



REPUBLIKA E KOSOVËS
REPUBLIKA KOSOVA | REPUBLIC OF KOSOVO
AGJENCIA PËR PARANDALIMIN E KORRUPSIONIT
AGENCIJA ZA SPRJEČAVANJE KORUPCIJE
THE AGENCY FOR PREVENTION OF CORRUPTION



Pursuant to Article 12, paragraph 9 of Law No. 08/L-017 on the Agency for Prevention of Corruption, (Official Gazette No. 19, dated 21.07.2022), as well as in accordance with Article 20, paragraph 3 of Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function (Official Gazette No. 5/ 27.04.2018), the Director of the Agency for Prevention of Corruption adopts the following:

REGULATION NO. 01/2023

**ON PREVENTION OF CONFLICT OF INTEREST IN THE
AGENCY FOR PREVENTION OF CORRUPTION**

Article 1

Purpose

The purpose of this Regulation is to define the criteria, rules and procedures related to the prevention of conflict of interest situations in the Agency for Prevention of Corruption (hereinafter referred to as the "Agency").

Article 2

Scope

This Regulation is valid and shall apply to all officials of the Agency, as well as to those engaged in the Agency, unless otherwise provided by other laws.

Article 3

Definitions

1. The expressions used in this Regulation shall have the following meanings:

- 1.1. **Officials of the Agency** – all employees of the Agency and other engaged officials, regardless of their official position;
- 1.2. **Public interest** – any lawful and just material or immaterial interest that benefits citizens;
- 1.3. **Private interest of an official** – any advantage gained by the official person, their family, relatives, friends, and individuals or organizations with whom they have had or currently have business relations;
- 1.4. **Decision-making** – the final action within a decision-making process, through which a specific issue is ultimately resolved by means of an act or contract, as well as preliminary actions within the decision-making process, such as participation, attitude and influence, which are considered crucial and determine the final content of an act or contract, as well as any other action taken by an official in the exercise of their public function;
- 1.5. **Area of responsibility** – refers to the duties of the official where they are responsible for performing official duties;
- 1.6. **Secondary work** – any work or engagement that the official performs outside the Agency, whether paid or unpaid;
- 1.7. **Conflict of interest** – a situation or circumstance in which the official has a private interest that affects, may affect or appears to affect the impartial and objective performance of their official duties;
- 1.8. **Person next of kin to the official** - the spouse or cohabiting person, direct blood relatives without limitation (e.g. grandparents, parents, children, grandchildren, but not limited to), indirect relatives up to the fourth degree, adopter, adoptee, next of kin relatives up to the third degree (spouse's parents, spouse's brother, spouse's sister, and their children), as well

as any natural or legal person who had or has a shared private or non-property interest with the official.

- 1.9. **Contractual relationship** – any contractual and service relationship between public institutions and economic operators, including the sale and purchase of movable and immovable property, employment relationship, borrowing, lending, leasing, renting, as well as any other similar relationship.

Article 4

Principles of official's action and non-action

1. The principles governing the actions and non-actions of Agency officials are:
 - 1.1. to exercise their function (duties) in accordance with the law, internal rules of etiquette, and this Regulation;
 - 1.2. to perform their work with honor, integrity, responsibility, accountability, and impartiality, in order to enhance the credibility of citizens;
 - 1.3. to uphold the authority of public institutions and act in defense of the public interest, without prioritizing their own interests against the public interest;
 - 1.4. to be personally accountable for their actions during the exercise of their official duties;
 - 1.5. to refrain from engaging in illegal or legal action, while exercising their official duties, with the purpose of obtaining unfair benefits for themselves or other persons or entities;
 - 1.6. for the work they perform in the exercise of their function, they have no right to request or accept any other rewards/favors, nor should offer or promise rewards, except for compensation allowed by applicable legal provisions;
 - 1.7. to avoid any conflict of interest, whether actual, potential, or perceived;
 - 1.8. not to misuse their position or function to further their own personal interests or those of their relatives.

Article 5

Actions prohibited for Agency officials

1. The Agency officials are prohibited from engaging in the following actions in relation to their official duties:
 - 1.1. requesting or accepting a gift or any other unfair benefit for themselves or another person, or receiving an offer or promise of a gift, in order to influence their official actions or lack thereof in the performance of their official duties;
 - 1.2. requesting, appropriating, or accepting unfair rewards, gifts, benefits or services for themselves or others, as compensation for their determination in decision-making;
 - 1.3. influencing the decision of any official for the purpose of obtaining unfair benefits for themselves or any other natural or legal person;
 - 1.4. promising, offering, or giving a gift or any other unfair benefit in exchange for an actual or promised gift or unfair benefit;
 - 1.5. influencing the contracting or awarding of works or public supplies for unfair benefits for themselves or any other natural or legal person;

- 1.6. using reliable information available to them or received in good faith during the exercise of their official duties for unfair benefits for themselves or any other natural or legal person;
 - 1.7. undertaking actions that serve their personal interests or the interests of any other natural or legal person;
 - 1.8. undertaking actions that in any way favor the private interest of another person to the detriment of the public interest;
 - 1.9. misusing or allowing the misuse of the official assets of the Agency, including official documents, electronic platforms, etc., for any purpose that contradicts their official duty and the law.
2. The Agency officials cannot engage in any other work outside the institution, without the permission or approval of the Director of the Agency.
 3. The Agency officials may not engage in work defined as "Prohibited Work" as defined in the Law on Prevention of Conflict of Interest in Discharge of Public Function, as well as Article 8 of this Regulation.

Article 6

Obligations of the official of the Agency for the prevention of conflict of interest

1. Every official of the Agency is required to fulfill all obligations and follow instructions defined by laws and sub-legal acts, in order to identify, report, prevent and avoid situations of conflict of interest.
2. Upon assuming office and throughout their tenure, officials have a responsibility to proactively prevent and resolve any conflicts that may arise between their public and private interests, using the most effective means available to them.
3. If an official has doubts or finds that a situation of conflict of interest has arisen or may arise, they must promptly advise and inform their immediate supervisor or the Director of the Agency as soon as possible.
4. The Agency officials are prohibited from engaging in any activity, exercising control, making decisions, or any other similar activity where there is a private interest, either for themselves or for a relative. In such cases, the case is transferred to another official of the Agency who is not involved in the case or related to the person.

Article 7

Responsibility of the immediate supervisor in preventing conflict of interest in the Agency

1. Every immediate supervisor is obliged to take all necessary measures to prevent and resolve any emerging situation of conflict of interest.
2. If an Agency official declares or even suspects that they are in a situation of conflict of interest, the direct supervisor must take the following actions after analyzing/examining and verifying the information:

- 2.1 analyze the situation presented after the declaration, or suspicions of conflict of interest, and with the approval of the Director of the Agency, makes a decision to replace the official with another official
- 2.2 in cases of suspicion based on non-declaration of conflict of interest and decision-making under conditions of conflict of interest, request the responsible authority within the Agency to handle the case, and according to the findings, disciplinary proceedings may be initiated in the disciplinary commission for the official who has not declared the conflict of interest.
- 2.3 initiate procedures for the repeal or annulment of the act in accordance with the relevant legislation as well as any other document issued by the official, which was obtained in circumstances of conflict of interest;
- 2.4 notify the Director of the Agency and the responsible official within fifteen (15) days with a report on the measures taken to prevent the conflict of interest.
3. The immediate supervisor analyzes the declarations in good faith (Appendix: Table I and 2) on situations of conflict of interest and undertakes all actions to avoid the conflict of interest in the shortest possible time.

Article 8

Prohibited activities of Agency officials

1. The junior-level, middle-level and senior management officials in the Agency cannot be members of the central and municipal governing bodies of a political party, nor members of political parties.
2. The Agency officials are prohibited from actively participating in any political party and following instructions from any political party during the exercise of official duties.
3. The Agency officials do not have the right to publicly appear in political gatherings nor to participate in political campaigns of political parties in Kosovo. This preserves the principle of their independence and that of the institution in which they work.
4. The Agency officials are prohibited from performing other works in cases where:
 - 4.1. they may misuse official information for private interests;
 - 4.2. such work may affect the impartiality of their public office;
 - 4.3. such engagements may damage the reputation of the Agency;

Article 9

Allowed activities of Agency officials

1. An Agency official may engage in secondary work in various fields, such as science, sports, formal and informal education, culture, humanitarian activities, and serving as board members of institutions and public enterprises, as well as in other activities, if they do not conflict with Article 8 of this Regulation or any other law.
2. The Agency official is allowed to exercise copyrights, patents, intellectual and industrial property rights, and similar privileges.

3. The activities mentioned in paragraph 1 and 2 of this Article can be pursued by an Agency official, provided that it is permissible and does not directly fall within their responsibilities in the Agency. These activities should not be part of the decision-making process, should not present a conflict of interest, and should not be prohibited by other laws or even by this Regulation, for which activities they can generate income in accordance with the law.

Article 10

Engagement of Agency official in work outside the institution

1. Any Agency official who wishes to engage in secondary work must first submit a written request using the application for secondary work (refer to Appendix No. 1).
2. The application must be completed and accompanied by comments provided by the immediate supervisor within two (2) working days from the date of acceptance of the request for secondary work.
3. The completed application must be submitted to the Office of the Chief Administrative Officer/ Director of the Agency, either in physical form (through the archive) or in electronic form, before commencing the secondary work.
4. The Director of the Agency will review and make a decision within five (5) working days from the date of receiving the application for secondary work.
5. The Director of the Agency establishes the Commission for reviewing applications for secondary work, consisting of three (3) members and two (2) reserve members. In cases of conflict of interest or eventual impossibility of participation in the Commission, the member of the commission is replaced by the reserve member.
6. The Commission decides within ten (10) days at the latest, regarding the request and recommends with reasoning to the Director of the Agency for the approval or rejection of the request.
7. After receiving the recommendation from the Commission, the Director of the Agency may accept or reject the request/application for secondary work engagement in cases where:
 - 7.1 the request is incomplete;
 - 7.2 the secondary work engagement contradicts the conflict of interest legislation or any other law.
8. The approval of the Director of the Agency for the official's request/application for secondary work is granted indefinitely.
9. Except as stated in paragraph 7 of this Article, permission for secondary work of an Agency official can be terminated at any time if it is determined that such engagement contradicts the rules established by this Regulation and other relevant legislation in force.
10. In regards to the decision of the Director of the Agency, the dissatisfied party shall have the right to appeal in accordance with the legislation in force.

Article 11

Identification and reporting of conflict of interest in the Agency

1. The immediate supervisor shall be required to conduct a comparative analysis of the official duties of their subordinates based on their declarations of private interests. If the

supervisor identifies that one of their subordinates has engaged in official activities in that involve a conflict of interest, they must take appropriate actions as outlined in Article 7 of this Regulation.

2. Data related to the activities conducted to identify conflicts of interest are considered confidential.
3. Any individual who possesses knowledge regarding an Agency official's actions that constitute a conflict of interest, shall be obliged to provide grounded information available regarding the conflict of interest situation.
4. The person who provides grounded information (the whistleblower) on conflict of interest cases, shall be protected in accordance with the current legislation in force.

Article 12

Reviewing of conflict of interest

1. The Director of the Agency, based on the legislation in force and this internal Regulation, shall have the power to seek and receive evidence from any person who may be aware of the necessary facts, related to any issue that is subject to treatment for conflict of interest.
2. The immediate supervisor shall verify and gather evidence pertaining to the case raised, as mandated by the current legislation and this Regulation.
3. The responsible authority of the Agency for conflict of interest prevention shall compile a report on the case handling and, if findings are made, shall submit recommendations to the Director of the Agency.
4. The Director of the Agency may request that the responsible Department handle the case.

Article 13

Attempting to influence the will of an official

In situation where there is an attempt to influence the will of an Agency official, the official is required to inform their immediate supervisor or the Agency Director in writing, in order to avoid any further attempt to influence his will.

Article 14

Conflict of interest handling and resolution methods

1. The methods for handling and resolving conflicts of interest among the Agency's officials shall comply with this Regulation, the provisions of the Law on Prevention of Conflict of Interest, and other applicable legislation.
2. The Director or immediate supervisor should employ the following fundamental methods to avoid conflicts of interest among the Agency officials:
 - 2.1 limiting access to certain information related to the exercise of their function;
 - 2.2 avoiding assigning tasks that may cause a conflict of interest to arise;

- 2.3 abstaining from participating in any decision-making process where there is a private interest at stake;
- 2.4 reviewing or modifying the duties and powers of the official;
- 2.5 transferring the official to another task that eliminates the conflict of interest;
- 2.6 taking necessary measures to prevent appointment or election of an official to positions where conflicts of interest exist or may arise;
- 2.7 in the event of an act taken under conditions of conflict of interest, promptly suspending, repealing, or canceling the act in accordance with the relevant legislation, before it has any legal consequences;
- 2.8 the cancellation or revocation of the act can be done on a "case by case" basis, even when it is determined that the act was taken under the conditions of a conflict of interest.

Article 15

Sanctions

Any violation of the provisions of the Law on Prevention of Conflict of Interest, as well as this Regulation, will be considered a disciplinary violation and a misdemeanor, regardless of potential criminal liability. Disciplinary violations are dealt with in accordance with the rules for public officials in Kosovo.

Article 16

Transitional provisions

All Agency officials are required to declare any current engagements outside the Agency, in accordance with this Regulation, within fifteen (15) days from the day it enters into force.

Article 17

Appendices

The following appendices are part of this Regulation:

- Appendix I: Application for secondary work outside the Agency;
- Appendix II: Declaration form regarding the state of conflict of interest;

Article 18

Entry into force

This Regulation shall enter into force on the day of signing.

Yll BULESHKAJ


Director of the Agency for Prevention of Corruption

28 / 12 / 2023

APPENDIX No. I:**APPLICATION FOR SECONDARY WORK or ACTIVITIES OUTSIDE THE AGENCY**

Name and Surname	
Identification number	
Current position in APC	
Phone number:	
E-mail address:	
Date of completing the application:	
Name of the entity where you wish to engage in secondary activities:	
Main activity of the entity:	
Describe how you obtained this secondary work/job	
Data for the entity with whom you want to enter into a contractual relationship for activity outside the APC (phone number, e-mail address, address)	
Describe the work duties related to this activity outside the APC	
Planned period of engagement in this secondary work	
Provide working hours details of secondary work	
Have you performed any official activity in this entity?	

Signature

Analysis and comments of the immediate supervisor:

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Name and Surname of immediate supervisor: _____

Supervisor's signature:

Analysis of the responsible official/commission

Name and surname of the official/members of the commission	Signature of the official/members of the commission
C] Request is approved C] Request is rejected C] Request is addressed to the Legal Office	

To be completed by the staff member

CONFLICT OF INTEREST SITUATION DECLARATION FORM

Submitted by:	
(Name and surname)	
Position:	
Name of the person with whom the situation of conflict of interest arises:	
.....	
Connection (relationships) with the named person:	
.....	
Description of the conflict of interest situation:	
.....	
.....	
.....	
.....	
Date:	Signature:.....

To be completed by the immediate supervisor

.....	
Name and Surname of supervisor	
Advised:	
to continue, not to continue (circle one) with the performance of official duties in the situation mentioned above.	
Date:	Signature:.....