrative Procedure
Art. 76
To the procedure before the Agency for deciding on the violation of this Law which is not regulated by this Law shall accordingly apply provisions of the law on general administrative procedure.

Reporting to Authorised Bodies on the Violations of the Law
Art. 77
When, while performing tasks from its purview, the Agency establishes that there are grounds for suspicion that a criminal offence prescribed by this Law, or other criminal offence that are to be ex officio prosecuted, was committed, or if it determines a violation of other provision of this Law or finds out that there is a violation of duties of employment, the Agency shall submit to the competent authority a criminal charge, request for motion of misdemeanor procedure, i.e. initiative for motion of disciplinary procedure.
The authority referred to in par. 1 of this Article shall be obliged to inform the Agency on the taken measures, within deadline of 90 days, upon the reception of criminal charge, request for motion of misdemeanor procedure, i.e. initiative for motion of disciplinary procedure.
The Agency's decisions shall not prejudice criminal or material responsibility of an official.

Special Provisions on the Procedure Against the Associated Person
Art. 78
The procedure against the associated person shall be initiated by the Agency if there is a doubt that the associated person has received a gift in relation to discharge of public office of the official with whom he is associated (Art. 49 par. 2 of this Law) and if the associated person, upon the request of the Agency within deadline set by the Agency, does not deliver data on his assets and incomes (Art. 55 par. 4 of this Law).
In the procedure against the associated person the provisions of this Law relating to official shall apply accordingly.

VIII. ACTING UPON COMPLAINTS

Art. 79
The Agency acts upon complaints within its purview.
If, upon receipt of the complaint, the Agency finds that it is not authorised to act upon it, the complaint shall be, with no delay, forwarded to the competent authority and the plaintiff shall be notified on that.
The Agency may request from the plaintiff to, within deadline set by the Agency, deliver additional explanations, documents and information, for the purpose of inquiry of the allegations from the complaint. The Agency shall be obliged to inform the plaintiff on the outcome of the complaint, unless if the complaint is anonymous.
The Agency shall protect the anonymity of the plaintiff.
More specific content of the complaint, the form and method for submitting, as well as the mode and rules of acting upon complaints shall be stipulated by the Director of the Agency.
If the complaint is not being submitted in accordance with par. 6 of this Article, the Agency shall ask the plaintiff to, within deadline of 15 days, edit the complaint.
If the plaintiff does not edit the complaint within deadline referred to in par. 7 of this Article, it shall be considered that he gave up from the complaint.

Proceedings upon Anonymous Complaints
Art. 80
The Agency shall act upon anonymous complaints, if the allegations from the complaint and the evidence attached thereto, alone or in conjunction with other data available to the Agency indicate suspicion of presence of corruption in the work of public authority bodies or officials.

Protection of Employees in the Public Authority Bodies that Report the Suspicion of Presence of Corruption in the Public Authority Body where They Work

Art. 81

Civil servant, i.e. other employee in the public authority body who in a good faith submits a complaint to the Agency that there is corruption in the public authority body where he works, shall suffer no consequences due to submitting the complaint.

In the aim of protection of persons referred to in par. 1 of this Article, the Agency shall provide necessary legal aid, in accordance to the law.

The Agency shall protect the anonymity of the person referred to in par. 1 of this Article.

Procedure of providing protection of the person referred to in par. 1 of this Article shall be more precisely defined by the rulebook brought by the Director.

IX. PREVENTION OF CORRUPTION

Giving Opinions

Art. 82

Opinions in terms of the implementation of this Law shall be provided by the Agency upon the requests of natural persons and legal entities.

The Agency shall have the right to act preventively by providing opinions upon its own initiative in terms of the issues within its competences, with the aim of improving fight against corruption.

Integrity Plan

Art. 83

The integrity plan shall include legal and practical measures which prevent and eliminate possibilities for the occurrence and development of corruption, in particular:

1) assessment of exposure to corruption for a particular institution;

2) data on the person responsible for the integrity plan;

3) description of the work process, decision making procedures and identification of activities which are particularly exposed to corruption, as well as tasks an official may not perform during discharge of public office and manner of control thereof;

4) preventive measures for the reduction of corruption;

5) other parts of the plan defined in the guidelines for drafting and implementation of integrity plan, that are adopted by the Agency.

Obligation of Adopting and Implementing the Integrity Plan

Art. 84

The Agency shall draft and publish integrity assessment, i.e. shall make guidelines for development and implementation of the Integrity Plans, specifying time frames.

The Integrity Plans shall be brought and implemented by the following bodies, in accordance with the guidelines referred to in par. 1 of this Article: state bodies of Republic of Serbia, territorial autonomy bodies, local self-government units and town municipalities, bodies entrusted with public authority, public services, public enterprises and other legal entities the founder of which or member is the Republic of Serbia, territorial autonomy, local self-government unit or town municipality (hereinafter: the entity obliged to adopt the Integrity Plan).

The Agency shall monitor the adoption and implementation of the Integrity Plan.
The entity obliged to adopt the Integrity Plan shall be obliged to deliver a report on the implementation of the Integrity Plan, upon the Agency's request within the deadline not longer that 15 days from the day of reception of the request.

Responsibility for the Adoption and Implementation of the Integrity Plan
Art. 85
The head of entity obliged to adopt the integrity plan shall be responsible for the preparation and implementation of the Integrity Plan.
The head of entity obliged to adopt the integrity plan shall be obliged to nominate persons for drafting and integrity plan implementation monitoring.
The Agency shall provide training for the persons referred to in par. 2 of this Article.

Adoption of Integrity Plan by Other Legal Entities
Art. 86
Other legal entities may adopt an Integrity Plan in accordance with the guidelines for development and implementation of the Integrity Plans issued by the Agency.
Upon the proposal of legal entities specified in par. 1 of this Article, the Agency may assess the integrity.
The Agency shall provide assessment of integrity for public enterprises and legal entities specified in par. 1 of this Article at their expense.

Monitoring the Implementation of Strategy and Action Plan
Art. 87
The responsible entities set in the Strategy and the Action Plan (hereinafter: the responsible entities) shall be obliged to deliver to the Agency semi-annual reports on the implementation of the Strategy and the Action Plan, from the period from January 1 to June 30 and July 1 to December 31 of the current year, within 15 days upon the expiration period they refer to.
The obligation for reporting shall stop when the Agency confirms that all the obligations, referring to the responsible entities in the Strategy and the Action Plan, are fulfilled.
The responsible entities shall be obliged, for a period in which obligations for implementing activities are due, to deliver report referred to in par. 1 of this Law and evidences for statements on implemented activities from the Action Plan.
The responsible entity shall be obliged to come to the meeting, where public presence is allowed, and which the Agency organizes with regard to solving doubts in terms of fulfilling obligations of responsible entities from the Strategy and Action Plan.

Opinions with Regard to Implementation of Strategy and Action Plan
Art. 88
The Agency shall issue opinions with regard to implementation of the Strategy and Action Plan, out of which each is delivered to the responsible entity it refers to, to the organ that has elected, nominated or appointed his head, and may be made accessible to the public.
The responsible entity to which the opinion refers to, shall be obliged to, within 60 days from the day of delivery of opinion, hold public discussion on opinion and to inform the Agency and the public on the conclusions of the debate.

Filing Initiatives for Changes and Adoption of Regulations and Participation in the Process of Drafting Regulations

Art. 89

With the aim of implementing the Strategy, Action Plan and ratified international treaties in the field of combating corruption, the Agency may submit initiative for amending and enacting of regulations in the field of combating corruption.

Authorized proposers of regulations referred to par. 1 of this Article shall be obliged to enable participation in all procedures of drafting legislation to the Agency.

Filing a Report on the Implementation of the Strategy and Action Plan

Art. 90

The Agency shall submit the Report on the Implementation of the Strategy and Action Plan to the National Assembly, no later than March 31 of the current year for the previous year.

Methodology for Risk for Corruption in Regulations Assessment

Art. 91

The Agency shall define the methodology for risk for corruption in regulations assessment and shall issue guidelines for the implementation of this methodology.

The proposer of the regulation, shall be obliged to, during the making of the regulation, apply methodology referred to in par. 1 of this Article, to state in the explanation of the proposal of regulation that he has completed assessment from corruption risk in regulation in accordance to this methodology, and shall deliver draft proposal of the regulation to the Agency.

The Agency shall issue opinions on the assessment of risk from corruption in the regulation proposal.

The opinion referred to in par. 3 of this Article the proposer of the regulations shall be obliged to deliver to the National Assembly with the regulations proposal.

Corruption Risk Assessment in the Work of Public Authority Bodies

Art. 92

The Agency conducts corruption risk assessments in the work of public authority bodies and drafts reports with recommendations for elimination of the respective risks, upon its own initiative or upon request of public authority body.

The Report with recommendations referred to in par. 1 of this Article is submitted by the Agency to public authority bodies to which the recommendations refer and public authority bodies, pursuing monitoring and control of public authority bodies to which the recommendations refer.

Public authority body to which recommendations refer shall be obliged to, within 6 months of recommendation deliverance, notify the Agency on the measures taken due to elimination of corruption risks.

Cooperation in Prevention of Corruption

Art. 93

The Agency within its purview, shall cooperate with scientific organisations and civil society organisations.

The cooperation referred to in par. 1 of this Article refers to mutual activities with regard to implementation of the Strategy and the Action Plan, implementation of the training program, analysis of the state of corruption, implementation of campaigns and other activities of importance for the corruption prevention.

Trainings in the Field of Combating Corruption
Art. 94
The Agency shall prepare and issue training programs and guidelines for the implementation of trainings in the field of combating corruption, ethics and integrity (hereinafter: trainings), with deadlines for execution.
The Agency shall perform professional trainings of persons in charge of conducting training.
The public authority bodies shall be obliged to implement trainings for all employees and executives, according to programs and guidelines that shall be prepared and issued by the Agency.
The Agency shall follow implementation of trainings, and the public authority bodies shall be obliged to, on the Agency's request, deliver a report on their implementation, within 15 days from the day of request reception.
The head of the public authority body shall be responsible for the implementation of trainings.
The Agency shall conduct trainings for entities of public, civil and private sector, as well as other public entities and citizens, in accordance to annual training program plans.

Surveys on the State of Corruption
Art. 95
The Agency shall organize survey on the state of corruption, shall follow and analyse statistical data on the state of corruption and in combating corruption and shall propose changes of the way of filing statistical data of importance for the monitoring of the state of corruption.

X. INTERNATIONAL COOPERATION

Art. 96
The Agency, autonomously and in cooperation with other state bodies, shall have and monitor the international cooperation in the field of combating corruption.
The Agency shall, if necessary, organize coordination of the state bodies international activities, with the aim of improving cooperation with international institutions, organizations and initiatives in combating corruption.
The authorised state bodies shall be obliged to inform the Agency on all activities of international cooperation in combating corruption.

XI. RECORDS AND DATA PROTECTION

Records
Art. 97
The Agency shall keep the following records:
1) a Registry of public officials;
2) a Registry of public officials assets and incomes;
3) a list of legal entities in which an official owns over 20% of shares or interests;
4) a list of public procurement procedures;
5) a catalogue of gifts;
6) a list of final financial statements of political entities with reports in accordance with the law governing financing of political entities.
The data specified in par. 1, item 1 and 5 of this Article shall be deleted ex officio three years after the day public office of the official terminates.
The procedures pertaining to the keeping and storing of records specified in par. 1 of this Article

shall be determined by the Director. The Agency may also keep other records, in accordance with the Law.

Data Protection
Art. 98
When informing the general public, the Agency shall ensure protection of personal data of the official, associated persons and other person, in accordance to the Law, and, while informing the public, omit information which publishing could endanger conduction of legally regulated procedure, person's privacy or other interest protected by the Law.

Compensation of Damage
Art. 99
The Agency shall be accountable in accordance with the law of obligations for damages made to the official, associated person or other person, i.e. body due to violation of Art. 98 of this Law.

XII. PENAL PROVISIONS
Criminal Offence

Failure to report assets and incomes
Art. 100
An official who fails to report assets and incomes to the Agency or gives false information about his assets and incomes, shall be punished by imprisonment for a period of six months to five years.

Legal Consequences of Conviction
Art. 101
A public official sentence to imprisonment for the criminal offence referred to in Art. 90, on day of final judicial decision, following legal consequences shall follow:
1) the termination of holding public office, i.e. termination of employment;
2) prohibition of gaining public office for the period of ten years from the day of the final judicial decision.
The official shall be removed from the public office once he has been sentenced to imprisonment for the criminal offence from Art. 100 of this Law, until the final judicial decision.

Misdemeanours
Art. 102
An official shall be fined from 100,000 to 150,00 RSD for the offence if:
1) shall act contrary to provisions of the Art. 31 of this Law;
2) in the matter in which he or associated person has the private interest, fails to inform, about existence of private interest in written form, the public authority body that has elected, nominated or appointed him to public office and the Agency, no later than the start of decision-making, i.e. before undertaking any action in procedure prior to decision-making (Art. 32 par. 1 of this Law);
3) performs other duty, so that between the public office and other duty exists a relation of dependence or other relation that endangers or may endanger impartial and efficient discharge and reputation of public office, i.e. that it represents a conflict of interest or is envisaged by other

law or regulation that the official shall not perform that duty during performance of the public office (Art. 36 par. 1 of this Law);
4) performs duties of counselling of legal entities and natural persons with regard to the public office he discharges (Art. 37 of this Law);
5) being representative or member of the body of the legal entity with the participation of private capital (Art. 38 of this Law);
6) being member of body of association so that between the public office and membership in the body of association exists a relation of dependence or other relation that endangers or may endanger impartial and efficient discharge or reputation of public office or constitutes conflict of interest or is envisaged by other law or regulation that the official shall not perform that duty while discharging public office (Art. 39 of this Law);
7) being contrary to the Law member or performs a role in a political party, i.e. political entity, or uses the public office and public resources for promotion of political parties, i.e. political entities or fails to unequivocally present to his interlocutors and the general public whether he is presenting the viewpoints of the public authority body in which he discharges an office or viewpoints of a political party, i.e. political entity (Art. 40 par. 1, 2 and 4 of this Law);
8) shall act contrary to provisions of the Art. 41 par. 1, 2 and 4 of this Law;
9) fails to transfer business to other natural person, in accordance with the law governing the legal position of the entrepreneur within 30 days from the election, nomination or appointment, i.e. entrepreneur registration (Art. 42 of this Law);
10) fails to immediately inform the Agency, in written form, on the undue influence, he was exposed to in discharge of public office (Art. 44 par. 1 of this Law);
11) discharges two or more public offices contrary to the Law (Art. 47 par. 1 of this Law);
12) accepts gifts in relation to the discharge of public office (Art. 49 par. 1 of this Law);
13) fails to immediately, and no later than eight days from the gift reception date, i.e. from the arrival date in the country from abroad, hand over the protocol gift to the public authority body in which he discharges public office (Art. 50 par. 3 of this Law);
14) keeps the appropriate gift which value exceeds the amount of 10% of an average monthly net salary in the Republic of Serbia, i.e. appropriate gifts which value during a calendar year exceeds the amount of an average monthly net salary in the Republic of Serbia or if fails to immediately, and no later than eight days from the gift reception date, i.e. from the arrival date in the country from abroad, submit the respective appropriate gift to the public authority body in which he discharges public office (Art. 51 par. 2 and 4 of this Law);
15) fails to reject the gift in relation to his discharge of public office, in money or securities, i.e. not considered appropriate or fails to immediately submit a written report, within deadline not exceeding eight days from the gift rejection day, i.e. from the arrival date in the country from abroad, on that event to the public authority body in which he discharges public office and the Agency (Art. 52 of this Law);
16) fails to immediately, and no later than eight days from the gift reception, i.e. from the arrival date in the country from abroad, inform the public authority body in which he holds the public office on gift he has received (Art. 53 par. 1 of this Law);
17) fails to submit the Report to the Agency after the set deadline has elapsed (Art. 55 par. 1 and Art. 56 par. 1 and 4 of this Law);
18) informs the Agency that there were no changes to data from previously submitted Report after the set deadline has elapsed (Art. 55 par. 2 of this Law);

19) upon request of the Agency fails to deliver data on assets and incomes and other associated persons, not encompassed by the Art. 55 par. 1 of this Law, within the set deadline (Art. 61 par. 3 of this Law);
20) fails to comply with the obligation of returning of material gain within deadline set by the Agency (Art. 72 par. 4 of this Law).
The official submitting the Report to the Agency, upon its request, after the expiration of the deadline set by the Agency shall be fined in the amount referred to in par. 1 of this Article (Art. 57 par. 3 of this Law) and misdemeanor referred to in par. 1, item 1 to 16 and item 20 of this Article.
The official whose public office has terminated shall be fined in the amount referred to in par. 1 of this Article:
1) if submits the Report to the Agency after the set deadline has elapsed (Art. 55 par. 3 and Art. 56 par. 5 of this Law);
2) if, during the period of two years after termination of public office, establishes business relations with a public authority body in which he had discharged public office or accepts position within the legal entity or establishes employment or business relation with legal entity, entrepreneur or other natural person, having had business relation with public authority body, in which public official had discharged public office, in the course of his public office (Art. 46, par. 1 of this Article).

For the offence referred to in par. 1 of this Law in addition to fine the official may be issued a protective banning measure to the responsible person to pursue certain activities from 6 months to three years.

Art. 103

A legal entity – public authority body shall be fined from 500,000 to 2,000,000 RSD for an offence if it:
1) fails to submit upon the request and deadline set by the Agency all documents and information or fails to enable the Agency direct and unhindered access to the official record and documentation and to dispose all data that they have or fails to submit upon the request and within deadline set by the Agency copy of the official record and documentation (Art. 29 par. 1, 2 and 3 of this Law);
2) fails to submit copy of gift record, within the set deadline (Art. 53 par. 3 of this Law);
3) fails to notify the Agency that he has assumed office or that the office has terminated within eight days from the day of assuming or terminating office (Art. 54 par. 1 of this Law);
4) fails to comply with the recommendation for dismissal and notify the Agency within the deadline set by the Agency or fails to state reasons for not accepting the Initiative (Art. 71 par. 2 and 3 of this Law).
For the offence referred to in par. 1, item 1 of this Article other legal entity shall also be fined in the amount referred to in par. 1 of this Article.
For the offence pertaining to failure of the legal entity with an official owning more than 20% share or interest to notify the Agency on participation in public procurement procedure, i.e. other procedure in accordance with the Art. 43 par. 1 of this Law, legal entity shall be fined in the amount referred to in par. 1 of this Article.
The legal entity which established business relations with a public authority body in which public official, whose public office has terminated, had discharged public office, in the course of his public office shall be fined in the amount referred to par. 1 of this Article if during the period of two years after termination of public office elects or nominates that public official to assume the position or establishes employment or business relation with him (Art. 46 par. 1 of this Law).

For the offence referred to in par. 4 of this Article an entrepreneur shall also be fined from 150,000 to 500,000 RSD.
For the offence referred to in par. 4 of this Article other natural person shall be fined from 50,000 to 150,000 RSD.

Art. 104
Legal entity – public authority body, shall be fined from 200,000 RSD to 500,000 RSD, if it:
1) fails to notify the Agency on the measures taken (Art. 35 par. 5, Art. 44 par. 3, Art. 77 par. 2 and Art. 92 par. 3 of this Law);
2) fails to submit, upon the request of the Agency, the report on conducting trainings, within the set deadline (Art. 94 par. 4 of this Law).
For the offence pertaining to failure to submit the report on the implementation of the Integrity Plan within the set deadline, the legal entity – organization entrusted with public authority, public service, public enterprise and other legal entity the founder of which or member is the Republic of Serbia, territorial autonomy, local self-government unit or town municipality shall be fined in the amount referred to in par. 1 of this Article (Art. 84 par. 4 of this Law).

Art. 105
A responsible person shall be fined from 100,000 to 150,000 RSD in the public authority body if it:
1) fails to submit, upon the request and deadline set by the Agency all documents and information or fails to enable to the Agency direct and unhindered access to the official record and documentation and to dispose all data that they have or fails to deliver, upon the request and within deadline set by the Agency, copy of the official record and documentation (Art. 29 par. 1, 2 and 3 of this Law);
2) fails to deliver a copy of the gift record within set deadline (Art. 53 par. 3 of this Law);
3) fails to notify the Agency within eight days from the day of assuming or terminating office (Art. 54 par. 1 of this Law);
4) acts contrary to provision of the Art. 70 par. 6 of this Law;
5) fails to comply with recommendation of the Agency for dismissal from the public office and fails to notify the Agency in that regard within deadline set by the Agency or fails to state reasons for not accepting the Initiative (Art. 71 par. 2 and 3 of this Law).
For the offence referred to in par. 1 a responsible person in legal entity – public authority body shall also be fined in the amount referred to in par. 1 of this Article.
For the offence referred to in par. 1, item 1 of this Article a responsible person in other legal entity shall be fined in the amount referred to in par. 1 of this Article.
For the offence pertaining to failure to adopt the Integrity Plan a responsible person in the legal entity – organization entrusted with public authority, public service, public enterprise and other legal entity the founder of which or member is the Republic of Serbia, territorial autonomy, local self-government unit or town municipality shall be fined in the amount referred to in par. 1 of this Article (Art. 84 par. 2 of this Law).
For the offence pertaining to failure of the legal entity with an official owning more than 20% share or interest to notify the Agency on participation in public procurement procedure, i.e. other procedure in accordance with the Art. 43 par. 1 of this Law, a responsible person in the legal entity shall be fined in the amount referred to in par. 1 of this Article. A responsible person in the legal entity which established business relations with a public authority body

in which public official, whose public office has terminated, had discharged public office, in the course of his public office shall be fined in the amount referred to par. 1 of this Article if during the period of two years after termination of public office elects or nominates that public official to assume the position or establishes employment or business relation with him (Art. 46 par. 1 of this Law).

For the offence pertaining to failure to submit report on the implementation of the Strategy and Action Plan and evidences within set deadline or fails to comply with the invitation to attend the meeting a responsible person in the legal entity – responsible entity set in the Strategy and Action Plan shall be fined in the amount referred to in par. 1 of this Article (Art. 87 par. 1, 3 and 4 of this Law).

Art. 106

The responsible person in the legal entity – public authority body shall be fined from 20,000 to 50,000 RSD if it:

1) fails to notify the Agency on the measures taken (Art. 35 par. 5, Art. 44 par. 3 and Art. 77 par. 2, Art. 92 par. 3 of this Law);

2) fails to submit, upon the request of the Agency, the report on conducting trainings, within the set deadline (Art. 94 par. 4 of this Law).

For the offence pertaining to failure to submit the report on the implementation of the Integrity Plan within the set deadline, a responsible person in the legal entity – organization entrusted with public authority, public service, public enterprise and other legal entity the founder of which or member is the Republic of Serbia, territorial autonomy, local self-government unit or town municipality shall be fined in the amount referred to in par. 1 of this Article (Art. 84 par. 4 of this Law).

Art. 107

An associated person shall be fined from 20,000 to 50,000 RSD if he:

1) accepts a gift in relation to discharging the public office of the official he is related to (Art. 49 par. 2 of this Law);

2) fails to submit, upon the request and within deadline set by the Agency, data on his assets and incomes (Art. 55 par. 4 of this Law).

Art. 108

For the offence pertaining to failure to submit all requested data, upon the request and within deadline set by the Agency, the bank and other financial institution shall be fined from 1,000,000 to 2,000,000 RSD (Art. 60 par. 4 and 5 of this Law).

For the offence referred to in par. 1 of this Article the responsible person in the bank, other financial institution and the National Bank of Serbia shall be fined from 100,000 to 150,000 RSD.

Art. 109

A request for motion of the misdemeanor procedure for the offences envisaged by this Law shall be issued by the Director of the Agency.

A request for motion of the misdemeanor procedure due to offences envisaged in the provision of the Art. 102 par. 1, item 1 to 16, Art. 102 par. 3, item 2, Art. 103 par. 4, 5 and 6, Art. 105 par. 6 and Art. 107, item 1 shall not be issued prior to decision of the Director of the Agency, determining violation of this Law.

Art. 110

The misdemeanor procedure for the offences envisaged by this Law may not be initiated after 5 years from the day of committing the offence.

XIII. TRANSITIONAL PROVISIONS

Current Procedures

Art. 111

Proceedings commenced due to violation of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11– Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation), in which the decision of the Director has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of this Law.

Proceedings upon complaint to the decision of the Director, issuing the measure to the public official , in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11– Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation).

If in the procedure referred to in par. 2 of this Article the decision of the Director is annulled, in the repeated proceedings the provisions of this Law shall be applied.

Exceptionally from par. 1 of this Article, proceedings commenced due to violation of prohibition of establishing company or public service in the course of discharging public office , in which decision has not been made prior to the day of the commencement of implementation of this Law, shall be suspended.

Exceptionally from par. 2 of this Article, if in the proceedings upon complaint to the decision of the Director, issuing the measure to the public official due to violation of the par. 4 of this Article, the decision of the Board has not been made prior to the day of the commencement of implementation of this Law, the Board shall make decision repealing the decision of the Director.

If the appeal on the decision of the Director, issuing measure of warning to public official, thus ordering obligation he shall abide by, has been rejected and the official fails to comply with the issued measure of warning within deadline set by decision of Director, the proceedings shall be continued pursuant to this Law, and the issued measure of warning shall be considered as order as envisaged by the Art. 63 of this Law.

The measure of warning ordering the official to comply with the Law in future, issued by the final decision of the Director, shall be considered as admonishment in proceedings that shall be initiated according to the provisions of this Law.

Procedures upon Requests for Consent for Discharging of Two or More Public Offices

Art. 112

The official, being granted consent for simultaneous discharging of two or more public offices by decision of the Director, which has become final prior to the day of the commencement of implementation of this Law, shall be obliged to decide which public office he will continue to discharge within 90 days as of the commencement of implementation of this Law and inform the Agency about it.

Proceedings upon request for consent for simultaneous disharging of two or more public offices, in which decision of the Director has not been made prior to the day of the commencement of implementation of this Law, shall be suspended thus obliging official to decide which public office he will continue to discharge within 30 days as of submission of decision and to inform the Agency about it.

Decision of the Director granting consent to official for simultaneous discharging of two or more public offices, which has not become final prior to the day of the commencement of implementation of this Law, shall be repealed, thus obliging official to decide which public office he will continue to discharge within 30 days as of submission of decision and to inform the Agency about it.

Provisions referred to in par. 1, 2 and 3 of this Article shall not apply to official being obliged to simultaneously discharge two or more public offices according to the Law and official simultaneously discharging two or more public offices elected directly by citizens, unless in cases of incompatibilities set by the Constitution (Art. 47 of this Law).

Decision of the Director referred to in par. 2 and 3 of this Article is final and administrative proceedings may be initiated against it.

Proceedings upon appeal on decision of the Director rejecting request for consent for simultaneous discharging of two or more public offices, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11– Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation).

If in the proceedings upon appeal on decision of the Director rejecting request for consent for simultaneous discharging of two or more public offices, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, the Board shall make decision repealing the decision of the Director thus obliging official to decide which public office he will continue to discharge within 30 days as of submission of decision and to inform the Agency about it.

Decision of the Board referred to in par. 7 of this Article is final and administrative proceedings may be initiated against it.

If in the procedure referred to in par. 6 and 7 of this Article the decision of the Director is annulled, in the repeated proceedings the provisions of this Law shall be applied.

If in proceedings referred to in par. 6 and 7 of this Article the Board determines simultaneous discharging of public offices to be allowed pursuant to provisions in the Art. 47 of this Law, the Board shall indicate that in decision repealing decision of the Director.

If decision of the Director which has become final prior to the day of the commencement of implementation of this Law indicates termination of later public office of official by force of law and the public office has neither been terminated prior to the day of the commencement of implementation of this Law nor he terminated discharging the previous public office, i.e. on the day of the commencement of implementation of this Law still simultaneously discharges two or more public offices, the Agency, pursuant to provisions in the Art. 71 of this Law, shall with no delay file the initiative for dismissal from the public office.

Proceedings upon appeal on decision of the Director indicating termination of later public office of official by force of law, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11– Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation).

If appeal on decision of the Director indicating termination of later public office of official by force of law is rejected, the Agency, pursuant to provisions in the Art. 71 of this Law, shall with no delay file the initiative for dismissal from the public office.
If in the procedure referred to in par. 12 of this Article the decision of the Director indicating termination of later public office of official by force of law is annulled, in the repeated proceedings the provisions of this Law shall be applied.
Exceptionally from par. 14 of this Article, if in proceedings referred to in par. 12 of this Article the Board determines simultaneous discharging of public offices to be allowed pursuant to provisions in the Art. 47 of this Law, the Board shall indicate that in decision repealing decision of the Director.

Procedures upon Requests for Consent for Engaging in other Job or Activity
Art. 113
Procedures pertaining to consent for engaging in other job or activity, except activity considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs, upon which decision has not been made prior to the day of the commencement of implementation of this Law, shall be considered as requests for granting opinion.
Proceedings upon appeal on decision of the Director refusing or denying request for consent referred to in par. 1 of this Article, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law shall be concluded in accordance with provisions of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11 – Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation).
If in the procedure referred to in par. 2 of this Article the decision of the Director is annulled, in the repeated proceedings the provisions of this Law shall be applied.
The official, being granted consent by decision of the Director which has become final prior to the day of the commencement of implementation of this Law for engaging in other activity considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs that fails to transfer business to other natural person prior to the day of the commencement of implementation of this Law, shall be obliged to do so within 30 days as of the day of the commencement of implementation of this Law and inform the Agency about it.
Procedures pertaining to consent for engaging in other activity, considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs, in which decision has not been made prior to the day of the commencement of implementation of this Law, shall be repealed, thus obliging official to transfer business to other natural person and to inform the Agency about it within 30 days as of submission of decision.
Decision of the Director referred to in par. 5 of this Article is final and administrative proceedings may be initiated against it.
Proceedings upon appeal on decision of the Director refusing or denying request of official for consent for engaging in other activity, considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be repealed, thus obliging official to transfer business to other natural person and to inform the Agency about it within 30 days as of submission of decision.
Decision of the Board referred to in par. 7 of this Article is final and administrative proceedings may be initiated against it.

Procedures upon Notification on Engaging in other Job or Activity when Assuming Public Office

Art. 114

Notifications on engaging in other job or activity, except activity considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs, upon which decision has not been made prior to the day of the commencement of implementation of this Law, shall be considered as requests for granting opinion.

In the procedure commenced pursuant to the Law on the Agency due to failure to submit notification referred to in par. 1 of this Article, in which decision has not been made prior to the day of the commencement of implementation of this Law, the legality of officials' acting shall be assessed pursuant to the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11 – Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation).

If in the procedure referred to in par. 2 of this Article decision of the Director has been made determining violation of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11 – Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation), official shall be subject to sanction envisaged by this Law.

Proceedings upon appeal on decision of the Director determining that engaging in other job or activity not considered to be entrepreneurial, endangers the impartial discharge of public office, i.e. constitutes conflict of interest or the notification has been denied, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11 – Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation).

If in the procedure referred to in par. 4 of this Article the decision of the Director is annulled, in the repeated proceedings the provisions of this Law shall be applied.

The official, being granted consent by decision of the Director which has become final prior to the day of the commencement of implementation of this Law for engaging in other activity considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs that fails to transfer business to other natural person prior to the day of the commencement of implementation of this Law, shall be obliged to do so within 30 days as of the day of the commencement of implementation of this Law and inform the Agency about it.

Proceedings upon notification on engaging in other activity considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs, in which decision has not been made prior to the day of the commencement of implementation of this Law, shall be suspended thus obliging official to transfer business to other natural person and inform the Agency about it within 30 days as of submission of decision.

Decision of the Director referred to in par. 7 of this Article is final and administrative proceedings may be initiated against it.

Proceedings upon appeal on decision of the Director determining that engaging in other activity considered to be entrepreneurial endangers the impartial discharge of public office, i.e. constitutes conflict of interest or the notification has been denied, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be suspended thus obliging official to transfer business to other natural person pursuant to the Law governing the legal status of entrepreneurs and inform the Agency about it within 30 days as of submission of decision.

Decision of the Board referred to in par. 9 of this Article is final and administrative proceedings may be initiated against it.

Procedure upon Notification on Doubt in terms of Existence of Conflict of Interest
Art. 115

Procedure upon notification on doubt in terms of existence of conflict of interest, in which decision has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of this Law.

In the procedure commenced due to failure to submit notification referred to in par. 1 of this Article, in which decision has not been made prior to the day of the commencement of implementation of this Law, the legality of officials' acting shall be assessed pursuant to the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11 – Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation).

If in the procedure referred to in par. 2 of this Article decision of the Director has been made determining violation of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11 – Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation), official shall be subject to sanction envisaged by this Law.

Proceedings upon appeal on decision of the Director determining the existence of conflict of interest in view of notification referred to in par. 1 of this Article and proposing measures for elimination of conflict of interest, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11 – Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation).

If in the procedure referred to in par. 4 of this Article the decision of the Director is annulled, in the repeated proceedings the provisions of this Law shall be applied.

Passing general by-laws
Art. 116

The Director shall pass general by-laws provided hereof within 90 days from the day this Law enters into force.

Until passing of the general by-laws as envisaged by this Law provisions of general bylaws passed in accordance with the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11 – Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation) shall be applied, except for provisions contrary to this Law.

XIV. FINAL PROVISIONS

Art. 117

As of the day of entry into force of this Law, the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11 – Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation) shall cease to be in force.

The application of provisions in the Art. 9 par. 2, item 2, 3 and 6 shall be postponed until termination of office of members of the Board elected pursuant to the Law on the Anti-Corrup-

tion Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11– Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation) upon the proposal of the Government as well as the Ombudsman and Commissioner for Information of Public Importance and Personal Data Protection, in mutual agreement.

Art. 118

Members of the Board, Director and Deputy Director elected pursuant to the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11 – Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation) shall continue to discharge their office until the completion of the term for which they were elected, i.e. until the termination of office due to other reason prior to completion of the term.

Upon the termination of the office of member of the Board elected pursuant to the Law on the Agency upon the proposal of the President of Republic, the new member of the Board shall be proposed by the Ombudsman.

Upon the termination of the office of member of the Board elected pursuant to the Law on the Agency upon the proposal of the Government, the new member of the Board shall be proposed by the Republic Commission for the Protection of Rights in Public Procurement Procedures.

Upon the termination of the office of member of the Board elected pursuant to the Law on the Agency upon the proposal of the Ombudsman and Commissioner for Information of Public Importance and Personal Data Protection, in mutual agreement, the new member of the Board shall be proposed by the Commissioner for Information of Public Importance and Personal Data Protection.

Art. 119

This Law shall come into force within 8 days from the day it is published in the "Official Gazette of the Republic of Serbia", with the exception of the provisions in the Art. 9 par. 2, item 2, 3 and 6 of this Law that shall be applied as of the termination of the office of members of the Board elected pursuant to the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No. 97/08, 53/10, 66/11 – Constitutional Court Decision, 67/13 – Constitutional Court Decision, 108/13 – other law and 112/13 – authentic interpretation).

□

SPECIAL INVESTIGATION SERVICE OF THE REPUBLIC OF LITHUANIA (STT)

The Special Investigation Service (STT) was established on 18 February 1997 under the Ministry of the Interior as a law enforcement agency reporting to the President and the Parliament of the Republic of Lithuania. The aims of the institution are detection and investigation of corruption offences as well as the development and implementation of corruption prevention measures. Reduction of the spread of corruption is a common task of the Lithuanian state authorities and the public at large. The STT plays a facilitator's role in putting together anti-corruption activities into a consistent and streamlined system.

The mission of the service is to reduce corruption as a threat to human rights and freedoms, the principles of the rule of law and economic development. The vision underlying its establishment was setting up an independent agency, controlling acts of corruption.

Its strategic goal is to reduce and control corruption in the country.

The STT's work strands are:

- criminal prosecution of corruption-related criminal acts,
- corruption prevention,
- anti-corruption education and awareness-raising.

The STT's objectives are:

- swift and thorough detection of corruption offences,
- detection and elimination of causes of and pre-conditions for corruption,
- building a zero tolerance policy for corruption and increasing trust in the agency.

In the STT programme, the authority emphasises that the fight against corruption crimes and offences, other types of crimes as well as prevention of corruption is a continuous and long-term task. The implementation of the programme involves performance of the tasks provided for in the Law on STT, i.e. protecting and defending the person, society and the state against corruption, prevention and detection of corruption. This programme is linked to the *National Anti-Corruption Programme for the years 2011–2014*, its Implementation Plan, and the draft *National Anti-Corruption Programme for the years 2015–2025* which see corruption as a threat to a political system, civil society and national security. As a result, they provide for the measures underpinned by a streamlined and efficient anti-corruption policy.

The STT approaches some aspects of its activity as priorities. They include corruption prevention in public administration on the

7

government and local government levels as well as corruption prevention in the field of allocation and awarding of public procurement contracts from the state budget and the EU structural funds.

The Special Investigation Service is prohibited to carry out investigations against the President of the Republic of Lithuania. Neither may it use provocation. The operational and investigative activities are carried out pursuant to the provisions of the Act on Operational Activities, the Criminal Code, and the Code of Criminal Proceedings. The STT cooperates with other law enforcement agencies, institutions, agencies, and domestic organisations.

THE NATIONAL ANTI-CORRUPTION PROGRAMME FOR THE YEARS 2015–2025

In December 2014, the Government of the Republic of Lithuania approved the *National Anti-corruption Programme of the Republic of Lithuania for the years 2015–2025*, developed by the STT and the Ministry of Justice. Its strategic objective is to increase the transparency and openness of the public and private sectors, to increase anti-corruption awareness of society as well as make Lithuania one of the most transparent democratic states of the EU by 2025.

The National Programme is one of the four national, long-term, anti-corruption programmes. Due to the above, it exclusively covers the most important inter-institutional, anti-corruption measures, emphasising the sector and institutional programmes which refer to sector-oriented issues.

PROSECUTION OF CRIMINAL OFFENCES

In order to ensure a successful prosecution of criminal offences and a vigorous information management, the STT developed an IT system which facilitates serious decision-taking with respect to the strategy and influence on the proceedings.

Compared to the previous year, in 2014 the number of detected criminal acts grew by 11%, and the number of persons charged with the commission of criminal acts rose by 57%. 70% of the pre-trial investigations were instituted on the basis of criminal intelligence obtained by the STT. In 2014, the service opened 25 pre-trial investigations based on the citizens' reports.

Each year, the number of cases brought to court increases while the number of cases discontinued falls. Not a single person was acquitted with regard to whom pre-trial investigation was opened in 2014. Among the persons convicted in cases of corruption offences decided by courts were: a mayor and a deputy mayor of a district municipality, members of the municipal council of a city, directors of a body subordinate to the ministry, the municipal administration of a district or a department of the municipal administration of a city, of a department of the Central Bank of Lithuania, and judges of a county and a district court. In the cases investigated by the STT in 2014, courts imposed fines amounting to nearly €492,354, including the highest financial penalty of €150,602.

PREVENTIVE ACTIVITIES

The STT preventive activities include:

- anti-corruption evaluation of draft legislation and enacted laws,
- corruption risk analysis,
- anti-corruption programmes,
- methodological support in the course of implementation of anti-corruption solutions,
- provision of information about persons seeking or holding office at a state or a municipal agency.

Anti-corruption assessment of legal acts or their drafts may be initiated by the STT or at the request of the President, the Chairperson of the Parliament, the Prime Minister, a Parliamentary committee, commission or group. In 2014, 136 laws or draft laws, and 72 implementing legal acts or draft implementing legal acts were assessed. 76% of the STT conclusions resulting from the anti-corruption assessment were taken into consideration. The STT assessed 106 legal acts or draft legal acts on the request of other institutions, and 102 legal acts or draft legal acts on its own initiative.

The service carries out corruption risk analysis as part of its preventive activities. In 2011, the STT director passed Order 2-170, whereby the *Recommendations on Detection of Areas of State and Municipal Activities Most Prone to Corruption* (Official Gazette, 2011, No. 60-2877) were approved.

When performing a corruption risk analysis, the following is considered:

- a grounded opinion on the probability of corruption and related information,
- findings of social surveys, opportunity for one employee to make a decision with regard to public funds and other assets,
- remoteness of employees and structural units from the headquarters and independence and discretion of employees in making decisions,
- documentation requirements applied to operations and concluded transactions,
- external and internal auditing of state or municipal entities,
- the framework for adoption and assessment of legislation and other information necessary to perform a corruption risk analysis.

In 2014, the STT carried out an anti-corruption analysis of the following areas:

- energy,
- management, use and disposal of state assets,
- sale of national land,
- environment,
- healthcare,
- social security,
- law enforcement.

The STT officials analyse the activity of state or municipal institutions from the anti-corruption point of view and submit proposals on how the identified risks should be managed, and how effectiveness of corruption prevention should be increased. It also recommendso n drawing up or improving institutional anti-corruption programmes. In 2014, the STT corruption prevention units assessed and made proposals with regard to 23 institutional anti-corruption programmes and action plans for these programmes.

The STT elaborated *Recommendations for Developing Corruption Prevention Programmes for State Institutions and Municipal Institutions*.

Within the methodological assistance of anti-corruption solutions, the STT officers organised meetings with the officials from state and municipal institutions meant to share good practices. Assistance was received by 902 representatives of state and municipal institutions, the number twice as high compared to the previous year.

In 2014, the STT, on its own initiative, provided the President and Prime Minister with information on potential risks associated with civil servants of political confidence meant to work in the newly formed Government. This information coupled with political will leads to a lower occurrence of corruption-related risk factors. In 2014, the STT submitted information on 6,414 individuals.

INTERNATIONAL COOPERATION

The STT cooperates with a number of international organisations. Common initiatives include:

- in cooperation with EPAC/EACN – the International Anti-Corruption Summer School (IACSS) was founded on the initiative of the EPAC [2007];

- the STT presided over the meetings of the EPAC Working Group on the standards and best practices of ACA's [2008];
- information exchange with OLAF – since 2002; GRECO – since 1999; UNODC; UNDP [including: ACPN – Anti-Corruption Practitioners Network]; Research Network of Anti-Corruption Agencies [ANCORAGE-NET]; Europol; OECD;
- a visit of The State Electoral Commission of the Republic of Croatia paid to the STT in connection with the EU Twinning project titled *Strengthening the system of supervision of political activities and electoral campaign financing*; the 6th Meeting of Ethics and Integrity Network, organised in co-operation with the Special Investigation Service in Vilnius, concerning i.a. asset declarations and conflict of interest; the Special Investigation Service received a visit of the Members of Parliament of the Republic of Latvia [2014];
- a visit paid by prosecutors from Moldova; cooperation with the Jordan Anti-Corruption Commission, the Latvian Corruption Prevention and Combating Bureau (KNAB), the Prosecutor General's Office of Moldova, the National Anti-Corruption Centre of Moldova, regional security officers of the USA Embassy to Lithuania and Ministry of the Interior of the Republic of Kyrgyzstan; technical assistance and anti-corruption seminars for Moldova and Montenegro within the framework of TAIEX [Technical Assistance and Information Exchange managed by the European Commission]; participation in the seminars held by OECD/SIGMA to share experience with the anti-corruption agencies in Kosovo and Latvian KNAB; the STT representatives took an active part in the following activities of international organisations within the capacity of experts: meetings of the Anti-Corruption Expert Group of the European Commission, European Council Group of States against Corruption (GRECO) and evaluation of the implementation of the provisions of Chapter III of the United Nations Convention against Corruption by the Republic of Armenia under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption; a joint project of the STT and the Polish CBA titled *Rising of Anti-Corruption Training System*; a joint project of the STT and the Chief Electoral Commission titled *Strengthening the System of Supervision of Political Activities and Electoral Campaign Financing in the Republic of Croatia* [2013];
- participation in GRECO's plenary sessions [adoption of 19 country reports]; participation in UNCAC working groups; the STT representatives took part in ACN 13th Steering Group meeting which discussed the programme proposal for the years 2013–2015; two meetings which discussed the opportunities and prospects for co-operation within the OLAF network; EUBAM – participation in two youth education events in Chisinau (Moldova) and Odessa (Ukraine); the STT signed agreements on co-operation with the KNAB, Latvia, the CCCEC,[1] Moldova, and the CBA, Poland, in the fields of criminal prosecution, corruption prevention and anticorruption education; participation in numerous conferences, seminars and Police exhibitions [2012].

The STT has implemented programmes supported by the EU funds, among others Hercule II and Hercule III. Thanks to the EU funds the Service accomplished the following projects: *Support for the Anti-Corruption Department with the Prosecutor General of the Republic of Azerbaijan* [concerning training courses, expert advice on prosecution and corruption prevention for prosecutors from Azerbaijan]; *Special Investigation Service personnel qualification improvement* [improvement of language and IT skills of the STT staff]; *Automation of budget planning, finance*

[1] Currently: CNA.

accounting, contract management, asset acquisition, and asset management processes at the Special Investigation Service of the Republic of Lithuania [increase in efficiency of a new IT system].

EDUCATIONAL ACTIVITIES

The STT conducts training courses for civil servants, particularly for the management of the public sector institutions. The training covers the areas prone to corruption, e.g. healthcare, customs service or local governments.

The Service actively participates in raising anti-corruption awareness initiatives aiming at pupils and youngsters. Examples of such projects are: *Laboratory of Transparency*, implemented within national projects titled *Creating Republic* and *Why Do So?*, which resulted in 37 meetings and 7 visits of 145 pupils received on the STT premises.

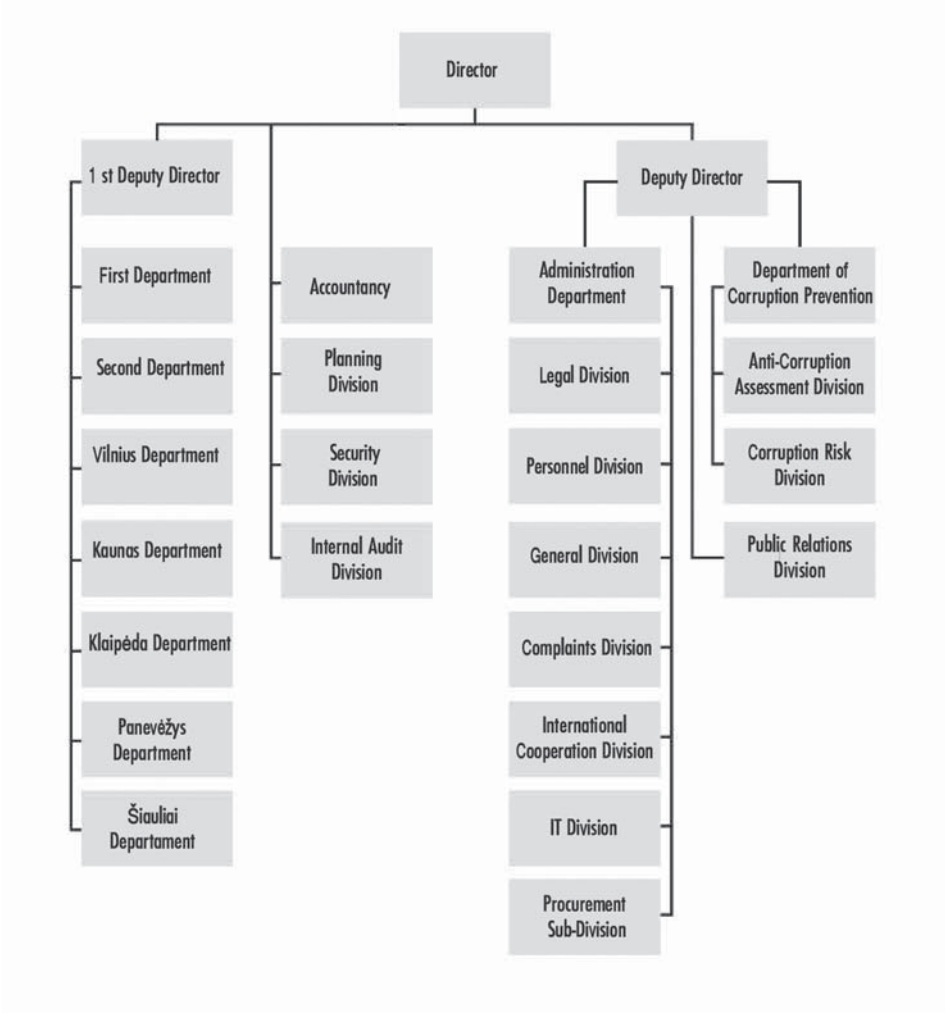
Since 2005, the Service has provided a methodological tool to be used while teaching school subjects (e.g. history, political science, ethics and religious instruction) referred to as *Possibilities for Anti-corruption Education in the School of General Education*.

The STT also conducts anti-corruption education in colleges and universities [pursuant to an agreement concluded between the STT and the Ministry of Education and Science as well as the Modern Didactics Centre] through including anti-corruption elements to college electives. The Service offers anti-corruption courses and programmes, e.g. in 2005, a course of anti-corruption education was taught at the Vilnius Pedagogical University; in 2006, Mykolas Romeris University supplemented the syllabus for a course in criminology with an anti-corruption module. The Klaipėda University also implements anti-corruption education programmes. The Kaunas University of Technology yearly invites STT representatives to meet the students. The Service has accomplished projects financed through the United Nations Development Programme titled *Preventing Corruption through Education, Information and Consciousness-Raising*.

Annually, the STT organises the marking of the United Nations Anti-Corruption Day, encouraging pupils to undertake anti-corruption initiatives within a campaign titled *Education against Corruption*.

To raise public awareness, the Service communicates information about its activity through the mass media and otherwise. Since 2005, the STT has organised competitions of anti-corruption publications in investigative journalism *Media against Corruption*. The authors of the best articles are awarded during the events dedicated to the marking of the United Nations Anti-Corruption Day.

ORGANISATIONAL CHART



REPUBLIC OF LITHUANIA
LAW ON THE SPECIAL INVESTIGATION SERVICE
May 2, 2000, No. VIII-1649
Vilnius

CHAPTER I
GENERAL PROVISIONS

Art. 1. Scope

This Law lays down the objectives of the Special Investigation Service of the Republic of Lithuania, the legal basis of its activities, its tasks and functions, the organisation of the Service, its financing, ways of control of its activities, and the rights and duties of its officers.

Art. 2. Definitions

1. The Special Investigation Service of the Republic of Lithuania (hereinafter – the Special Investigation Service or the Service), is a state law enforcement agency functioning on the statutory basis, accountable to the President of the Republic and the Seimas, which develops and implements corruption prevention measures, detects and investigates corruption related crimes.
2. Corruption is a promise, offer or giving by a person of any illicit reward to a state politician, official or employee, also a direct or indirect request or acceptance by a state politician, official or employee of any illicit reward for himself or another person, or acceptance of an offer or promise of such a reward for performance or non-performance of certain functions, also a promise, offer or giving by a person of any illicit reward to any person who claims he may influence the decisions of a state politician, official or employee, a direct or indirect request by a person who claims he may influence the decisions of a state politician, official or employee for or acceptance of any illicit reward or acceptance of an offer or promise of such a reward, also complicity in committing the acts specified in this paragraph.
3. Any person having appropriate powers and duties at an institution of another state, an international organisation or at international judicial institutions shall have the status equivalent to that of a state politician, official or employee.
4. A person is a natural or legal person of any state, or a person without the status of a legal person or any person having a different legal status established by the state where he is registered.

Art. 3. Legal Basis for the Activities of the Special Investigation Service

1. The Special Investigation Service shall be guided by the Constitution of the Republic of Lithuania, the laws of the Republic of Lithuania, international treaties, the Statute of the Service, and other legal acts.
2. The Statute of the Special Investigation Service shall be approved by a law passed by the Seimas.
3. The Special Investigation Service is a legal entity having its own settlement account with a bank, its seal with the national emblem of Lithuania and the name "The Special Investigation Service of the Republic of Lithuania", its own flag and insignia.

Art. 4. The Principles of the Activities of the Special Investigation Service

The activities of the Special Investigation Service shall be based on the rule of law, lawfulness, respect for human rights and freedoms, the principles of equality before the law, openness and confidentiality, as well as on the principle of balance between personal initiative of the officers and the institutional discipline.

Art. 5. Professional Links of the Special Investigation Service
While performing the tasks assigned to it, the Special Investigation Service shall maintain professional links with other institutions of the Republic of Lithuania, also with various agencies, organisations and enterprises, and shall encourage personal initiative of natural and legal persons in implementing anti-corruption measures. Through the mass media and in other ways, the Special Investigation Service shall inform the public about the enforcement of corruption control and prevention programmes and measures, and the anti-corruption activities carried out by central and local government institutions and agencies.

Art. 6. Obligation to Provide Information to the Special Investigation Service
1. Upon the request by the Special Investigation Service, the Government of the Republic of Lithuania, ministries and other central and local government institutions and agencies, within five working days, must submit to the Service legal acts which have been adopted but have not yet been published in the "Valstybės žinios" (Official Gazette).
2. Central and local government institutions and agencies must make it possible for the Special Investigation Service to have free and unrestricted access to the data of state registers, cadastres and classificators, data banks of state institutions, agencies and enterprises, while data banks of other enterprises, agencies, organisations and natural persons may be accessed on a contractual basis.

CHAPTER II
TASKS AND FUNCTIONS OF THE SPECIAL INVESTIGATION SERVICE

Art. 7. Tasks of the Special Investigation Service
The Special Investigation Service shall guard and protect an individual, society, and the State from corruption, and shall conduct prevention and detection of corruption.

Art. 8. Functions of the Special Investigation Service
The Special Investigation Service shall:
1) carry out operational activities in detecting and preventing corruption related crimes;
2) conduct an inquiry and preliminary investigation;
3) co-operate with other law enforcement institutions in the manner laid down by legal acts;
4) collect, store, analyse and sum up the information about corruption and related social and economic phenomena;
5) on the basis of the available information prepare and implement corruption prevention and other measures;
6) jointly with other law enforcement institutions implement crime control and prevention programmes;
7) report in writing, at least twice a year, to the President of the Republic and the Chairman of the Seimas about the results of the Service's activities and submit its proposals how to make the activities more effective.

CHAPTER III
THE STRUCTURE AND ADMINISTRATION OF THE SPECIAL INVESTIGATION SERVICE

Art. 9. Establishment and Abolition of the Special Investigation Service and its Units
1. The Service shall be established and abolished by a separate law.

2. The Service may consist of boards, divisions, branches and other units.
3. The units of the Service shall be established, reorganised, and abolished, and the number of the staff shall be approved by the Director of the Service.

Art. 10. The Staff of the Special Investigation Service
1. The staff of the Service shall be officers and other public servants.
2. The status of the officers of the Special Investigation Service shall be established by the Law on the Special Investigation Service and the Statute of the Special Investigation Service; the status of other public servants employed at the Service shall be established by the Law on the Public Service of the Republic of Lithuania.

Art. 11. The Management of the Special Investigation Service
1. A candidate to the post of the Director of the Special Investigation Service shall be nominated to the Seimas by the President of the Republic of Lithuania who shall also appoint and dismiss the Director of the Service, by and with the consent of the Seimas. The Director shall be appointed for a term of five years but he may hold this post no longer than for two terms in succession.
2. The First Deputy Director and the Deputy Director shall be appointed and dismissed by the President of the Republic by the advice of the Director.
3. In the absence of the Director of the Special Investigation Services, one of his Deputies shall act for him.

Art. 12. Grounds for the Dismissal of the Director of the Special Investigation
Service and His Deputies
1. The Director and Deputy Directors of the Special Investigation Service shall be dismissed from office in the event of:
1) resignation;
2) breach of the oath;
3) coming into effect of a conviction;
4) ill health attested by an opinion of an appropriate medical examining commission;
5) mutual agreement;
6) transfer by his own consent to another job;
7) transpiring of the circumstances referred to in Art. 15;
8) termination of his term in office unless he is appointed for the second term.
2. The Director of the Special Investigation Service and his deputies, upon reaching the age when, under law, officers and servicemen of the institutions of the Interior, the Special Investigation Service, the State Security, the National Defence, the Prosecutors' Office, the Department of Prisons and its subordinate institutions become eligible for the state pension, may be dismissed from office.
3. Disputes relating to the dismissal from office shall be settled in the manner set forth in the Law on Administrative Proceedings.

CHAPTER IV
RIGHTS AND DUTIES OF THE OFFICERS OF THE SPECIAL INVESTIGATION SERVICE AND RESTRICTIONS ON THEIR ACTIVITIES

Art. 13. The Rights of the Officers of the Special Investigation Service
1. When pursuing a person suspected of commission of a crime, preventing a crime which is being committed, verifying the information about abuse of office by state officials and public

servants, their links with persons connected with criminal organisations, or when discharging his other official duties, if there grounds and causes provided by law, the officer of the Special Investigation Service shall produce his badge and authority card.

2. An officer of the Special Investigation Service shall have the right :

1) to inspect identity documents and take persons suspected of commission of a crime to the offices of the Special Investigation Service or the police;

2) in cases and in the manner provided by law, to use a weapon, special means and other types of force;

3) to enter, without any hindrance, the premises of enterprises of all types of ownership, agencies and organisations, during office hours, at other time – accompanied by a representative of the administration of the organisation, its owner or his representative;

4) in cases and the manner provided by law, to open the premises or means of transport by force;

5) on his way to the scene of a crime, when in pursuit of a person suspected of commission of a crime, when transporting a person in need of an urgent medical assistance to a hospital – to use, without any hindrance, all types of means of transport and communications belonging to enterprises, agencies, organisations or natural persons, with the exception of those belonging to foreign diplomatic missions or consular representations. At the request of the owner or operator of the vehicle or means of communication, he shall be issued a certificate of the form established by the Director of the Special Investigation Service, under which the losses or damage shall be compensated to him from the funds of the Special Investigation Service;

6) to stop motor vehicles and check the documents of the driver, passengers or the vehicle, inspect the cargo and other things in the vehicle;

7) on his way to the scene of the crime or in pursuit of a person suspected of commission of a crime, to use, in the prescribed manner, the blue flash lights and sound signals of the cars;

8) to obtain information or explanation from persons about crimes which are being planned, committed or have been committed, and about other violations of law;

9) to inspect economic, financial and other activities of all types of enterprises, agencies and organisations;

10) after a notification to the head or the owner of an enterprise or their representative, and with the permission of the Director of the Special Investigation Service, to order stock taking, audit, to carry out an inspection, to examine and take the accounting documents, the material relating to the staff, auditing material and other documents and things;

11) to carry out other actions which an officer of the Special Investigation Service is authorised to carry out by law.

3. An officer of the Special Investigation Service, in the course of his official duties at the border points, customs and other places and territories with their own special internal rules, shall, upon producing the service badge and his authority card, have the right:

1) to inspect the documents of individuals and officials, of means of transport and cargoes;

2) to detain the infringers of the border and customs rules and other persons, to frisk the person and search his personal effects and, pursuant to laws regulating the detention procedure and guarantees of the detained persons, to take them to the offices of the border police, customs or other law enforcement institutions;

3) to stop and inspect means of transport, and to seize personal effects or documents in the prescribed manner;

4) to carry out other actions which an officer of the Special Investigation Service is authorised to carry out by law.

Art.14. Duties of the Officers of the Special Investigation Service

An officer of the Special Investigation Service must:

1) honour his oath;

2) upon receiving a report or a statement about a crime which is being planned or committed or some other violation of law, or when witnessing a crime, take all immediate measures to prevent the crime which is being planned or committed or some other violation of law, to seal off the scene of the crime, to identify the witnesses, and to report the accident to the police;

3) to safeguard state and official secrets;

4) to guarantee the rights and lawful interests of the detained persons, to provide first aid and any other necessary assistance to the victims of crimes and violations of law and to the persons who are in a helpless state.

Art. 15. Restrictions Applicable to the Officers of the Special Investigation Service

1. It shall be prohibited for the officers of the Special Investigation Service:

1) to be members of political parties or political organisations, to take part in political activities;

2) to be members of administrative bodies of enterprises, agencies or organisations, to receive remuneration for work at such bodies, except where it is necessary for intelligence activities carried out by the Service and for a period not longer than is necessary for attaining the objective of the assignment;

3) to conclude contracts on behalf of the Special Investigation Service with enterprises where they themselves or members of their families are owners or co-owners or to hold by proxy shares owned by third persons;

4) to represent the interests of national or foreign enterprises;

5) to be employed on a labour contract basis, to work in the capacity of an advisor, expert or consultant at enterprises, agencies, organisations and other institutions, also to get remuneration other than laid down by this Law, with the exception of cases when this is necessary for intelligence activities carried out by the Service and for a period not longer than is necessary to attain the objective set by the assignment, also except remuneration for teaching and creative work;

6) to take part in strikes, pickets or rallies which might directly obstruct the activities of the Special Investigation Service or the performance of duties by an officer of the Special Investigation Service, to be a member of a trade union.

2. An officer of the Special Investigation Service may not accept gifts or services directly or indirectly related to his office, except in cases provided by law.

3. An officer of the Special Investigation Service shall also be subject to other restrictions determined by the Law on the State and Official Secrets.

CHAPTER V
LEGAL PROTECTION OF THE OFFICERS OF THE SPECIAL INVESTIGATION SERVICE

Art. 16. Independence of the Officers of the Special Investigation Service

1. While discharging their official duties and carrying out assignments of their superiors, the officers of the Special Investigation Service shall be guided by laws and other legal acts.

2. State institutions and agencies or their employees, political parties, public organisations and movements, the mass media, other natural or legal persons shall be prohibited from interfering with operational and other activities carried out in the line of duty by the officers of the Special Investigation Service.

3. Meetings, pickets and other actions on the premises of the Special Investigation Service, and within the distance of 25 metres from the buildings of the Special Investigation Service, shall be prohibited.
4. Filming, taking photos, making audio or video recordings on the premises of the Special Investigation Service shall be permitted only subject to an authorisation by the Director of the Special Investigation Service.

Art. 17. Guarantees of the Activities of the Special Investigation Service Officers
1. A criminal action against an officer of the Special Investigation Service may be instituted only by the Prosecutor General of the Republic of Lithuania or his Deputy.
2. In the course of their official duties, the officers of the Service may not be taken to the police or detained, body search, the search of their personal effects and their means of transport shall be prohibited, without participation of the head of the appropriate Special Investigation Service unit or a person authorised by him, with the exception of cases when the officer is detained in flagrante delicto.
3. Information about the officers of the Service who are carrying out or who have carried out special assignments shall be a state secret and may be used and declassified only in cases and the manner set forth by legislation of the Republic of Lithuania.
4. Protection of the officers of the Service and their family members may be provided in the manner prescribed by the Law on the Protection of the Participants of the Criminal Procedure and of Operational Activities, Officers of Judicial and Law Enforcement Institutions from Tampering.

CHAPTER VI
USE OF FORCE

Art. 18. The Right of Officers of the Special Investigation Service to Use Force
1. This Law and the Statute of the Special Investigation Service shall authorise an officer of the Special Investigation Service, when performing the tasks assigned to him, to insist that individuals obey his lawful orders. In the event of disobeying the orders or resistance, the officer of the Service has the right to resort to the use of force.
2. The officers of the Special Investigation Service have the right to possess, keep and use an authorised firearm, explosives and explosive substances.
3. Types of force and grounds for the use of a firearm and explosive substances and the manner of their use shall be regulated by the Statute of the Special Investigation Service and the Law on the Control of Weapons and Ammunition.

CHAPTER VII
SOCIAL GUARANTEES OF THE OFFICERS OF THE SPECIAL INVESTIGATION SERVICE

Art. 19. Principles of Social Guarantees
1. Officers of the Special Investigation Service shall be entitled to social guarantees established by law for the staff of law enforcement institutions.
2. The rate of the basic salary of the officers of the Special Investigation Service shall be established by the Law on the Public Service, while the rate and the manner of payment of increments, additional pays, compensations and benefits shall be established by the Statute of the Special Investigation Service of the Republic of Lithuania and other legal acts.

3. The manner of granting pensions to officers of the Special Investigation Service shall be specified by the Statute of the Special Investigation Service of the Republic of Lithuania, laws and other legal acts.

CHAPTER VIII
FINANCING OF THE SPECIAL INVESTIGATION SERVICE, MATERIAL SUPPLIES AND CONTROL OF ITS ACTIVITIES

Art. 20. Financing of the Special Investigation Service

1. The Special Investigation Service shall be financed from the state budget of Lithuania and shall manage the allocations assigned to it.
2. The Special Investigation Service may have its own special funds for operational activities.

Art. 21. Material and Technical Supplies of the Special Investigation Service

1. Material and technical supplies for the Special Investigation Service shall be provided from the funds assigned to it.
2. The assets assigned by the State to the Special Investigation Service shall be managed, used and disposed by it in trust.

Art. 22. Supervision of the Activities of the Special Investigation Service

1. Inquiries and preliminary Investigation conducted by the Special Investigation Service shall be supervised by a prosecutor.
2. The internal regulations of the Special Investigation Service shall be determined by the Director of the Service.

CHAPTER IX
FINAL PROVISIONS

Art. 23. Validity of Other Legal Acts and Tasks of the Government

1. Legal acts regulating social guarantees of the officers of the Special Investigation Service adopted before entry into force of this Law, shall remain effective until appropriate legal acts replacing them and implementing this Law are adopted, but not longer than specified in par. 2 of this Article.
2. The Government shall:
1) within 3 months from entry into force of this Law, bring into line with this Law the subordinate legislation which does not conform with the provisions of this Law;
2) within 2 months from entry into force of this Law, amend the resolution of the Government of the Republic of Lithuania establishing the list of positions of law officers with account of the list of positions of the Special Investigation Service;
3) within 2 months from entry into force of this Law, amend the procedure of accessing the data of state cadastres, classificators and registers, and include the Special Investigation Service into the list of state government and administration institutions which have the right to obtain free of charge from keepers of state cadastres, classificators and registers the data of these cadastres, classificators and registers;
4) within 3 months from entry into force of this Law, establish the procedure and rates of reciprocal services provided by entities of operational activities and access to the information in the possession of the Operational Activities Service, and Lithuania National Bureau of Interpol of the

Police Department, also establish the procedure on how entities of operational activities make use of the services of other units of the Ministry of the Interior (The Department of Information Technology and Communications, the Migration Department, the Bureau of Addresses and Information and the Health Care Service).

Art. 24. Entry into Force of the Law on the Special Investigation Service

The Law on the Special Investigations Service shall enter into force on June 1, 2000.

I promulgate this Law passed by the Seimas

PRESIDENT OF THE REPUBLIC VALDAS ADAMKUS

Law of Ukraine on the National Anti-Corruption Bureau of Ukraine (NABU)

Law of Ukraine
on the National Anti-Corruption Bureau of Ukraine
Date of entry into force: 25 February 2015

The Law determines the legal foundations of the organization and functioning of the National Anti-Corruption Bureau of Ukraine.

According to Art. 1 of the Law, the National Anti-Corruption Bureau of Ukraine (hereinafter referred to as the "National Bureau") is a state law enforcement body charged with prevention, discovery, curbing, investigation and solving corruption-related offences within its investigative jurisdiction, and prevention of new offences. The task of the National Bureau is counteracting corruption-related offences that are committed by high-ranking officials authorized to exercise functions of the state or local government, and the criminal offences which constitute a threat to the national security. The National Bureau was created by the President of Ukraine.

The main principles of activity of the National Bureau are determined by Art. 3 of the Law.

According to Art. 4 of the Law, independence of the National Bureau in its activity is guaranteed by:

- the special procedure for competitive selection of the Director of the National Bureau and an exhaustive list of grounds for the termination of authority of the Director of the National Bureau, as determined by the Law;
- competitive selection principles for other employees of the National Bureau, their special legal and social protection, and appropriate labor remuneration conditions;
- procedure established by law for financing, and material and technical support of the National Bureau;
- measures determined by law to ensure personal safety of the National Bureau employees, their immediate family and property;
- other measures determined by the Law.

The National Bureau consists of the central and territorial administration units that are legal entities under public law. The maximum number of staff in the central and territorial units of the National bureau is 700 persons, including no more than 200 persons of senior staff (Art. 5 of the Law).

According to Art. 6, the work of the National Bureau is managed by its Director, appointed to their post by approval of the Verkhovna Rada of Ukraine and dismissed from their post by the President of Ukraine, according to the procedure established by the Law. The Verkhovna Rada of Ukraine, by suggestion of at least one third of the people's deputies of Ukraine from the constitutional membership of the Verkhovna Rada of Ukraine, can pass a vote of no confidence to the Director of the National Bureau, which must result in their dismissal from the post.
The Director of the National Bureau must be a citizen of Ukraine who possesses higher legal education, work experience of at least 10 years in their professional field, work experience of at least 5 years in managerial positions in government authorities, institutions, organizations, or international organizations, a good command of the official language, and the ability to carry out appropriate official duties based on their professional and moral qualities, educational and professional level, and state of health.

The procedure for competitive selection and appointment of the Director of the National Bureau is established by Art. 7 of the Law.

Art. 8 of the Law determines the authority of the Director of the National Bureau.

Employees of the National Bureau include members of senior staff, state officials, and other employees working in the National Bureau under labor agreements. Members of senior staff are employees of quick response units, units for protection of members of criminal proceedings and for ensuring employee safety according to the Law, and operative units of the National Bureau. The time of service in the National Bureau is included in the pensionable service, length of professional service, and length of government service, according to law. Citizens of Ukraine who, based on their personal and professional moral qualities, age, educational and professional level, and state of health, are capable of fulfilling appropriate official duties, are accepted for service in the National Bureau on competitive, voluntary and contract basis. Qualification requirements for professional suitability are determined by the Director of the National Bureau. Appointment to positions in the National Bureau is exclusively carried out on the basis of the results of an open competition conducted according to the procedure determined by the National Bureau. Members of senior staff of the National Bureau are subject to the provision on service of regular and senior staff of internal affairs bodies, and to the Disciplinary Regulation of the internal affairs bodies of Ukraine. Labor relations of employees of the National Bureau are regulated by the legislation on labor and state service, and concluded labor agreements (contracts). Specialists of the National Bureau without special ranks are subject to the Law of Ukraine on Civil Service. Positions of specialists of the National Bureau are included in appropriate categories of employee positions of ministries, other central executive authorities and their territorial bodies, according to the procedure established by the legislation. Employees of the National Bureau undergo mandatory advanced training regularly, at least once per two years.

Art. 11 of the Law determines special ranks of members of senior staff of the National Bureau.
According to Art. 13 of the Law, a person cannot be appointed to a position in the National Bureau if they:

- have been declared legally incompetent, or have diminished legal capacity, according to a court ruling;
- have a criminal conviction that has not been expunged or removed from official records according to the procedure established by law (except for a rehabilitated person), or have been subject to administrative disciplinary action for a corruption-related offence during the previous year, or have been brought to liability for a deliberate crime;
- according to a court verdict that has taken effect, have been deprived of the right to carry out activities related to exercising functions of the state, or the right to hold certain posts;
- hold a citizenship of another state;
- if appointed, will be directly subordinated to a person who is a close person according to the Law of Ukraine on Corruption Prevention;
- have not passed the special inspection;
- have not passed the inspection and are subject to a prohibition under the Law of Ukraine on Lustration;
- have not submitted a declaration of property, incomes, expenses, and financial liabilities.

The employees of the National Bureau have no right to:

- be members of or take part in creation or activity of political parties; organize or participate in strikes;
- be trustees of third parties in the affairs of the National Bureau;
- use the National Bureau, its employees and property in the interests of parties or groups, or in personal interests.

The employees of the National Bureau are subject to other restrictions and requirements established by the Law of Ukraine on Corruption Prevention. When appointed to a position in the National Bureau, a person is informed that they may be subject to an inspection of trustworthiness (an integrity test) and monitoring of their way of life.
The obligations and rights of the National Bureau are determined by Art. 16 and 17 of the Law.
While performing their obligations, the employees of the National Bureau represent the government, act in the name of the state, and remain under its protection. No one has the right to interfere with their lawful activities, with the exception of authorized officials of government bodies, in cases provided for by laws. To ensure personal safety of the employees of the National Bureau and their family members, information about their place of residence cannot be divulged through the mass media. Information about the service carried out by the employees of the National Bureau is provided with the consent of the Director of the National Bureau or their deputy. If an employee of the National Bureau is detained, or subjected to preventive measures in the form of custodial restraint, they are held separately from other persons. Persons who voluntarily, including under an agreement, assist the National Bureau in the execution of its authority, are under protection of the state. Unlawful divulgement of information about such persons, and other offences regarding such persons and their families, committed in relation to their association with the National Bureau result in liability provided for under the law. An employee of the National Bureau who, according to the Law, reported unlawful acts or inaction of another employee of the National Bureau cannot be dismissed, or be forced to resign, brought to liability, or otherwise persecuted for such reporting, except for being brought to liability for knowingly false accusation of crime. Officials of the National Bureau are forbidden to divulge information about the employees of the National Bureau who reported the offence (Art. 21 of the Law).

Art. 22 of the Law regulates social protection of the employees of the National Bureau.

Internal control units monitor the way of life of the employees of the National Bureau in order to establish the relation between their standard of living to the property and income of such employees and their family members, according to the declaration of property, income, expenses, and financial liabilities submitted by them according to law. Established non-correspondence of the standard of living of an employee of the National Bureau to the income and property of such employee and their family members constitutes legal grounds for bringing such employee to disciplinary liability (Art. 29 of the Law).

According to Art. 31 of the Law, in order to ensure transparency and civil control over the activity of the National Bureau, a Civil Control Board is created with the National Bureau, consisting of 15 persons and formed on the principles of an open and transparent competition.

The Law supplements Art. 216 of the Criminal Procedural Code of Ukraine with a new part, according to which investigators of the National Anti-Corruption Bureau of Ukraine conduct pre-trial investigation of crimes under the following Articles of the Criminal Code of Ukraine: Art. 191 "Embezzlement, misapplication or misappropriation of property through abuse of office", Art. 206-2 "Unlawful appropriation of company, institution or organization property", Art. 209 "Legalization (laundering) of criminal incomes", Art. 210 "Unauthorized use of budget funds, budget expense incurrence, or providing loans from the budget without established budget allocations, or in their excess", Art. 211 "Issue of normative legal acts that decrease budget revenues or increase budget expenses against the law", Art. 354 "Bribery of a company, institution, or organization employee" (in respect of employees of legal entities under public law), Art. 364 "Abuse of power or office", Art. 368 "Accepting offers, promises, or unlawful benefits by an official", Art. 368-2 "Unlawful enrichment", Art. 369 "Offer, promise, or providing unlawful benefits to an official", Art. 369 "Abuse of influence", Art. 410 "Theft, appropriation, extortion of weapons, ammunition, explosives or other combat substances, vehicles, military and specialized equipment or other military property by military servicemen, appropriation of the above through fraud or abuse of office", in the presence of at least one of the following conditions:

1) the crime was committed by:

- a people's deputy of Ukraine, the Prime Minister of Ukraine, a member of the Cabinet of Ministers of Ukraine, the first deputy or deputy minister, the Head of the National Bank of Ukraine, their first deputy or deputy, member of the Board of the National Bank of Ukraine, the Secretary of the Council of National Security and Defense of Ukraine, their first deputy or deputy;
- a state official whose position is included in the first or second position category, or by a person whose position is equivalent to the first or second category of civil service positions;
- a deputy of the Verkhovna Rada of the Autonomous Republic of Crimea, a deputy of a regional council, the city council of the cities of Kyiv or Sevastopol, or an official of local government whose position is included in the first or second position category;
- a judge of the Constitutional Court of Ukraine, a judge of a court of general jurisdiction, a people's assessor or jury member (during their exercise of these functions), the Head, members or disciplinary inspectors of the Supreme Qualification Commission of Judges of Ukraine, the Head, Deputy Head, or sectary of the Supreme Council of Justice, or another member of the Supreme Council of Justice;
- the Prosecutor General of Ukraine, their deputy, assistant to the Prosecutor General of

Ukraine, a prosecutor of the Prosecutor General's Office of Ukraine, an investigator of the Prosecutor General's Office of Ukraine, a head of a organizational unit of the Prosecutor General's Office of Ukraine, the prosecutor of the Autonomous Republic of Crimea, the cities of Kyiv or Sevastopol, the region, or their deputy, the head of an organizational unit of the prosecutor's office of the Autonomous Republic of Crimea, the cities of Kyiv or Sevastopol, or the region;

- a member of the supreme senior staff of internal affairs bodies, the state criminal execution service, civil defense bodies and units, an official of the customs service who holds a special rank of the state customs advisor grade III or above, or an official of the state tax service bodies who holds a special rank of the state tax and customs advisor grade III or above;
- a military serviceman of the senior officer corps of the Armed Forces of Ukraine, the Security Service of Ukraine, the State Border Guard Service of Ukraine, the State Special Transport Service, the National Guard of Ukraine, and other military formations created according to laws of Ukraine;
- the head of a large business entity where the state or municipal owner share in the statutory capital exceeds 50%;

2) the target of crime or the damage caused by the crime is equal to or exceeds the amount that is 500 or more times the minimum wage established for the appropriate year (if the crime was committed by an official of a state authority, law enforcement body, military formation, body of local government, or business entity where the state or municipal owner share in the statutory capital exceeds 50%);

3) a crime under Art. 369, Art. 369-2, part 1 of the Criminal Code of Ukraine has been committed regarding an official determined in Art. 18, part 4 of the Criminal Code of Ukraine, or in par. 1 above.

The Law also introduces appropriate amendments to the Criminal Code of Ukraine, the Budget Code of Ukraine, Laws of Ukraine "On the Prosecutor's Office", "On Operational Investigation Activity", "On Preliminary Detention", "On Civil Service", "On Ensuring the Safety of Persons Taking Part in Criminal Proceedings", "On State Protection of Court and Law Enforcement Employees", "On the Procedure for Compensation of Damages Caused to Citizens by Unlawful Acts of Bodies Conducting Operational Investigation, Bodies of Pretrial Inquiry, Prosecutor's Office, and Court", "On Banks and Banking", "On Grounds of Corruption Prevention and Counteraction", "On Amendments to Certain Legislative Acts of Ukraine to Improve Operations of the Prosecutor's Office."

□

CENTRAL ANTI-CORRUPTION BUREAU (CBA) – Poland

The Central Anti-Corruption Bureau (CBA) is a special service established to combat corruption in public and economic life, particularly in public and local government institutions. It also fights against activities detrimental to the State's economic interest. The Bureau conducts its activities under the Act of 9 June 2006 on the Central Anti-Corruption Bureau.

Head of the CBA

The Head of the Central Anti-Corruption Bureau is a central organ of government administration, supervised by the Prime Minister. His activity is controlled by the lower chamber of the Parliament (Sejm).

The Head of the CBA is appointed for a four-year term, which may be renewed only once, and recalled by the Prime Minister, following a consultation with the President of the Republic of Poland, the Special Services Committee and the Parliamentary Committee for Special Services.

Tasks of the CBA

The tasks of the CBA comprise identification, prevention and detection of crimes (provided for in Art. 2 par. 1, item 1 of the Act on the CBA) and prosecution of perpetrators, as well as:

- disclosure and prevention of cases of non-compliance with the restrictions on the conduct of business activities by persons performing public functions;
- documentation of the grounds for and initiation of the implementation of the provisions on the reimbursement of unjustly obtained benefits at the expense of the State Treasury or other public legal entities;
- verification of the accuracy and veracity of asset declarations and statements on the conduct of business activities by persons performing public functions;
- disclosure of cases of non-compliance with law-making procedures and implementation of decisions concerning: privatisation and commercialisation, financial support, award of public procurement contracts, disposal of assets of the public finance sector entities, entities receiving public funds, enterprises with State Treasury shareholding or local government units, granting of concessions, permits, subject exemptions, reliefs, preferences, quotas, tariff ceilings, sureties, and bank guarantees;
- carrying out of analytical activities concerning the phenomena occurring wi-

thin the CBA's competence and reporting the information obtained to the Prime Minister, the President of the Republic of Poland, and to the Parliament (both chambers – the Sejm and the Senate).

Preventive activities

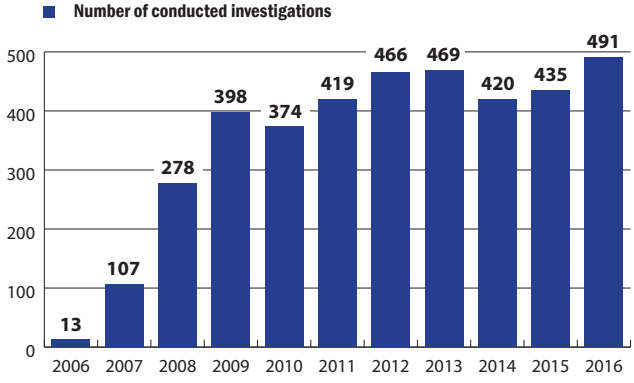
Preventive activities also constitute an important part of the CBA performance.

The CBA officers, within the limits of the tasks defined in the Act, perform the following activities:

Operational activities and legal proceedings

Operational intelligence is performed by the officers of the CBA in order to prevent the perpetration of crimes, to recognise and detect the offences. It also aims to obtain and process information relevant to combating corruption in state and local government institutions, including activities against the economic interest of the State.

In the case of a justified suspicion of crime perpetration, the CBA officers perform investigative activities specified by the provisions of the Code of Criminal Procedure, including activities ordered by court and the prosecutor.



Control activities

The Bureau has an exclusive right to verify asset declarations and economic decisions.

The CBA's verifications aim at the disclosure of corruption cases in public institutions, abuse of powers by persons performing public functions, and activities against the economic interest of the State.

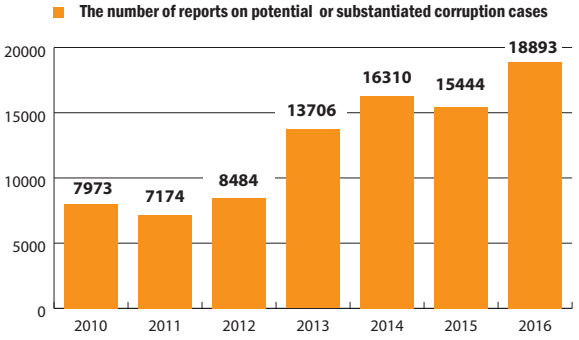
Verifications are conducted on the basis of annual control plans, approved by the Head of the CBA or, if necessary, on an ad hoc basis. They cover:

- disclosure and prevention of cases of non-observance of the law, for example in the scope of issuing economic decisions (among others: privatisation, financial support, disposal of state and municipal assets, public procurement);
- verification of the accuracy and veracity of asset declarations or statements on the conduct of business activities by persons performing public functions.

Analytical activities

The identification of threats detrimental to the economic interest of the State is the basic objective of analytical and informative undertakings of the CBA officers. Equally significant is the appropriate and predictive communicating them to the state authorities, supported by the formulation of proposals of remedial actions. Analysis supports operational intelligence, investigative and control tasks. Activities conducted in 2016 concerned mainly public procurement, privatisation, government programmes and activities of selected public institutions. The fact that an increasing number of respondents positively evaluate the CBA's perfor-

mance is reflected in the number of potential corruption cases reported to the Bureau.



The corruption threat anticipation developed by the Bureau in 2013 allowed to focus the CBA's activities on eight selected areas – infrastructure, ICT in the public administration sector, the use of EU funds, the defence sector, healthcare, environmental protection, corruption in civil service, and energy.

Every year, the CBA prepares and issues a document titled *The Corruption Map*, which reflects the state of corruption offences in Poland. The report is prepared in cooperation with other services, the General Prosecutor's Office, and the Ministry of Justice.

The CBA'S websites

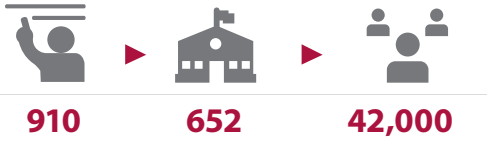
The CBA's official website (www.cba.gov.pl) is also available in English. The websites in both language versions include basic information related to the activities of the Bureau. In 2014, the graphic design of the website was changed, it was also adapted to the needs of people with disabilities. The Bureau posts information on Facebook, Twitter and Google+.

The educational content can also be found on www.antykorupcja.gov.pl and websites run by the CBA on Facebook, Twitter, and YouTube. The website contains information of educational nature covering, among others, current media reports on corruption and its countermeasures, analyses and reports as well as the results of social research.

Anti-corruption training courses

Since 2010 the CBA officers, on the grounds of their experience in the field of combating and preventing corruption, have conducted training courses for employees of government and public administration institutions. The courses are also carried out during various workshops and conferences addressing anti-corruption issues.

By the end of 2016, more than 910 training courses were conducted in 652 institutions. More than 42,000 people were trained



The training is complemented with handbooks issued by the CBA and addressed to officials and entrepreneurs. An important element of the training is the discussion about the most common irregularities and mistakes in the implementation of public procurement procedures.

2014–2019 Government Programme For Counteracting Corruption

The CBA carries out tasks resulting from the resolution on the *2014–2019 Government Programme for Counteracting Corruption* adopted on 1 April 2014 by the Council of Ministers. The CBA is one of the most involved

institutions. The Head of the CBA is the deputy chairperson of the Interministerial Team for Coordination and Monitoring of the Implementation of the Government Programme for Counteracting Corruption. The Minister of the Interior holds the function of the Team's Chairperson. The CBA participated in 31 activities included in 15 tasks.

Publications

In the years 2010–2016, the CBA issued 51 publications, 34 of which were in Polish, 9 – in English, and 8 were bilingual – Polish-English. The publications are available as e-books and audiobooks on the websites: www.cba.gov.pl and www.antykorupcja.gov.pl.

International cooperation

In order to carry out the tasks of the Bureau, the Head of the CBA may cooperate with competent authorities and services of other countries and with international organisations. Pursuant to the Act on the CBA, such cooperation is feasible exclusively after obtaining the consent of the Prime Minister. So far, the Bureau has obtained an approval to cooperate with 50 countries and 12 international organisations in order to exchange best practices, extend the knowledge of the solutions and instruments applied to fight corruption abroad as well as to exchange information on current operational and investigative activities conducted by foreign services.

The CBA established cooperation with, among others, The World Bank, which resulted in a joint publication titled *Fraud and Corruption Awareness Handbook. A handbook for Civil Servants Involved in Public Procurement*.

The CBA participated in 3 projects supported by the EU (under the ISEC Programme): Rising of Anticorruption Training System in collaboration with the STT (Lithuania) and KNAB (Latvia), SIENA for Anticorruption Authorities (S4ACA) – with the Austrian Federal Anti-Corruption Bureau (BAK) and EUROPOL as well as the Cross-border cooperation between law enforcement agencies regarding preventing and combating economic and financial crimes and corruption, as part of ensuring security in the European Union in cooperation with the Regional Police Headquarters in Lublin.

The Steering Committee of the Regional Anti-Corruption Initiative (RAI)[1] granted the CBA observer status. This allows the CBA to participate in various anti-corruption initiatives, such as international projects, training courses, seminars, and educational activities, including scientific undertakings. These initiatives contribute to raising anti-corruption awareness in Southern, Central and Eastern Europe.

Under the programme *Prevention of and Fight against Crime*, the European Commission awarded a grant to the CBA for the implementation of the project Rising of Anticorruption Training System. The Lithuanian Special Investigation Service (STT) was the co-beneficiary of the project, the Latvian Corruption Prevention and Combating Bureau (KNAB) was the project partner. The project has ended in 2016.

The implementation of the activities was planned for 36 months. The whole project consists of two components: (1) a series of six international anti-corruption training conferences on combating and preventing corruption. In the conferences, over 200 participants took part – practitioners and professionals representing anti-corruption authorities and institutions from: Poland, Estonia, Lithuania, Latvia, Norway, Croatia, Moldova, Azerbaijan, Montenegro, Denmark, Macedonia, Austria, Slovenia, Bulgaria, and Romania; (2) the launch of an e-learning platform, which is available on the site https://szkolenia-antykorupcyjne.edu.pl/ both in Polish and English. The training course is divided into three sections: corruption in public administration, corruption in business, social effects of corruption. The platform was presented at the 66th plenary meeting of The

[1] Composition of RAI: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Montenegro, Macedonia, Moldova, Romania, and Serbia.

Council of Europe Group of States against Corruption (GRECO). The information about the initiative was widely propagated on the national and international level. Till the end of 2016, over 51,300 domestic and foreign users were recorded.

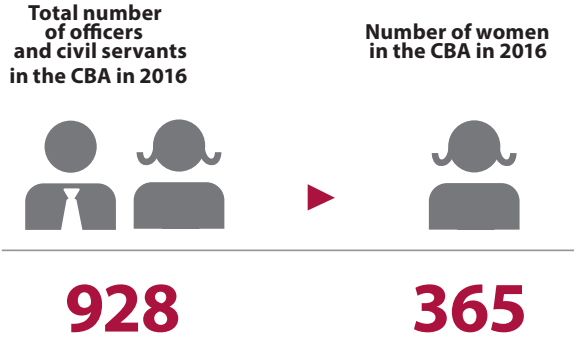
The CBA experts took part in the Twinning Project for Macedonia titled *Support to Efficient Prevention of and Fight against Corruption*, which prepares the country for the accession to the EU. They participated in four missions, during which they analysed draft and enacted laws in the field of conflict of interest. Preliminary conclusions are contained in a report submitted to the coordinator of the project. The project has ended in 2016.

The CBA officers also participated in the Twinning Projects for Moldova, titled *Support to the Government of Moldova in the field of Anticorruption*, and for Montenegro – *Support to the Implementation of the Anticorruption Strategy and Action Plan*.

On the occasion of the International Anti-Corruption Day, celebrated on 9th December, since 2010 the CBA, in collaboration with other government agencies and non-governmental organisations, has organised annual International Anti-Corruption Conferences. So far, the meetings have been attended by over 1,000 guests from Poland and from other countries, including: Austria, Hungary, Slovakia, Germany, Switzerland, the Czech Republic, Ukraine, Belarus, Lithuania, Latvia, Denmark, Romania, the Unites States, France, Italy, the United Kingdom, Belgium, Albania, and Morocco.

The structure of the Bureau

The CBA is the smallest and also the youngest special service in Poland. It employs over 900 officers and civil servants, who are high-profile professionals in fields related to the tasks of the service, such as operational work, investigation, detection, analysis and control activities, direct protective measures, security of telecommunication networks, protection of confidential information and personal data, legal service, logistics and finance, audit and internal security, international cooperation or personnel training. More than one-third of the CBA personnel are women – 365 out of 928 officers and civil servants are female.



The CBA consists of the following units: Operations and Investigations Department, Security Department, Control Department, Analysis Department, Operational Techniques Bureau, Law Bureau, Finance Bureau, HR and Training Bureau, Logistics Bureau, IT Bureau, Control and Internal Affairs Bureau, Cabinet of the Head, and Internal Auditors' Unit. The CBA has its Regional Offices in Białystok, Bydgoszcz[2], Gdańsk, Katowice, Kraków, Lublin, Łódź, Poznań, Rzeszów, Szczecin, Warszawa, and Wrocław.

[2] Organisation in progress.

ACT
of 9 June 2006
ON THE CENTRAL ANTI-CORRUPTION BUREAU

Chapter 1
General provisions

Art. 1

1. The Central Anti-Corruption Bureau, hereinafter referred to as the "CBA", is established as a special service to combat corruption in public and economic life, particularly in public and local government institutions as well as to fight against activities detrimental to the economic interest of the State.

2. The Central Anti-Corruption Bureau is exclusively entitled to use the name Central Anti-Corruption Bureau and the acronym "CBA".

3. (expired)

3a. Within the meaning of the Act, corruption means an act which:

1) involves promising, proposing or giving, directly or indirectly, of any undue advantage by any person to a person performing a public function for themselves or any other person, in return for acting or omission to act in performing the person's function;

2) involves demanding or accepting by a person performing a public function, directly or indirectly, of any undue advantage for themselves or any other person, or accepting an offer or promise of such advantage in return for acting or omission to act in performing the person's function;

3) is perpetrated in the course of business activities, including the accomplishment of obligations towards the public authority (institution), involving promising, proposing or giving, directly or indirectly, of any undue advantage to a person who manages a unit which does not belong to the public finance sector, or who works for the benefit of such unit in any capacity, for themselves or any other person, in return for acting or omission to act, which breaches their obligations and constitutes a socially detrimental reciprocity;

4) is perpetrated in the course of business activities, including the accomplishment of obligations towards the public authority (institution), involving demanding or accepting, directly or indirectly, of any undue advantage by a person who manages a unit which does not belong to the public finance sector, or who works for the benefit of such unit in any capacity, for themselves or any other person, in return for acting or omission to act, which breaches their obligations and constitutes a socially detrimental reciprocity.

4. Within the meaning of the Act, an activity deemed detrimental to the economic interest of the State is any conduct, which may result in a serious damage, within the meaning of Art. 115 par. 7 of the Act of 6 June 1997 – the Criminal Code (Journal of Laws No. 88, item 553, as amended), to the property of:

1) a unit of the public finance sector, within the meaning of the Public Finance Act;

2) a unit not belonging to the public finance sector, receiving public funds;

3) entrepreneurs with the Treasury shareholding or local government units.

Art. 2

1. Within the competence set forth in Art. 1 section 1, the CBA`s tasks comprise:

1) operational intelligence, prevention and detection of criminal offences against:

a) the activity of public institutions and local government, set out in Art. 228–231 of the Act of 6 June 1997 – the Criminal Code, and also referred to in Art. 14 of the Act of 21 August 1997 on

Restrictions on Conduct of Business Activities by Persons Performing Public Functions (Journal of Laws of 2006 No. 216, item 1584, as amended),
b) the administration of justice, set forth in Art. 233, elections and referendum, set forth in Art. 250a, public order, set forth in Art. 258, the credibility of documents, set forth in Art. 270–273, property, set forth in Art. 286, business transactions, set forth in Art. 296–297 and 299 and 305, trading in money and securities, set forth in Art. 310 of the Act of 6 June 1997 – the Criminal Code, as well as offences referred to in Art. 585–592 of the Act of 15 September 2000 – the Code of Commercial Companies (Journal of Laws of 2013, item 1030, and Journal of Laws of 2014, items 265 and 1161) and set forth in Art. 179–183 of the Act of 29 July 2005 on Trading in Financial Instruments (Journal of Laws of 2014, items 94 and 586) where they are related to corruption or activities detrimental to the economic interest of the State,
c) financing of political parties, set forth in Art. 49 d and 49f of the Act of 27 June 1997 on Political Parties (Journal of Laws of 2001 No. 155, item 924) where they are related to corruption,
d) tax obligation, donation and subvention settlements set forth in Chapter 6 of the Act of 10 September 1999 – the Criminal Fiscal Code (Journal of Laws of 2013, item 186, as amended) where they are related to corruption or activities detrimental to the economic interest of the State,
e) the principles of sports competition set forth in Art. 46–48 of the Sports Act of 25 June 2010 (Journal of Laws of 2014, item 715),
f) trading in pharmaceuticals, circulation of foodstuffs for particular nutritional use, medical devices set forth in Art. 54 of the Act of 12 May 2011 on Refund of Pharmaceuticals, Foodstuffs for Particular Nutritional Use, and Medical Devices (Journal of Laws No. 122, item 696, as amended).
– as well as prosecution of the perpetrators thereof;
2) disclosure and prevention of non-observance of the provisions of the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions;
3) documentation of the grounds for and initiation of the execution of the provisions of the Act of 21 June 1990 on the Return of Unjustly Received Benefits to the Disadvantage of the State Treasury or Other State Legal Persons (Journal of Laws No. 44, item 255, as amended);
4) disclosure of cases of non-observance of procedures, laid down by law, for taking decisions and accomplishment thereof within the scope of: privatisation and commercialisation, financial support, award of public contracts, disposing of the property of the units or the entrepreneurs referred to in Art. 1, section 4, as well as granting licenses, permits, personal and transaction exemptions, allowances, preferences, quotas, ceilings, sureties, and credit guarantees;
5) the verification of accuracy and veracity of asset declarations or declarations on the conduct of business activities by persons performing public functions referred to in Art. 115 par. 19 of the Act of 6 June 1997 – the Criminal Code, submitted pursuant to separate regulations;
6) analytical activities concerning phenomena falling within the CBA`s competence as well as presenting information within this scope to the Prime Minister, the President of the Republic of Poland, the Sejm, and the Senate,
7) other activities set forth in separate acts and international contracts.
2. In order to implement the tasks of the CBA, the Head of the Central Anti-Corruption Bureau may undertake cooperation with competent authorities and services of other states as well as with international organisations.
2a. Undertaking cooperation referred to in section 2 may be commenced upon the Prime Minister's consent.
3. The CBA may conduct pre-trial proceedings comprising all acts disclosed in the course of such proceedings where they remain in a subjective or objective relation with the act constituting the grounds for instituting such proceedings.

4. The CBA`s activity beyond the borders of the Republic of Poland may be conducted in relation to its activities on the territory of the country, exclusively within the scope of performance of its tasks set forth in section 1 item 1.

Art. 3
The government administration, local government bodies, and public institutions shall cooperate, within the scope of their activities, with the CBA, and, in particular, support the performance of the CBA`s tasks.

Art. 4
1. The CBA`s activity shall be financed from the State budget.
2. Where due to the secrecy of the CBA's tasks, the Bureau's performance may not be financed pursuant to the provisions on public finance, accountancy and public procurement, it shall be supported from an operational fund established expressly for such purpose.
3. The Head of the Central Anti-Corruption Bureau shall set forth, by way of regulation, detailed principles of the establishment of the operational fund referred to in section 2, and the manner for the management of such fund, constituting classified information.

Chapter 2
Organisation of the Central Anti-Corruption Bureau

Art. 5
1. The CBA shall be managed by the Head of the Central Anti-Corruption Bureau, hereinafter referred to as the "Head of the CBA".
2. The Head of the CBA is a central authority of the government administration supervised by the Prime Minister, acting with the assistance of the CBA, which is an office of the government administration.
2a. The activity of the Head of the CBA shall be subject to the Sejm control.
3. The Prime Minister, or a member of the Council of Ministers appointed by the Prime Minister, shall coordinate the activity of the CBA, the Internal Security Agency, the Foreign Intelligence Agency, the Military Counterintelligence Agency and the Military Intelligence Service.

Art. 6
1. The Head of the CBA shall be appointed for a four-year term in office and removed from office by the Prime Minister, following a consultation with the President of the Republic of Poland, the Special Services Committee and the Parliamentary Committee for Special Services.
2. The term of the Head of the CBA may be renewed only once. The Head of the CBA shall perform his functions to the date of the appointment of his successor.
3. The term in office of the Head of the CBA shall expire in the event of his death or removal from office.
4. At the request of the Head of the CBA, the Prime Minister shall appoint or remove from office deputy heads of the CBA, after consulting the Parliamentary Committee for Special Services.

Art. 7
1. The function of the Head of the CBA or of deputy heads of the CBA may be executed by a person who:
1) has exclusively Polish citizenship;
2) fully enjoys his rights as a citizen;

3) demonstrates an unblemished moral, civil, and patriotic attitude;
4) has not been convicted of a fiscal offence or an intentional criminal offence prosecuted by public indictment;
5) satisfies the requirements set forth in the regulations on the protection of classified information within the scope of access to information constituting classified information with the "top secret" level of classification;
6) has a university degree;
7) was not in professional service, did not work for or cooperate with the state security services referred to in Art. 5 of the Act on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation of 18 December 1998 (Journal of Laws of 2014, item 1075); was not a judge who, in the course of adjudicating, offended the dignity of the post by betraying the independence of the judiciary.
2. The function of the Head of the CBA or of deputy heads of the CBA shall not be combined with any other public function.
3. The Head of the CBA or the deputy heads of the CBA shall not remain in an employment relationship with another employer or undertake any other paid activity.
4. The Head of the CBA or the deputy heads of the CBA shall not be members of a political party or participate in the activities thereof, or on its behalf.

Art. 8
The removal of the Head of the CBA from office shall take place in the event of:
1) his resignation from office;
2) non-fulfilment of any of the requirements set forth in Art. 7;
3) non-performance of his official duties due to an illness lasting continuously for over 3 months.

Art. 9
Where the position of the Head of the CBA is vacant or in the event of the Head's temporary inability to perform his function, the Prime Minister may vest the performance of the duties thereof, for no longer than 3 months, in the deputy head or another person who satisfies the requirements set forth in Art. 7.

Art. 10
1. The Head of the CBA shall manage the CBA directly or through his deputies.
2. The Head of the CBA may authorise subordinated officers to manage matters on his behalf within a defined scope, save for the matters referred to in Art. 17, 19, and 23, except for authorisation for the deputy head of the CBA within the scope set forth in Art. 17 section 9a.
3. The Head of the CBA shall specify, by way of regulation, the manners, methods, and forms of performing tasks by the CBA.

Art. 11
1. The Prime Minister shall provide the CBA, by way of regulation, with a statute, which sets forth its internal organisation.
2. The Head of the CBA shall provide, by way of regulation, the internal rules and regulations of the organisational units of the CBA, defining the internal structure and the detailed tasks thereof.
3. The Head of the CBA shall set forth, by way of regulation, the forms of and the procedure for the training of the CBA`s officers.

4. The Head of the CBA may establish permanent or temporary teams, specifying their names, composition as well as the detailed scope of and the procedures for their activities.

Art. 12

1. The Prime Minister shall determine the directions of the activity of the CBA, by way of guidelines.
2. Two months prior to the end of the calendar year at the latest, the Head of the CBA shall present the annual plan of the activity of the CBA for the consecutive year, for the Prime Minister's approval.
3. The Head of the CBA shall provide the Prime Minister and the Parliamentary Committee for Special Services with a report on the performance of the CBA in the previous calendar year.
4. Each year, by 31 March, the Head of the CBA shall provide the Sejm and the Senate with the information on the performance of the CBA, with the exception of information to which the regulations on the protection of classified information apply.

Chapter 3
Powers of the officers of the Central Anti-Corruption Bureau

Art. 13

1. Within the limits of the tasks referred to in Art. 2, the CBA officers perform:
1) operational intelligence in order to prevent perpetration of criminal offences, to recognise and detect such offences, and – where there is a reasonable suspicion of a criminal offence – investigation activities to prosecute the perpetrators;
2) control activities in order to disclose cases of corruption in public institutions and in local government authorities as well as the abuse of functions, and to disclose activities detrimental to the economic interest of the State;
3) operational intelligence as well as analytical and informative activities in order to obtain and process information relevant to combating corruption in public institutions and in local government authorities as well as activities detrimental to the economic interest of the State.
2. The CBA also performs activities by order of the court or prosecutor within the scope set forth in the Act of 6 June 1997 – the Code of Criminal Procedure (Journal of Laws No. 89, item 555, as amended) and in the Act of June 1997 – the Executive Criminal Code (Journal of Laws No. 90, item 557, as amended).
3. The officers of the CBA perform activities falling within the competence of the CBA and within this scope they are vested with the procedural rights of the Police, resulting from the provisions of the Act of 6 June 1997 – the Code of Criminal Procedure.
4. In the course of the performance of the activities referred to in sections 1 and 2, the officers of the CBA shall respect human dignity, observe and protect human rights irrespective of a person's nationality, origin, social situation, political, religious or ideological beliefs.

Art. 14

1. In the course of performing the activities set forth in Art. 2 section 1 item 1, the CBA officers have the right to:
1) issue orders to individuals to behave in a specific manner, within the limits necessary to perform the activities referred to in items 2–5;
2) verify a person's credentials to establish their identity;
3) detain persons pursuant to procedures and circumstances specified in the provisions of the Code of Criminal Procedure;

4) search persons and premises according to the procedure for and under the circumstances specified in the provisions of the Code of Criminal Procedure;
5) conduct a body search, examine the contents of luggage, stop vehicles and other means of transport as well as check the cargo in land, air and water means of transport in the event of a reasonable suspicion of a criminal or fiscal offence;
6) observe and register, with the use of technical measures, the picture of events in public places and the sound accompanying such events in the course of performing operational intelligence undertaken pursuant to the Act;
7) request indispensable assistance from the State institutions, government administration and local authorities as well as entrepreneurs carrying out activities within the scope of public utility; the abovementioned institutions, agencies, and entrepreneurs shall provide assistance gratuitously, within the scope of their activities, under the provisions of the law in force;
8) request indispensable assistance from entrepreneurs, organisational units, and social organisations other than the ones set forth in item 7, as well as ask any person for assistance, pursuant to the law in force.
2. A detained person or a person subjected to search has the rights of, accordingly, a detained person or a person whose rights have been infringed, as set forth in the provisions of the Code of Criminal Procedure.
3. A person may be detained only if other measures have proven aimless or ineffective.
4. A detained person may be presented, photographed or fingerprinted only when their identity cannot be established in a different manner.
5. In the event of a reasonable need, a detained person should undergo a medical examination or be provided with first aid.
6. The activities referred to in section 1, items 1–6 should be performed in a manner which in the least degree violates the personal rights of the person with respect to whom such activities were undertaken.
7. Against the manner for conducting activities referred to in section 1:
1) items 1, 2, 5, 7 and 8, within 7 days from performing the activity;
2) item 6, within 7 days from the date the entity learnt about the activities carried out against the entity;
– a claim may be filed with the prosecutor competent with respect to the place where the activities were conducted. The provisions of the Act of June 1997 – the Code of Criminal Procedure – pertaining to appeal proceedings shall apply to the complaint.
8. The materials resulting from the activities referred to in section 1.6, which do not confirm the perpetration of a criminal offence or a tax offence, are subject to an immediate destruction by protocol in the presence of a commission. The Head of the CBA shall order the destruction of the materials.
9. The Prime Minister shall lay down, by way of ordinance, the procedure for medical examinations, referred to in section 5, of persons detained by the officers of the CBA. The ordinance should specify the persons conducting the examinations, the organisation and place of the medical tests, as well as the circumstances substantiating the need to provide such detained person with first aid, taking into consideration the protection of such person's health.
10. The Council of Ministers shall set forth, by way of ordinance, detailed terms of the conduct and documentation of the activities referred to in section 1 items 1–6, taking into consideration the manner, adjusted to the situation, of carrying out the activities undertaken by the officers of the CBA within their statutory powers, and the officers` obligations in the course of the performance thereof.

11. The Council of Ministers shall lay down, by way of ordinance, the detailed manner for carrying out the activities referred to in section 1 items 7 and 8, taking into account the obligations of an officer of the CBA who demands or requests assistance.

Art. 14a

1. The officers of the CBA have the right to an escort referred to in Art. 4, section 2(a) of the Act of 24 May 2013 on the Measures of Direct Coercion and Firearms (Journal of Laws, item 628, as amended), or a convoy referred to in Art. 4, section 3 of the abovementioned Act.
2. The officers of the CBA who escort or convoy have the right to issue orders to behave in a specific manner if it is necessary to ensure security of such escort or convoy.
3. To perform tasks within the scope of the escort and convoy the provisions of Art. 15 shall apply.

Art. 15

1. In the events referred to in Art. 11 items 1–6 and 8–14 of the Act of 24 May 2013 on the Measures of Direct Coercion and Firearms, an officer of the CBA may use measures of direct coercion referred to in Art. 12, section 1, items 1–5, 7,11, item 12(a) and (d), items 13, 18 and 20 of this Act, as well as the measures intended to surmount construction locks and other obstacles, with the exclusion of explosives, or make use of such measures.
2. In the events referred to in Art. 45 item 1(a–c) and (e), items 2, 3 and 4(a), (b) and (c) indent 2, as well as in Art. 47 item 2(a), items 3, 5, and 6 of the Act of 24 May 2013 on the Measures of Direct Coercion and Firearms, an officer of the CBA may use firearms or make use of such measures.
3. The use and making use of direct coercion measures and firearms as well as evidencing such use and making use shall be carried out pursuant to the terms set forth in the Act of 24 May 2013 on the Measures of Direct Coercion and Firearms.

Art. 16

(repealed)

Art. 17

1. In the course of operational intelligence undertaken by the CBA in order to identify, prevent, and detect criminal offences, as well as to obtain and preserve evidence of:
1) criminal offences referred to in Art. 228–231, 250a, 258, 286, 296–297, 299, 305, 310 par. 1, 2 and 4 of the Act of 6 June 1997 – the Criminal Code;
2) fiscal offences referred to in Art. 2 section 1 item 1d, if the value of the object of the criminal offence or decrease in receivables under public law exceeds fifty times the amount of the minimum average remuneration for work determined pursuant to the provisions of the Act of 10 Oct. 2002 on the minimum remuneration for work (Journal of Laws No. 200, item 1679, of 2004 No. 240, item 2407 and of 2005 No. 157, item 1314)
– when other measures have proved ineffective or will be useless, the court, upon a written request submitted by the Head of the CBA, filed upon a written consent of the Public Prosecutor General, may order, by way of decision, operational control.
1a. The request referred to in section 1 shall be presented together with materials providing the grounds for the need for operational control.
2. The decision referred to in section 1 shall be issued by the District Court in Warsaw.
3. In urgent cases, in danger of loss of information or obliteration or destruction of the evidence of such criminal offence, the Head of the CBA may order, upon the consent of the Public Prose-

cutor General, operational control, simultaneously submitting a request to the court referred to in section 2 to issue a decision to this effect. The Court shall issue a decision within 5 days. Where the consent has not been obtained from the court, the Head of the CBA shall suspend the operational control and order an immediate destruction, by protocol in the presence of a commission, of the evidence gathered in the course of the control.

4. Where operational control needs to be ordered in relation to a suspect or a person accused in another case, the information on the proceedings pending against such suspect or such person is included in the request submitted by the Head of the CBA, referred to in section 1.

5. Operational control shall be classified and shall consist in:

1) obtaining and recording of conversations conducted via technical means, including telecommunications networks;

2) obtaining and preservation of images and sound of persons from premises, means of transport or other non-public places;

3) obtaining and preservation of the content of correspondence, including the correspondence via electronic means of communication;

4) obtaining and preservation of the data included in IT data carriers, telecommunications terminal equipment, IT and telecommunications systems;

5) obtaining the access to and control of the content of parcels.

6. Operational control shall be documented in the form of a protocol to the extent relating to the case.

7. The request submitted by the Head of the CBA, referred to in section 1, shall include in particular:

1) the case number and its cryptonym, if applicable;

2) the description of the criminal offence and its legal qualification;

3) the circumstances substantiating the need to apply operational control, including the statement on ineffectiveness or uselessness of other measures;

4) the individual's personal data or other data which allow to unequivocally define the entity or the object against whom/which operational control shall be performed, including the place of or the manner for performing such control;

5) the aim, duration and the type of operational control.

8. Operational control shall be ordered for a period not exceeding 3 months. Upon a written request submitted by the Head of the CBA and filed upon a written consent of the Public Prosecutor General, the court referred to in section 2 may issue a decision on a one-time extension for a period not longer than subsequent 3 months if the grounds for ordering operational control have not ceased.

9. Under reasonable circumstances, where in the course of carrying out operational control new circumstances arise which are crucial for the prevention or detection of such criminal offence or the establishment of the perpetrator and obtaining the evidence of such criminal offence, upon a written request submitted by the Head of the CBA and filed upon a written consent of the Public Prosecutor General, the court referred to in section 2 may issue a decision to extend the operational control also after the expiry of the terms referred to in section 8 by consecutive periods the total duration of which shall not exceed 12 months.

9a. The Head of the CBA may authorise his deputy to submit requests referred to in sections 1, 3, 8, and 9, or to institute an operational control pursuant to section 3.

10. The provisions of sections 1a and 7 shall apply, accordingly, to the requests referred to in sections 3, 8 and 9. Prior to the issuance of the decision referred to in sections 1, 3, 8 and 9, the court shall examine the materials substantiating the request, and in particular those gathered in the course of operational control ordered in this case.

11. The requests referred to in sections 1, 3, 8, and 9, shall be examined by the Court composed of one judge, while the activities of the Court related to the examination of the requests shall be performed pursuant to the terms of conveying, storage and disclosure of classified information as well as pursuant to duly applied regulations issued under Art. 181 par. 2 of the Act of 6 June 1997 – the Code of Criminal Procedure. Exclusively the prosecutor and the officer of the CBA appointed by the Head of the CBA shall be entitled to participate in the court session.
12. A telecommunication entrepreneur, a postal service provider and a provider of services via electronic means shall ensure, at their own expense, technical and organisational terms to conduct operational control by the CBA.
12a. The provider of electronic services being a micro- or a small entrepreneur within the meaning of the Act of 2 July 2004 on the Freedom of Business Activities (Journal of Laws of 2015, item 584, as amended) shall ensue technical and organisational conditions facilitating the CBA operational control, according to the existing infrastructure.
13. The operational control should be completed immediately after the cessation of the causes of the arrangement thereof, but not later than upon the expiry of the term for which it was arranged.
14. The Head of the CBA shall notify the Public Prosecutor General of the results of operational control upon its termination, and upon the Prosecutor's request also of the course of the control, presenting the materials gathered.
15. Where the evidence obtained allows to institute criminal proceedings or where it is relevant to pending criminal proceedings, the Head of the CBA shall submit all materials gathered in the course of operational control to the Public Prosecutor General. In proceedings before the court, with reference to such materials, the first sentence of Art. 393 par. 1 of the Act of 6 June 1997 – the Code of Criminal Procedure, shall apply accordingly.
15a. (repealed)
15b. (repealed)
15c. (repealed)
15d. (repealed)
15e. (repealed)
15f. Where the materials referred to section 15:
1) contain information referred to Art. 178 of the Act of 6 June 1997 – the Code of Criminal Procedure, the Head of the CBA shall order their immediate destruction;
2) may include information referred to Art. 178a and Art. 180 par. 3 of the Act of 6 June 1997 – the Code of Criminal Procedure, excluding information on criminal offences referred to in Art. 240 par. 1 of the Act of 6 June 1997 – the Code of Criminal Procedure, or information classified as secret, related to the exercise of the profession or the function referred to in Art. 180 par. 2 of the Act of 6 June 1997 – the Code of Criminal Procedure, the Head of the CBA shall submit the materials to the Public Prosecutor General.
15g. In the case referred to in section 15f item 2, immediately upon being served with the materials, the Public Prosecutor General shall file the materials with the court which ordered the operational control or provided the consent for such control pursuant to section 3, supported by the request to:
1) establish which of the submitted materials contain information referred to section in 15f, item 2;
2) admit the materials constituting information classified as secret, relating to the exercise of the profession or the function referred to in Art. 180 par. 2 of the Act of 6 June 1997 – the Code of Criminal Procedure, which are not prohibited under Art. 178a and art 180 par. 3 of the Act

of 6 June 1997 – the Code of Criminal Procedure, excluding information on criminal offences referred to in Art. 240 par. 1 of the Act of 6 June 1997 – the Code of Criminal Procedure.
15h. Immediately after the request has been filed by the Public Prosecutor General, the court shall issue a decision to admit the materials referred to in section 15g item 2 in evidence where it serves the good of the administration of justice and a circumstance may not be determined on the basis of other evidence, as well as manage an immediate destruction of the materials which may not be admitted in evidence.
15i. The Public Prosecutor General may bring a complaint against the court decision on the admission of the materials in evidence referred to in section 15g, item 2. The provisions of the Act 6 June 1997 – the Code of Criminal Procedure shall apply for submission of complaints, accordingly.
15j. The Head of the CBA shall execute the court order to destroy the materials referred to in section 15h and to immediately destroy the materials by protocol in the presence of a commission which were not admitted in evidence in the criminal proceedings. The Head of the CBA shall inform, without delay, the Public Prosecutor General of the destruction of the materials.
16. The materials gathered in the course of operational control which do not constitute information acknowledging the perpetration of such criminal offence, are subject to an immediate destruction by protocol in the presence of a commission. The destruction of such materials shall be ordered by the Head of the CBA.
16a. The order and the execution the order relating to the destruction of the materials referred to in section 16 shall be communicated, without delay, to the Public Prosecutor General.
17. A complaint may be brought against the court decision:
1) referred to in sections 1, 3, 8, and 8 – by the Head of the CBA;
2) referred to in sections 3 and 15c – by the Public Prosecutor General.
The provisions of the Code of Criminal Procedure shall apply to the complaints, accordingly.
17a. The court, the Public Prosecutor General, and the Head of the CBA shall maintain registers of, accordingly, decisions, written consents, orders and requests concerning operational controls. The registers shall be maintained in an electronic version, subject to the protection of classified information provisions.
18. The Prime Minister shall lay down, by way of ordinance, the manner for operational control documentation as well as the storage and submission of requests and regulations, and the storage, conveying, processing and destroying of the materials obtained in the course of such control, taking into consideration the need to ensure the classified nature of the activities undertaken and the materials obtained, as well as the templates of the documents and registers used.

Art. 18

1. The CBA may obtain the data necessary for the accomplishment of its tasks, referred to in Art. 2, which constitute, accordingly, the content of a telecommunication message, a postal item or an electronic message set forth in:
1) Art. 180c and Art. 180d of the Telecommunications Act of 16 July 2004 (Journal of Laws of 2014, item 243, as amended), hereinafter referred to as "telecommunications data",
2) Art. 82 section 1 item 1 of the Postal Law of 23 November 2012 (Journal of Laws, item 1529 and of 2015, item 1830), hereinafter referred to as "postal data",
3) Art. 18 sections 105 of the Act of 18 July 2002 on the Provision of Electronic Services (Journal of Laws of 2013, item 1422, of 2015 item 1844 and of 2016, item 147), hereinafter referred to as "internet data"
– and may process the data without the knowledge and consent of the person concerned.

2. A telecommunications entrepreneur, a postal operator or a provider of services via electronic means shall gratuitously provide the data set forth in section 1:
1) upon a written request submitted by the Head of the CBA or a person authorised by the Head of the CBA;
2) upon an oral request by an officer of the CBA who holds a written authorisation issued by the Head of the CBA or by a person authorised thereby;
3) through a telecommunications network, to the officer of the CBA who holds a written authorisation issued by the persons referred to in section 1.
3. In the event referred to in section 2 item 3, rendering access to telecommunications data referred to in section 1 shall take place without the participation of the employees of the telecommunications entrepreneur, the postal operator or the provider of services via electronic means or with the indispensable assistance thereof if the agreement concluded between the Head of the CBA and the entity provides such an option.
4. The disclosure of the data set forth in section 1 to the CBA may occur through the telecommunications network if:
1) the network provides:
a) the possibility to identify the officer of the CBA who obtains such data, the type of such data and the time of obtaining such data;
b) technical and organisational protection preventing an unauthorised access to such data;
2) it is substantiated by the specific nature or the scope of the tasks performed by the organisational units of the CBA or by activities performed thereby.
5. The Head of the CBA shall maintain a register of requests to obtain access to the telecommunications, postal and internet data, containing the identification of the organisational unit of the CBA and the CBA officer who obtained such data, the type of the data, the aim for which the data were obtained and the time in which they were obtained. The register shall be maintained in an electronic version, subject to the protection of classified information provisions.
6. The Head of the CBA shall submit the data referred to in section 1, which are of significance to the criminal proceedings, to the Public Prosecutor General. The Public Prosecutor General shall take the decision on the scope of and the manner for the use of the data submitted.
7. The data referred to in section 1 which are not of significance to the criminal proceedings are subject to immediate destruction by protocol in the presence of a commission.

Art. 18a

1. The District Court in Warsaw is competent for the control over obtaining of telecommunications, postal, and internet data by the CBA.
2. On a semi-annual basis, the Head of the CBA shall submit a report, subject to the protection of classified information provisions, to the court referred to in section 1, including:
1) the number of cases of obtaining telecommunications, postal, and internet data, and the type of such data, in the reported period;
2) legal qualification of the acts the perpetration of which resulted in the request to access the telecommunications, postal or internet data.
3. In the course of the control referred to in section 1, the court may take cognisance of the materials substantiating the obtaining of the telecommunications, postal or internet data by the CBA.
4. The court referred to in section 1 shall inform the Head of the CBA about the control results within 30 days of the control completion.
5. Obtaining the data pursuant to Art. 18b section 1 shall not be subject to the control referred to in section 1.

Art. 18b

1. In order to accomplish the tasks referred to in Art. 2, the CBA may obtain the data:
1) from the register referred to in Art. 179 section 9 of the Telecommunications Act of 16 July 2004;
2) referred to in Art. 161 of the Telecommunications Act of 16 July 2004;
3) where the user is not a natural person, the number of the network termination point and the main office or the place in which the business activity is performed, the name of the establishment or the name and organisational form of the user;
4) In the event of a public telecommunications network, also the name of the town and the street where the user is rendered access to the network termination point
– and may process the data without the knowledge and consent of the person concerned.
2. In order to render the accessibility to and to process the data referred to in section 1 Art. 18, sections 2–7 shall apply.

Art. 19

1. In cases concerning criminal offences set forth in Art. 17 section 1, operational intelligence aiming to check previously obtained, credible information on a criminal offence and to detect the perpetrators and obtain evidence may involve a secret purchase or seizure of objects being proceeds of crime, which are subject to forfeiture, or objects the manufacturing, possession, transportation of or trading in which is prohibited, and may also include an acceptance or giving of a financial advantage.
2. The Head of the CBA may order, for a specified period of time, the activities set forth in section 1, upon a written consent of the Public Prosecutor General, whom he notifies on an on-going basis about the current course of such activities and results thereof.
2a. Prior to the issuance of the written consent, the Public Prosecutor General shall examine the materials substantiating the need to conduct the activities referred to in section 1.
3. The activities specified in section 1 may comprise the submission of a proposal of purchase, sale or seizure of objects being proceeds of crime, which are subject to forfeiture, or objects the manufacturing, possession, transportation of or trading in which is prohibited, and may also include the proposal of an acceptance or giving of a financial advantage.
4. The activities set forth in section 1 shall not involve managing activities having the features of an act prohibited under penalty.
5. In the event of the confirmation of the information about the criminal offence set forth in Art. 2 section 1, item 1, the Head of the CBA shall deliver to the Public Prosecutor General the materials obtained as a result of such activities. In the course of the proceedings before the court, with respect to such materials, the provisions of Art. 393 par. 1 sentence one of the Act of 6 June 1997 – the Code of Criminal Procedure shall apply accordingly.
6. The Prime Minister shall lay down, by way of ordinance, the manner for carrying out and documenting of the activities referred to in section 1. Taking the classified nature of the activities into consideration, the ordinance shall specify the manner for the storage, conveying and destruction of the materials and documents obtained or created in connection with the activities referred to in section 1, as well as provide the templates of the documents and registers used.

Art. 20

In the course of performing the activities referred to in Art. 19, operational control may be used pursuant to provisions set forth in Art. 17.

Art. 21

A person who is authorised to perform and performs activities set forth in Art. 19 section 1 shall not perpetrate a criminal offence if the terms set forth in Art. 19 item 3 have been observed.

Art. 22

1. Within the scope of its competence, the CBA may obtain information including classified information, gather, verify and process such information.
2. (repealed)
3. (repealed)
4. (repealed)
5. (repealed)
6. (repealed)
7. (repealed)
8. (expired)
9. (expired)
10. (expired)

Art. 22a

1. Within the limits referred to in Art. 2 section 1, the CBA may process personal data, including the data specified in Art. 27 section 1 of the Act of 29 August 1997 on Personal Data Protection (Journal of Laws of 2014, item 1182) without the knowledge or consent of the person concerned.
2. Within the scope referred to in section 1, the CBA may gratuitously obtain such data from data filing systems, including personal data bases, maintained by public authorities as well as by state or local government organisational units.
3. Save as otherwise provided in separate acts, the data collection administrators referred to in section 2, shall make the data available to the CBA upon a written request issued by the Head of the CBA or a person authorised by the Head.
4. The request shall indicate:
1) the designation of the case;
2) the data filing system from which the data are to be disclosed;
3) the data which are to be disclosed.
5. The administrators of the data filing systems referred to in section 2 may conclude a written agreement with the Head of the CBA on the disclosure of information gathered in such filing systems to the organisational units of the CBA, by teletransmission, without a prior written request submitted in each case if the units fulfil jointly the following conditions:
1) possess equipment which allows to make the following records in the system: who, when and for what purpose obtained the data;
2) have technical and organisational safeguards to prevent the use of data contrary to the purpose of obtaining thereof;
3) the specific nature or the scope of the tasks performed by the organisational units substantiates such disclosure.
6. The provisions of sections 2–5 shall apply, accordingly, to personal data and other information obtained as a result of operational activities and operational intelligence by authorised agencies, services and state institutions.
7. The entities referred to in section 6 may refuse to deliver information to the CBA or to limit its extent if it might prevent such entities from performing their statutory tasks or result in the disclosure of the data of a person who is not an officer of such entity and who renders assistance to such entities.

8. The CBA shall process personal data within the time limit in which they are indispensable for the accomplishment of the CBA's statutory tasks. At least once in 5 years, the CBA shall verify the need for further data processing, removing the data which are redundant.
9. Following the verification, the redundant data shall be removed without delay by a commission established by the Head of the CBA. A report shall be drawn up on the activity of the commission containing, in particular, the list of the documents destroyed or the IT carriers containing the data, as well as the manner in which they were destroyed.
10. Personal data revealing the race or ethnical origin, political views, religious or philosophical beliefs, religious, party or union affiliation as well as the data on the state of health, addictions or sexual life of persons suspected of having perpetrated a criminal offence, who have not been convicted for such offences, are subject to destruction by protocol in the presence of a commission immediately after the relevant court decision becomes final.
11. The Head of the CBA may establish personal data filing systems.

Art. 22b

1. The supervision over the compliance of the processed personal data, gathered by the CBA, with the provisions of the Act and the regulations on personal data protection shall be performed by a representative authorised to control personal data processed by the CBA, hereinafter referred to as a "representative".
2. The representative has the rights and duties of an administrator of the information security referred to in Art. 36 section 3 of the Act of 29 August 1997 on Personal Data Protection.
3. The Head of the CBA shall appoint the representative from among the officers of the CBA. The removal from service, except for the cases referred to in Art. 64 section 1 items 1, 4, 5, and 6 or the removal of the representative from office is subject to the consent of the Prime Minister, after consultation with the Parliamentary Committee for Special Services.
4. In order to perform supervision, the representative shall conduct a reliable, objective and independent control over the regularity of data processing, in particular of their storage, verification and removal.
5. The representative shall be entitled to, in particular:
1) an insight into all and any documents relating to the control performed;
2) a free access to the premises and facilities of the organisational unit of the CBA under control;
3) written explanations obtained at his request.
6. The manager of the organisational unit of the CBA, to whom the representative submitted a written order to remove the irregularities, shall notify the Head of the CBA, within 7 days of the order issuance, of the execution or the reason of non-execution of the order.
7. In the event of the breach of the provisions of the Act and the provisions on personal data protection, the representative shall undertake activities aiming to explain the circumstances of the breach, notifying the Prime Minister and the Head of the CBA, without delay.
8. Each year, by 31 March, the representative shall present to the Prime Minister, the Parliamentary Committee for Special Services and the Inspector General for Personal Data Protection, through the Head of the CBA, a report on the previous calendar year, in which he specifies the condition of personal data protection in the CBA and all cases of breach within this scope.

Art. 23

1. Where necessary for the effective prevention of criminal offences referred to in Art. 2 section 1 item 1, or for the detection of the offences or establishment of the perpetrators and obtain-

ing evidence, as well as in order to verify the veracity of asset declarations referred to in Art. 2 section 1 item 5, within the scope of its competence, the CBA may use the information, constituting a bank secrecy, processed by banks, and information concerning agreements on securities accounts, agreements on money accounts, insurance agreements or other agreements concerning trading in financial instruments, and in particular the personal data of the persons who concluded such contracts, processed by the authorised entities.

2. The provisions of section 1 shall apply, accordingly, to:

1) saving and credit cooperative financial institutions;

2) entities performing their activities under the Commodity Exchange Act of 26 Oct. 2000 (Journal of Laws of 2014, item 197);

3) entities performing insurance activities;

4) investment funds;

5) entities performing their activities in the scope of trading in securities and other financial instruments under the Act of 29 July 2005 on Trading in Financial Instruments.

3. The information and data referred to in section 1, as well as the information relating to conveying such information and data are subject to the protection stipulated in provisions on the protection of classified information and may be disclosed exclusively to officers who carry out activities in a given matter, and to their supervisors, authorised to control operational intelligence conducted thereby. Moreover, files containing such information and data shall be available exclusively to courts and public prosecutors provided such availability serves the purpose of a criminal prosecution.

4. The access to the information and data referred to in section 1 shall be provided pursuant to a decision issued by the District Court in Warsaw, upon a written request of the Head of the CBA.

5. The request referred to in section 4 shall contain:

1) the case number and its cryptonym, if applicable;

2) the description of the criminal offence and its legal qualification;

3) the circumstances substantiating the need to disclose the information and data;

4) the indication of the entity to which the information and data refer;

5) the entity obliged to disclose the information and data;

6) the type and scope of information and data.

6. Upon the consideration of the request, the Court shall express, by way of decision, its consent to grant access to information and data of the indicated entity, specifying their type, scope and the entity obliged to grant the access, or shall refuse to grant a consent to disclose the information and data. The provisions of Art. 17 section 11 shall apply accordingly.

7. The Head of the CBA shall have the right to submit a complaint against the decision of the Court, referred to in section 6.

8. In the event the Court grants access to information, the Head of the CBA shall notify, in writing, the entity obliged to provide access to the information and the data about the type and scope of the information and the data which are to be disclosed, the entity to which the information and the data relate as well as about the officer of the CBA authorised to gather the information and the data.

9. Within 120 days from the date of conveying the information and data referred to in section 1, the CBA, without prejudice to sections 10 and 11, shall notify the entity referred to in section 5 item 4, of the Court's decision to grant access to the information and data.

10. The Court, upon a request of the Head of the CBA lodged after obtaining a written consent of the Public Prosecutor General, may defer, by way of decision, for a fixed period, with a possibility of further extension, the obligation referred to in section 9 if it is substantiated that notifying

the entity referred to in section 5 item 4, may be detrimental to the results of the operational intelligence undertaken. The provisions of Art. 17 section 11 shall apply accordingly.
11. Where in the period referred to in section 9 or 10 pre-trial proceedings were initiated, the entity indicated in section 5 item 4 shall be notified of the decision of the Court to grant access to information and data by the prosecutor or, by his order, by the CBA prior to the closing of such pre-trial proceedings or immediately after their discontinuation.
12. In the event the information and the data referred to in section 1 have not provided the grounds for initiating pre-trial proceedings, the body requesting to issue a decision shall immediately notify, in writing, the entity which conveyed the information and the data.
13. The materials gathered according to the procedure referred to in sections 1–10, which do not constitute information acknowledging the perpetration of a criminal offence, are subject to immediate destruction by protocol in the presence of a commission. The Head of the CBA shall order the destruction of such materials.
14. The State Treasury shall be liable for damage caused by the breach of provisions set out in section 3, pursuant to the Act of 23 April 1964 – the Civil Code (Journal of Laws of 2014, items 121 and 827).
15. The Prime Minister shall lay down, by way of ordinance, the manner for personal data and information processing referred to in section 1, in data filing systems, the types of organisational units of the CBA authorised to use such filing systems, and the templates of documents required in the course of data processing, taking into consideration the need to protect the data against unauthorised access.

Art. 24

1. In connection with the performance of its tasks, the CBA shall ensure the protection of the measures, forms, and methods of the accomplishment of the tasks, collected information, its own premises, and the data identifying the officers of the CBA.
2. In the course of operational intelligence, an officer of the CBA may use documents, which preclude his identification, as well as the measures which he used in the course of performing the service tasks.
3. Persons providing assistance to the CBA in the course of operational intelligence may use the documents referred to in section 2.
4. A criminal offence is not perpetrated by:
1) a person who orders or manages the preparation of the documents referred to in section 2;
2) a person who prepares the documents referred to in section 2;
3) a person who provides assistance in the preparation of the documents referred to in section 2;
4) an officer of the CBA or a person indicated in section 3 who in the course of operational intelligence uses the documents referred to in section 2.
5. The Prime Minister shall lay down, by way of ordinance, the detailed procedure for issuance and storage of the documents referred to in sections 2 and 3, as well as of using the documents, taking into consideration the requirements on the protection of classified information.

Art. 25

1. In the course of performing its tasks, the CBA may seek assistance of persons other than the CBA officers. Without prejudice to section 2, the disclosure of the data of the person who provides assistance to the CBA in the course of intelligence shall be prohibited.
2. The disclosure of the data of the person referred to in section 1 may occur exclusively under the circumstances stipulated in Art. 28.

3. The persons referred to in section 1 may be compensated for their assistance from the operational fund.
4. Where in the course of or in connection with the assistance provided to the CBA by persons referred to in section 1 such persons lose their life or suffer deterioration in health or damage to property, such persons or their heirs shall be entitled to damages pursuant to the Civil Code.
5. The Prime Minister shall lay down, by way of ordinance, the terms of and the procedures for awarding damages under the circumstances referred to in section 4 as well as the types and amount of damages due in the event of such loss of life or suffering deterioration in health or damage to property in the course of or in connection with the assistance provided to the CBA, taking into consideration the specific nature of the assistance provided as well as the scope of tasks completed.

Art. 26
1. In the course of performing its tasks, the CBA shall not seek secret cooperation with:
1) deputies or senators;
2) state senior staff referred to in Art. 2 of the Act of 31 July 1981 on Remuneration of State Sector Senior Staff (the Journal of Laws of 2011 No. 79, item 430 and No. 112, item 654);
3) directors general in ministries, central institutions or voivodeship offices;
4) judges, prosecutors and advocates;
5) members of the supervisory board, members of the management board or programme directors of "Telewizja Polska – Spółka Akcyjna" (Polish Television) and "Polskie Radio – Spółka Akcyjna" (Polish Radio) as well as the directors of local branches of "Telewizja Polska – Spółka Akcyjna";
6) the director general, directors of offices and managers of regional divisions of "Polska Agencja Prasowa – Spółka Akcyjna" (Polish Press Agency);
7) broadcasters within the meaning of Art. 4, item 1 of the Radio and Television Broadcasting Act of 29 December 1992 (Journal of Laws of 2011 No. 2004 No. 43, item 226, as amended);
8) editors-in-chief, journalists or persons carrying out publishing activities referred to in the Act of 26 January 1984 – Press Law (Journal of Laws No. 5, item 24, as amended);
9) rectors, pro-rectors and managers of basic organisational units of public and non-public colleges and universities;
10) members of the General Council of Higher Education, the Polish Accreditation Committee and the Central Committee for Degrees and Titles.
2. In order to perform the tasks of the CBA, the Head of the CBA may grant consent to seek secret cooperation with such persons referred to in section 1 items 7 and 8 if such cooperation is reasonable due to the national security, upon the consent of the Prime Minister.
3. In the event a minister to coordinate the activities of special services is appointed, the Head of the CBA shall issue a consent referred to in section 2, upon the consent of such minister.

Art. 27
The Head of the CBA shall lay down, by way of ordinance, the circulation of information within the CBA, including classified information.

Art. 28
1. The Head of the CBA may permit the CBA officers and the employees as well as former officers and employees, after the termination of their service or employment relationship with the CBA, and also persons who provide assistance thereto in the course of operational intelligence, to provide classified information to a specified person or institution.

2. The permission referred to in section 1 shall not relate to providing information on:
1) a person if the information has been obtained as a result of operational intelligence conducted by the CBA or other bodies, services or state institutions;
2) detailed forms and principles of conducting operational intelligence activities as well as measures and methods used in connection therewith;
3) a person providing assistance to the CBA, referred to in Art. 25.
3. The prohibition referred to in section 2 shall not apply in the event of a request submitted by a prosecutor or the court in order to prosecute a criminal offence resulting in decease of a person, deterioration in health or damage to property.
4. The prohibition referred to in section 2 shall not apply also in the event of a request, substantiated by a suspicion of a criminal offence, subject to public prosecution, submitted by a prosecutor or the court, which has been perpetrated in connection with operational intelligence.
5. In the event of a refusal to release an officer, an employee or a person providing assistance in the course of operational intelligence, from the obligation to maintain information classified as "secret" or "top secret" in confidence, or refusal to grant access to documents or materials constituting information classified as "secret" or "top secret", despite the prosecutor's or court's request submitted in connection with the criminal proceeding concerning crimes against peace, humanity and war crimes, or misdemeanour against human life or health if it resulted in a person's death, the Head of the CBA shall present the requested documents and materials as well as the explanation to the First President of the Supreme Court. If the First President of the Supreme Court determines that taking the prosecutor's or the court's request into consideration is essential for the accuracy of criminal proceedings, the Head of the CBA shall release from the obligation to maintain the information in confidence or to grant access to classified documents and materials.

Art. 29

1. The Heads of: the CBA, the Internal Security Agency, the Military Counterintelligence Service and the Commander in Chief of the Police, the Commander in Chief of the Border Guard, the Commanding Officer of the Military Gendarmerie, the General Inspector of Treasury Control, the Head of the Customs Service and the General Inspector of Financial Information shall cooperate, within the scope of their competence, in the field of combating corruption in state institutions, local governments and in public and economic life, as well as activities detrimental to the economic interest of the State.
2. The Head of the CBA shall coordinate operational intelligence, informative and analytical activities undertaken by the bodies referred to in section 1, where they may have an impact on the performance of the tasks of the CBA referred to in Art. 2 sections 1 and 2.
3. The Prime Minister shall lay down, by way of ordinance, the terms and the scope of as well as the procedures for:
1) cooperation within the scope referred to in section 1;
2) coordination referred to in section 2 – bearing in mind ensuring efficiency and effectiveness of proceedings, as well as requirements concerning the protection of classified information constituting the state secret.

Art. 30

1. The internal security service of the CBA shall ensure the security of the CBA's equipment, areas and premises as well as the persons remaining on the premises thereof.
2. The officers of the CBA performing their tasks within the purview of security, within protected areas and premises, shall have the right to:

1) confirm the right to remain in the protected areas or on the premises and to verify a person's credentials to establish their identity;
2) request to leave the site or the premises where a person is not authorised to remain in the protected area or on the premises or in the event of disturbance;
2a) use or apply measures of direct coercion and firearms;
3) apprehend persons who, in an apparent way, pose a direct risk to human life and health as well as to the property secured, in order to immediately hand the persons over to the Police.
2a. Provisions of Art. 15 shall apply to the use or application of measures of direct coercion and firearms referred to in section 2, item 2a.
3. The Head of the CBA may vest the performance of the protection referred to in section 1 in a specialised armed security formation.

Chapter 4
Control activities carried out by the officers of the Central Anti-Corruption Bureau

Art. 31
1. The control activities referred to in Art. 13 section 1 item 2 consist in verification of compliance by persons performing public functions with the provisions of:
1) the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions;
2) other laws restricting the undertaking and carrying out of business activities by persons performing public functions.
2. Control activities also involve examination and verification of procedures specified by law concerning taking of and carrying out decisions within the scope of: privatisation and commercialisation, financial support, public procurement awards, disposal of state or public utility property as well as granting licenses, permits, personal and transaction exemptions, allowances, preferences, quotas, ceilings, sureties and credit guarantees.
3. Within the scope referred to in sections 1 and 2, control applies to persons performing public functions, units of the public finance sector within the meaning of the provisions on public finance, units not included in the public finance sector which receive public funds, as well as to entrepreneurs.

Art. 32
1. The CBA shall carry out control activities pursuant to annual control schedules approved by the Head of the CBA.
2. The CBA may conduct ad hoc control activities pursuant to the regulations issued by the Head of the CBA.

Art. 33
1. Control shall be exercised in compliance with the control schedule approved by the Head of the CBA or a person authorised to act in his name.
2. Control shall be exercised by the CBA officers on the basis of an official identity card and a personal authorisation issued by the Head of the CBA or a person authorised to act in his name.
3. Control shall be completed within 3 months, and where it concerns an entrepreneur – within 2 months.
4. Under particularly reasonable circumstances, such control period may be extended by a further specified period indicated by the Head of the CBA, however, not exceeding 6 months.

5. Where the circumstances substantiate an immediate control, in particular where the risk of loss of evidence occurs, control may be initiated after the presentation of the officer's official identity card to the person under control or to a person authorised thereby, or to a person performing a public function.
6. In the event referred to in section 5, the person under control or the person authorised thereby, as well as a person performing a public function shall be immediately, but not later than within 3 days from the date of the initiation of the control, served with an authorisation to initiate such control. The documents referring to control activities performed with a breach of such obligation shall not constitute evidence in control procedures.
7. The authorisation form to carry out control shall contain:
1) the name and surname as well as the number of the official identity card of the officer who conducts control;
2) the indication of the entity under control and the date of such control completion;
3) the detailed scope of such control;
4) an instruction on the rights and obligations of the person/entity under control.
8. The Prime Minister shall lay down, by way of ordinance, the template of the authorisation form to carry out control, the body issuing the authorisation and the substantive scope of the authorisation, taking into consideration the unification of information contained in the authorisation form.

Art. 34
1. The officer who conducts control shall be excluded from participation in control upon request or ex officio if such control results may concern their rights and obligations or the rights and obligations of their spouse or cohabitant, relatives and in-laws to the second degree or persons related thereto due to adoption, custody or legal guardianship. The reasons for exemption persist despite the termination of the marriage, cohabitation, adoption, custody or legal guardianship.
2. The officer who conducts control shall also be excluded in the event of occurrence, in the course of control, of circumstances that may result in reasonable doubts as to their impartiality.
3. The Head of the CBA shall take the decision on exclusion; the decision shall be final.
4. The Head of the CBA may, upon request or ex officio, exclude all officers of an organisational unit of the CBA from control procedures if the results of such control could have an impact on the rights and obligations of the head or the deputy head of such unit or persons close thereto referred to in section 1; in the event of such exclusion, the Head of the CBA shall indicate officers from outside of such organisational unit to conduct the control procedures.
5. Until the issuance of the decision referred to in section 3, such officer shall exclusively perform urgent activities.

Art. 35
1. Control shall be conducted on the premises of the authority, business unit or organisational unit, during the time of performance of their tasks as well as after working hours and on holidays upon the consent of the person/entity under control or a person authorised thereby.
2. Control or particular activities thereof may also be conducted in an organisational unit of the CBA.

Art. 36
1. Without prejudice to the provisions on the protection of classified information, an officer conducting control shall be allowed to freely move around the premises of the unit under control,

without an obligation to obtain a pass, and shall be exempt from personal inspection if it is provided for in the internal regulations of the unit under control.
2. Without prejudice to the provisions on the protection of classified information, the person/entity under control or a person authorised thereby shall ensure conditions and measures necessary to conduct control efficiently, in particular, by immediate presentation of the documents and materials requested for verification as well as providing verbal and written explanations by the employees of the unit.
3. Control or individual activities thereof conducted on the premises under the management of the Chancellery of the Sejm and the Chancellery of the Senate may be carried out in consultation with, accordingly, the Speaker of the Sejm of the Republic of Poland or the Speaker of the Senate of the Republic of Poland. The arrangements shall be made by the Prime Minister and, in the absence of such arrangement, the activity shall not be conducted.

Art. 37

1. The officer conducting control shall establish the findings on the grounds of evidence gathered in the course of control.
2. The evidence means in particular: documents, objects, results of inspection, expert opinions as well as explanations and statements.
3. The person/entity under control or a person authorised thereby shall provide access to the documents in order to prepare copies, photocopies or excerpts as well as statements and calculations based on the documents.
4. True copies, photocopies and excerpts as well as statements and calculations shall be certified by the person/entity under control or a person authorised thereby.
5. The officer conducting control activities appropriately secures the evidence collected in the course of control activities, if required, by:
1) delivering them for safekeeping by the person/entity under control or a person authorised thereby with the acknowledgement of receipt;
2) storing them at the unit under control in a separate, closed and sealed room;
3) collecting from the unit under control, with the acknowledgement of receipt.
6. The decision on the release of evidence from security shall be taken by the officer conducting control, and in the event of their refusal – by the head of the relevant organisational unit of the CBA.

Art. 38

1. The officer conducting control shall collect objects in the presence of the person/entity under control or a person authorised thereby, and in their absence – in the presence of an employee indicated by the person/entity under control or a person authorised by the person under control. The object collected shall be marked in a manner which precludes its change.
2. The officer conducting control and the person participating in the collection of the objects shall sign a protocol on the collection of objects.

Art. 39

1. Where the condition of the objects or other assets needs to be determined, the controlling officer may carry out an inspection.
1a. The person under control to whom the inspection refers shall be notified, prior to the commencement of such activities, of the purpose of the inspection, and requested to present the specified objects.

2. The inspection shall be conducted in the presence of the person/entity under control or a person authorised thereby, and in the event of their absence – in the presence of an employee indicated by the person under control or a person authorised thereby.
2a. The inspection shall be carried out in accordance with its purpose, in moderation and with respect to the dignity of the persons subjected to such activity, as well as without causing unnecessary damage or distress.
3. A report on the course and outcome of the inspection shall be drawn up without delay and signed by the officer conducting control and the person specified in section 2.
3a. Such inspection report shall contain the indication of the case to which the inspection refers, the venue, the dates and the time of the activity commencement and completion, the participants, the objects under inspection and their descriptions, the statements and conclusions made by the participants. The provisions of Art. 148 par. 2 sentence 2, and par. 4 of the Act of 6 June 1997 – the Code of Criminal Procedure shall apply.
4. Moreover, the course and the outcome of the inspection may also be recorded by means of:
1) a transcript; a transcript shall be converted into an ordinary piece of writing, providing the stenographic system used, and enclosing the original stenographic record to the report;
2) an equipment recording images or sound; the recorded image or sound constitutes an enclosure to the report.
5. The data received as a result of such inspection shall constitute a legally protected secret and shall be subject to protection provided for information classified as "restricted", as stipulated in the provisions on classified information.
6. In the event of redundancy of the data possessed for the needs of the proceedings which constituted the grounds for obtaining the data, the Head of the CBA or a person authorised thereby shall immediately order the destruction of the data by protocol in the presence of a commission.
7. Art. 207 par. 2 of the Act of 6 June 1997 – the Code of Criminal Procedure shall apply accordingly.

Art. 40 (repealed)

Art. 41
1. The officer conducting control may demand from the unit under control or a person performing a public function to provide, on a date and in a location determined by the officer, verbal and written explanations concerning the subject of control. A protocol of the verbal explanations shall be drawn up, which shall be signed by the officer conducting control and the person providing the explanations.
2. A refusal to provide explanations may occur exclusively where the explanations refer to:
1) a secret protected by law;
2) facts and circumstances the disclosure of which might expose the person requested to provide explanations to criminal or financial liability, as well as their spouse or cohabitant, relatives, and in-laws to the second degree or persons related thereto due to adoption, custody or legal guardianship.
3. The right to refuse explanations in the events referred to in section 2 item 2 persists despite the termination of marriage, cohabitation, adoption, custody or guardianship.
4. The person providing explanations may avoid replying to questions under the circumstances referred to in sections 2 and 3.

Art. 42

1. Each person may submit a verbal or written representation concerning the subject of control to an officer conducting control.
2. An officer conducting control shall not refuse to accept such representation where it relates to the subject of control.

Art. 43

1. Where in the course of control the examination of particular issues requiring specific knowledge is necessary, the head of the relevant organisational unit of the CBA, on their own initiative or upon request of the officer conducting control, shall appoint an expert.
2. The subject matter, the scope and the date of the opinion shall be specified in the decision on the appointment of the expert.
3. As a result of such examination, the expert shall prepare a detailed report containing the description of the tests conducted, together with the opinion issued on the basis of the tests.
4. If in the course of control there occurs a need to conduct specific research activities by the officer conducting control with the participation of such expert in a particular area of knowledge or practice, the officer conducting control may appoint, by way of decision, such expert to participate in such activities, specifying the subject matter and the period of such expert's activity.
5. Such expert/specialist shall act on the grounds of the decision on their appointment.
6. The person/entity under control or a person authorised thereby or a person performing a public function may submit, through the officer conducting control, a request to the head of the relevant organisational unit of the CBA, to exempt such appointed expert or specialist from the proceedings due to the reasons set forth in Art. 34 sections 1 and 2.

Art. 44

1. The officer carrying out control shall present the results of control in a control protocol.
2. The control protocol shall contain the description of the actual state of facts found in the course of control as well as an assessment of the found irregularities, taking into consideration the reasons of the occurrence, scope and effects of such irregularities as well as the persons responsible for such irregularities.

Art. 45

1. The officer conducting control and the person/entity under control or a person authorised thereby shall sign the control protocol.
2. In the event referred to in Art. 2 section 1 item 5, the control protocol shall be signed by the officer conducting control and the person performing a public function.
3. The person/entity under control or a person authorised thereby or the person referred to in section 2, shall be entitled to submit, prior to signing the control protocol, reasonable reservations pertaining to the findings contained in the protocol.
4. Such reservations shall be submitted to the Head of the CBA in writing within 7 days from the date of the receipt of the control protocol.
5. In the event of the submission of the reservations referred to in sections 3 and 4, the Head of the CBA shall analyse such reservations and order additional control activities, if necessary, and where such reservations are well founded, order to amend or supplement the respective part of the control protocol.
6. In the event of the rejection of such reservations in their entirety or in part, the Head of the CBA shall provide his decision in writing to the person submitting such reservations.

7. The person/entity under control or a person authorised thereby or the person referred to in section 2 may refuse to sign the control protocol, submitting an explanation for the refusal in writing within 7 days of the receipt of the protocol.
8. Where reservations are submitted, the time limit for delivery of an explanation on the refusal to sign the protocol shall run from the date of the receipt of the decision of the Head of the CBA concerning the examination of such reservations.
9. The officer conducting control shall make a note in the protocol on the refusal to sign the control protocol and to submit explanations.
10. The refusal to sign the protocol by the person referred to in sections 1 and 2 shall not prevent the officer conducting control from signing the protocol and implementing the findings of the control.

Art. 46

1. After the control protocol is drawn up, taking into consideration the time limits referred to in Art. 45 sections 4 and 7, the head of the respective organisational unit of the CBA may submit:
1) a request:
a) to remove from office or terminate the relationship of employment without notice due to the employee's non-compliance with the provisions of the Act on Restrictions on Conduct of Business Activities by Persons Performing Public Functions as well as other laws imposing restrictions on the undertaking and carrying out of business activities by persons performing public functions;
b) to initiate disciplinary procedures in the situations referred to in item (a);
2) a request to the person/entity under control or the body supervising its activity to find, within the organisational unit, the occurrence of infringements of:
a) the provisions of the Act on Restrictions on Conduct of Business Activities by Persons Performing Public Functions and the provisions of other laws imposing restrictions on the undertaking and carrying out of business activities by persons performing public functions;
b) the provisions of the law relating to procedures on taking and implementing decisions referred to in Art. 31 item 2.
3) information to the Supreme Audit Office or other competent audit authorities if the need to carry out control of a broader extent occurs.
2. On the basis of the control protocol, in the event of a reasonable suspicion of a criminal offence referred to in Art. 2 section 1 item 1, the CBA shall institute and conduct pre-trial procedures.
3. Under the circumstances referred to in Art. 309 item 2 of the Act of 6 June 1997 – the Code of Criminal Procedure, if the circumstances prescribed in section 2 occur, the materials gathered in the course of control procedures together with the request to institute pre-trial proceedings shall be submitted by the Head of the CBA to the Public Prosecutor General.
4. In the event of a disclosure of acts other than the acts referred to in section 2, for which statutory disciplinary or criminal liability is envisaged, the CBA shall notify competent authorities.
5. Such authorities and heads of organisational units to whom motions, reports, requests, information and notifications were submitted, shall notify the CBA about the manner for and the scope of the use thereof.

Art. 46a

The provisions of chapter 5 of the Act of 2 July 2004 on Freedom of Business Activities (Journal of Laws of 2013, item 672, as amended) shall apply to the control of entrepreneurs' business activities.

Art. 47
The Council of Ministers shall lay down, by way of ordinance, the procedures for and the detailed terms of preparation and conduct of control activities, evidencing particular control activities, drawing up control protocols as well as post-control reports and requests by the officers of the CBA, taking into consideration the possibility of submitting reservations and refusal to sign a protocol as well as templates of documents required in the course of control activities.

Chapter 5
Service of officers of the Central Anti-Corruption Bureau

Art. 48
Service in the CBA may be performed by a person who:
1) has exclusively Polish citizenship;
2) fully exercises public rights;
3) demonstrates impeccable moral, civil and patriotic attitude;
4) has not been convicted of an intentional criminal offence subject to public prosecution or of a fiscal offence;
5) satisfies the requirements set forth in the regulations on the protection of classified information;
6) has completed at least secondary education, satisfies the necessary professional requirements, and has medical capacity for service;
7) has not performed professional service, worked for or cooperated with the State security services enumerated in Art. 5 of the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Criminal Offences against the Polish Nation.

Art. 49
1. The candidates' medical capacity for service in the CBA, and the medical clearance of the officers of the CBA shall be conducted by medical commissions subordinate to the minister in charge of internal affairs.
2. (repealed)

Art. 50
1. A candidate's admission to service in the CBA shall take place upon the completion of the recruitment process, which comprises:
1) a submission of the service application, the personal questionnaire, as well as documents confirming the required education, professional qualifications and containing the data on previous employment;
2) an interview;
3) a security clearance, prescribed in the provisions on the protection of classified information;
4) a medical clearance to serve in the CBA.
2. The candidate applying for service in the CBA in a position requiring specific skills or qualifications may be subject to a recruitment process extended by activities intended to check the candidate's suitability for such position, including a polygraph test.
3. The recruitment procedures for officers or former officers of the Internal Security Agency, the Police and the Border Guard may be limited to the activities set forth in section 1 items 1 and 2.
4. The Prime Minister shall lay down, by way of ordinance, the template of the personal questionnaire as well as the detailed recruitment procedures for candidates to serve in the CBA,

taking into consideration the activities required to issue a decision with respect to the person applying for service in the CBA.

Art. 51

1. Prior to service commencement, an officer of the CBA, hereinafter referred to as an "officer", shall take an oath worded as follows:
"I, a Citizen of the Republic of Poland, swear: to serve the Nation faithfully, to observe the law diligently, to remain faithful to the constitutional authorities of the Republic of Poland, to perform the duties of the officer of the CBA diligently and impartially, even risking my life, and also to protect the honour, the dignity, and the good name of the service as well as to observe professional discipline and the principles of professional ethics."
The oath may be taken with the addition of the sentence "So help me God".
2. The Head of the CBA shall lay down, by way of ordinance, the oath taking ceremonial.

Art. 52

1. A service relationship of an officer shall arise by way of appointment, referred to in Art. 6 section 1 or 4, by way of entrusting duties under Art. 9 or by way of nomination through a service application.
2. The commencement of the service of an officer shall be counted from the date set forth in the act of appointment, the act of entrusting the duties or the decision on admission to service and appointment to a position in the CBA.
3. The Prime Minister shall lay down, by way of ordinance, the template of the official identity card and other documents for officers, the bodies competent to issue, replace and invalidate such documents as well as make entries therein, the circumstances under which an official identity card or other documents are subject to return, replacement or invalidation as well as the procedures in the event of the loss of such documents and the manner for using the official identity card and other documents, taking into consideration the requirements specified in the provisions on the protection of classified information.
4. The Head of the CBA shall lay down, by way of resolution, the designs of marks and templates of other documents identifying officers.

Art. 53

1. A person admitted to service in the CBA shall be appointed an officer in preparatory service for a period of 3 years.
1a. The person appointed the Head of the CBA or who was entrusted with the duties of the Head of the CBA shall be appointed an officer in permanent service.
2. In the period of preparatory service, an officer of the CBA is subject to training.
3. After the lapse of preparatory service and obtaining a positive general assessment in an official opinion, an officer shall be appointed an officer in permanent service.
4. In the event of an officer's break in the performance of official duties exceeding 30 days, the Head of the CBA may extend the period of preparatory service.
5. In reasonable events, the Head of the CBA may reduce the period of preparatory service or release an officer from such service.

Art. 54

1. The Head of the CBA shall be in charge of admissions into service in the CBA, appointment of officers as well as transfer, delegation, secondment, dismissal or removal from office, suspension

and waiver of suspension from duty, removal from service as well as termination of the service relationship.
2. Human resource matters, other than stipulated in section 1, concerning the officers fall within the competence of the superiors authorised by the Head of the CBA.
3. The human resource matters, referred to in section 1, concerning the officers shall be resolved by way of decision.
4. An appointment to a position shall take place with respect to the level of education and professional qualifications of the officers.
5. The Prime Minister shall lay down, by way of ordinance, official positions within the structure of the CBA as well as the requirements concerning the level of education and professional qualifications which should be satisfied by the officers in particular positions, with respect to ensuring the performance of the statutory tasks of the CBA by such officers.

Art. 54a
The Prime Minister or a minister authorised by the Prime Minister, appointed to coordinate activities of special services, shall be in charge of cases arising from the official relationship of the Head of the CBA. The authorisation shall not refer to cases set forth in Art. 6.

Art. 55
1. The time of an officer's service shall be determined by the amount of their duties, with respect to the right to rest.
2. The Prime Minister shall lay down, by way of ordinance, the schedule of service, with respect to the time to rest as well as the circumstances of extension of such officer's service, substantiated by the need to ensure an uninterrupted course of service.

Art. 56
The Prime Minister shall lay down, by way of ordinance, the safety and health conditions of service as well as the limits of the application of the provisions of chapter 10 of the Labour Code, taking into consideration the specific nature of the service, the threats occurring in certain positions or in the course of performing certain official tasks, and duties vested in the officers and their superiors within the scope of preventing possible threats to life or health, as well as taking into consideration the provisions of the law applicable to official positions not covered by the specific nature of the service in the CBA.

Art. 57
1. An officer shall be subject to performance assessment, at least every two years.
2. An officer in preparatory service shall be subject to performance assessment at least every 6 months.
3. An officer shall be informed about the result of the performance assessment within 7 days from the date of its drafting; within 7 days after an officer has reviewed such assessment, they may submit an appeal to their major superior.
4. The Prime Minister shall lay down, by way of ordinance, the template of the form of such performance assessment, the detailed terms of and the procedures for providing the assessment of the officers' performance, taking into consideration the prerequisites for the assessment and its frequency, the criteria taken into consideration while preparing such performance assessment as well as the grading, the competence of the superiors within the purview of issuing such assessments, the procedures for reviewing the performance assessment by

officers and the procedures for submitting and processing an appeal against such performance assessments.

Art. 58

1. An officer may be removed from office or put on gardening leave.
2. An officer may be put on continuous gardening leave for up to 4 months.
3. After the lapse of the period referred to in section 2, such officer shall be moved to a particular position, and in the event of their written refusal to be moved thereto, such officer shall be removed from service with retention of the rights prescribed for officers removed under Art. 64 section 2 item 4, unless they satisfy the terms of removal from service on more advantageous conditions.
4. The Prime Minister shall lay down, by way of ordinance, the terms of and the procedures for placing officers on gardening leave, taking into consideration the manner for performing service in such period.

Art. 59

1. For a period of up to 6 months, an officer may be delegated or moved, ex officio or at their own request, to perform service temporarily in another location.
2. In reasonable events, the Head of the CBA may prolong the period of delegation, referred to in section 1, to 12 months.

Art. 60

1. For a period of 6 months, an officer may be entrusted with performing duties in another position. In such event, the officer's emoluments shall not be decreased.
2. Where justified by the performance of the CBA`s tasks, upon placing such officer on gardening leave upon their consent, such officer may be delegated to perform official tasks outside the CBA. The provisions of Art. 58 shall not apply.
3. The Prime Minister shall lay down, by way of ordinance, the terms of and the procedures for delegating, the rights and duties of an officer in the period of delegation, the amount of and the manner for payment of emoluments and other financial advantages to which the delegated officer is entitled, taking into consideration the place, the nature and the scope of the CBA`s tasks; the Prime Minister shall also define, taking into consideration the provisions on the protection of classified information, the detailed rights and obligations of an officer serving outside the Republic of Poland.

Art. 61

1. An officer shall be demoted in the event of an administrative or a disciplinary penalty of moving to a lower position.
2. An officer may be demoted in the event of:
1) an opinion by a competent medical commission on a permanent disability to perform service in the position held if there is no possibility of moving to an equal position;
2) unsuitability for the position held, determined while performance assessment carried out in the course of preparatory service;
3) failure to perform one's duties in the position held, determined in the course of permanent service during two consecutive performance assessments;
4) liquidation of the position held if there is no possibility of moving to an equal position.
3. An officer may also be demoted upon their written request.

4. In the event of the lack of the officer's consent to be demoted due to the reasons specified in section 2, such officer may be removed from service.

Art. 62

1. An officer shall be suspended from office for a period of up to 3 months in the event of instituting criminal proceedings against them for an intentional criminal offence subject to public prosecution or for fiscal offences.
2. An officer may be suspended from office for a period of up to 3 months in the event of instituting criminal proceedings against them for an unintentional offence subject to public prosecution, misdemeanour proceedings or proceedings concerning a fiscal misdemeanour as well as disciplinary procedures if the above are deemed reasonable due to the interest of such proceedings.
3. Under particularly reasonable circumstances, the period of suspension from duty may be extended for a further specified period, until the decision issued in the course of criminal proceedings, penal fiscal proceedings or proceedings concerning misdemeanour or fiscal misdemeanour becomes final; and in other cases, for a period of up to 12 months.
4. Suspension from duty involves such officer's release from their duties.
5. Such officer may submit a request to the Head of the CBA to re-examine the decision on their suspension.
6. An officer suspended from office shall:
1) immediately return their weapons and an official identity card as well as objects connected with the tasks performed, in particular the case files and documents concerning the matters conducted;
2) inform the head of their organisational unit about their intention to leave their place of residence for a period of up to 3 days.

Art. 63

1. An officer may be referred to a medical commission specified in Art. 49:
1) ex officio or at their own request in order to determine the condition of their health and to determine their medical capacity for service, as well as the relation of particular diseases with the service;
2) ex officio, in order to verify the accuracy of the medical opinion on the temporary inability to serve due to disease, or the proper use of medical sick leave.
2. An officer may also be subjected to polygraph tests. The Head of the CBA shall order an officer's polygraph examination. The decision of the Head of the CBA shall not require substantiation.

Art. 64

1. An officer shall be removed from service in the event of:
1) an opinion by a competent medical commission on a permanent disability to perform service;
2) unsuitability for the position held, determined during performance assessment in the course of preparatory service;
3) administration of a disciplinary penalty of dismissal from service;
4) loss of Polish citizenship or acquiring the citizenship of another country;
5) providing untrue information in the declaration submitted under Art. 10 of the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions, stated in the course of disciplinary procedures;

6) conviction under a final and valid judgment for having perpetrated an intentional criminal offence subject to public prosecution, or a fiscal offence;
7) holding a state executive position or a function, out of choice, in local government bodies.
2. An officer may be removed from service in the event of:
1) non-performance of official duties during the term of permanent service, stated in two consecutive performance assessments;
2) temporary detention;
3) conviction under a final and valid judgment for having perpetrated an intentional criminal offence other than stipulated in section 1 item 6;
4) acquiring a full retirement entitlement set forth in separate regulations;
5) an indictment filed in the event of an intentional criminal offence subject to public prosecution;
6) failure to file the declaration referred to in Art. 10 of the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions, within the prescribed time limit;
6a) unsubstantiated failure to appear twice for medical tests, referred to in Art. 63 section 1a, or failure to undergo such tests, or in the case of an unsubstantiated failure to appear twice for medical observation upon the officer's consent unless the referral to the medical committee was issued at the officer's request;
7) refusal to be subjected to the examination referred to in Art. 63 section 2;
7a) the lapse of 12 months from the date of service discontinuance due to disease;
8) the perpetration of a criminal offence subject to public prosecution where the circumstances of its perpetration do not raise doubts.
3. An officer shall be removed from service within the time limit of up to 3 months of their written submission of the notice of leaving service.

Art. 65

An officer's service relationship expires in the event of:
1) the demise of such officer or determination of their disappearance referred to in Art. 98 section 4;
2) the absence of such officer from service for a period exceeding 3 months due to a temporary detention unless the officer has been removed from service previously.

Art. 66

1. In the event of a revocation of the final judgment or the final decision on conditional discontinuance of criminal proceedings, and issuing of a ruling on the discontinuance of criminal proceedings or, in the event of a reversal of a disciplinary penalty, involving demotion or a penalty of removal from service, the effects arising for the officer in connection with the demotion shall be reversed. The Head of the CBA shall decide on the reversal of other effects.
2. In the event of a revocation of conviction or the final decision on the conditional discontinuance of criminal proceedings and the issuing of a final acquitting judgement, all and any effects arising for the officer in connection with the disciplinary procedures conducted in connection with the charges of having perpetrated a criminal offence constituting the subject matter of the ruling of the court shall be reversed.
3. Where, in the event referred to in section 2, the grounds for the decision on a disciplinary penalty were constituted by prerequisites other than merely the charges of having perpetrated a criminal offence, the decision on the reversal of the effects arising for the officer as a result of the disciplinary procedures shall be made by the Head of the CBA. The provision of section 1 shall apply accordingly.

Art. 67
The removal of an officer from service under Art. 64 section 1 item 2 and section 2 item 1 may occur within the time limit of 3 months from the date of the discontinuation of service due to disease, providing the officer submits a written notice of leaving service.

Art. 68
1. An officer shall not be removed from service during pregnancy, maternity leave or leave on maternity leave terms, additional maternity leave, additional leave on maternity leave terms, paternity leave, parental leave or childcare leave, with the exclusion of circumstances set forth in Art. 64 section 1 items 3, 4, 6 and 7 as well as in section 2 items 2–5.
2. In the event of the removal of an officer from service pursuant to Art. 64 section 2 item 4 during pregnancy, maternity leave or leave on maternity leave terms, additional maternity leave, additional leave on maternity leave terms, paternity leave or parental leave, such officer shall be entitled to emoluments until the end of pregnancy or the abovementioned leave.
3. An officer removed under Art. 58 section 3 or Art. 64 section 2 item 4 in the course of childcare leave, until the end of the period for which the leave was granted, shall be entitled to:
1) a pecuniary benefit paid subject to the principles of payment of a child-raising allowance;
2) other entitlements envisaged for persons made redundant in the course of childcare leave due to reasons not concerning employees.

Art. 69
1. An officer removed from service shall receive a certificate of service, without delay.
2. An officer may demand the correction of the certificate of service within 7 days from the date of its receipt.
3. The Prime Minister shall lay down, by way of ordinance, the data which shall be included in the certificate of service as well as the procedures for the issuance and correction of the certificate of service as well as the form of the certificate of service, taking into consideration the competence of the superiors as well as the specific nature of the service.

Art. 70
1. The CBA may employ employees.
2. The provisions of Art. 72 shall apply accordingly with respect to the employees referred to in section 1.

Chapter 6
Obligations, rights and emoluments of the officers of the Central Anti-Corruption Bureau

Art. 71
1. An officer shall observe obligations which stem from the wording of the oath taken.
2. An officer shall refuse to execute an order of a superior where the execution of such order entails perpetrating a criminal offence.
3. An officer shall notify the Head of the CBA of the refusal to execute the order referred to in section 2, excluding the official chain of command.

Art. 72
1. An officer shall not remain in an employment relationship or undertake any other paid job outside the service.

2. Limitations on the conduct of economic activities resulting from the Act of 21 August 1997 on Restrictions on Conduct of Business Activities by Persons Performing Public Functions shall apply to officers. Officers shall submit an asset declaration in compliance with the terms of, the procedures for, and within the time limit set forth in the provisions of this Act.
3. Officers of the CBA shall submit the declarations, referred to in section 2, to the Head of the CBA. The Head of the CBA and the deputy heads of the CBA shall submit the declarations to the Prime Minister, who carries out an analysis of the data contained in the declarations.
3a. The declarations, referred to in section 2, of the Head of the CBA and the deputy heads shall be posted, without their consent, on the website of the Public Information Bulletin of the CBA within 7 days from the date of the submission of the declarations, excluding the data referring to the date and place of birth, PESEL number (Universal Electronic System for Population Registration), the place of residence and the location of the properties specified in the declaration.
4. The Head of the CBA may permit an officer to perform a remunerative scientific or research and didactic activities, where it shall not collide with the performance of their duties.
5. An officer shall notify the Head of the CBA of their liabilities as well as the liabilities of their spouse or cohabitant where the amount of the liabilities exceed jointly five times the monthly emolument provided for the officer.
6. The Prime Minister shall lay down, by way of ordinance, the scope of the data conveyed by an officer in the cases referred to in sections 4 and 5, taking into consideration the requirements set forth in the regulations on personal data protection.

Art. 73

1. An officer shall not be a member of a political party or shall not participate in the activity of such party or on its behalf.
2. An officer shall not perform a public function.
3. The officers shall not associate in trade unions.
4. An officer shall obtain the permission of the Head of the CBA to belong to national, foreign or international associations.

Art. 74

1. An officer shall obtain the permission of the Head of the CBA to travel abroad outside the European Union.
2. An officer shall notify their superior about travelling abroad to the European Union Member States.
3. The Head of the CBA shall lay down, by way of regulation, the events in which obtaining the permission or execution of the obligation referred to in sections 1 and 2 shall not be required, as well as the obligations of officers travelling abroad and returning from abroad.

Art. 75

1. In connection with the performance of their duties, an officer shall be protected pursuant to the provisions concerning public officers in the Criminal Code.

Art. 76

1. An officer shall be entitled to reimbursement of the costs incurred for legal protection if criminal proceedings instituted against them for a criminal offence perpetrated in connection with the performance of duties were accomplished with a final decision on discontinuance due to the absence of statutory features of a prohibited act or a non-perpetration of a criminal offence or an acquittal.

2. Costs in the amount of the remuneration of one defence counsel set forth in separate regulations shall be reimbursed from the budget of the CBA.

Art. 77 (repealed)

Art. 78
1. The officers shall be gratuitously provided with weapons and equipment required to perform their official duties.
2. The Head of the CBA shall lay down, by way of regulation, the norms of the equipment and weapons as well as the detailed principles of access to such equipment and weapons, their allocation and use.

Art. 79 (repealed)

Art. 80
1. Where an officer removed from service does not fulfil the requirements to obtain the right to a Police pension or a Police disability pension, from the emoluments paid to the officer after 31 December 1998 to the date of the removal from service, from which contributions for a pension or disability pension insurance were not deducted, premiums for the period stipulated in the Act of 13 October 1998 on the Social Insurance System shall be transferred to the Social Insurance Institution (ZUS) (Journal of Laws of 2013, item 1442, as amended).
2. Emoluments, constituting the grounds for the calculation of the amount of contributions for a pension or disability pension insurance referred to in section 1, mean the base emolument, additional benefits as well as annual and discretionary awards, calculated pursuant to Art. 110 of the Act referred to in section 1.
3. The contributions shall also be transferred where an officer fulfils only the requirements to acquire the right to a Police disability pension. The transfer of the premiums shall take place upon the officer's request.
4. The contributions shall be subject to indexation by a contribution indexation ratio calculated pursuant to the Act of 17 December 1998 on Social Insurance Fund Pensions (Journal of Laws of 2013, item 1440, as amended).
5. When calculating the amount of the contributions due, indexed pursuant to section 4, the provisions of Art. 19 section 1 and Art. 22 section 1 items 1 and 2 of the Act referred to in section 1 shall apply accordingly.
6. The provisions of sections 1–5 shall also apply to an officer where upon their removal from service, despite fulfilling the requirements to receive a Police pension, the officer requested for pension due to being subject to social insurance.
7. In the case referred to in sections 3 and 6, the amount of the contributions due and indexed shall be transferred without delay on the basis of a notification from the Social Insurance Institution (ZUS) on acquiring the pension right or disability pension right by an officer, prescribed in the provisions referred to in section 4.
8. The amount of the contributions due and indexed constitutes the revenues of the Social Insurance Fund.
9. The Prime Minister shall lay down, by way of ordinance, the procedures for and the time limits of transferring the contributions referred to in sections 1, 3, 4 and 7, to the Social Insurance Institution (ZUS), as well as to units competent for such task, taking into consideration the necessity

to ensure a proper and immediate performance of the activities connected with the transfer of such contributions.

Art. 81

1. The term of an officer's service shall be treated as work performed in special conditions or work of specific nature within the meaning of the Act of 17 December 1998 on Pensions from the Social Insurance Fund.
2. If after the dismissal from service in the CBA an officer undertook a job, the period of such service shall count as the employment period within the scope of all and any entitlements resulting from labour law.

Art. 82

An officer shall be entitled to employee rights relating to parenthood, set forth in the Act of 26 June 1974 – the Labour Code, excluding Art. 186, save as otherwise provided. Art. 189 shall apply accordingly.

Art. 83

The Prime Minister shall lay down, by way of ordinance, the course of service of officers. The ordinance shall lay down:
1) the detailed terms of and the procedures for settling matters, including human resource matters concerning the officers, the commencement, termination or expiry of the service relationship, an appointment, transfer, removal and dismissal from office;
2) the manner for excusing absences from service;
3) the types of information an officer is obliged to provide due to the course of service.

Art. 84

1. An officer shall be entitled to an annual paid holiday leave of 28 working days.
2. Six months after the service commencement, an officer shall acquire the right to the first holiday leave in the amount equal to one-half of the amount of holiday leave they are entitled to after a year of service.
3. An officer shall acquire the right to holiday leave in the full amount after one year of service. The holiday leave referred to in section 2 shall be included in such leave.
4. An officer shall acquire the right to subsequent holiday leaves in each consecutive calendar year.
5. The periods of previous employment and service, regardless of the breaks in employment and service or the manner for the termination of the employment relationship or the service relationship, are included in the length of service on the basis of which the holiday leave entitlement is calculated.
6. Working days mean the days from Monday to Friday, excluding statutory holidays.

Art. 85

1. An officer performing service in conditions particularly onerous or hazardous to health or where it is substantiated by specific nature of service, may be granted an additional paid leave of up to 7 working days annually.
2. An officer who obtained permission to pursue education or university studies and who pursues such education or university studies, as well as an officer who obtained permission for a doctoral or post-doctoral dissertation, and for legal advisers or legislators traineeship, shall be granted a paid training leave of:

1) 7 days to prepare for and take an entrance examination;
2) in the case of universities and colleges, 21 days in each academic year;
3) in the case of officers learning at post-secondary schools or taking post-graduate programmes – 14 days in order to prepare for and take the final examination;
4) in order to prepare for a doctoral graduation and to defend a doctoral dissertation or to prepare for the colloquium as well as post-doctoral lecture – 28 days;
5) in order to prepare for and take the examination for legal advisers – 30 days;
6) in order to prepare for and take an examination upon the traineeship for legislators – 14 days.
3. Upon a written request substantiated by material personal matters, an officer in permanent service may be granted unpaid leave of up to 6 months.
4. An officer shall be granted a paid special-event leave (compassionate, emergency or exceptional leave) in order to enter into marriage, in the event of the birth of a child, the marriage of an officer's own child as well as adopted child, a child-in-law, a child taken to be raised and provided for in a foster family, as well as due to the death of a spouse, child, parents, siblings, parents-in-law, grandparents and guardians or any other person who is dependent on the officer or is under their direct care. An officer may also be granted a special-event leave in order to settle important personal matters or in other cases deserving special consideration. Such special-event leave is granted up to 5 days.
5. The Prime Minister shall lay down, by way of ordinance, the types of positions exposed to conditions onerous or hazardous to health as well as the types of other positions which entitle to an additional leave referred to in section 1 or, where it is justified by the specific nature of tasks, taking into consideration the character of the service.

Art. 86

1. An officer delegated to serve outside the CBA shall be entitled to one holiday leave, of the more advantageous duration.
2. The part of holiday not used in the course of delegation, resulting from the difference in the length of the holiday leave, shall be granted upon the return from the delegation.

Art. 87

1. The Prime Minister shall lay down, by way of ordinance, the terms of and the procedures for granting holiday leaves referred to in Art. 84 and 85 sections 1–4, taking into consideration:
1) the superiors in charge of holiday leaves;
2) the terms of granting paid training and special-event leave;
3) the terms of granting unpaid leave;
4) the manner for calculating the cash equivalent for unused holiday leave as well as the manner for calculating the remuneration for paid leaves.
2. The ordinance shall take into consideration an officer's right to rest as well as ensuring the continuity and efficiency of the performance of tasks.

Art. 88

An officer reaching outstanding results in the course of service may be awarded the following distinctions by the Head of the CBA:
1) a short-term holiday leave of up to 7 working days;
2) a financial or material award;
3) nomination to a higher position;
4) presenting an award of a medal or decoration.

Art. 89

1. The right to emolument shall arise on the date of appointment, entrusting the duties or the nomination for office.
2. In connection with the service, an officer shall receive one emolument and other pecuniary benefits.
3. The emolument shall consist of the base emolument, a bonus and a performance bonus, if awarded.
4. An officer shall receive a bonus of up to 30% of the base emolument, however, not less than 1%.
4a. The Head of the CBA shall determine the amount of an officer's bonus at the request of the head of the organisational unit of the CBA in which the officer serves, and the amount of the bonus for the deputy heads of the CBA, heads of organisational units of the CBA and their deputies, directly.
4b. The Head of the CBA shall determine the bonus amounts for the period of 6 months within the following time limits:
1) from 1 January to 30 June of a given year;
2) from 1 July to 31 December of a given year.
4c. The Head of the CBA shall determine the amount of a bonus by way of decision. The issuance of a decision shall not be required where the amount of the bonus remains unchanged.
4d. The bonus amount shall be dependent on:
1) the degree of difficulty, complexity, and the manner for accomplishment of the tasks by the officer;
2) professional qualifications of the officer;
3) the officer's performance results;
4) the performance assessment preceding the granting of the bonus.
4e. In reasonable events, and in particular in the event of:
1) perpetrating a criminal offence, a fiscal offence or a disciplinary transgression by the officer;
2) the officer's failure to accomplish their duties;
3) a significant decrease in the officer's performance;
– the Head of the CBA may reduce the bonus amount before the lapse of the 6–month period for which the bonus was awarded.
4f. The Head of the CBA may award a higher bonus before the lapse of the 6-month period for which the bonus was awarded where it is justified by the nature and results of the current tasks or the tasks exceeding the scope of the officer's duties.
4g. The Head of the CBA may award, by way of decision, a performance bonus where the officer:
1) accomplishes tasks in exceptionally difficult conditions or in conditions which require a considerable amount of labour, involvement and responsibility, which influences the performance of the CBA;
2) performs official duties outside the permanent place of service for a period exceeding 3 months;
3) has specialised knowledge and skills, which are particularly useful in the accomplishment of complex undertakings or activities performed by the CBA.
4h. The Head of the CBA shall determine the amount of an officer's performance bonus at the request of the head of the organisational unit of the CBA in which such officer serves, and the amount of the performance bonus for the deputy heads of the CBA, heads of organisational units of the CBA and their deputies, directly.
4i. Awarding a performance bonus, the Head of the CBA shall determine the period for which it is awarded.

4j. The amount of the performance bonus shall not exceed 30% of such officer's base emolument.
5. An average emolument of an officer shall constitute a multiple of the base amount, which is set forth in the Budget Act pursuant to separate provisions.
6. The Council of Ministers shall lay down, by way of ordinance, the multiple of the base amount referred to in section 5. However, it shall not be lower than 3.5 times the base amount, taking into consideration the specific nature and conditions of the service performed.
7. Emoluments shall be payable in advance, on a monthly basis.

Art. 90
1. The Prime Minister shall lay down, by way of ordinance, the rates of base emolument for officers in particular positions as well as the increase in base emolument due to the length of service, taking into consideration the procedures for and the time limits of their payment.
2. (repealed)
3. The Prime Minister shall lay down, by way of ordinance, the terms of and the procedures for calculating the length of service and work, taken into account in the course of the settling of the increase in emoluments, including other service periods and treating them as equal to the service in the CBA, the length of employment and other periods, which pursuant to separate provisions are included in the length of service.

Art. 91
1. Claims concerning the entitlement to emoluments, benefits and other amounts due shall be barred by statute of limitations after the lapse of 3 years from the date on which the claim became due.
2. The body competent to settle claims may not respect the statute of limitations where the delay in the pursuit of the claim is justified by unique circumstances.
3. The process of the statute of limitations of claims concerning emoluments, other benefits or amounts due shall be interrupted by:
1) any activity before the Head of the CBA or a head of an organisational unit of the CBA, undertaken directly in order to investigate into, settle or satisfy the claim;
2) admission of the claim.

Art. 92
1. An officer shall be entitled to the following pecuniary benefits:
1) dues for business trips and benefits due to transfer or delegation to serve temporarily in another location;
2) dues related to removal from service;
3) (repealed);
4) (repealed).
2. In the event of the demise of an officer or a member of their family:
1) funeral allowance;
2) severance pay on death.

Art. 93
1. An officer may be granted annual awards, discretionary awards, allowances, and housing allowances.
2. (repealed)
3. (repealed)

4. The Head of the CBA shall lay down, by way of regulation, the amount of such awards, allowances, and a housing allowance fund, and the amount of financial means designated for annual and discretionary awards, allowances, and housing allowances as well as the terms of increasing the fund for discretionary awards, allowances, and housing allowances.

Art. 93a

1. An officer performing service in a given calendar year shall acquire the entitlement to an annual award in the amount of 1/12 of the emoluments received in the calendar year for which such annual award is granted.
2. (repealed)
3. (repealed)
4. An annual award due to a deceased officer shall be disbursed to the family members who are entitled to a police survivors' pension.
5. The emoluments referred to in section 1 shall not cover emoluments received in the course of suspension from duty or temporary arrest unless the proceedings which were the grounds for the suspension or the temporary arrest were discontinued or they resulted in the acquittal of the officer.
6. An annual award shall be reduced, by not more than 50% of its amount set forth in section 1, in the following events:
1) a conditional discontinuance of criminal proceedings conducted against the officer or refraining from imposing the penalty by the court;
2) inflicting a disciplinary penalty in the form of a reprimand against the officer;
3) a judgement in force against the officer for an unintentional perpetration of a crime subject to public prosecution, or for a fiscal crime.
7. In the events referred to in section 6, when establishing the amount of the annual award, the head of the organisational unit shall take into consideration the nature of the act or the offence perpetrated, its results and type as well as previous service performance.
8. An annual award shall not be granted in the events of:
1) a conviction under a final and valid judgment for perpetration of an intentional criminal offence subject to public prosecution, or a fiscal offence;
2) inflicting against an officer a disciplinary penalty in the form of:
a) a removal from service,
b) an appointment to a lower position,
c) a warning of insufficient capacity for service in the position held;
3) a removal from service under Art. 64 section 1 items 2, 4 or 5, or Art. 64 section 2 item 1.
9. The reduction in or deprivation of the entitlement to an annual award shall relate to the calendar year in which an officer perpetrated the act which constitutes the subject-matter of criminal proceedings, fiscal criminal proceedings or disciplinary procedures, and where the award was disbursed – for the year in which the proceedings were accomplished by a final court decision.
10. An annual award shall be disbursed within the first three calendar months following the year for which the annual award is due, except for an annual award due to an officer being removed from service as well as an annual award due to a deceased officer, which shall be disbursed upon the official relationship expiry, without delay.

Art. 93b

1. An officer may be granted a discretionary award for significant achievements, accomplishment of the tasks in exceptionally difficult conditions or in conditions which require a consi-

derable amount of labour, involvement and responsibility, as well as for performance involving such officer's courage.
2. The amount of the discretionary award should be proportional to the conditions substantiating granting thereof.
3. The discretionary award shall be granted by the Head of the CBA.

Art. 93c
1. In fortuitous events causing a worsening of an officer's and their family's material situation, the officer may be granted an allowance. All circumstances having impact on the material situation shall be considered when determining the amount of the allowance.
2. In the event of the demise of an officer, the allowance may be granted to the family members who are entitled to the police survivors' pension.
3. The allowance shall be granted by the Head of the CBA.

Art. 93d
1. An officer shall be granted, by way of decision, a housing allowance where justified by the needs of the CBA as well as where:
1) the officer himself/herself, or their cohabitant, do not possess a flat or a house at the place of service or in the vicinity;
2) the officer was transferred to serve in another locality in which they themselves or their cohabitant do not possess a flat or a house;
3) the officer was moved to another locality and was not accommodated at the expense of the CBA.
2. A locality in the vicinity means a locality to which the time of commuting by public means of transport envisaged in the timetable, including alterations, does not exceed two hours, counting from the station (stop) nearest to the place of performing the service to the nearest station (stop) in the place of residence, excluding the time to reach the station (stop) within the limits of the locality from which the officer commutes and in which he/she performs service.
3. An officer shall not be granted a housing allowance where:
1) the officer's spouse or cohabitant, performing service in the CBA, obtain a housing allowance for a flat or house in the same locality;
2) the officer or the persons referred to in section 1 possesses a flat or a house, including in a locality different from the one referred to in section 1 item 1, and obtain income from its rental;
3) obtaining a housing allowance in the period preceding the submission of the request, in the event of the change of the actual condition having impact on the entitlement to the housing allowance or its amount, the officer did not fulfil the obligation to notify the Head of the CBA of the fact.
4. The housing allowance shall be granted upon such officer's request, which includes:
1) substantiation;
2) documents acknowledging the legal title to the flat or house;
3) a declaration that the circumstances referred to in section 3 do not occur;
4) a commitment to notify the Head of the CBA, in writing, without delay, of each modification which has an impact on the entitlement to the housing allowance or the amount thereof.
5. The Head of the CBA shall grant a housing allowance for the rental period, however, not longer than one year, provided the prerequisites substantiating its granting remain unchanged throughout the entire period.
6. Such housing allowance may be granted to the amount resulting from the documents presented, taking into consideration the officer's family and financial situation as well as average

market rental prices at the place of service, on the date the housing allowance is granted.
7. The disbursement of the housing allowance shall be discontinued in the event of a non-fulfilment of the prerequisites substantiating its granting.

Art. 94

1. The allowances referred to in Art. 92 section 1 item 1 mean:
1) the daily subsistence allowance constituting a cash equivalent to cover the costs of meals during a business trip;
2) the reimbursement of travel expenses on the route from the permanent location of service to the destination of the business trip and back, as well as accommodation or a lump-sum for accommodation;
3) daily subsistence allowances for the time of travel and the first 24 hours of stay in the new location where service shall be performed;
4) the reimbursement of travel costs to the location to which an officer is transferred or delegated;
5) a settlement allowance due to the transfer to perform service in another locality.
2. The Prime Minister shall lay down, by way of ordinance, the amount of and the procedures for granting the allowances referred to in section 1, as well as the manner for their payment, taking into consideration the nature of the tasks performed by an officer travelling on business or transferred or delegated to serve in another locality as well as the difference arising from the costs of subsistence.

Art. 95

1. Pursuant to court or administrative enforcement orders as well under special regulations, deductions may be made from the officers' emoluments – following the terms set forth in the regulations on court executions or executive proceedings in administration or in other special regulations.
2. The Prime Minister shall lay down, by way of ordinance, the terms of payment of the emoluments and other pecuniary allowances as well as the competence of and the procedures for the payment of pecuniary allowances and deductions from such dues, taking into consideration the form of the payment of the pecuniary allowances and the maximum delay period allowed in the payment thereof.

Art. 96

1. An officer removed from service under Art. 58 section 3, Art. 61 section 4, and Art. 64 section 1 items 1 and 7, section 2 items 1 and 4 and section 3, shall receive:
1) severance pay;
2) a pecuniary equivalent for holiday leave not used in the year of removal from service as well as for outstanding leave.
2. An officer removed from service under Art. 64 section 1 items 2–6, and section 2 items 2, 3 and 5–8 shall receive a pecuniary equivalent referred to in section1 item 2.

Art. 97

1. The amount of severance pay for officers in permanent service shall be equal to a six-month emolument in the latest position held or due on the last day of gardening leave. The severance pay is increased by 20% of the emolument for each consecutive full year of service for over 5 years of continuous service, up to the amount of an eight-month emolument. A period of service exceeding 6 months shall count as a full year.

2. The amount of severance pay for an officer in preparatory service is equal to a one-month emolument due in the latest official position or due on the last day of gardening leave.

Art. 98

1. In the event of an officer's demise, their survivors shall be entitled to severance pay on death in the amount equal to the amount of severance pay the officer would have been entitled to in the event of their removal from service.
2. In the event of an officer's death in connection with service, their survivors shall be entitled to a pecuniary allowance in the amount of a double dependants' pension, paid monthly from the State budget's part at the disposal of the CBA.
3. The allowances referred to in sections 1 and 2 shall be due to the spouse of the officer who remained in conjugal community with the officer, and subsequently to the children and parents if on the day of the demise of the officer they fulfilled the requirements envisaged for receiving a dependants' pension under the provisions on the retirement benefits for officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Service, and the Prison Service, and their families.
4. The provisions of sections 1 and 2 shall also apply to missing officers. The fact of an officer's missing and its connection with service shall be stated by the Head of the CBA.

Art. 99

1. An officer in permanent service, removed from service under Art. 64 section 1 item 1, shall be paid monthly, for a period of one year after their removal from service, a pecuniary allowance in the amount equal to the emolument due in the last official position held or on the last day of gardening leave.
2. An officer entitled to the allowance referred to in section 1, who acquired retirement pension entitlements, shall be entitled to choose one of the abovementioned allowances.
3. An officer removed from service under Art. 64 section 2 item 4, who due to a continuing disease cannot undertake employment, shall be paid a monthly pecuniary allowance set forth in section 1 for the time of the disease duration, up to 3 months, unless previously a relevant medical commission has issued a certificate of disability constituting the grounds for establishing the right to a disability pension.

Art. 100

1. In the event of the demise of an officer, regardless of the severance pay on death, referred to in Art. 98 section 1, a funeral allowance shall be paid in the amount of:
1) PLN 4,000 where the funeral costs are incurred by the spouse, children, grandchildren, siblings or parents;
2) the costs actually incurred, however not exceeding the amount referred to in item 1 where another person incurs the funeral costs.
2. Where the demise of an officer resulted from an accident related to service, the funeral costs shall be covered from the financial resources of the CBA. The Head of the CBA may issue a consent to cover the funeral costs of an officer who died of a disease related to service.

Art. 101

1. In the event of the demise of a family member, an officer shall be entitled to a funeral allowance in the amount of:

1) PLN 4,000 – where the funeral costs are incurred by the officer;
2) the costs actually incurred, however not exceeding the amount referred to in item 1 where another person incurs the funeral costs.
2. The funeral allowance referred to in section 1 shall be due in the event of the demise of the following members of an officer's family:
1) spouse;
2) own children or the spouse's children as well as adopted children;
3) children raised in a foster family;
4) children taken to be raised before becoming of age if their parents are deceased or are unable to provide for the children, or are deprived of or limited in their parental rights;
5) an officer's parents as well as an officer's step-father, step-mother, and adopting persons;
6) persons for whom the officer or the officer's spouse were appointed as a legal guardian.
3. (repealed)

Art. 102
In the event of holiday leave, exemption from official activities, and gardening leave, an officer receives emoluments and other pecuniary benefits due in the latest official position, taking into consideration changes which occurred in that period, and which affected the entitlement to emoluments and other pecuniary allowances or their amounts.

Art. 102a
1. An officer's monthly emoluments for the period determined by the Labour Code as maternity leave, a period of additional maternity leave, a period of leave on maternity leave terms, a period of additional leave on maternity leave terms, and paternity leave shall constitute 100% of the emolument referred to in Art. 102.
2. Monthly emoluments of an officer for the period set forth in the Labour Code as parental leave shall constitute:
1) 100% of the monthly emoluments referred to in Art. 102, for the period of up to:
a) 6 weeks of parental leave in the case referred to Art. 1821a par. 1 item 1 and Art. 183 par. 4 item 1 of the Labour Code,
b) 8 weeks of parental leave in the cases referred to in Art. 1821a par. 1 item 2 and Art. 183 par. 4 item 2 of the Labour Code,
c) 3 weeks of parental leave in the case referred to in 183 par. 4 item 3 of the Labour Code;
2) 60% of the emoluments referred to in Art. 102 for the period of parental leave following the periods referred to in item 1.
3. Monthly emoluments of a female officer who not later than 21 days upon the childbirth submits a request to grant her the full-length additional maternity leave directly after maternity leave, and directly after such leave – the full-length parental leave, shall constitute 80% of the monthly emolument referred to in Art. 102 for the entire period of such leaves.
3a. Where an officer's emolument deducted by an advance on personal income tax, calculated pursuant to sections 1–3, is lower than the amount of the parental allowance set forth in the Act of 28 November 2003 on Family Benefits (Journal of Laws of 2015 item 114, as amended), the amount of the officer's emolument deducted by the advance on personal income tax shall be increased by the amount of the parental allowance.
4. Art. 3 shall apply accordingly to an officer who not later than 21 days upon taking a child to be raised and filing a request with the guardianship court to institute adoption procedures, or upon taking a child to be raised as a foster family, excluding a professional foster family, submits

a request to grant the officer, directly after the full-length leave on maternity leave terms, the additional full-length leave on maternity leave terms, and directly after such leave – the full-length parental leave.
5. In the event of an officer's resignation from the full-length additional maternity leave or its part, or in the event of a resignation from the full-length additional leave on maternity leave terms or its part, an officer who due to their request submitted pursuant to section 3 or 4 received 80% of emolument referred to in section 3 shall be entitled to a single compensation emolument referred to in section 3, up to the amount of 100%, provided the officer did not receive emoluments for the period equal to the periods of such leaves.

Art. 102b
1. While on sick leave, an officer shall receive 80% of emolument.
2. Medical sick leave shall cover the period when an officer is released from official duties due to:
1) illness, including inability to perform official duties for reasons set out in Art. 6 section 2 of the Act of 25 June 1999 on Pecuniary Benefits under Social Insurance in the Event of Sickness or Maternity (Journal of Laws of 2014, item 159);
2) blood or blood components donations in organisational units of the Polish Blood Transfusion Service or due to periodical medical tests for blood donors;
3) the necessity to personally provide care for an ill own child or a spouse's child, an adopted child, or a child taken to be raised and provided for up to 14 years of age;
4) the necessity to personally provide care for a family member; family members mean: the spouse, parents, parents-in-law, grandchildren, siblings and children over 14 years of age where they cohabit with such officer in the period of providing care for them;
5) the necessity to personally provide care for such officer's own child or a spouse's child, an adopted child, or a child taken to be raised and provided for up to 8 years of age, in the events of:
a) unexpected closure of the nursery, kids' club, kindergarten or school which the child attends, as well as in the event of the illness of the nanny with whom the parents have signed an activation contract referred to in Art. 50 of the Act of 4 February 2011 on Care for Children under the Age of 3 (Journal of Laws of 2013 item 1457 and of 2015 item 1045), or of the child's day-care provider,
b) labour or illness of such officer's spouse who permanently provides care for the child if the labour or illness makes it impossible for such officer to provide care for the child,
c) if such officer's spouse, who permanently provides care for the child, stays in hospital or healthcare institution which performs activity involving round-the-clock and inpatient healthcare.
3. The release from official duties due to personal care providing referred to in section 2 items 3 and 5 shall be due for a period of up to 60 days in a calendar day, and in the event referred to section 2 item 4 – for a period of up to 14 days in a calendar year, while jointly the periods shall not exceed 60 days in a calendar year.
4. Section 3 applies regardless of the number of children and other family members who require providing care for.
5. Where medical sick leave covers the period in which an officer is released from duties due to:
1) an accident related to service;
2) an illness resulting from specific features or terms of service;
3) an accidents on the way to or from the place of service;
4) an illness during pregnancy;
5) undergoing necessary medical tests envisaged for candidates for human cell, tissue and organ donors and undergoing procurement of cells, tissues and organs;

6) blood or blood components donations in organisational units of the Polish Blood Transfusion Service or due to periodical medical tests for blood donors;
7) an observation stay in a therapeutic entity as a result of a referral by a medical commission – the officer shall be entitled to 100% of emolument.
6. An officer shall also be entitled to 100% of emolument in the event of their release from official duties:
1) due to having perpetrated by another person an intended act prohibited in relation to the officer's duties, stated in a decision by a competent authority;
2) resulting from deeds of heroism performed in exceptionally difficult conditions, involving particular courage, at risk to life and health in defence of the law, the inviolability of the state borders, life, health and security of citizens.
7. Such officer's supervisor shall acknowledge, by way of decision, the relation of the release from duties to acts referred to in section 6 item 2.
8. The decision referred to in section 7 is subject to appeal to the major superior.

Art. 102c
1. Sick leave shall be confirmed with a medical certificate issued by a doctor on a form issued pursuant to Art. 53 section 3 of the Act of 25 June 1999 on Pecuniary Benefits under Social Insurance in the Event of Sickness or Maternity, however:
1) in the event referred to in Art. 102b section 2 item 2 – with a certificate issued by an organisational unit of the Polish Blood Transfusion Service;
2) in the event referred to in Art. 102b section 2 item 5a – with an officer's declaration;
3) in the event referred to in Art. 6 section 2 item 1 of the Act of 25 June 1999 on Pecuniary Benefits under Social Insurance in the Event of Sickness or Maternity – with a decision issued by a competent authority or an entity authorised under regulations on prevention of and fighting against infections and contagious diseases to humans.
2. In events substantiated by the service nature, the place and manner or type of duties performed by such officer, the duration of sick leave shall be confirmed in a manner other than referred to in section 1.
3. The Head of the CBA shall lay down, by way of regulation, subject to the protection of classified information, the manner for confirming officers' absence from service referred to in section 2.

Art. 102d
1. An officer shall submit a medical certificate, a certificate issued by an organisational unit of the Polish Blood Transfusion Service or the decision referred to in Art. 102c section 1 item 3 to the superior in charge of human resources, within 7 days of the receipt thereof.
2. An officer shall submit a declaration on the occurrence of circumstances referred to in Art. 102b section 2 item 5a to the superior in charge of human resources, within 7 days of the occurrence thereof.
3. In the event of failure to fulfil obligations referred to in section 1 or 2, absence from service in the period of sick leave shall be deemed unexcused unless the failure to submit such certificate or such declaration occurred for reasons beyond the officer's control.

Art. 102e
1. The accuracy of decisions on temporary inability to perform duties due to illness, the proper use of medical sick leave, the fulfilment of requirements prescribed for medical certificates referred to in Art. 102c section 1 item 2 may be subject to verification.

2. The verification shall be carried out by:
1) medical commissions subject to the minister in charge of internal affairs – within the scope of the accuracy of decisions on temporary inability to perform duties due to illness and the proper use of medical sick leave;
2) an officer's superior in charge of human resources – within the scope of the proper use of medical sick leave and the fulfilment of requirements prescribed for medical certificates as well as an officer's declaration referred to in Art. 102c section 1 item 2.
3. Where, in the course of verification, improper use of medical sick leave is established, such officer shall not be entitled to the emolument for the entire period of sick leave.
4. Where, in the course of verification, an officer's declaration referred to in Art. 102c section 1 item 2 is proved untrue, such officer shall not be entitled to the emolument for the entire period of sick leave.
5. Where, in the course of verification, the medical commission establishes the date of the completion of inability to serve, such officer shall not be entitled to the emolument for the period from this date to the end of sick leave.
6. Where, in the course verification, the medical sick leave is proved forged, such officer shall not be entitled to the emolument for the entire period of sick leave.
7. The verification of the proper use of medical sick leave shall consist in establishing whether or not such officer in the course of their incapacity for service, including personal providing care for a child or other family member, uses medical sick leave consistently with its purpose, in particular whether or not the officer performs paid work.
8. The verification of such officer's declaration referred to in Art. 102c section 1 item 2 consists in establishing whether or not unexpected closing of school or childcare facilities which such officer's child attends occurred.
9. The verification of the proper use of medical sick leave and such officer's declaration referred to in Art. 102c section 1 item 2 shall be carried out by a person authorised by such officer's superior.
10. Where, in the course of verification, such officer is proved to perform paid work or uses medical sick leave in other unauthorised manner, the person who conducts the verification shall draw up a report containing the details of the unauthorised use of medical sick leave.
11. Where, in the course of verification, such officer's declaration referred to in Art. 102c section 1 item 2 is proved untrue, the person who conducts the verification shall draw up a report.
12. The report shall be presented to such officer in order to make adjustments. Such officer shall confirm the adjustments in writing.
13. Pursuant to the report findings, the superior shall confirm the officer's loss of entitlement to the emolument for the period referred to in section 3 or 4. The provision shall apply accordingly where a medical commission subject to the minister in charge of internal affairs submits a notification of irregularities in the use of medical sick leave found in the course of the verification carried out thereby.
14. The decision referred to in section 13 is subject to the officer's appeal to their major superior.
15. The verification of formal requirements of medical certificates shall consist in the confirmation whether or not the certificate:
1) has been forged;
2) has been issued pursuant to the terms of and procedures for issuing medical certificates.
16. Where, in the course of the verification referred to in section 15 item 1, a suspicion shall occur that the medical certificate has been forged, the superior shall request the doctor who issued the certificate to provide explanations.
17. In the event of suspicion that the medical certificate has been issued contrary to the terms

of and procedures for issuing medical certificates, the superior shall request the local organisational unit of the Social Insurance Institution (ZUS) to clarify the issue.

Art. 102f

1. The base of the emolument referred to in Art. 102b means the emoluments due for the latest official position held, taking into consideration the alterations which occurred in that period, and which affected the entitlement to emoluments and other dues or amounts thereof.
2. While calculating the period of medical sick leave, it shall be assumed that the emolument for one day of sick leave constitutes 1/30 of the emolument referred to in Art. 102b.
3. Where an officer has already collected emoluments for sick leave, a proportionate part of emolument shall be deducted from the next pay.
4. Where an officer was on sick leave in the last month of their service, a proportionate part of their emolument shall be deducted from the dues related to removal from service or such officer shall return a proportionate part of their emolument on the date of the official relationship termination.

Art. 102g

1. The financial resources obtained due to the deductions from officers' sick emoluments shall be entirely allocated to awards for performance in replacement for officers on sick leave.
2. The financial resources referred to in section 1 shall increase the award fund within the award, allowance and housing allowance fund.
3. The financial resources referred to in section 1 shall be allocated upon the reference period, from one to three calendar months, provided the selection of the reference period is subject to the amount of the financial resources obtained due to the deductions from such officers' emoluments.

Art. 102 h

The deductions from base emoluments together with permanent benefits for the period of sick leave shall not be taken into account in the course of counting the amount of benefits referred to in Art. 98 section 1 item 1 and Art. 99.

Art. 103

1. In the event an officer is suspended from office, 50% of their latest due emolument shall be suspended from the next pay date.
2. In the event of the revocation of suspension from duty, an officer shall receive the suspended part of the emolument as well as the obligatory increases therein introduced in the course of the suspension unless the officer was removed from service due to a final court decision or punished with a disciplinary penalty of dismissal from service.

Art. 104

1. In the event an officer is temporarily arrested, 70% of their latest due emolument shall be suspended from the next pay.
2. In the event of a discontinuance of criminal proceedings or an acquittal by a final court ruling, an officer shall receive the suspended part of the emolument as well the obligatory increases therein introduced in the course of suspension, even where the discontinuance or the acquittal took place upon the removal of such officer from service.

3. The provisions of section 2 shall not apply where the criminal proceedings were discontinued due to the statute of limitations or amnesty as well as in the event of a conditional discontinuance of the criminal proceedings.

Art. 105

1. The emoluments due to an officer who arbitrarily abandons the place of service or remains outside thereof or does not undertake service shall be suspended from the next pay date. Where such officer has already received the emolument for the period of unexcused absence, a relevant part of the emolument shall be deducted from the next pay.
2. Where the absence is considered excused, such officer shall be paid the suspended emolument; in the event of unexcused absence, 1/30 of the monthly emolument shall be deducted for each day of absence.
3. The provisions of sections 1 and 2 shall apply in the event of culpable incapability to perform official duties by an officer.
4. An officer who begins unpaid leave in the course of a calendar month shall be entitled to emolument in the amount of 1/30 of the monthly emolument for each day preceding the date of the commencement of the unpaid leave. Where such officer has already collected their emolument for the period of unpaid leave, a relevant part of the emolument shall be deducted from the next pay.

Chapter 7
Disciplinary liability of the officers of the Central Anti-Corruption Bureau

Art. 106

Regardless of criminal liability, an officer shall be disciplinary liable for the crimes and offences perpetrated.

Art. 107

1. An officer shall be subject to disciplinary liability for the infringement of service discipline as well as in other cases set forth in the Act.
2. The infringement of disciplinary principles includes:
1) a refusal to perform or failure to perform the superior's order, or an order of a body authorised to issue orders to the officers of the CBA under the Act, excluding the orders referred to in Art. 71 section 2;
2) an omission to perform an official activity or its improper performance;
3) a failure to perform or an abuse of powers set forth in separate provisions of the law;
4) misinforming the superior or another officer if it led to or might have led to a damage to service, an officer or another person;
5) a superior's conduct contributing to the relaxation of discipline in the subordinated organisational unit or an organisational unit of the CBA;
6) reporting for duty after consumption of alcohol or after consumption of any similarly acting substances, or consumption of alcohol or use of similarly acting substances on duty or on the premises of or in the area belonging to the CBA;
7) a loss of weapons, ammunition or an official identity card;
8) a loss of an object constituting official equipment, the use of which by unauthorised persons resulted in a damage suffered by a citizen, or which created a threat to public order or safety;
9) a loss of materials containing classified information;
10) a disclosure of information relating to the performance of official activities.

Art. 108

A disciplinary transgression shall be deemed culpable where an officer:

1) intends to perpetrate such offence, i.e. they want to perpetrate an offence or, predicting the possibility of the perpetration thereof, agrees thereto;

2) not intending to perpetrate an offence, perpetrates such offence as a result of a failure to exercise care required in particular circumstances despite the fact that the officer has predicted such a possibility or could have and should have predicted it.

Art. 109

1. An officer shall be held disciplinary liable where they perpetrate a disciplinary transgression themselves or jointly with another person or in agreement therewith as well as where they manage the perpetration of such transgression by another officer.

2. An officer shall be held disciplinarily liable also where they induce another officer to perpetrate a disciplinary transgression or facilitates the perpetration of such transgression.

3. The officers referred to in sections 1 and 2 shall be held liable within the limits of their guilt irrespective of the guilt of the remaining persons.

Art. 110

1. The Head of the CBA shall exercise disciplinary authority over all the officers.

2. The head of an organisational unit of the CBA, hereinafter referred to as a "disciplinary superior", shall exercise the disciplinary authority over the officers performing service in the subordinated organisational unit.

Art. 111

1. The disciplinary procedures may not be initiated after the lapse of 90 days from the date of the receipt by the superior, referred to in Art. 110 section 2, of a notice of the perpetration of a disciplinary transgression or a breach of service discipline.

2. A disciplinary penalty shall not be imposed on an officer after the lapse of 1 year from the date of the perpetration of the act referred to in section 1.

3. If the act referred to in section 1, simultaneously constitutes a criminal offence, the disciplinary liability shall come under the statute of limitations after the lapse of the period of limitations for a crime.

Art. 112

A competent body shall notify the Head of the CBA about the perpetration of an offence by an officer, including the refusal to accept a ticket or failure to pay a fine imposed in the form of a ticket in absentia.

Art. 113

1. The following disciplinary penalties may be imposed on an officer:

1) a reprimand;

2) a warning of insufficient aptitude for service in the position held;

3) appointment to a lower position;

4) removal from service.

2. An officer may also be administered an additional penalty in the form of temporary loss of a bonus.

Art. 114
A reprimand consists in rebuking the punished officer for the misconduct.

Art. 115
A warning of insufficient capacity for service in the position held consists in rebuking the punished officer for the misconduct and warning such officer that in the event of re-perpetrating the misconduct they may be appointed to a lower position pursuant to disciplinary procedures, or punished with a more severe disciplinary penalty.

Art. 116
1. The punishment of appointing to a lower position consists in removal from the current position and assignment to a position lower position.
2. Prior to the expunction of the penalty of demotion, an officer may not be appointed to a higher official position.

Art. 117
The penalty of dismissal from service consists in removal from service in the CBA.

Art. 118
1. For the perpetration of a disciplinary offence only one disciplinary penalty may be imposed.
2. For the perpetration of several disciplinary offences, one disciplinary penalty, proportionally more severe, may be imposed.

Art. 119
1. The imposed penalty should be proportional to the perpetrated disciplinary offence and to the degree of fault, and in particular it should relate to the circumstances of the perpetration of the disciplinary offence, its consequences, including the consequences for the service, the type and the degree of the breach of duties incumbent on the alleged offender, the motives for acting, the conduct of the alleged offender prior to and following the perpetration of the disciplinary offence as well as their service record.
2. The following circumstances of the perpetration of a disciplinary transgression shall aggravate the penalty:
1) acting out of motives deserving particular condemnation or after consumption of alcohol or similarly acting substances;
2) the perpetration of a disciplinary transgression by an officer prior to the expunction of a disciplinary penalty imposed thereon;
3) serious consequences of the disciplinary transgression, especially a serious interference with the performance of the CBA's tasks or tarnishing the good name of the CBA;
4) acting in the presence of a subordinate, jointly with them or to the detriment thereto.
3. The following circumstances of the perpetration of a disciplinary transgression shall mitigate the penalty:
1) unintentional perpetration of the transgression;
2) undertaking efforts by the officer to mitigate the consequences of such transgression;
3) a lack of sufficient professional experience or sufficient professional skills;
4) voluntarily notifying a supervisor on the perpetration of the disciplinary transgression prior to the initiation of disciplinary procedures.
4. While imposing a disciplinary penalty, the circumstances referred to in sections 1–3 shall be considered exclusively with respect to the officer to whom they pertain.

Art. 120

1. If a substantiated suspicion of having perpetrated a disciplinary transgression by an officer arises, the disciplinary superior:
1) shall initiate disciplinary procedures:
a) on his own initiative,
b) upon the request of such officer's direct superior,
c) upon the request of the court or prosecutor;
2) may initiate disciplinary procedures at the request of the injured party.
2. In the event referred to in section 1 item 1c and item 2, the court and or the prosecutor or the injured party, accordingly, shall be notified about the initiation of the disciplinary procedures and the result thereof by sending a copy of the issued ruling or decision. The evidence submitted by the court, the prosecutor or the injured party shall be included in the files of disciplinary procedures.
3. Where doubts arise with respect to the perpetration of a disciplinary transgression, its legal qualification or the identification of the perpetrator, prior to the initiation of the proceedings, the disciplinary superior shall order explanatory activities. The activities shall be completed within 30 days.
4. The disciplinary procedures shall be initiated on the day of the issuance of the decision on the initiation of disciplinary procedures. The officer with respect to whom the decision on the initiation of disciplinary procedures has been issued shall be deemed charged with a disciplinary transgression.
5. The decision on the initiation of disciplinary procedures shall include:
1) an indication of the disciplinary superior;
2) the date of issuance of the decision;
3) the first name, the surname and the official position of the officer against whom allegations are brought;
4) a description of the disciplinary transgression with which the officer is alleged, along with the legal qualification thereof;
5) actual grounds for the alleged disciplinary transgression;
6) an indication of the disciplinary spokesperson to conduct the procedure;
7) the signature with the first name and the surname of the disciplinary superior;
8) an instruction on the rights of the accused officer in the course of disciplinary procedures.

Art. 121

1. The disciplinary procedures shall be not be initiated, and initiated procedures shall be discontinued:
1) where the explanatory activities have not confirmed the occurrence of the disciplinary transgression;
2) after the lapse of the time limits set forth in Art. 111 sections 2 and 3;
3) in the event of the demise of the officer;
4) where a final disciplinary decision has been issued on the same matter or where disciplinary procedures are in progress.
2. The decision on the refusal to initiate disciplinary procedures as well as on discontinuation of disciplinary procedures shall be delivered to the injured party if they submitted a request to initiate the disciplinary procedures. The injured party may file a complaint or an appeal to the Head of the CBA against the decision on the refusal to initiate disciplinary procedures or the discontinuation of disciplinary procedures, respectively, within 7 days from the date of the receipt thereof.

Art. 122

1. The disciplinary procedures and the explanatory activities referred to in Art. 120 section 3 shall be conducted by a disciplinary spokesperson.
2. At the request of the disciplinary superiors, the Head of the CBA shall appoint a disciplinary spokesperson in each organisational unit of the CBA, for a 4-year term, from among officers in permanent service.
3. The disciplinary spokesperson shall be removed in the event of:
1) the occurrence of circumstances which constitute the grounds for their removal from service in the CBA;
2) a legally valid disciplinary penalty imposed on them.
4. Upon the consent of the Head of the CBA, the disciplinary spokesperson may seek assistance of another disciplinary spokesperson, in the course of evidentiary activities.
5. The disciplinary spokesperson or the disciplinary superior shall be subject to exclusion from participation in disciplinary procedures where:
1) the matter relates directly to them;
2) they are the accused officer's spouse, relative or in-laws or a person injured thereby within the meaning of the Code of Criminal Procedure;
3) they were a witness to the act;
4) they are in a personal relationship with the accused officer or the person injured thereby, which may evoke doubts with respect to their impartiality.
6. The disciplinary spokesperson or the disciplinary superior may also be excluded from disciplinary procedures on the grounds of other justified reasons.
7. The Head of the CBA shall be notified, without delay, by the disciplinary spokesperson or the disciplinary superior, about the circumstances providing grounds for the exclusion from the disciplinary procedures.
8. The exclusion of a disciplinary spokesperson or a disciplinary superior from disciplinary procedures may also occur at the request of the accused officer or their defence counsel, if applicable.
9. The Head of the CBA shall issue a decision on the exclusion or the refusal to exclude a disciplinary spokesperson or a disciplinary superior from the disciplinary procedures.

Art. 123

1. In the event of the exclusion of a disciplinary superior from the disciplinary procedures, under Art. 122 sections 5 and 6 the Head of the CBA shall assume the responsibility for the disciplinary procedures.
2. Where the circumstances referred to in Art. 122 sections 5 and 6 occur with respect to the Head of the CBA, one of the deputy heads shall assume the responsibility for the disciplinary procedures.
3. In the event of the exclusion of a disciplinary spokesperson from the disciplinary procedures, under Art. 122 sections 5 and 6 another disciplinary spokesperson shall be appointed to assume the responsibility for the disciplinary procedures.
4. Until the Head of the CBA issues the decision on the exclusion, the disciplinary spokesperson shall conduct exclusively urgent activities.

Art. 124

1. The disciplinary spokesperson shall gather evidence and undertake activities necessary to clarify the issue. In particular, such spokesperson shall interview witnesses and the accused

officer, accept explanations from the accused officer, and conduct an inspection. The disciplinary spokesperson shall draw up a protocol of such activities. The disciplinary spokesperson may also order to carry out relevant research.
2. A protocol shall be drawn up of activities other than stipulated in section 1 where required under special regulations, or where it is deemed necessary by the disciplinary superior or the disciplinary spokesperson. Otherwise, an official note may be drawn up.
3. The protocol shall contain:
1) an indication of the activity, its time and place, the participants or persons present as well as the nature of their participation;
2) the description of the course of the activity;
3) if necessary:
a) a statement on finding other circumstances concerning the course of the activity,
b) representations and conclusions of the participants of the activity,
c) an instruction on the rights and obligations.
4. The explanations, testimonies, representations and conclusions as well as the findings about any specific circumstances by the disciplinary spokesperson or the head of an organisational unit of the CBA, referred to in section 8, shall be accurately recorded in the protocol; the participants of the activity have the right to demand that all and any issues concerning their rights and interests be recorded in the protocol with full accuracy.
5. After the review of the protocol, the participants of the activity recorded in the protocol, as well as the persons present sign each of the protocol pages. The refusal to review the protocol as well as the refusal to sign or a lack of signature of any person shall be addressed in the protocol.
6. In the course of the procedures, the disciplinary spokesperson shall issue decisions if the issuance is not restricted to the competence of the disciplinary superior.
7. A decision issued in the course of the procedure, except for the decision on the initiation of the disciplinary procedures, shall contain:
1) an indication of the disciplinary spokesperson or the disciplinary superior issuing the decision;
2) the date of the issuance of the decision;
3) legal grounds for issuing the decision;
4) the first name, the surname and the official position of the accused officer;
5) the results;
6) actual and legal grounds;
7) an instruction on whether the decision is subject to an appeal and according to what procedures;
8) a signature including the first name and the surname of the person issuing the decision.
8. Where it is necessary to conduct the activities in a location other than the place of the conduct of the disciplinary procedures, the disciplinary superior may request the head of the organisational unit of the CBA competent for the place in which the activities are to be conducted to carry out the activities.
9. If the activity constituting the subject-matter of the disciplinary procedures is or was the subject of other proceedings, including pre-trial proceedings, the disciplinary superior may submit a request to the competent body to provide access to the files of such proceedings in their entirety or in pArt. With the consent of such body, the required copies of and extracts from the accessible files shall be included in the files of the disciplinary procedures.
10. Where substantiated by the evidence gathered, the disciplinary superior shall issue a decision on the modification or supplementation of the charges.

Art. 125

1. In the course of the disciplinary procedures, the accused officer shall have the right to:
1) submit explanations;
2) refuse to submit explanations;
3) submit motions as to evidence;
4) review the files of the disciplinary procedures and to take notes thereof;
5) appoint a defence counsel, including from among the officers;
6) submit complaints to the disciplinary superior against the decisions issued in the course of the procedures by the disciplinary spokesperson, within 3 days from the date of the receipt thereof and in the cases set forth in the Act; the accused officer shall be entitled to submit a complaint against the decisions issued by the disciplinary superior to the Head of the CBA.
2. The disciplinary spokesperson may refuse, by way of decision, to provide access to the files if it is justified by the interest of such procedures. The decision is subject to appeal.
3. The appointment of a defence counsel, if not restricted, shall authorise the counsel to act in the course of the entire disciplinary procedures, including the activities following the final decision. The accused officer shall immediately notify the defence counsel and the disciplinary spokesperson on the change of the purview of the power of attorney or of the withdrawal of such power of attorney.
4. The defence counsel shall not undertake any activities to the disadvantage of the accused officer. They may resign from representing the accused officer in the course of the disciplinary procedures, notifying the accused officer and the disciplinary spokesperson. Until the appointment of a new defence counsel, however not longer than within 14 days from the date of the notification submitted to the accused officer, the defence counsel shall undertake the necessary decisions.
5. The participation of such defence counsel in the disciplinary procedures shall not exclude the personal participation of the accused officer.
6. The rulings, decisions, notifications and other documents issued in the course of the disciplinary procedures shall be served on the accused officer and the counsel, if applicable. In the event the document against which an appeal or complaint may be filed is submitted to the accused officer and the counsel on different dates, the time limit to submit an appeal or a complaint runs from the earlier date of the service of the document.
7. The accused officer shall submit the motion as to evidence, in writing, to the disciplinary spokesperson who decides, by way of decision, about the acceptance or rejection of the motion if:
1) the circumstance which is to be proved has no significance for the settlement of the matter or it has already been proved according to the requester's representation;
2) the evidence is not useful for the establishment of the circumstance or the examination of the evidence is not possible;
3) the examination of the evidence breaches the law.
8. The decision on the rejection of the motion as to evidence is subject to appeal.
9. An unexcused absence from service of the accused officer, discharge of the accused officer from official activities due to their illness as well as an unexcused failure to appear at the request of the disciplinary spokesperson shall not suspend the conduct of disciplinary procedures; the activities in which the participation of the accused officer is envisaged shall not be conducted or shall be conducted at the place of the accused officer's stay.
10. The participation in the evidentiary activities as well as the review of the files of the disciplinary procedures of the accused officer who was discharged from official activities due to illness requires a permission of the doctor who stated the accused officer's temporary inability to serve.

Where the contact with the doctor is impossible or where the doctor has been replaced, such permission may be issued by a doctor who is currently treating the accused officer, and in further order, by a doctor of the same specialisation.

Art. 126

1. The disciplinary superior and the disciplinary spokesperson shall examine and consider the circumstances both in favour and to the disadvantage of the accused officer.
2. The accused officer shall be deemed innocent until proven guilty and until their guilt is acknowledged with a final ruling. Doubts that cannot be removed shall be settled to the advantage of the accused officer.

Art. 127

1. The evidentiary activities in the course of disciplinary procedures should be completed within one month from the date of the initiation of the procedures. The disciplinary superior may extend, by way of decision, the term of evidentiary activities up to 2 months.
2. The Head of the CBA may extend, by way of decision, the term of evidentiary activities for a period longer than 2 months.
3. The disciplinary superior may suspend the disciplinary procedures due to the occurrence of a long-term impediment that prevents the conduct of such procedures. A complaint against the decision to suspend such disciplinary procedures may be filed within 7 days of the decision delivery. If such disciplinary procedures were instituted at the initiative of the injured party, a complaint may also be submitted thereby.
4. The disciplinary superior issues decisions on the initiation of suspended disciplinary procedures after the cessation of the impediment referred to in section 3.

Art. 128

1. Upon completion of the evidentiary activities and finding all significant circumstances of the case, the disciplinary spokesperson shall present the accused officer with the files of such disciplinary procedures.
2. The defence counsel may review the files of the disciplinary procedures referred to in section 1, not later than by the date on which the accused officer reviews them.
3. The activity of reviewing the files of such disciplinary procedures shall be confirmed with a protocol.
4. The refusal to review the files or to sign in order to confirm such circumstance shall not withhold the procedures. The disciplinary spokesperson shall refer to such refusal in the files of the procedures.
5. Within 3 days from the date of the files review, the accused officer shall be entitled to submit a request to have the files supplemented. The accused officer shall have the right to submit a complaint against the decision on the refusal to supplement the files of the disciplinary procedures issued by the disciplinary spokesperson.
6. Within 3 days from the date of the review of the supplemented files of the disciplinary procedures, the accused officer shall be entitled to submit a request to have the files supplemented within the purview resulting from the evidentiary activities, which supplement the files of the procedure.
7. The disciplinary spokesperson, upon the accused officer's review of the files, shall issue a decision on the completion of the evidentiary activities and draw up a report, which:
1) indicates the person conducting the procedures and the disciplinary spokesperson who issued the decision on the initiation of the disciplinary procedures;

2) indicates the accused officer and defines the disciplinary allegations against them along with the description of the actual state established on the grounds of the evidence gathered;
3) presents the conclusions concerning an acquittal, refraining from punishment or the imposition of a penalty, or the discontinuance of the procedures.

Art. 129

1. On the grounds of the assessment of the evidence gathered in the course of the disciplinary procedures, the disciplinary spokesperson shall issue a decision on:
1) an acquittal, or
2) refraining from punishment, or
3) a penalty, or
4) a discontinuance of the procedures.
2. The decision should contain:
1) an indication of the disciplinary superior;
2) the date of the decision issuance;
3) the first name and the surname as well as the official position held by the accused officer;
4) the description of the alleged disciplinary offence along with the legal qualification thereof;
5) the decision on an acquittal, determination of guilt, refraining from punishment or the imposition of a disciplinary penalty or the discontinuance of the disciplinary procedures;
6) actual and legal grounds for the decision;
7) an instruction on the right to, the time limit for and the procedure of submitting an appeal;
8) the signature, including the first name and the surname of the disciplinary superior, as well as the seal of the organisational unit of the CBA.
3. The disciplinary superior shall reverse the decision referred to in Art. 128 section 7 and submit the files to the disciplinary spokesperson for supplementation if they determine that not all circumstances of the case have been explained.
4. The disciplinary superior shall discontinue the disciplinary procedures in the events referred to in Art. 121 section 1 or where the procedures are deemed groundless due to other reasons.
5. The disciplinary superior may refrain from punishment if the degree of the guilt or the degree of the noxiousness of the disciplinary offence is insignificant to service, and the competence and personal skills of the officer as well as the course of their service provide grounds for an assumption that despite refraining from the punishment the officer will observe professional discipline as well as the principles of professional ethics.
6. The decision referred to in section 1 along with the substantiation thereof shall be drawn up in writing, not later than within 14 days from the date of the issuance of the decision on the completion of the evidentiary activities.
7. The decision referred to in section 1 shall be submitted to the accused officer without delay.
8. Where the disciplinary superior deems that a disciplinary penalty should be imposed to the administration of which they are not entitled, they submit a request concerning the matter along with the files of the disciplinary procedures to the Head of the CBA.
9. In the event of an intention to impose the penalty of removal from service in the CBA, the Head of the CBA, prior to the issuance of such disciplinary decision, shall hear the accused officer's explanations. The disciplinary spokesperson shall participate in the hearing. The accused officer shall be served with a report in time to review it prior to the hearing.
10. The provision of section 9 shall not apply in the event of:
1) a temporary arrest of the accused officer;
2) a refusal by the accused officer to appear or an unexcused absence;

3) an occurrence of another impediment which prevents such accused officer from appearing within 14 days from the date of the submission of the decision on the completion of the evidentiary activities.

Art. 130

1. The disciplinary procedures consist of two instances. The accused officer shall be entitled to appeal against the decision issued in the first instance, within 7 days of the decision delivery.
2. Such appeal shall be submitted to the Head of the CBA through the disciplinary superior who issued the decision in the first instance.
3. The Head of the CBA shall refuse to accept the appeal, by way of decision, if an unauthorised person filed it after the time limit or if it is unacceptable. Such decision is final.
4. If the ruling or the decision in the first instance is issued by the Head of the CBA, it is not subject to appeal or complaint. However, the accused officer may, within the time limit referred to in section 1, submit a request to the Head of the CBA to re-examine the case; the provisions pertaining to appeals against rulings shall apply accordingly.

Art. 131

1. In the course of appeal proceedings, the case shall be examined on the grounds of the actual state of facts established in the course of the disciplinary procedures. If necessary due to the proper decision issuance, the Head of the CBA may supplement the evidence by ordering the disciplinary spokesperson who carries out the disciplinary procedures to conduct evidentiary activities, defining their scope.
2. The disciplinary spokesperson shall acquaint the accused officer with the evidence gathered in the course of the evidentiary activities referred to in section 1. The accused officer shall have the right to submit remarks on the evidentiary activities to the Head of the CBA within 3 days from the date of the evidence review.

Art. 132

1. Within 7 days of the submission of such appeal, the Head of the CBA may appoint a committee for the examination of the appealed decision, hereinafter referred to as the "committee".
2. The committee consists of three officers in permanent service.
3. The provisions of Art. 122 sections 5 and 6 shall apply accordingly to the members of the committee.
4. The committee may hear the disciplinary spokesperson, the accused officer or the defence counsel.
5. The failure to appear of the duly notified: disciplinary spokesperson, accused officer or the defence counsel shall not suspend the examination of the case.
6. The committee may submit a request to a senior disciplinary superior to supplement the evidence under Art. 131 section 1.

Art. 133

1. The committee shall draw up a report on the activities conducted, along with a motion relating to the manner for such appeal settlement.
2. The committee presents the report, referred to in section 1, to the Head of the CBA within 21 days from the date of such committee's appointment.
3. The Head of the CBA shall examine the appeal within 14 days from the date of its submission, and in the event of such committee appointment – within 7 days from the date of the receipt of the report referred to in section 1.

4. With respect to such appealed decision, the Head of the CBA may:
1) uphold it, or
2) reverse it in its entirety or in part and acquit the accused officer in such scope, refrain from punishment, or impose another penalty or, when reversing such decision – discontinue the disciplinary procedures in the first instance, or
3) reverse it in its entirety and remit the case for re-examination by the disciplinary superior, when the settlement of the case demands that the evidentiary activities be conducted in their entirety or in a significant part.
5. The appeal proceedings shall be discontinued in the event of the withdrawal of the appeal.
6. In the course of the appeal proceedings, the Head of the CBA cannot impose a more severe disciplinary penalty unless the appealed decision seriously breaches the law or the interest of service.

Art. 134
1. A ruling or a decision shall become final:
1) after the lapse of the time limit set for an appeal or a submission of a complaint if it has not been submitted;
2) on the date of the issuance, by the appellate body, of the final ruling or the final decision.
2. After such ruling or such decision becomes final, the disciplinary superior shall execute the imposed penalty without delay.
3. After such ruling becomes final, the superior in charge of human resources shall execute, without delay, the penalty of warning of insufficient capacity for service in the position held.
4. After the ruling becomes final, the superior referred to in section 3 shall execute, without delay, the penalty of: appointment to a lower official position, removal from service by issuing a decision on, accordingly: a dismissal or removal of the accused officer from their current position and appointing such officer to a lower position or the dismissal of the punished officer from service.
5. The final ruling on refraining from punishment or on imposing a penalty as well as the final decision on refraining from the initiation of disciplinary procedures shall be included in the personal files of such officer.

Art. 135
1. In matters not regulated by this Act, the provisions of the Act of 6 June 1997 – the Code of Criminal Procedure, concerning summonses, time limits, deliveries, and witnesses, excluding the possibility of imposing penalties for breach of order as well as the possibility of detaining and escorting witnesses shall apply to disciplinary procedures, accordingly. In the course of disciplinary procedures, the provisions of Art. 184 of the Act of 6 June 1997 – the Code of Criminal Procedure shall not apply to witnesses.
2. The disciplinary spokesperson shall decide about the exemption from providing a testimony or from replying to questions by a person remaining in a particularly close relationship with the accused officer. A refusal to exempt from providing a testimony or replying to questions is subject to appeal within 3 days from the date of the submission of the decision.

Art. 136
1. Expunction of a disciplinary penalty means acknowledging the penalty null and void.
2. Disciplinary penalties are expunged after the lapse of:
1) 6 months from the date a ruling imposing a penalty of a reprimand becomes final;

2) 12 months from the date a ruling imposing a penalty of a warning of insufficient aptitude for service in the position held becomes final;
3) 18 months from the date a ruling imposing a penalty of appointment to a lower position becomes final.
3. In the event of impeccable service, stated in a performance assessment, the disciplinary superior may expunge the disciplinary penalty prior to the lapse of the time limit set forth in section 2, however, not earlier than before the lapse of:
1) 3 months from the date a ruling imposing a penalty of a reprimand becomes final;
2) 6 months from the date a ruling imposing a penalty of a warning of insufficient capacity for service in the position held becomes final;
3) 12 months from the date a ruling imposing a penalty of appointment to a lower position becomes final.
4. For bravery and courage as well as for significant performance in service, the disciplinary superior may expunge such disciplinary penalty at any time.
5. If an officer is repunished before such disciplinary penalty is expunged, the time limit required for expunging the penalty which has not been exercised shall run anew from the date the ruling on a new penalty is issued.
6. In the event of more than one disciplinary penalty, expunction of such penalties takes place after the lapse of the time limit stipulated for the more severe penalty.
7. The expunction of a disciplinary penalty results in the removal of the ruling on such penalty from the personal files of the officer. The ruling on refraining from punishment shall be removed after the lapse of 6 months from the date of becoming final, the provisions of sections 3 and 4 shall apply accordingly.

Art. 137
1. Disciplinary procedures ended with a final decision shall be renewed if:
1) the evidence on the basis of which significant circumstances were established has proved fraudulent;
2) new circumstances, not known in the course of the disciplinary procedures, significant for the subject matter have been discovered;
3) the ruling was issued with a breach of the provisions of the law in force if such breach could have had an impact on such ruling;
4) the ruling was issued on the grounds of another decision or a court ruling, which has afterwards been reversed or amended.
2. The disciplinary procedures shall be renewed at the request of the punished or accused officer, or in the event of their death, at the request of a family member entitled to a dependants' pension if, as a result of the ruling of the Constitutional Tribunal, the provision constituting the grounds for the issuance of the disciplinary ruling has been deemed invalid or has been amended.
3. In the event referred to section 2, the request to renew such procedures shall be submitted within one month from the date on which the ruling of the Constitutional Tribunal becomes final.
4. In the event of the death of such punished or accused officer, the disciplinary procedures shall not be renewed to the disadvantage of such officer after the cessation of criminality of such disciplinary transgression.
5. The disciplinary procedures shall not be renewed after the lapse of 5 years from the date the ruling becomes final.
6. The disciplinary superior who issued such final disciplinary ruling, shall renew the disciplinary procedures ex officio or at the request of such punished or accused officer or, in the event of

their death, at the request of a family member entitled to a dependants' pension. Such punished or accused officer or, in the event of their death, a family member entitled to a dependants' pension, shall be notified of the renewal of the disciplinary procedures ex officio.
7. A request to renew the disciplinary proceedings shall be filed with the disciplinary superior who issued such ruling in the first instance, within 30 days from the date on which such punished or accused officer learnt about the circumstances constituting the grounds for the procedure renewal.
8. If the renewal of such procedures results from the activity of the disciplinary superior referred to in section 6, the decision to renew such procedures shall be taken by the senior disciplinary superior.
9. Such accused officer as well as a family member entitled to a dependants' pension, referred to in section 6, shall be entitled to submit a complaint against the decision on the refusal to renew the disciplinary procedures to the Head of the CBA within 7 days from the date of the decision submission; however, with respect to the decision issued by the Head of the CBA exclusively a request to re-examine the case may be submitted within the same time limit.

Art. 138
1. After such renewal of disciplinary procedures, evidentiary activities limited to the causes of such renewal shall be conducted and, after the completion thereof, depending on the findings made, a ruling shall be issued:
1) reversing the existing ruling and determining an acquittal of the punished officer or the discontinuation of the disciplinary procedures, or
2) amending the existing ruling and imposing a different disciplinary penalty, or
3) refusing to reverse the existing ruling.
2. An adjustment to the existing ruling and imposition of a different disciplinary penalty shall not occur after the cessation of criminality of the disciplinary transgression.
3. A decision on a more severe penalty shall be taken exclusively if the procedures are renewed ex-officio and the imposed penalty is significantly disproportional to the disciplinary transgression.
4. If such renewal of disciplinary procedures resulted in the punishment mitigation, the effects of the existing punishment shall be reversed; where a more severe penalty is imposed, an execution thereof shall start from the date of its imposition.
5. The punished or accused officer or, in the event of their death, a family member entitled to a dependants' pension, shall be entitled to submit an appeal or a complaint against the ruling or the decision, issued as a result of the renewal of the disciplinary procedures, to the Head of the CBA within 7 days from the date of the submission of such ruling or decision; however, with respect to the decision issued by the Head of the CBA exclusively a request to re-examine the case may be submitted within the same time limit.
6. The time limit for the expunction of a punishment altered as a result of the renewal of the procedures shall commence on the date on which the ruling to impose a new penalty becomes final. The expunction period that has passed from the date on which the ruling on the imposition of the existing penalty became final shall be included in the expunction period of the new penalty.

Art. 139
An officer shall be entitled to file a complaint against the final ruling and the final decision in disciplinary procedures with the administrative court.

Art. 140
The Prime Minister shall lay down, by way of ordinance, the detailed procedure for conducting activities connected with disciplinary procedures with respect to officers, including the circulation of documents referring to such disciplinary procedures, the correction of clerical and calculation errors as well as other obvious mistakes; and shall lay down the templates of decisions and other documents drawn up in the course of disciplinary procedures, taking into consideration the efficiency of such procedures.

Chapter 8
Amendments in regulations in force

Art. 141–210 (omitted)

Chapter 9
Transitional and final provisions

Art. 211
Pre-trial proceedings as well as other proceedings initiated but not completed by the Internal Security Agency until the date of the entry into force of Art. 197 item 1, which are connected with the performance of the tasks set forth in 5 section 1 item 2c of the Act of 24 May 2002 on the Internal Security Agency and the Foreign Intelligence Agency, shall still be conducted pursuant to the existing regulations.

Art. 212
1. Within one year from the entry into force of this Act, the officers serving in the Internal Security Agency, the Police, and the Border Guard may declare their intention to join service in the CBA.
2. The officers of the Internal Security Agency, the Police, and the Border Guard shall declare their intention to join service in the CBA, in writing, to the Head of the CBA or the Plenipotentiary referred to in Art. 214 section 1.
3. Art. 50 shall apply accordingly.
4. The Head of the Central Anti-Corruption Bureau shall notify in writing, accordingly, the Head of the Internal Security Agency, the Commander in Chief of the Police, the Commander in Chief of the Border Guard, of the officers of the Internal Security Agency, the Police, and the Border Guard as eligible for service in the CBA.
5. The officers referred to in section 4 shall be removed from service in the Internal Security Agency, the Police, and the Border Guard within a period not exceeding 3 months counting from the date of the notification. The Head of the Internal Security Agency, the Commander in Chief of the Police, the Commander in Chief of the Border Guard shall notify the Head of the CBA, in writing, about the envisaged date of termination of such officers' service.
6. The officers of the Internal Security Agency, the Police, and the Border Guard, eligible for service, become officers of the CBA as of the date of their appointment to service by the Head of the CBA, preserving the continuity of service.

Art. 213
1. The officers of the Internal Security Agency removed pursuant to the procedures set forth in Art. 212 section 5 shall not be entitled to pecuniary benefits related to removal from service set

forth in Art. 128 section 1 item 1 of the Act of 24 May 2002 on the Internal Security Agency and the Foreign Intelligence Agency.
2. The officers of the Police removed pursuant to the procedures set forth in Art. 212 section 5 shall not be entitled to pecuniary benefits related to removal from service set forth in Art. 114 section 1 item 1 of the Police Act of 6 April 1990.
3. The officers of the Border Guard removed pursuant to the procedures set forth in Art. 212 section 5 shall not be entitled to pecuniary benefits related to removal from service set forth in Art. 118 section 1 item 1 of the Act 12 October 1990 on the Border Guard.

Art. 214 (omitted)

Art. 215 (omitted)

Art. 216
This Act shall enter into force 30 days after the date of its promulgation, except for Art. 197 section 1, which shall enter into force 18 months after the date of such promulgation, and Art. 214, which enters into force 7 days after the date of such promulgation. □

Summary

The Council of Europe's Criminal Law Convention on Corruption[1] adopted on 27 January 1999 and the United Nations Convention against Corruption[2] adopted on 31 October 2003 are the basic acts of international law which oblige the signatory States to establish authorities specialised in the prevention of and the fight against corruption. The abovementioned legal instruments indicate the measures which should be undertaken by the States for proper and effective performance of anti-corruption authorities. They should be free from any undue influence and their staff should be provided with adequate training and financial resources for accomplishing their tasks. They should have the necessary independence in accordance with the fundamental principles of the legal system of the State.

It is interesting to note that none of the above conventions provides the definition of corruption. Such a definition is included in some documents issued by the Council of Europe, which describe the phenomenon as "requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof"[3] or "bribery and any other behaviour in relation to persons entrusted with responsibilities in the public or private sector, which violates their duties that follow from their status as a public official, private employee, independent agent or other relationship of that kind and is aimed at obtaining undue advantages of any kind for themselves or for others."[4]

The Organisation for Economic Co-operation and Development (OECD) defines bribery

[1] Art. 20 of the Convention: *Specialised authorities: Each Party shall adopt such measures as may be necessary to ensure that persons or entities are specialised in the fight against corruption. They shall have the necessary independence in accordance with the fundamental principles of the legal system of the Party, in order for them to be able to carry out their functions effectively and free from any undue pressure. The Party shall ensure that the staff of such entities has adequate training and financial resources for their tasks.*

[2] Art. 36 of the Convention: *Specialised authorities: Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks*.

[3] Art. 2 of the Civil Law Convention on Corruption, 4 November 1999.

[4] Par. 24 to the Explanatory Report to the Criminal Law Convention against Corruption, 27 January 1999.

as "a violation of duties of civil (public) servants or responsible persons in private and public sector as well as the benefiting from such activities, caused directly or indirectly as the result of promise, offered, expected or given reward for yourself or other persons."[5]

The World Bank Group described a "corrupt practice" as "the offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party."[6]

The definition of corruption appears only in three legal acts by which anti-corruption authorities, presented in this publication, were established: in the Model Law on the Anti-Corruption Agency in Serbia,[7] the Act on the Special Investigation Service of the Republic of Lithuania,[8] and in the Act on the Central Anti-Corruption Bureau[9] in Poland. While the definition presented by Serbia is simple and, in general, refers to abuse of power, the definitions provided in the Act on the Special Investigation Service and in the Act on the Central Anti-Corruption Bureau are broad and reflect the complexity of the phenomenon.

The authorities specialised in the prevention of and the fight against corruption have numerous common areas of activities, which enables their cooperation, exchange of experiences and good practices. Nonetheless, each of the agencies has some distinguishing attributions.

The anti-corruption agencies in Romania and Moldova are vested with the powers to carry out integrity tests[10] to assess their officers' integrity, which, in turn, is prohibited in Poland and Lithuania, recognising such practices as provocation.

The Romanian National Integrity Agency is the first in Europe authority specialised in verification of assets, conflicts of interest and incompatibility of persons performing public functions. Where irregularities occur, the Agency undertakes activities and imposes penalties provided for by the law.

The Anti-Corruption General Directorate, which is a central body of the Romanian Ministry of Internal Affairs having the competence of a judiciary police and dealing with corruption offence among the ministry's employees,

[5] OECD Anti-Corruption Action Plan.

[6] The World Bank, *Guidelines on Preventing and Combating Corruption in Projects financed by IBRD loans and IDA Credits and Grants (Anti-Corruption Guidelines)*.

[7] Art. 1 item 1 of the Model Law on the Anti-Corruption Agency: *"corruption" is a state based on an abuse of office, i.e. social status or influence, in public or private sector, with an aim to acquire personal benefits for oneself or another person*.

[8] Art. 2 item 2 of the Act on the Special Investigation Service: *Corruption is a direct or indirect seeking for, demand or acceptance by a public servant or a person of equivalent status of any property or personal benefit (a gift, favour, promise, privilege) for himself or another person for a specific act or omission according to the functions discharged, as well as acting or omission by a public servant or a person of equivalent status in seeking, demanding property or personal benefit for himself or another person, or in accepting that benefit, also a direct or indirect offer or giving by a person of any property or personal benefit (a gift, favour, promise, privilege) to a public servant or a person of equivalent status for a specific act or omission according to the functions of a public servant or a person of equivalent status, as well as intermediation in committing the acts specified in this paragraph*.

[9] Art. 1 item 3a of the Act on the Central Anti-Corruption Bureau: Within the meaning of the Act, corruption means an act which:
1) involves promising, proposing or giving, directly or indirectly, of any undue advantage by any person to a person performing a public function for themselves or any other person, in return for acting or omission to act in performing the person's function;
2) involves demanding or accepting by a person performing a public function, directly or indirectly, of any undue advantage for themselves or any other person, or accepting an offer or promise of such advantage in return for acting or omission to act in performing the person's function;
3) is perpetrated in the course of business, covering the implementation of obligations towards the public authority (institution), involving promising, proposing or giving, directly or indirectly, of any undue advantage to a person who manages a unit which does not belong to the public finance sector, or who works for the benefit of such unit in any capacity, for themselves or any other person, in return for acting or omission to act, which breaches their obligations and constitutes a socially detrimental reciprocity;
4) is perpetrated in the course of business, covering the implementation of obligations towards the public authority (institution), involving demanding or accepting, directly or indirectly, of any undue advantage by a person who manages a unit which does not belong to the public finance sector, or who works for the benefit of such unit in any capacity, for themselves or any other person, in return for acting or omission to act, which breaches their obligations and constitutes a socially detrimental reciprocity.

[10] An integrity test – a test aiming to verify the attitude of an officer; a type of "provocation" to which the officer agrees when joining the service; carried out to confirm the officer's honesty and observance of the law.

may submit its own reports on corruption and related acts, about which the directorate found out from open and classified sources.

The National Anticorruption Directorate, in turn, considers itself distinguishable due to its complex structure thanks to which, when carrying out investigative activities, it obtains support from police officers and experts involved in manifold areas of economy and science. It is essential because of the particular type of activities conducted by the Directorate which cover corruption and corruption-related offences committed by high- and medium-ranking officials, or violations involving high values as well as crimes against the financial interest of the European Union.

The National Anti-Corruption Center of Moldova emphasises its anti-corruption assessment of draft legislation as well as other legislative initiatives. It is also responsible for ensuring evaluation of corruption risks related to the state authorities and public institutions.

The Anti-Corruption Agency of Serbia is competent to verify asset declarations and the process of financing of any political activity. It also deals with conflict of interest resolution. Moreover, it initiates amendments to laws and enacts regulations on combating corruption.

The Special Investigation Service, Lithuania, is prohibited to carry out investigations against the President of the Republic of Lithuania. The service is involved in anti-corruption assessment of legislation, analysis of corruption risks. It also provides information on persons applying for positions in public institutions.

The Central Anti-Corruption Bureau is the only special service in Poland entitled to verify asset declarations and economic decisions. Another factor which distinguishes the Bureau from other bodies is the operation of the plenipotentiary for the verification of processing personal data by the CBA. It is also the only service whose head is appointed for a term in office. The CBA carries out operational intelligence, control, investigative, analytical, and informative activities. Moreover, due to the new criminal procedure binding from 1 July 2015, the Bureau may conduct its own investigations. The CBA also carries out activities by order of the court or the prosecutor.

Some authorities established to fight corruption perform educational activities. In this way, the Moldovan and Serbian services fulfil their statutory tasks. The Anti-Corruption General Directorate conducts anti-corruption training courses, but only among the employees of the Ministry of the Interior of Romania. The Polish Central Anti-Corruption Bureau and the Lithuanian Special Investigation Service undertake educational and social initiatives due to broadly defined preventive activities although such tasks do not arise directly from the statutory provisions. Educational activities of the agencies include anti-corruption publications, media campaigns, anti-corruption training courses for civil servants, anti-corruption schools for the youth, development and implementation of educational programmes, cooperation with non-governmental organisations and civil society organisations as well as with representatives of academia. □

6th International Anti-Corruption Conference

Reinforcement of International Cooperation in the Field of Prevention of and Fight against Corruption

Having in mind the passage of the United Nations Convention against Corruption, since 2010, on 9 December, the International Anti-Corruption Day has been observed by the Central Anti-Corruption Bureau, which has been manifested through organisation of annual conferences aiming to integrate the activities of services and authorities involved in fighting corruption.

The 6th International Anti-Corruption Conference, which for the first time took two days, i.e. 9th and 10th December 2015, was titled Reinforcement of international cooperation in the field of prevention of and fight against corruption. The subject-matter emerged from the *2014–2019 Government Programme for Counteracting Corruption* and the event focused on its two tasks: reinforcement of international cooperation in the context of (1) prevention of and (2) fight against corruption. Unlike in the past years, the Central Anti-Corruption Bureau was the only organiser of the event. The conference was financed from the specific provisions of the Government Programme state budget.

Ernest Bejda, Head of the CBA, opened the first conference day by presenting the general concept of the fight against corruption in the context of international cooperation. Subsequent speakers represented Polish and foreign services and international organisations. Žydrūnas Bartkus, Deputy Head of the Special Investigation Service of the Republic of Lithuania (STT), spoke about achievements of the service and challenges facing anti-corruption policies of the state. Vadim Cojocaru, Deputy Director of the National Anti-Corruption Center (CNA) of Moldova, presented international undertakings of the Center. International cooperation is often region-specific: Davor Dubravica, Chairperson of the Regional Anti-Corruption Initiative (RAI), showed RAI as a platform for combating corruption in South and East Europe, while Srirak Plipat, Regional Director of Transparency International Asia

Pacific (TIAP), presented the TI's strengthening initiative, referring to the political will in institutional performance. We also hosted Ernesto Bianchi, Director of Investigations II of the European Anti-Fraud Office (OLAF), who provided information on international cooperation in the field of transnational fraud and corruption. Nistor Calin, Deputy Chief Prosecutor at the National Anticorruption Directorate (DNA), referred to investigating high-level corruption and international judicial cooperation in corruption-related cases in Romania. Carlotta Pirnat, Unit Head at the Federal Bureau of Anti-Corruption (BAK), talked about Austrian experience in prevention of and fight against corruption. The first conference day closed with the speech provided by the Polish Border Guard colonel Adam Wanarski, Deputy Director of Internal Affairs Office, who gave an introduction to the role of the Border Guard in the implementation of the 2014–2019 Government Programme for Counteracting Corruption in the context of activities undertaken and planned in the field of corruption prevention.

Day 2 gave an opportunity to exchange views. The two thematic panels referring to (1) combating corruption, and (2) prevention of corruption, gave floor to speakers who familiarised the audience with operational methods and achievements of the institutions they represented.

The topic of combating corruption was presented by delegates of international agencies and organisations: the European Anti-Fraud Office (OLAF), the National Anti-Corruption Bureau of Ukraine (NABU), the Organization for Security and Cooperation in Europe (OSCE), the National Crime Agency (NCA) and the Serious Fraud Office (SFO) from the United Kingdom, as well as from Polish institutions: the National Police Headquarters, the Central Anti-Corruption Bureau (CBA), and the General Prosecutor's Office (GPO).

Matúš Minárik, Policy Officer at OLAF, presented a new initiative titled Administrative Cooperation Arrangement (ACA), which facilitates a day-to-day cooperation between partner countries and organisations. He also emphasised the role of programmes (Hercule III, Internal Security Fund, Pericles 2020) and joint customs undertakings (Joint Customs Operations – JCOs) in supporting the activities of anti-corruption authorities. He also referred to cooperation with anti-corruption networks, e.g. the European Partners against Corruption/European Contact-Point Network (EPAC/EACN), the International Association of the International Authorities (IAACA) or the Economic Crime Agencies Network (ECAN).

Detective Vlodymyr Vasylchuk, representative of the youngest anti-corruption service – the National Anti-Corruption Bureau of Ukraine, familiarised the conference participants with issues connected with the establishment of the service as well as discussed selected aspects of corruption in the healthcare sector and their relation to public administration. He also showed mechanisms to reinforce activities which counteract that detrimental phenomenon.

Officers Steve Fullalove and Ben Garvey from the National Crime Agency (NCA), the UK, presented the NCA's achievements within the scope of fighting serious crime related to bribery and corruption offences committed either by UK-based persons or companies, or in any foreign jurisdiction in the world currently receiving international development aid from the UK. They also provided information on the NCA's support to developing countries in investigating their own corruption, and mentioned the cooperation with the European countries in the area of whistleblower protection and operational activities.

Jacopo Leone, Democratic Governance Officer from the OSCE Office for Democratic

Institutions and Human Rights talked about links between corruption and trust.

Inspector Hannah von Dadelszen, who spoke for the UK Serious Fraud Office, emphasised the role of international cooperation in establishing the anti-corruption policy carried out by the Office.

Superintendent Piotr Hac, Deputy Director of Internal Affairs Office at the Polish National Police Headquarters, outlined EU programmes accomplished with Ukraine, Moldova, Serbia, Armenia, and Belarus. Within the implementation of the tasks arising from the participation in EPAC, since 2011 the National Police Headquarters, in co-operation with the CBA, has held meetings in Cracow. The participation in training courses organised by the European Police College (CEPOL) or bilateral meetings referring to fighting criminal offences in the Police were given as examples of international cooperation. In the above cases, the cooperation covered the USA, Hungary, Lithuania, Slovakia, the Czech Republic, and Serbia.

In the context of international cooperation, the General Prosecutor's Office undertakes joint activities with international organisations. Zbigniew Górszczyk, Director of the GPO Department for Organised Crime and Corruption, illustrated such cooperation with examples.

An appearance by an Expert at the Cabinet of the CBA's Head, Paweł Rutkowski, attracted much interest. He ran through the outcome of an anti-corruption project titled Rising of Anti-corruption Training System, implemented in the years 2013–2015 and supported by the European Commission within the Prevention of and Fight against Crime ISEC Programme. The project was created in cooperation with the Special Investigation Service of the Republic of Lithuania (STT) and the Corruption Prevention and Combating Bureau (KNAB) of the Republic of Latvia. Its budget amounted to €720,000, out of which 90% (€648,000) was provided by the European Commission. The project covered six thematic training conferences for participants from different countries as well as launching of a Polish/English language anti-corruption e-learning platform.

The topic of the first seminar was to discuss the project's goals and targets and to present the tasks carried out by the services and agencies involved in the fight against corruption. The primary objective was to get acquainted with the competencies and organisational structure of various services and offices and their location in a given country in the context of combating and preventing corruption. Next conferences referred to legislative issues in the fight against corruption, threats to public procurement, gathering, storage and processing of data on corruption in different countries, exchange of experiences in the field of broadly defined operational and investigative work as well as criminal and strategic analyses and international cooperation. The attendees represented Austria, Azerbaijan, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Hungary, Lithuania, Latvia, Macedonia, Montenegro, Norway, Romania, Slovakia, Slovenia, and Ukraine. Altogether, there were 143 attendees.

The success of the second part of the project – preparation, launching and maintenance of the e-learning platform both in Polish and English – went well beyond expectations. It had been assumed that the courses aimed at (1) public administration, (2) businesses, and (3) local government organisations would be attended 4,500 trainees within 3 years. However, within 2 years, 34,000 users from Poland and other countries registered to the platform.

More information on the implementation of the undertaking can be found in a post-project publication posted on the websites cba.gov.pl and antykorupcja.gov.pl.

The other panel on the second conference day concerned corruption prevention. Polish speakers represented the Stefan Batory Foundation, the Ministry of Justice, and the General Inspector of Financial Information. Foreign agencies attending that part of the conference were: the Bulgarian Center for Prevention and Counteracting Corruption and Organised Crime (CPCCOC), the United Nations Office on Drugs and Crime (UNODC), and the Romanian National Integrity Agency (ANI).

Grzegorz Makowski, Director of the Responsible State Programme implemented by the Stefan Batory Foundation, quoted the provisions of the United Nations Convention against Corruption (UNCAC) as the grounds for the involvement of civil society in combating and counteracting corruption. He referred to Transparency International and the UNCAC Coalition, which operate in over 100 countries, gathering about 350 representatives – both natural persons and organisations. In 2015, the Coalition gained the status of an association incorporated in Vienna. The main objectives of the Coalition are: an effective UNCAC implementation, transparent procedures for exercising the Convention implementation as well as motivation of, providing information to, and education of society on issues related to UNCAC. The Coalition was involved in an open and transparent review of UNCAC implementation in the years 2010–2015. As a result of the review, 50 reports were published, including on Poland. Transparency International, the biggest international anti-corruption organisation, operating in over 100 countries, aims to curb corruption in all areas of social life, politics, public administration, and business. TI actively supports social initiatives and anti-corruption campaigns and undertakes activities aiming at a free of corruption access to education and other goods and natural resources. It also provides expertise through such tools as the Corruption Perceptions Index (CPI) and the National Integrity System (NIS).

The representatives of the Ministry of Justice portrayed the role of the Group of States against Corruption (GRECO) in establishing international anti-corruption standards. The topic was addressed by prosecutor Rafał Kierzynka from the Legislation Department. The role of the mechanism of UNCAC implementation review in counteracting corruption was presented by chief specialist-prosecutor Agnieszka Stawiarz from the Department of International Cooperation and Human Rights.

The Group of States against Corruption was established in 1999 by the Council of Europe. It improves the capacity of the Member States to fight corruption by monitoring their compliance with the Council of Europe anti-corruption standards. It identifies deficiencies in national anti-corruption policies and monitors their compliance with the 20 Guiding Principles for the Fight against Corruption. GRECO also evaluates the implementation of the Criminal Law Convention on Corruption, the Civil Law Convention on Corruption, and the Council of Europe recommendations on conduct for public officials.

The general objectives of UNCAC implementation reviews are: indication of loopholes in national legislations, harmonisation of standards and good practices established for prevention of and fight against corruption as well as granting technical assistance. The representative of the Ministry of Justice outlined the review process by giving the example of the evaluation report of UNCAC Chapter III – Criminalisation and law enforcement, and Chapter IV – International cooperation, in Poland. The evaluating countries were Serbia and Mauritius, and the GRECO evaluation team was composed of experts from the evaluating states and the UNODC Secretariat. The entities involved in the evaluation were: the Ministry

of Justice, the General Prosecutor's Office, the Ministry of the Interior, the Ministry of Finance, the Central Anti-Corruption Bureau, and the National Police Headquarters as well as non-governmental organisation, representatives of press, legal professions and academia. The evaluation resulted in a report and the executive summary, which was translated into Polish. The documents are available on the website of the Ministry of Justice.

Chief Specialist Michał Szermer, International Cooperation Unit of the Financial Information Department, who spoke for the General Inspector of Financial Information (GIIF), Poland, ran through the activities of GIIF within the scope of anti-money laundering in relation to corruption. The GIIF is a financial intelligence unit. It has an administrative nature but it is not empowered with investigative or operational intelligence competences. The analysis results are based on the materials provided by obligated institutions and cooperating units. The Inspector is vested with statutory tools facilitating intelligence activities towards entities involved in corruption, which are suspected of having perpetrated money laundering offences. Therefore, cooperation between the GIIF, national units, obligated institutions and foreign financial intelligence units is crucial. International exchange of information consists in verification if the entities which accomplish a transaction, and deemed suspected by an obligated institution or a cooperating unit, are known of to the foreign unit due to the suspicion of money laundering, financing of terrorism or any other criminal activity. Information is provided upon the consent of a foreign financial intelligence unit and may be used for notifications addressed to the Prosecutor's Office and authorised agencies. Information provided by foreign financial intelligence units often constitutes the grounds for initiating new analytical procedures. The information exchange with foreign entities is based on memoranda of understanding.

Borjana Velikova, Expert at the Coordination and Cooperation Department of the Center for Prevention of and Counteracting Corruption and Organized Crime (CPCCOC), described Bulgaria's vision of curbing corruption. The Center's main functions are: (1) anti-corruption review of draft legislation, and (2) analysis of corruption risks. High efficiency of the Center's performance has been achieved through the access to state-of-the-art software, broad expertise as well as making advantage of over 50 intelligence methods and techniques, with a particular view to comparative, organisational, and procedural analyses.

Igoris Krzeckovskis, Consultant at the United Nations Office on Drugs and Crime (UNODC) submitted information on anti-corruption IT solutions for EU member states. He talked about tools developed by the UNODC which are used in the Office's activity on a daily basis:

1. goAML – software used to combat money-laundering and financing of terrorism; it is an integrated data base and a system of confidential data analysis to be used by financial intelligence units all over the world;
2. goCase – an integrated and investigative case management and analysis tool for government law enforcement, investigative and prosecution agencies of all UN Member States;
3. goPRS – Public Procurement Review Software – enables centralised regulatory authorities to oversee and monitor procurement solicitations and contract awards; through an early detection of irregularities it assists regulatory bodies in the prevention and detection of public procurement corruption;
4. goTrace – a confidential data matching system; it compares databases of different agencies; the tool supports cooperation between domestic and foreign agencies, prompt analysis and exchange of big

amounts of confidential data as well as an early detection of criminal offences.

Ionut Pindaru, Integrity Inspector speaking for the National Integrity Agency (ANI), gave an introduction to the perception of integrity in performing public functions in Romania.

The conference contributed to strengthening cooperation between international organisations and anti-corruption authorities. The contacts established during the event added a new dimension to joint activities carried out so far and planned in the future. A tangible example of the above is the Memorandum of Understanding concluded on that occasion between the Moldovan National Anti-Corruption Center (CNA) and the Corruption Prevention and Combating Bureau (KNAB) of the Republic of Latvia. Thus the Central Anti-Corruption Bureau's conferences have become a symbol of an international platform for cooperation between services involved in the fight against and prevention of corruption. □

Reinforcement of international cooperation in the field of prevention of and fight against corruption 6th International Anti-Corruption Conference

Copernicus Science Centre
Warsaw, 9–10 December 2015

9 December 2015

9.30–10.00 Registration of participants

High-level session
10.00–11.15

Mr Ernest Bejda, Head of the Central Anti-Corruption Bureau, Poland

Mr Žydrūnas Bartkus, Deputy Head of the Special Investigation Service (STT), Lithuania – *Anti-Corruption Policy in Lithuania: Achievements and Challenges*

Mr Vadim Cojocaru, Deputy Director, National Anti-Corruption Center (CNA), Moldova – *National Anti-Corruption Center in light of international cooperation*

Mr Davor Dubravica, Chairperson, Regional Anti-corruption Initiative (RAI) – *Regional Anti-Corruption Initiative – a platform to curb corruption in Southeast Europe*

Mr Ernesto Bianchi, Director of Directorate Investigations II, European Anti-Fraud Office (OLAF) – *OLAF: International co-operation in the fight against transnational fraud and corruption*

11.15–11.45 coffee break

High-level session
11.45–13.00

Mr Srirak Plipat, Regional Director of Asia Pacific, Transparency International (TI) – *The Political Will to Institutional Performance: Transparency International's Anti-Corruption Agency Strenghtening Initiative*

Mr Nistor Calin, Deputy Chief Prosecutor, National Anticorruption Directorate (DNA), Romania – *Investigating high level corruption and international judicial cooperation in corruption-related cases in Romania*

Ms Carlotta Pirnat, Head of Unit BAK 1.3, Federal Bureau of Anti-Corruption (BAK), Austria – *Preventing and combating corruption – the Austrian experience*

Mr Adam Wanarski, Deputy Director of Internal Affairs Office, Border Guard, Poland – *Role of the Border Guard in the implementation of the 2014–2019 Government Programme for Counteracting Corruption – undertaken and planned activities in the field of corruption prevention*

13.00–14.00 Lunch

Reinforcement of international cooperation in the field of prevention of and fight against corruption 6th International Anti-Corruption Conference

Copernicus Science Centre
Warsaw, 9–10 December 2015

10 December 2015

8.30–9.00 Registration of participants

Panel 1 – Fight against corruption
9.00–10.15

Moderator: Mr Krzysztof Krak, Director of the Cabinet of the Head of the Central Anti-Corruption Bureau

Mr Matus Minarik, Policy Officer, European Anti-Fraud Office (OLAF) – *International co-operation at OLAF in practice*

Mr Volodymyr Vasylchuk, Detective, National Anti-Corruption Bureau of Ukraine (NABU) – *Selected aspects of corruption in health care sector*

Mr Piotr Hac, Superintendent, Deputy Director, Internal Affairs Office, National Police Headquarters, Poland – *Exchange of experiences in fighting corruption as a significant factor in international co-operation*

Mr Paweł Rutkowski, Expert in the Cabinet of the Head of the Central Anti-Corruption Bureau – *Conclusions from the EU founded anticorruption project Rising of Anticorruption Training System*

10.15–10.30 coffee break

10.30 –11.30

Moderator: Mr Paweł Rutkowski, Expert in the Cabinet of the Head of the Central Anti-Corruption Bureau

Mr Steve Fullalove/Mr Ben Garvey, National Crime Agency, UK – *Anti-corruption – The United Kingdom Landscape*

Mr Jacopo Leone, Democratic Governance Officer, OSCE Office for Democratic Institutions and Human Rights – *What link between corruption and trust? The case of political parties and national parliaments*

Ms Hannah von Dadelszen, Case Controller, Bribery and Corruption, Serious Fraud Office, UK – *An SFO perspective on the importance of international cooperation in combating corruption*

Mr Zbigniew Górszczyk, Director of the Department for Organised Crime and Corruption, General Prosecutor's Office, Poland – *The General Prosecutor's Office experience in cooperation with international organisations in the field of prosecution of corruption offences*

11.30–11.45 coffee break

Reinforcement of international cooperation in the field of prevention of and fight against corruption 6th International Anti-Corruption Conference

Copernicus Science Centre
Warsaw, 9–10 December 2015

10 December 2015

Panel 2 – Prevention of corruption
11.45–12.45

Moderator: Mr Krzysztof Krak, Director of the Cabinet of the Head of the Central Anti-Corruption Bureau

Mr Grzegorz Makowski, Director of Responsible State Programme, Stefan Batory Foundation, Poland – *Cooperation between NGOs and public agencies in counteracting corruption. International context and Poland's experience*

Ms Borjana Velikova, Junior Expert, Coordination and Cooperation Department, Center for Prevention and Countering Corruption and Organized Crime (CPCCOC), Bulgaria – *Preventive measures against corruption – the Bulgarian approach*

Mr Rafał Kierzynka, Legislation Department, Ministry of Justice, Poland – *Role of the Council of Europe's Group of States against Corruption (GRECO) in developing international anti-corruption standards*

Ms Agnieszka Stawiarz, Chief Specialist-Prosecutor, Department of International Cooperation and Human Rights, Ministry of Justice, Poland – *Role of the mechanism of UNCAC implementation review in counteracting corruption*

12.45–13.00 coffee break

13.00–14.00

Moderator: Mr Paweł Rutkowski, Expert in the Cabinet of the Head of the Central Anti-Corruption Bureau

Mr Igoris Krzeckovskis, Consultant – Intelligence and Law Enforcement Systems (UNODC) – *goTrace software – the key for secure exchange of confidential data; goPRS: Corruption Prevention Tool for Public Procurement Regulatory Authorities*

Mr Michał Szermer, Chief Specialist, International Cooperation Unit, Financial Information Department, Inspector General of Financial Information, Poland – *Role of the Polish Financial Intelligence Unit in counteracting money laundering associated with corruption*

Mr Ionut Pindaru, Integrity Inspector, National Integrity Agency (ANI), Romania – *Ensuring Integrity in the Exercise of Public Offices*

14.00–15.00 Lunch