



## **CONFLICT OF INTERESTS IN ALBANIA: REGULATORY FRAMEWORK AND CHALLENGES TO IMPLEMENTATION**

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## **1. Executive summary**

During the last decade Albania has been developing policies to tackle the conflict of interest as a means to fight corruption and strengthen the integrity of its institutions. These measures have been mainly driven by Albania's efforts to meet the obligations stemming from the EU integration process and the obligations deriving from the membership in international organizations such as the Council of Europe and the United Nations.

The legislation has been constantly revised over the course of the last ten years with the aim to address the implementation shortcomings. Efforts have been made to improve implementation by adopting a number of manuals, guidelines, and other regulative instruments. In addition, there has been a constant focus on the improvement of administrative capacities of the institutions responsible for the implementation and monitoring of the legislation. Since its establishment nearly ten years ago, the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests (HIDAACI) has grown from a pilot project to a full-fledged institution.

However impact of all these efforts have not been effective enough and the conflict of interests remains a challenging and a complex issue to be addressed.

This paper argues that the broader political context has not been conducive to the adequate implementation of the laws adopted. The division of powers provided by the constitution has been constantly challenged by the power struggle politics and the tendency of the executive to overshadow or minimise the role of the other institutions. There has been an increasing overlap of political and business elites, with more and more politicians turned businessmen and in turn businessmen turned politicians. In a context where property relations remain unclear this trend has increased the risk of overlap between public and private interests and thus contributed negatively to the effective management of the conflict of interests. The public administration has been subject to constant political pressure and is far from being based on merit and fair compensation.

The amendments of the legislation on the conflict of interest have been driven by the aim to broaden its scope and address everything while the overall political and broader context has not been conducive to the effective implementation of the legislation. This has produced a culture of noncompliance and ultimately an inadequate management of the conflict of interests for many years.

Moreover, the approach to regulate the behaviour of public officials through sanctions, rather than create the conditions that conduce towards embracing ethical principles in their behaviour, have resulted in a lack of genuine willingness by the civil servants to adopt and implement ethical standards . Thus even the programs aimed at providing advice and training have failed to provide the desired effects.

As such this paper maintains that it will be difficult to effectively manage the conflict of interests with the current approach to the legislation. Therefore the focus of the regulatory framework should be on a two pronged approach: to provide a framework of compliance and sanctions but

also to aim at developing institutional integrity and ethical decision making. Such an approach has consequences also the organisation and distribution of the institutional competences and therefore requires a different thinking based on the subsidiary principle.

On the other hand, the current legislation on conflict of interest in Albania comprises all the office holders, including the elected officials of both central and local level, the appointed officials in a growing number of institutions and regulatory bodies, including the judiciary and the civil service. As a result the HIDAACI is under pressure to perform while at the same time being under political and resources pressure, affecting thus negatively its performance.

In order to address this shortcoming the management of the conflict of the three categories of office holders (elected officials, appointed officials, civil servants) should be decentralised and additional capabilities built. This would allow the HIDAACI to assume a greater guiding and overseeing role and a producer of norms and knowledge rather than to conduct the actual management of the conflict of interest of every officeholder. In addition, this approach would contribute to relieving political pressure from the HIDAACI which role over the last years has been contested and criticised by the political parties in opposition and thus undermined the legitimacy of the institution.

As part of this approach a number of existing laws and codes on ethics should be reconsidered and encourage their proper implementation. The law on rules of ethics in the civil service, adopted in 2003 but scarcely implemented so far, could be reconsidered and with minor amendments could become integral part of the ethical management of the civil service. Similarly the codes of ethics in the judiciary and other codes such as the code of ethics in police, etc. that have not been implemented or implemented very partially could be reconsidered and reinforced.

Given that transparency and access to information are key preconditions for the effective implementation of the legislation and ultimately, the more effective management of the conflict of interest, it is vital to encourage but also create the necessary conditions and capabilities for a more active involvement of the media, the civil society and the citizen.

## **2. Introduction**

For over a decade Albania has made efforts to tackle the conflict of interest by adopting legislations and developing institutional capacities. However the management of the conflict of interest remains a challenging issue. The legislation has been implemented partially or with little effects and the integrity of the public institutions has been undermined by high levels of corruption and a decline of the public trust.

Against this context this paper is an attempt to assess the legislation, institutional framework and practice of management of conflict of interest in Albania. The aim of the paper is to identify legal and implementation shortcomings and to provide recommendations for policymakers and practitioners but also broader academic and media audiences.

Despite the decade long efforts to address the conflict of interest there has been a lack of analysis and discussion of this subject beyond the institutional boundaries so this paper seeks to contribute not only to the policy discussion but also to the academic. The management and resolution of the conflict of interests is a complex and challenging issue and the failure to adequately address it risks to undermines the good governance and democratisation processes. Therefore the involvement and contribution of societal stakeholders, such as the civil society the media and the academia can provide more legitimacy to the efforts made by the institutions.

The study is based on the analysis of national and international regulations and reports as well as data collected from interviews, focus groups with relevant individuals and stakeholders and the media.

The findings suggest that the management and prevention of conflict of interest has been limited due to frequent amendments of the regulatory framework, a process that has been mainly driven by the tendency to provide for a highly regulated regime while the capabilities in place have been limited to match such goals nor their development has been taking place with same rhythms.

In order to address this shortcoming the implementation should be focusing on establishing a new balance between the objectives of the regulatory framework and the capabilities in place and to redefine the role of the HIDAACI by allocating more responsibilities to the various institutional branches and segments of the public administration.

The study is organised as follows. The next section provides a brief overview of the international norms and standards on the conflict of interest. The subsequently section discusses the legal and institutional framework on the conflict of interest in Albania followed by a section on the implementation and practices. The last section provides some concluding remarks and recommendations.

### **3. Conflict of interest and international standards**

Before discussing the conflict of interest regulatory framework and practice this section introduces the definition for the conflict of interest and the international standards for managing and preventing the conflict of interest.

The management of conflict of interest has become a major matter of public concern and a major challenge for governance as an increasingly commercialized public sector that works closely with the business and non-profit sectors gives rise to the potential for new forms of conflict between the individual private interests of public officials and their public duties.

Although conflict of interest is not corruption per se there has been an increasing recognition that inadequate management of the private interests and public duties of public officials can result in corruption.

By the end of 1990s and early 2000 the need to manage conflict of interest became more and more apparent as the fight against corruption rose up in the list of priorities of the international agenda as a major governance issue.

In order to address the problem of the conflict of interest regulation there has been an increased involvement of the international organisations over the last two decades by adopting internationally binding obligations for the member states. The most prominent documents analysed in this study are the Council of Europe Model Code of Conduct for Public Officials (Model Code) adopted in 2000, the United Nations Convention against Corruption (UNCAC) adopted in 2003 and the OECD Guidelines for Managing Conflict of Interests in the Public Service, adopted in 2003.

The Model Code provides among others the definition of the conflict of interest. According to this document ‘the conflict of interest arises from a situation in which the public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties’ (Council of Europe 2000: Article 13).

The definition of the conflict of interest has been subject to discussions and varying approaches as it is recognised that all public officials have legitimate interests which arise out of their capacity as private citizens, while the line between apparent and factual conflict of interest or between financial and nonfinancial interests cannot be easily established. The OECD has provided another definition of the conflict of interest which is in attempt to avoid the ambiguity deriving from the clause ‘appear to influence’ provided in the Council of Europe definition. The OECD avoid the term *apparent* from its definition, based on the assumption that an apparent conflict of interest may not be in fact a conflict of interest. In addition, the OECD definition allows identifying both an actual conflict of interest and a conflict of interest that may have existed at some time in the past. According to the OECD, conflicts of interest can be actual, perceived or potential. An actual conflict of interest involves a direct conflict between a public official’s current duties and responsibilities and existing private interests. Thus, the OECD defines the conflict of interest as a “conflict between the public duty and private interests of a public official, in which the public official has private capacity interests which could improperly influence the performance of his official duties and responsibilities”.<sup>1</sup> The European Union has adopted the OECD definition in a report issued by the European Court of Auditors.

All three organisations, the Council of Europe, the UN and the OECD have called on the respective state parties to address the conflict of interest.

The Model Code calls for the adoption of legislation and regulations that provide for the duties and rights of public officials such as the duty of declaration of interests, the incompatibility of outside interests, gifts, improper offers, misuse of official position, duties after leaving the public service, etc. Regarding the duty to declare the Model Code specifies that ‘a public official should not engage in any activity or transaction or acquire any position or function, whether paid or unpaid, that is incompatible with or detracts from the proper performance of his or her duties as a

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<sup>1</sup> Guidelines For Managing Conflict Of Interest In The Public Service, OECD June 2003, <http://www.oecd.org/dataoecd/13/22/2957360.pdf>

public official'. Regarding the incompatibility of outside interests, the Model Code sets out that the 'public official should not engage in any activity or transaction or acquire any position or function, whether paid or unpaid, that is incompatible with or detracts from the proper performance of his or her duties as a public official'.

Similarly the UNCAC provides the general obligations for states to 'adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest'. Regarding the duty to declare the UNCAC stipulates that states 'shall endeavour ... to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials'.

Regarding the conflict of interest the UNCAC stipulates that states should take measures to prevent 'conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure.

#### **4. Conflict of interest and the regulatory framework in Albania**

##### **4.1. Brief overview of the legislating efforts**

In response to international obligations and to the growing pressure from the EU to tackle the widespread and systemic corruption,<sup>2</sup> Albania begun to undertake steps to address the conflict of interest by adopting legislation and establishing institutional capacities. The Law on the Declaration and Audit of Assets, Financial Obligations of the Elected and certain Public Officials, and the Law on Ethics Regulations in the Public Administration were adopted in 2003, and the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests (HIDAACI) was established in the same year. The law was drafted with the assistance of the OECD and the World Bank. In the following years these laws were amended several times in order to better align with the international regulations and requirements. In addition, secondary legislation and regulations have been adopted and/or amended to strengthen implementation, including the penal code which now treats the violation of the law on conflict of interest as a criminal offense (See Annex).

##### **4.2. The Law on the Prevention of Conflicts**

The law on the conflict of interest was adopted in 2005 but over the years it has been subject to a number of amendments (amended twice in 2006, in 2012 and in 2014). The amendments have

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<sup>2</sup> Commission of the European Communities, Albania Stabilisation and Association Report, SEC(2003) 339. [http://eeas.europa.eu/delegations/albania/documents/eu\\_albania/2003\\_progress\\_report\\_en.pdf](http://eeas.europa.eu/delegations/albania/documents/eu_albania/2003_progress_report_en.pdf)

been undertaken with the aim to achieve better harmonisation with the international and domestic law, but also to provide for a broader a deeper scope of the law. The 2014 amendments, for instance have expanded the number of officials subject to declaration of their private interests making it obligatory for every public official; inclusion of penal sanctions for providing false declarations; strengthening of the role of the Responsible Authorities, were introduced by the 2012 amendments; strengthening of the role of the HIDAACI and the obligations of the public institutions to cooperate more closely with the HIDAACI. In order to achieve better harmonisation and facilitate its implementation the approach since 2006 has been to amend simultaneously both the law on conflict of interest and the law on declaration of assets. One of the important amendments made in 2012 is the provision to merge the declaration of assets and the declaration of interests in one single act called the ‘periodical declaration of interests’.<sup>3</sup>

The 2014 consolidated version of the law provides for the definition of rules, means, manners, procedures, responsibilities and competencies for the identification, declaration, registration, treating, resolution and punishment of case of conflicts of interest. It spells out the procedures and means for identifying and registering conflicts of interest; the restriction of private interests for the prevention of conflicts of interest in particular questions and cases; the ways of treating and resolving conflicts of interest; the invalidity of acts taken under conditions of a conflict of interests and the consequences; the institutions responsible for the prevention of conflicts of interest; and the sanctions.

The definition of the conflict of interest in the Albanian law is largely based on the OECD definition, but has included the ‘apparent’ conflict of interest also, as provided by the Council of Europe definition. So the definition reads as following: ‘the conflict of interest is a situation of conflict between the public duty and the private interests of an official, in which he has direct or indirect private interests that affect, might affect or seem to affect the performance, in an incorrect way, of his public responsibilities and duties’.<sup>4</sup>

The law provides for a broad range of conflicts of interest including actual, apparent, potential, case by case, and continuing conflict of interest.

The law applies to every official in the executive branch at the central and local levels, the legislative and the judiciary, as well as state or local enterprises, commercial companies with a controlling participation of state or local capital, that take part in a decision-making on: administrative acts and contracts; acts of the judicial organs, notaries acts, acts for the execution of executive titles by the execution organs and acts of the prosecutor’s office; normative acts, and only those laws that create juridical consequences for individually specified subjects.<sup>5</sup>

The law incorporates a broad range of private interests to be declared that include: property rights and obligations of any kind of nature; every other juridical civil relationship; gifts, promises, favours, preferential treatment; possible negotiations for employment in the future by the official during the exercise of his function or negotiations for any other kind of form of

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<sup>3</sup> Law on Conflict of Interest, Article 48

<sup>4</sup> Law on Conflict of Interest, Article 3

<sup>5</sup> Law on Conflict of Interest, Article 4

relationships with a private interest for the official after leaving the duty performed by him during the exercise of duty; engagements in private activity for the purpose of profit or any kind of activity that creates income, as well as engagements in profit-making and non-profit organizations, syndicates or professional, political or state organizations and every other organization; relationships (family or living together; community; ethnic; religious; recognized relationships of friendship or enmity); prior engagements from which the interests have arisen or arise.<sup>6</sup>

The law requires every official to prevent and to resolve on voluntary and timely basis every situation of a conflict of his interests upon assuming an official position and the obligation to continually declare their private interests in advance and on a case by case basis.<sup>7</sup> The law provides also for the obligation of every other official and institution as well as the right of every person and interested party to provide information on private interests of an official.<sup>8</sup> In addition the law requires the public institutions to take an active role in collecting information on the private interests of the officials.<sup>9</sup>

The declarations on the private interests are treated as official documents and can be made available to the public, in accordance with the legislation and provisions on the protection of private data.<sup>10</sup>

The law provides for a broad range of specific prohibitions of private interests such as: prohibition/restrictions of entering into contracts with public authorities; prohibition on receiving income because of their function or position; prohibition of receiving gifts, favours, promises or preferential treatments; prohibition of indirect interests; restrictions of interests for the persons related to the public official.<sup>11</sup>

The law provides for the prevention of continuing conflict of interests, concerning in particular higher level officials such as the president, the prime minister, the ministers and deputy ministers and the members of the parliament but also the elected officials at the local level, the members of the regulatory bodies, the high officials of the security institutions, the customs and tax officials, the members of the Constitutional Court, the High Court, the Chairman of High State Control, the General Prosecutor, the People's Advocate, the members of the Central Election Commission, the members of the High Council of Justice and the Inspector General of the HIDAACI.<sup>12</sup>

The law provides for the ways for resolving conflict of interests which include a number of clauses such as: transferring or alienating private interests; self-excluding in advance from the decision-making process; resigning from the private engagements, duties or functions; resigning

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<sup>6</sup> Law on Conflict of Interest, Article 5

<sup>7</sup> Law on Conflict of Interest, Articles 6 and 7

<sup>8</sup> Law on Conflict of Interest, Article 8

<sup>9</sup> Law on Conflict of Interest, Article 10

<sup>10</sup> Law on Conflict of Interest, Article 20

<sup>11</sup> Law on Conflict of Interest, Articles 21-25

<sup>12</sup> Law on Conflict of Interest, Articles 26-33

from the public function.<sup>13</sup> The law provides also for ways of resolving particular cases of continuing conflicts of interest by obliging the official to: resign from the management functions or membership in the management organs; interrupt the exercise of the conflicting activities; transfer the rights of active ownership to a trusted person (blind trustee).<sup>14</sup>

According to the law, the administrative acts and contracts, and every civil contract issued or enacted under the conditions of an actual or apparent conflict of interest, are made invalid.<sup>15</sup>

The law provides for penal, administrative and disciplinary sanctions for violation of the law. Penal sanctions apply in case of false declarations.<sup>16</sup> Administrative sanctions apply in cases of: failure to make a preliminary self declaration or a declaration on request; failure to issue an authorization that authorizes the public institution to check and obtain personal data about the official; for finalising a contract while being in conflict of interest, failure to resolve conflict of interest cases (resignation from management functions or membership in management organs, transfer of ownership rights, interruption of prohibited private activities, failure to respect deadlines required, application of blind trust instruments not in accordance with the provisions of the law, failure by the by superiors or superior institution to apply the required resolution instruments such as review of official duties, transferring the official to another position).<sup>17</sup> Regarding the application of disciplinary sanctions the law refers to the provisions of the legislation that regulates the relevant public institution.<sup>18</sup>

The HIDAACI is the central authority responsible for the implementation of the law on conflict of interest.<sup>19</sup> In order to fulfill its mandate the HIDAACI is provided with a range of competences that include: the management and improvement of the policies and mechanisms; the offering of technical assistance and advice for the public institutions; the offering of recommendations for the parliament regarding legal initiative related to the conflicts of interest; the strengthening of the capacities for the administration of conflicts of interest in the public institutions; the monitoring, audit and assessment of the compatibility with the principles and obligations of this law of the sublegal acts and internal rules approved by public institutions for conflicts of interest; the monitoring, audit and assessment of the implementation of this law by the public institutions; the periodic registration of the private interests of the officials; the definition of the model of a case by case declaration of interests, as well as the registration of the data that are related to such a conflict; the verification and administrative investigation of the periodic declarations of interests; the verification and administrative investigation of case by case conflicts of interest, as well as the prohibitions and the restrictions of interests at the request of the public institution or on its own initiative; the setting of punitive administrative measures.<sup>20</sup>

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<sup>13</sup> Law on Conflict of Interest, Articles 37

<sup>14</sup> Law on Conflict of Interest, Articles 38

<sup>15</sup> Law on Conflict of Interest, Article 40

<sup>16</sup> Law on Conflict of Interest, Article 43/1

<sup>17</sup> Law on Conflict of Interest, Articles 44, 10, 21, 22, 23, 24, 37, 40/1, 42

<sup>18</sup> Law on Conflict of Interest, Article 45

<sup>19</sup> Law on Conflict of Interest, Articles 41

<sup>20</sup> Law on Conflict of Interest, Article 42

The law on the declaration of assets provides for the political and institutional independence of the HIDAACI. The Inspector General is elected by the parliament on the proposal of the President for a five years mandate.<sup>21</sup> The legal provisions for the termination of the Inspector General mandate include: the final judicial conviction for the commission of a criminal offence, the resignation, the incapacity declared by final judicial decision, the absence from work for more than three months. The law provides also for the dismissal of the Inspector General by the parliament upon the request one third of all the members in cases of violation of the law provisions, a discovered incompatibility of functions, the performance of an activity that creates conflict of interest.<sup>22</sup> The parliament approves the budget of the HIDAACI as well as the number of employees and their salary.<sup>23</sup> The HIDAACI is accountable to the parliament and the Inspector General is obliged to report annually or whenever called upon by the parliament.<sup>24</sup>

### **4.3. The Law on ethics regulations in the public administration**

The Law on Ethics Regulations was adopted in 2003,<sup>25</sup> several months after the adoption of the Law on the Declaration of Assets. The law was drafted by the newly established Department of the Public Administration (DAP) based on the Council of Europe Model Code.<sup>26</sup> Judging from its objective and scope this law can be regarded as the precursor of the law on the conflict of interest. The law provides for the principles to which the public administration officials should adhere; the definition of the conflict of interest and the means to avoid the conflict of interest; the external activities and the cases when these activities are allowed and forbidden; the restrictions on the benefits from gifts and favours; as well as employment and post employment obligations.

The objective of the law is to set the rules of conduct of the public administration officials in accordance with the required standards, to assist them in reaching these standards and to inform the public on the behaviour that the public officials should adopt.<sup>27</sup> The law applies to all the public institutions' officials as well as to private organizations that perform public services.<sup>28</sup>

The law lays down the principles to which the public administration officials should adhere, which among other include avoiding the conflict of private interests with the official position and to not exploit the official position for serving the private interests.<sup>29</sup>

The law defines the conflict of interest as the 'situation in which a public administration official has a private interest that influences or can influence the impartiality and objectivity in the

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<sup>21</sup> Law on Declaration of Assets, Article 11

<sup>22</sup> Law on Declaration of Assets, Article 14

<sup>23</sup> Law on Declaration of Assets, Article 16

<sup>24</sup> Law on Declaration of Assets, Article 39

<sup>25</sup> Law Nr. 9131, date 8.9.2003, On ethics regulations in the public administration.

<sup>26</sup> Report of the Commission on Civil Service 2002,

<http://dap.gov.al/images/tedhenainst/websitedap/dokumenta%20strategjike/raporte%20vjeter%20Dap/raportivjeter2002.pdf>

<sup>27</sup> Law on Ethics Regulations, Article 1

<sup>28</sup> Law on Ethics Regulations, Article 2

<sup>29</sup> Law on Ethics Regulations, Article 3/e

performance of the official duty'.<sup>30</sup> The private interests are defined as 'any advantage for oneself, the relatives, individuals or organisations with which the official has had or has business or political relations, in addition to any financial or civil obligation of the official'.<sup>31</sup>

The law provides for the means to avoid the conflict of interest, which include: the resolution of any conflict of interest before the employment, as well as the obligation to resolve the conflict of interest at any instance when the official realizes that such a conflict has appeared. The official resolves the conflict of interest by notifying the line manager and the human resources management. Both instances have the obligation to undertake the necessary measures to resolve the conflict of interest of the official. The law provides for the resolution of continuing conflict of interests by obliging the official to renounce or transfer the conflicting interests.<sup>32</sup>

The law regulates the external activities of the public official which are defined as 'any regular or occasional activity that requires the commitment of the public administration official performs out of the official duty for the purpose of profit or non profit'.<sup>33</sup> The law does not forbid the performance of external activities by the officials when such activities do not prevent the official from performing the official duty, do not damage the image of the official or the institution and with prior notification of the line manager.<sup>34</sup> In addition, the law bans the public officials from requiring or accepting any benefit such as gifts, favours or any other benefit or promise for himself, his family, friends or affiliated organizations. The law requires the official to refuse any such benefit and report the attempts to provide him/her with such benefits.<sup>35</sup> The regulation of external activities and benefits is further specified by a Council of Ministers Decision.<sup>36</sup>

The law provides for the obligations of the officials during their employment in the public administration regarding the use of time and resources as well as for post employment obligations regarding use of confidential information and representation of individuals or organizations in a conflict or commercial relation with the public administration.<sup>37</sup>

Regarding the sanctions the law provides for disciplinary sanctions in accordance with the law on the status of the civil servant and requires the relevant public institutions and the DAP to evidenciate and to register all the sanctions to the national register of the public administration.<sup>38</sup>

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<sup>30</sup> Law on Ethics Regulations, Article 4/1

<sup>31</sup> Law on Ethics Regulations, Article 4/2

<sup>32</sup> Law on Ethics Regulations, Article 5

<sup>33</sup> Law on Ethics Regulations, Article 6

<sup>34</sup> Law on Ethics Regulations, Articles 7-8

<sup>35</sup> Law on Ethics Regulations, Articles 11

<sup>36</sup> Council of Ministers Decision, Nr.714, date 22.10.2004, On the external activity and the giving of gifts by public administration officials.

<sup>37</sup> Law on Ethics Regulations, Articles 12-17

<sup>38</sup> Law on Ethics Regulations, Articles 19-20

#### **4.4. The Law on the Declaration and Audit of Assets, Financial Obligations of the Elected and certain Public Officials**

The Law on the Declaration and Audit of Assets, Financial Obligations of the Elected and certain Public Officials (from now on the Law on the Declaration of Assets) provides the civil servants and public officials that are subject to declaring their assets, the rules for the declaration and audit of assets, as well as the origin and sources of the creation of the assets declared.

According to the law, all the elected officials are obliged to declare their assets,<sup>39</sup> while the regarding civil servants and public officials the law is restricted by the level of position of the civil servant (medium-high rank officials), pay scale and type of risk (customs and tax officials).<sup>40</sup>

However, the parliament may impose other functions and officials the obligation to make a declaration of assets for other functions not included in the law upon the proposal of the Inspector General of the HIDAACI.

In addition to the designed officials, the law allows also the case-by-case submission of asset declarations by official's parents, parents-in-law or other related persons when requested by the Inspector General of HIDAACI.<sup>41</sup>

The designed officials are obliged to declare their movable and immovable properties, shares, securities and parts of capital owned, value of liquidities, financial obligations, personal income and the sources of the income.<sup>42</sup> The declaration of assets is made upon assuming the official duty or entering the public service, yearly while in office, and upon leaving the office.<sup>43</sup>

In regard to the audit of the data submitted in the declarations, the law provides for systematic annual verification through preliminary arithmetical control and complete control based on a random selection procedure.

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<sup>39</sup> Law on the Declaration of Assets, Article 3

<sup>40</sup> The following civil servants and public officials have the obligation to make a declaration in the High Inspectorate of the Declaration and Audit of Assets: the President of the Republic, deputies of the Assembly, the Prime Minister, the Deputy Prime Minister, the ministers and deputy ministers; civil servants of the high and middle management level; prefects, chairman of the regional councils, mayors of municipalities, of municipal units and of communes; directors of directorates and commanders of the Armed Forces in the Ministry of Defence and in the State Information Service; prosecutors, judges and enforcement officers (bailiffs) of all levels; directors of independent public institutions; general directors, the directors of directorates and the chiefs of sectors (commissariats) in the centre, districts and regions, of the General Directorate of the Police, the General Directorate of Taxation and that of Customs; directors of all levels of structures for return of and compensation for property, of privatization and the registration of property; directors of all levels of the CRTs (Commissions for the Regulation of the Territory); officials who are elected and appointed by the Assembly, the President of the Republic, the Prime Minister, the ministers or persons equivalent to them; directors of joint stock companies with the participation of state capital of more than 50 per cent and on the average more than 50 workers.

<sup>41</sup> Law on the Declaration of Assets, Article 21, 22

<sup>42</sup> Law on Declaration of Assets, Article 4

<sup>43</sup> Law on Declaration of Assets, Article 5/1, Article 7 and Article 7/1

The number of officials subject to complete control was increased from 4% to 8% following amendments made to the law in 2014. In addition the amendments provide for the prohibition to hold cash of more than 15,000USD outside the banking system for the officials declaring for the first time as well as a lower threshold for the value of items subject to declaration (from 5000USD to 3000USD).<sup>44</sup>

The law provides for administrative sanctions in case of failure to declare, failure to declare in due time, incomplete declaration, provision of false information.<sup>45</sup> In addition, the law provides also for penal sanctions for refusal to declare false declaration.<sup>46</sup>

The analysis of the Law on the Declaration of Assets is relevant in this context because the HIDAACI relies on the provisions of this law in the process of implementation of the law on conflict of interest, and as mentioned earlier the trend has been to merge the declaration of assets with the declaration of private interests.

## **5. Institutional Framework and Implementation**

### **5.1. Institutional framework**

The HIDAACI is the central authority for the implementation of both of the Law on the Declaration of Assets and the Law on Conflict of Interest. The HIDAACI was formally established with the adoption of the Law on the Declaration of Assets and has been operational by early 2004. It is organized in two main departments, one dealing with the verification of assets and the other with the conflicts of interests.

Since its beginnings the HIDAACI has had a staff of 45 employees. The number of employees was increased to 56 in 2012<sup>47</sup> and 9 more were added later in 2013.<sup>48</sup> The current HIDAACI's staff is 65, of whom there are 11 high inspectors and 11 vice high inspectors. The staffs enjoy the status of the public administration civil servant.

In addition to its staffs the HIDAACI relies on 520 Responsible Authorities,<sup>49</sup> who are employed in the public institutions that are subject to the law on conflict of interest. The Responsible Authorities are as a rule the directors of human resource departments, or senior human resources specialists, but wherever a human resources structure is absent the Responsible Authorities are selected and appointed from staffs that perform similar functions.

Regarding the budget, there has been a slight increase in the budget of the HIDAACI over the years; however such increase has mainly resulted from the increased number of personnel rather than any increase in funds allocated for operational purposes.

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<sup>44</sup> Law 45/2014 date 24.4.2014, on amendments to the Law on the Declaration of Assets

<sup>45</sup> Law on Declaration of Assets, Article 40

<sup>46</sup> Law on Declaration of Assets, Article 5 and Article 38

<sup>47</sup> HIDAACI Report 2013

<sup>48</sup> Data provided by the HIDAACI

<sup>49</sup> Data provided by the HIDAACI

In overall both human and financial resources of the HIDACCI are considered to be limited, which is one of the limitations that HIDAACI has met in performing its mandate.<sup>50</sup>

The HIDAACI cooperates with a number of institutions that possess data that may hold information on potential conflicts of interests of public officials and with institutions support the HIDAACI to conduct audits and investigation functions. Such cooperation has been problematic over the years but it has been improved through legal amendments and the practice of signing memorandums of understanding (MOU) between the HIDAACI and these institutions.

So far the HIDAACI has signed MOUs with the Ministry of Justice, the Ombudsman, the Central Office for the Registration of Immovable Properties, the Supreme State Audit Institution, the Department of Internal Administrative Control and Anticorruption in the Council of Ministers, the Commissioner for the Protection of Private Data, the General Directorate of Customs, the General Directorate of Taxation, the General Prosecutor Office, the Agency for the Public Procurement, the Ministry of Public Order, the General Directorate of State Police, the Institute of Statistics, the Training Institute of Public Administration, the Directorate of Coordination for the Fight Against Money Laundering, the Authority of Competition, the Bank of Albania, the High Council of Justice, the General Directorate of Rural Transport Service, the General Directorate of Ports.

Another dimension of the institutional development of the HIDAACI has been the support and cooperation with international actors and donors such as the OSCE, the Group of States against corruption (GRECO), the Council of Europe's Project Against Corruption in Albania (PACA), the USAID, etc. These organisations have provided substantial support in drafting legislation, guidelines and manuals in addition to continuous provision of technical assistance.

A concrete outcome of these efforts has been the training of over 2500 officials over the period from 2008 to 2012. However taking full advantage of the acquired knowledge and preserving the expertise, has proven to be a challenge in particular in the local level when turnover after elections is higher.<sup>51</sup>

In terms of reporting the HIDAACI has regularly issued annual reports to the parliament. The reports are made public and can be found in its official website. The parliament formally endorses the reports and issues adoption resolutions where generic statements or at times the importance of the institution is reiterated.

Since its establishment the HIDACCI has enjoyed reasonable political support by the broader political spectrum. However the contested appointment of the Inspector General in early 2013 and the later replacement of the Inspector General through the modification of the appointment and dismissal procedure in the law as amended in 2014 have exposed the HIDACCI to politicisation. Given the divide that had dominated the Albanian political spectrum over the last years it will be a challenge for this institution to enjoy broad political support. On the other hand this will also be an additional challenge in the implementation of the law.

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<sup>50</sup> SIGMA, Assessment Albania 2010, EU progress report 2012, Nations in Transit 2011

<sup>51</sup> HIDAACI Reports 2008-2012

### 5.3 Implementation and practice

In general, the implementation of the law on conflict of interest has been partial and fragmented. In particular, during the first three or four years after the adoption of the law in 2005 the implementation was very scarce.

Considering that the law on conflict of interest was not adopted in complete vacuum, as the law on ethics in public administration was in place since 2003, it is worth examining the implementation of this law too, prior to analysing the implementation of the law on the conflict of interest.

The analysis shows that there is no significant track record of implementation even for the law on ethics in the public administration. This law was adopted with the two main purposes: to introduce ethics in the civil service but also to serve as a basis for adopting more specific and detailed laws on ethics by the different segments of the public administration.<sup>52</sup>

Regarding the latter, apart from the State Police which already had a code on ethics adopted in 1998,<sup>53</sup> no other codes have been adopted by law. Some sectors or institutions such as the health sector, the pre-university education sector<sup>54</sup>, the tax administration or the Bank of Albania<sup>55</sup> have adopted codes on ethics but in general these documents are statements of norms with no sanction mechanisms and it has not possible to track any data to assess the impact of these codes.

Regarding the implementation of the law on ethics in the public administration, which at the time of the adoption was the main target of the law, the analysis of the reports of the Commission of the Civil Service for the period 2006 to 2013 shows no relevant implementation records.

The reports of early years (2003, 2004) highlight the relevance of the law but no implementation outcomes are reported, while for a number of years (2005-2009) no related data exist. In later years (2010 -2013) the Training Institute for the Public Administration (ITAP) has reported a number of awareness raising activities and training seminars on ethics, conflict of interest and anticorruption.<sup>56</sup> In general, these activities have been organised within the framework of projects supported by the OSCE, the USAID and the EU Delegation in Tirana.<sup>57</sup> The conduct of such activities with the almost exclusive involvement of foreign donors shows that the ITAP has not yet been able to build sustainable capabilities and resources to pursue effectively the implementation of the law.

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<sup>52</sup> Report of the Commission of the Civil Service 2003, <http://dap.gov.al/dokumenta/raportet-vjetore/65-raporti-vjetor-dap-2003>

<sup>53</sup> Law Nr.8291 date25.02.1998, Ethics code of police

<sup>54</sup> Code on ethics for the public and private pre-university teachers, Adopted by Order of Minister of Education 12 November 2012

<sup>55</sup> Code of Ethics of the Bank of Albania, Decision of the Supervisory Council nr.46, date 25.06.2003

<sup>56</sup> Report of the Commission on Civil Service 2010, 2011, 2012, 2013, available at <http://dap.gov.al/dokumenta/raportet-vjetore>, Accessed September 2014

<sup>57</sup> Report of the Commission on Civil Service 2010, 2011, 2012, 2013, available at <http://dap.gov.al/dokumenta/raportet-vjetore>, Accessed September 2014

The law on ethics in the public administration includes also sanctions, which as the law stipulates,<sup>58</sup> are administered in accordance with the law on the status of the civil servant. These sanctions include: expulsion from the civil service; suspension of promotion for 2 years; appointment to a lower position; written reprimand; written reprimand and warning.<sup>59</sup> The table below presents a summary of the disciplinary and administrative sanctions given to civil servants over the period from 2006 to 2013 as reported by the Commission of the Civil Service (Table 1).

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	<b>Total</b>
Expulsion from the civil service	-	-	-	-	27	15	10	6	13	7	4	15	<b>97</b>
Suspension of promotion for 2 years	-	-	-	-	-	1	-	-	-	1	-	-	<b>2</b>
Appointment to a lower position	-	-	-	-	6	5	-	1	2	1	1	1	<b>17</b>
Written reprimand	-	-	-	-	2	14	10	12	7	4	3	1	<b>53</b>
Written reprimand and warning	-	-	-	-	10	14	3	6	7	1	14	6	<b>61</b>
<b>Total</b>	-	-	-	-	<b>45</b>	<b>49</b>	<b>23</b>	<b>25</b>	<b>29</b>	<b>14</b>	<b>22</b>	<b>23</b>	<b>230</b>

**Table 1:** Administrative sanctions administered to the civil servants for the period 2003-2013.

**Source:** Civil Service Commission Reports 2003-2013.

The analysis of the data reveals that the data are not accurate with regard to the realistic turnover in the civil service over the years reported. The number (97) reportedly expelled from the civil service represent only a fraction of the civil servant dismissed over these years.<sup>60</sup> Similarly, as reported by the EU Commission, based on data from the DAP, around 380 civil servants in the central institutions were dismissed, resigned or put on waiting lists while 100 were appointed to a lower position since September 2013.<sup>61</sup>

In addition to this, the reports do not refer to sanctions given for violations of the law on ethics so it is not possible to trace the number of sanctions given for violations of this law. In overall, given that the keeping accurate data is one of the most important components of the management

<sup>58</sup> Law on ethics in the public administration, Article 19

<sup>59</sup> Law nr.8549, date 11.11.1999, On the status of the civil servant, Article 25

<sup>60</sup> European Commission, Instrument for Pre-Accession Assistance (IPA) Multi-annual Indicative Planning Document (MIPD) 2011-2013 Albania, [http://ec.europa.eu/enlargement/pdf/mipd\\_albania\\_2011\\_2013\\_en.pdf](http://ec.europa.eu/enlargement/pdf/mipd_albania_2011_2013_en.pdf)

<sup>61</sup> European Commission, Albania. 2014 Progress Report, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-albania-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf)

of conflict of interest the discrepancy between the reports and the real turnover in the civil service is indicative to the poor implementation of the law on ethics.

Although, as discussed in the previous section, the law on ethics in the public administration and the law on conflict of interest overlap in terms of its objectives, the study has not found any established connection or attempt to implement in a harmonised manner the two laws. The frequent amendment of law on the conflict of interest in the later years, which includes all public officials, including the public administration, and the fact that the law on ethics in the public administration is dedicated almost entirely to the management of conflict of interests should have led to either the abrogation of the latter or to amendments aimed at specifically addressing ethical issues in the civil service.

Regarding the implementation of the law on the conflict of interest, the data from the HIDAACI reports show that the implementation has been discontinued, partial and fragmented. The reports show no implementation records prior to 2008. From 2008 the number of cases that the HIDAACI has been able to manage and resolve is relatively small.

It must be said from the outset, that the reports provide rather detailed information regarding the declaration of assets while the data provided on the conflict of interest is less systemised and rather haphazard. In addition, some data such as the number of cases referred to for penal investigation are aggregated and it not possible to divide the number of cases that pertain to violations of the law on conflict of interest or to the law on declaration of assets.<sup>62</sup> Furthermore the reports in later years provide data that are incongruent with the data provided in previous reports.

Besides the obvious fact that the HIDAACI has acquired more expertise regarding the implementation of the law on the declaration of assets, the haphazardness observed with regard to the records related to the implementation of the law on conflict of interest indicates the inherent complexity of indentifying, managing and resolving the conflict of interests.

The table below is an attempt to organise in a meaningful manner the cases of conflicts of interest as reported by the HIDAACI in its reports from 2008 to 2013 (Table 2).

In addition to the categorisations provided in the table, the reports include categories where processes and outcomes are merged in one, such as ‘cases of conflict of interest presented by different institutions that were processed and confirmed to the HIDAACI’,<sup>63</sup> which are difficult to interpret and analyse.

The cases of conflict of interest reported focus almost entirely on the conflicts of interest of financial or economic nature. For instance 120 (out of 195) cases of conflict of interest processed during 2010 involved officials from custom’s administration.<sup>64</sup>

While there are no data related to managed or resolved cases of other kinds of conflict of interest as provided by the law, such as preferential treatment, possible negotiations for future

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<sup>62</sup> HIDAA Report 2011

<sup>63</sup> HIDDACI Report 2009

<sup>64</sup> HIDAACI annual report 2010

employment, relationships (family or living together, community, ethnic, religious, recognized relationships of friendship or enmity).

Year	Cases processed or suspected	Cases managed, prevented or resolved	Cases to be interpreted by the Responsible authorities	Cases treated jointly with the Responsible authorities	Administrative investigation conducted	Administrative sanctions	Cases referred for penal procedure
2008	120	34	14	25	-	-	-
2009	121	19	-	84	-	8	-
2010	195	110	38	47	-	20	-
2011	210	1	55	92	-	22	-
2012	168	-	48	24	5	3	2
2013	46	-	-	-	-	-	-

**Table 2:** The cases of conflict of interest managed by the HIDAACI during 2008-2013.

**Source:** Data from the 2008-2013 HIDAACI annual reports to the parliament

On the other hand the media has reported on a number of cases that might constitute conflict of interest of such nature including appointments based on political affiliations, family connections, post-office employment, etc., that have remained out of the scope of the HIDAACI.

The failure to effectively pursue all the cases of conflict of interest, including those of non financial or pecuniary nature, demonstrates that inclusion into the law of all kinds of conflicts of interests by all public officials of all branches and levels has not contributed in improving implementation. Among the factors that can explain the poor implementation is the gap between the expectations of the legislation the institutional capabilities and resources available.

In order to address this shortcoming the HIDAACI approach has been to focus on the on the management of the continuous conflict of interest. However, in the management of the case by case conflict of interests the HIDAACI has met difficulties that stem from its inability to control, as reported by the HIDAACI, more than one thousand administrative acts on daily basis.

In such cases, the Responsible Authorities have the competence to perform implementation tasks but the analysis reveals that they are constraint by a number of limitations that are either inherent to the sector or institution or result from the lack of willingness to comply with the law. The study has found out that the Responsible Authorities have difficulties in getting the required information and data from the high level officials and they are not entirely independent in their performance as in most cases they are appointed by and report to the same officials as the ones they have to manage and resolve the conflict of interest. Moreover, the motivation of Responsible Authorities is undermined by the lack of recognition of their role. In general, their function as Responsible Authorities is not integrated into their job description, so they perform this task on the basis of individual motivation and dedication. Even the financial compensation

of 15 percent on top of the monthly salary that they were granted by the 2005 law was removed with the 2007 amendments.<sup>65</sup>

Due to the frequent turnovers in the public administration the Responsible Authorities are also frequently changed, increasing thus the costs of the institutions that need to train new people and loose the accumulated expertise. This is more problematic at the local administration level where the establishment of the Responsible Authorities was not even formally completed until 2012.

Another aspect concerns the lack of an integrated approach in managing the conflicts of interest as part of the day to day management. Indeed the law on conflict of interest reiterates the role of the line managers by endowing the line managers with substantial powers in the implementation process such as: the obligation to prevent conflicts of interest; the case by case declaration of the private interests of an official; the identification of private interests of an official by third persons; the collection of information about the private interests of an official; the prohibition of receiving gifts, favour, promises or preferential treatment; the assessment of the dominant market position of a company; the basic ways of treating and resolving conflicts of interest; the resolution of particular cases of continuing conflicts of interest; the procedures for the treating and resolution of conflicts of interest; the authorities responsible for the prevention, audit and resolution of conflict of interest situations; the regulation of the legal consequences of the undertaken action in the condition of conflict of interests.<sup>66</sup>

However the relation between the HIDAACI, the Responsible Authorities and the line managers has not been yet institutionalised in accordance with the above provisions and in order to happen may need a more robust involvement of the DAP and even legal amendments.

However, for a number of officials and institutions that have organisational features that are different from the public administration such as the heads of independent institutions, the members of the regulatory bodies, the judges, and the elected officials in the local administration or the parliament, these clauses are irrelevant. As Transparency International notes, the regulation of conflict of interest in the same way for the elected officials and civil servants is not a good practice as the ‘emphasis for elected officials should focus on the disclosure of interests rather than all-embracing prohibitions’.<sup>67</sup>

Another limitation to the implementation of the law has been the lack of sufficient resources of the HIDAACI. Various international reports such as the EU progress reports, the SIGMA assessment reports, the GRECO evaluation reports,<sup>68</sup> Transparency International, etc., have continuously highlighted the lack of sufficient resources and capabilities of HIDAA to fully implement the laws.

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<sup>65</sup> Law Nr.9690, date 5.3.2007

<sup>66</sup> Articles 6, 7, 8, 10, 23, 34, 37, 38, 39, 41, 40/1

<sup>67</sup> Transparency International, Albania: Overview of political corruption, Transparency International 2014 [http://www.transparency.org/files/content/corruptionqas/Country\\_profile\\_Albania\\_2014.pdf](http://www.transparency.org/files/content/corruptionqas/Country_profile_Albania_2014.pdf)

<sup>68</sup> Greco Eval IV Rep (2013) 9E, ‘Evaluation Report, Albania’, Council of Europe, GRECO 27 June 2014 [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GrecoEval4\(2013\)9\\_Albania\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GrecoEval4(2013)9_Albania_EN.pdf)

In addition, the HIDAACI has not been in the position to ensure the commitment and effective cooperation of other institutions that according to the law are obliged to collaborate in order to collect the information required and to pursue investigations. One way to ensure this cooperation has been the signing of the MOUs between the HIDAACI and these institutions. However, despite some moderate improvements, the MOUs being a mere expressions of intention of good will rather than legally binding document, the need to resort to these kind of solutions demonstrates the high discretion that the other institutions have regarding the implementation of the laws.

Another barrier to the effective implementation of the law on conflict of interest has been the lack of infrastructure and to conduct effective audits and verification of the data provided by the officials and the lack of digitalised information. Partial solutions have been achieved by collecting data from the agencies such as the Immovable Property Registration, the Agency for the Legalisation, Urbanisation and Integration of Informal Areas/Constructions (ALUIZNI), the Ministry of Finances and the Ministry of Justice in order to facilitate exchange of information.<sup>69</sup>

Even by limiting the scope of implementation and focusing on the management of conflict of interests of financial nature and further on the cases of continued conflicts of interest the HIDAACI has met difficulties in particular sectors. Due to the increasing public private partnership the public procurement remains an area particularly exposed of the conflict of interest and where the HIDAACI has not been effective to influence. Interview data show that the cases of resolution of conflict of interest in this area are very small despite the exposure of a large number of officials to the risk of conflict.<sup>70</sup> Another area is the local administration, which as a result of the decentralisation processes and the increased interactions between the local administration and the public has been more and more exposed to the risk of conflict of interest. The interview data suggest that the case of conflict appear mostly in the area of building permissions, procurements, and use of public spaces.<sup>71</sup>

The politicisation of the work of the HIDAACI over the recent years has produced a negative effect on the implementation. As a result of the disagreements between government and the Inspector General of HIDAA during 2013 the institution suffered a setback in terms of processing the declaration of interests.<sup>72</sup>

## **6. Conclusions and recommendations**

This study analyzed the legislation on the conflict of interest and its implementation. The findings suggest that the management of the conflict of interests in Albania has been partial and fragmented. The implementation has been hampered by a number of factors which interplay has contributed towards a lower denominator in the process of the implementation of the laws.

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<sup>69</sup> European Commission, Albania progress report 2012, p.14-16

<sup>70</sup> Interview data with Responsible Authority, August 2014

<sup>71</sup> Interview data with Responsible Authority, August 2014

<sup>72</sup> HIDAACI Report 2013

The political will has been present to respond to the international calls to adopt or improve the regulatory framework but the laws have been amended with no meaningful analysis of the obstacles to the implementation.

One such obstacle has been the gap between the broad scope of the law and the inadequate capabilities to ensure the effective implementation. For a number of years the implementation has been almost null.

In more recent years there has been a partial approach in the implementation process by focusing on the management of the conflict of interest of financial and economic nature and the continued conflict of interest, while the case by case conflicts of interest and the conflicts of interests of non financial nature have been almost disregarded.

The HIDAACI has met difficulties in verifying and cross referencing the provided information due to lack of digitalized register, partial information provided by the officials but above all due to the dynamic of the decision making in particular for the case by case conflicts of interest.

Another obstacle to the implementation has been based the approach of the law to rely on compliance sanction mechanisms without paying the necessary attention to integrity building and consolidation of ethical standards of the public institutions.

As stipulated by the law the HIDAACI has to rely on the Responsible Authorities and the management capabilities of the public institutions in the process of implementation. It has taken time to establish the Responsible Authorities in all institutions and levels and their performance is limited by a number of difficulties.

In overall the public administration remains politicised and poorly motivated due to poor compensation and where the merit based system has been challenged by nepotism and cronyism.

In order to improve the implementation this paper maintains that the regulatory framework should be balanced towards developing institutional integrity and ethical decision making in addition to the compliance and sanctions mechanisms.

As part of this approach a number of existing laws and codes on ethics should be reconsidered and encourage their proper implementation. The law on rules of ethics in the public administration should be reconsidered and the DAP should be more involved in implementing and developing integrity and ethical standards.

In addition, the HIDAACI and other stakeholder should encourage the partial approach to regulate the conflict of interest by developing tailored provisions for the elected officials, the regulatory bodies and the judiciary, separately from the civil service and the public administration.

Codes of ethics and conduct should be adopted for the members of parliament, the judiciary, and the regulatory bodies and mechanism for the case by case notification of conflicts of interest should be established for both branches.

Given that transparency and access to information are key preconditions for the effective implementation of the legislation and ultimately more effective management of the conflict of

interest, it is vital to encourage but also create the necessary conditions and capabilities for a more active involvement of the media, the civil society and the citizen.

## **Annex – Broader regulatory framework**

### *Primary laws*

Law Nr. 9049 dated 10. 04. 2003; ‘On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials’, as amended by law no.9367 dated 7. 04. 2005, law no. 9475 dated 9. 02. 2006, law no.9529 dated 11 May 2006, law Nr. 85/2012 dated 18.09.2012 and law no.45/2014 dated 24.4.2014.

Law No. 9367 dated 7.4.2005; ‘On the Prevention of Conflicts of Interest in the Exercise of Public Functions’, as amended by law no.9475 dated 9 February 2006, law no. 9529 dated 11. 05. 2006, law no. 86/2012 dated 18.09.2012 and law no. 44/2014 dated 24.4.2014.

### *Secondary laws*

Law No.9030 dated 13. 03. 2003; An Amendment to the law No.8240 Dated 10.04. 1997 ‘Criminal Code of the Republic of Albania’, Amended by Law No.8279 Dated 15. 01.1998 and law No.8733 Dated 24. 01. 2001.

Law No. 9131 dated 8. 09. 2003; ‘On the Rules of Ethics in the Public Administration’.

Law No. 8610 dated May 17, 2000 ‘On the prevention of Money Laundering’, amended by law no. 9084, dated 19.06.2003 and law No.9917, dated 19. 05. 2008. ‘On the Prevention of Money Laundering and Financing of Terrorism’.

Law No. 152/2013, 30 May 2013 ‘On the Civil Servant’.

Law No. 9887, dated 10.03.2008, ‘On the Protection of Personal Data’ as amended by law Nr. 48/2012, amended by law nr.120/2014.

Law No. 119/2014 ‘On the right to information’.

Law No. 8485, date 12.5.1999, ‘The Code of Administrative Procedures of The Republic of Albania’.

Law No. 7905, dated 21.03.1995 ‘Criminal Procedure Code of The Republic of Albania’

Law Nr. 9275, date: 16.09.2004 (On some Amendments and changes to Law Nr. 7895, date: 27.01. 1995 ‘Criminal Code of the Republic Of Albania’, as amended.

### *Sublegal acts*

Guideline For Representative Authorities No. 622, Dated. 30.11.2012, ‘On The Establishment, Operation And Responsibilities Of Authorities Responsible For The Prevention Of Conflicts Of Interest’.

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