



Pursuant to Article 12 (1.9) of Law No. 08/l-017 on the Agency for Prevention of Corruption, the Director of the Agency for Prevention of Corruption issues:

REGULATION NO.08/2024 OF RULES AND PROCEDURE OF THE AGENCY FOR PREVENTION OF CORRUPTION

Article 1 Purpose

1. This Regulation aims to standardize and unify the work of the Agency for the Prevention of Corruption (hereinafter "the Agency"), as well as to establish written rules and procedures to be complied with in the course of the Agency's work.
2. The duties and responsibilities of the employees of the Agency will be implemented pursuant to this Regulation and in accordance with the job descriptions of each employee of the Agency.

Article 2 Scope of the Agency

1. The provisions of this Regulation will be applied by all employees of the Agency and other persons engaged in the Agency.
2. For specific issues related to the work of the Agency, which are not defined by this Regulation, the acts of the Agency, as well as other acts in force, shall apply.

Article 3 Principles of Organization and Operation

The Agency operates on the basis of the principle of legality, independence and impartiality, objectivity, accountability, transparency, confidentiality, cooperation and efficiency.

Article 4 Organizational Structure

The organizational structure of the Agency is determined by the Regulation on Internal Organization and Systematization of Jobs, approved by the Director of the Agency.

Article 5
Actions and types of procedures in the Agency

1. The Agency's actions that fall within the Agency's responsibilities and powers are:
 - 1.1. Provision of advice, answers, opinions and decisions when there is a doubt about the existence of conflict of interest;
 - 1.2. Declaration of assets in accordance with the deadlines established by law;
 - 1.3. Control and verification of the accuracy of data declared by the declaring entities;
 - 1.4. Registration, reporting, inspection and auditing of gifts according to the law as well as the forms defined by the Agency with the Regulation on Acceptance of Gifts from Officials;
 - 1.5. Review and handling of reports from outside/external whistle blowing according to the law and applicable bylaws;
 - 1.6. Anti-corruption risk assessment, anti-corruption legislation assessment;
 - 1.7. Drafting and monitoring the implementation of integrity plans, as well as monitoring of the State Anti-Corruption Strategy and Action Plans.

Article 6
Initiation of the procedure and work with parties

1. The procedures in the Agency related to the issues that fall within the scope of the Agency's activity, as defined in Article 4 of this Regulation, are implemented in accordance with the relevant laws as well as the rules defined in the Regulation on administrative investigations in the Agency, which are also valid for the purposes of of this Regulation.
2. The procedures in the Agency are initiated ex officio, based on public or anonymous information, at the request of the legal or natural person, or other entities.
3. The Agency shall accept and evaluate every request and information received in any form, including requests or anonymous information, related to the mandate of the Agency.
4. The Agency shall maintain the confidentiality of the party or the secrecy of the information, as well as other circumstances related to the case and the persons involved, until the administrative investigation procedure of the addressed case is completed.

Article 7
Standard operating documents of the Agency

The Agency, within the framework of its responsibilities and competences, gives advisory opinions, offers opinions, issues decisions, and submits criminal charges, requests for criminal proceedings and any other documents within the work and actions of the Agency.

Article 8
Validity of Agency documents

1. All the Agency's letters are issued by the Director; however, exceptionally, depending on the nature, level of cooperation or institutional communication, based on the Director's assessment, the letters may be issued by the head of a department and of the relevant division through the Agency's Director.
2. All letters issued by or/and through the Director, as defined in paragraph 1 of this Article, are submitted for signature to the Director's Office.
3. All requests, notices, opinions, recommendations, criminal reports, letters and other communications are signed and issued by the relevant departments through the Director of the Agency. Exceptionally, depending on the nature, based on the assessment, the Director may decide otherwise.
4. The seal of the Agency is placed on all documents.
5. All documents that are compiled in connection with a specific case of organizational units must bear the case number as a reference number. There may be exceptions depending on the specifics of the work in the relevant department.
6. Confidential letters are submitted for signature directly to the Director of the Agency.
7. All communications, including electronic communications, intended for third parties and which may contain sensitive information, require the prior approval of the division head, department head and Agency Director.
8. All return letters received by the Agency are submitted to the Office of the Director of the Agency. In cases where only the relevant department or division has been notified, then the head of the department or division immediately notifies the Director's Office of receiving such information. All such letters are logged.
9. All invitations, letters of thanks, letters of reference and other official documents for the activities organized by the Agency for the Prevention of Corruption are signed and issued by the Director of the Agency through the Director's Office.
10. All official invitations to participate in international, regional and local activities related to conferences, workshops, trainings, study visits and others, received by the Agency, are submitted to the Office of the Director of the Agency. The Director of the

Agency evaluates the level and nature of the activity and appoints the official or officials for participation.

11. In the absence of the Director of the Agency, all the responsibilities of the Director of the Agency are delegated to the authorized person.

Article 9

Acceptance of documents

1. Every external letter addressed to the Agency, report, complaint and request is submitted in physical form or through the Agency's address/electronic platform, the Agency's archive, by electronic mail or mail.
2. Each document must be clear and understandable and contain the basic data necessary to proceed further according to the law and internal rules on administrative investigation procedure.
3. Each letter must be protocolled to the extent it is considered necessary, depending on the form of addressing.
4. In case of anonymous requests/reports which, according to the Agency's assessment, meet the formal conditions for the initiation of the administrative investigation procedure, the Agency records and protocols them in the same way as in the case of ex officio requests.

Article 10

Procedural actions

1. After the receipt and registration of the letter by the Archive Office of the Agency, the case is sent to the relevant organizational unit in the Agency for further processing.
2. The head of the organizational unit evaluates all the facts related to the case and, in coordination with the supervisor/direct subordinate, wherever applicable, designates the official responsible for handling the case.
3. The division of cases is based on the number and nature of cases assigned to a responsible official within the unit.
4. The distribution of cases to the authorized responsible officials designated by the head of the unit is done proportionally to all officials, as well as in special cases and where justified, to the leadership level within the organizational unit.
5. In special cases and following assessment, the Director of the Agency by Decision may also authorize officials from other organizational units of the Agency to proceed with administrative investigations on certain issues, in accordance with the job descriptions according to the Regulation on organization and systematization of jobs in the Agency.

The official responsible for handling the case will declare in time if he is in any way connected to the subject matter of the case, notifying his manager by signing a declaration of conflict of interest concerning the case.

Article 11

Responsible officer for the case

1. If the request for the initiation of the procedure is made in accordance with the law and meets the formal legal conditions, the responsible official will begin the procedure for verifying the attached facts and evidence.
2. The official in charge of the case shall, during the undertaking of procedural actions, as necessary, collect official information/documentation from the competent institutions and other entities, which would contribute to the efficiency of the procedure.
3. According to the evaluation of the facts and circumstances in an administrative procedure, the responsible official compiles a written report on the findings through the direct manager for the Director of the Agency, and based thereon proposes a draft decision, opinion or other document depending on the case as defined in Article 5 of this Regulation.

Article 12

Delivery of documents

1. Documents are delivered to the parties in the procedure at the workplace where the party/entity exercises a public function.
2. Delivery of documents is done through electronic or physical mail, as well as directly to the parties or institutions when necessary.
3. The archive office of the Agency or the responsible unit in the Agency considers that the documents to the parties/institutions have been delivered if:
 - 3.1. In the case of sending the document through the electronic form of communication/e-mail, automatic or written confirmation of receipt of the document.
 - 3.2. In the case of sending a copy of the letter by physical mail, confirmation by mail with a return slip;
 - 3.3. In the case of direct delivery to the party/institution, confirmation with the acceptance form.

Article 13
Reception of the parties at the Agency

1. Parties are received at the Agency, in principle, for work purposes.
2. The reception of external parties at the Agency is done only with the prior notification and permission of the Agency official.
3. When entering the Agency, the parties are preliminarily legitimized by the security officials, with the exception of persons accompanied by the whistle-blowing unit and the Director of the Agency, or persons notified by the same.
4. When the parties are legitimized, they are provided with visitor cards.
5. For practical and operational purposes, the Director of the Agency determines the detailed guidelines regarding the reception of parties.

Article 14
Standardization of Agency documents

The standardization of the Agency's documents, as defined in Article 7 of this Regulation, is approved by decision of the Agency's Director.

Article 15
Internal and external communication

1. Official communication in the Agency takes place in accordance with the standards and rules of respect for the institutional hierarchy.
2. Any official electronic communication is done through the official e-mail, with the authorization or knowledge of the direct manager, except for special cases approved by the Director of the Agency.

Article 16
Transparency

1. In order to provide objective, timely and accurate information to the general public about work and transparency at work, the Agency for the Prevention of Corruption informs the general public about its work through its official website, conferences, press releases, publications, special reports, its annual report, or in other ways.
2. The information is provided by the Office of the Director, namely the Senior Official or Information and Education at the authorization of the Director.
3. When informing the general public, the Agency acts in accordance with the legislation in force on protection of privacy and confidentiality of data related to applicants, for cases that are in administrative investigation procedure.

Article 17
Protection of personal data

1. The officials of the Agency who deal with the processing of personal data of entities are obliged to implement the legal provisions on protection of personal data according to the law on protection of personal data.
2. The personal data of the entities available to the Agency are used to the extent that their fair use is necessary for the purposes of the law.
3. The data to be processed must be related to the purpose of the processing and not exceed this purpose.
4. Officials of the Agency may use personal data only for the performance of tasks provided for by the laws of the Agency, and in accordance with the provisions of the Law on Protection of Personal Data.

Article 18
Access to public documents

1. The parties have the right to access the official documents of the case in which they are or were a party to procedure and to receive their copies, through a request addressed to the Agency, unless that document is confidential.
2. Third parties are allowed access to documents in accordance with the relevant laws on access to public documents and protection of personal data through a request addressed to the Agency, unless that document is confidential.

Article 19
Repeal

Upon entry into force of this Regulation, Regulation No. 01/2013 on Rules of Procedure of the Anti-Corruption Agency and all its amendments shall be repealed.

Article 20
Entry into force

This Regulation enters into force on the day of signature.

Yell BULESHKAJ

Director of the Agency for the Prevention of Corruption

05/07/2024