



# APK

AGJENCIA PËR PARANDALIMIN E KORRUPSIONIT  
AGENCIJA ZA SPREČAVANJE KORUPCIJE  
AGENCY FOR THE PREVENTION OF CORRUPTION



## FOR THE CORRUPTION-FREE KOSOVO



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# INDEPENDENCE AND ROLE OF THE DIRECTOR

The Agency for Prevention of Corruption is an independent Agency, which reports to the Assembly of Kosovo, and its officials are mandated to conduct their duties without any external pressure.

The Director of the Agency manages the budget and the work of the Agency in eight main areas, including:



**Declaration of assets,  
property and gifts**



**Prevention of  
conflict of interest**



**Protection of  
whistleblowers**



**Institutional  
integrity plans**



**Strategic policy  
and monitoring**



**Anti-corruption  
assessment of legal acts**



**Reporting  
and statistics**



**Administration**

**The director also oversees the staff, issues decisions,  
and represents the Agency in all external contacts.**

# MANDATE

The Agency for Prevention of Corruption is charged with implementing several laws key to the prevention of corruption, including:

- **Law on Prevention of Conflict of Interest,**
- **Law on Asset Declaration, which also regulates the receipt of gifts by officials, and**
- **Law on Protection of Whistle-blowers.**

In line with laws, the Agency:



- ▶ **Works to prevent cases of conflict of interest by providing opinions and conducts administrative investigations into allegations of conflict of interest**



- ▶ **Conducts administrative investigations and processes external whistle-blowers reports it receives**



- ▶ **Exercises full control over asset declarations by officials and their accuracy and tracks the receipt of gifts by officials**

Furthermore, the Agency imposes fines on officials who fail to comply with their obligation to timely declare assets or submits criminal reports to prosecution on false declarations.

Fulfilling its mandate, the Agency also:



- ▶ **Reviews laws to ensure that they include all the necessary safeguards from corruption**



- ▶ **Monitors the implementation of the National Anti-Corruption Strategy**



- ▶ **Assists public institutions in drafting and monitoring the implementation of their integrity plans**



- ▶ **Assesses the risk of corruption in vulnerable sectors such as public procurement, recruitment and use of public resources**



- ▶ **Raises public awareness**

# PREVENTION OF THE CONFLICT OF INTEREST



**Conflict of interest** is a situation in which a public official has a private interest, which influences his or her impartiality and objective performance of official duties.

For example, a conflict of interest occurs when a senior public official:



▶ Is also a manager, an authorized representative, or a member of a board of a private company



▶ Is a member of more than one board of a public company, institution, or a joint shareholding company in public ownership



▶ Provides preferential treatment or confidential information during the contracting of services for personal gain



▶ Influences the decision-making of legislative, judicial, or executive bodies for personal gain



▶ Gets hired or provides services to an institution he or she used to supervise in less than two years after leaving his or her post, either directly or indirectly through a relative or trustee

**The Agency as well as the public have a role to play  
in preventing the conflict of interest.**

While the Agency advises officials and institutions on how to avoid conflict of interest, and how to handle such cases should they occur, it also has the right to monitor any public procurement or recruitment process, and initiate administrative investigations into any potential conflict of interest cases.

The public, on the other hand, can also report any potential conflict of interest, either directly to the institution, by contacting the designated official for the prevention of conflict of interest, or to the Agency for Prevention of Corruption.

Once the Agency conducts an administrative investigation into a potential conflict of interest case it can:



**Request from the employing institution to initiate a procedure for dismissing an official**

**Request from an institution to review, revoke, or annul a legal act issued as a result of a conflict of interest**



**Initiate a misdemeanour procedure at a Court in case of violation of the law or file a criminal report to the Prosecution in case of a criminal offence**



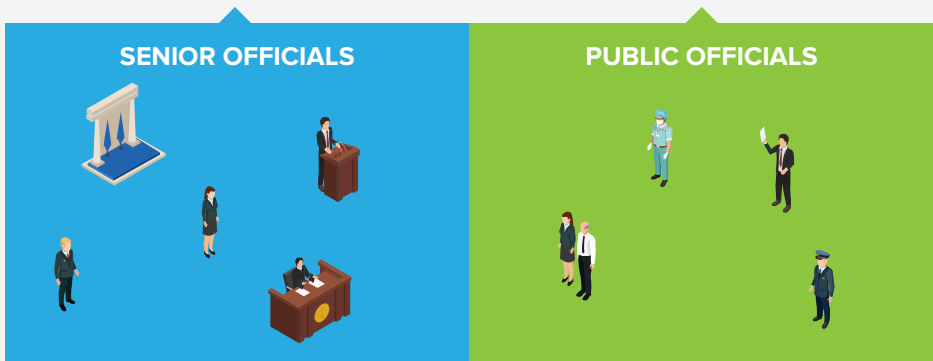
**The Court may impose fines and prohibit the exercise of public functions from 6 months up to 2 years.**

# ASSET DECLARATION

Declaration of assets is a crucial tool in preventing corruption and conflict of interest and in strengthening the integrity of public institutions.

As foreseen by the Law on Declaration, Origin and Control of Assets and Gifts, certain categories of **senior officials** including the President; Members of the Parliament; Ministers and Deputy Ministers; Judges and Prosecutors; General Director of Kosovo Police; Chairpersons, Board Members and General Directors of public enterprises, Mayors and Deputy Mayors,

and of **public officials** such as Doctors, Professors at public universities, public procurement officials, customs officials, tax inspectors, police investigators, are obliged to declare assets.



They are obliged to do so:



This way their assets also become a matter of public scrutiny.



Asset declaration, which can be submitted online, among others, needs to include information on:



- ▶ **Yearly income including salary, per diems, fees from boards and commissions, and from intellectual property rights**



- ▶ **Ownership or activities and profit gained through a private company, also by the immediate family members**



- ▶ **Savings, cash, digital currency, and deposits, in Kosovo and abroad, also of the immediate family members**



- ▶ **Value of the real estate, movable assets, stock and securities**



- ▶ **Loans, debts, and liabilities**



- ▶ **Expenses, donations, and transactions above 3,000 euros**

While the Agency for Prevention of Corruption:



- ▶ **Checks that asset declarations are complete and correct**



- ▶ **Performs full control of the declarations of assets and verifies data in Kosovo and abroad**



- ▶ **Sanctions officials who fail to comply with set deadlines or under-declare their assets**



- ▶ **Submits criminal report to the Prosecution**



**YOU also can check asset declarations by all officials and report potential false declarations of assets to the Agency!**

Officials who fail to properly declare their assets will be subjected to the following fines:

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**1**  
If a senior or public official submits his or her declaration of assets with a delay of up to 15 days, he or she will pay a fine of up to 500 euros.

**2**  
If a senior or public official submits his or her declaration of assets with a delay of more than 15 days or falsely declares his or her assets, the Agency will refer the case to the Prosecution and the Court may sanction the official with the imprisonment of up to five years, while any non-reported assets will be confiscated.



In addition, the Court will impose an additional punishment of prohibition to exercise public function for 1 to 10 years after serving the imprisonment, and, if applicable, the Court may prohibit the right to be elected for a public position for 1 to 4 years.

# GIFTS DECLARATION

In addition to asset declaration, public officials, on all levels, are obliged to register all gifts they receive with their respective institutions, and there are limitations to the value of gifts they can accept.

**As a matter of rule, public officials should never request a gift!**

Furthermore, a public official:



- ▶ **Shall not accept gifts or favours related to the performance of their duties, with exception of gifts received through a protocol, which become the property of the institution**



- ▶ **May accept an occasional gift of value up to 50 euros only once a year from the same person or an institution, while the total value of an occasional gift received by an official during a year may not exceed 250 euros**

*Each institution must have a **Register of Gifts** containing information on all gifts received by its officials, their value, and the names of the persons or institutions who gave the gifts.*

In line with the Law on Declaration, Origin and Control of Assets and Gifts the Agency also has the right to:



- ▶ **Inspect and audit the gift register and in case of irregularities require institutions to take measures to implement the law.**



- ▶ **Right to decide on the acceptance or not of a gift upon request of the official**



- ▶ **Impose fines in cases of violation of the law**

# PROTECTION OF WHISTLE-BLOWERS

**The whistle-blower** is any person who reports or discloses information on a threat or damage to the public interest in the context of his or her employment in the public or private sector.

While such reports can be made directly with the institution where the incident occurred, whistle-blowers can also turn to the Agency, in which case they are being considered **external whistle-blowers**.

The Agency is responsible to review and process the cases of **external whistleblowing** through administrative investigation when they:



- ▶ **Relate to the whistle-blower's manager**



- ▶ **Have an urgent character that is associated with serious and immediate danger or irreversible damage**



- ▶ **There is a reasonable suspicion that detrimental acts may be taken against the whistle-blower or the evidence may be concealed or destroyed if internal whistleblowing would be carried out**



- ▶ **The whistle-blower has reasonable suspicion that the internal whistleblowing procedures are not effective**

The Agency may file a criminal report to the Prosecution in case of elements of a criminal offence or request the Court to initiate a misdemeanour procedure if the public institutions (Labour Inspectorate in case of private institutions) commit the following irregularities:



- ▶ **Fail to appoint the responsible official for whistleblowing procedures and notify all employees in writing of their rights to initiate whistleblowing procedure**



- ▶ **Fail to protect the whistleblower from any detrimental act**



- ▶ **Fail to undertake actions after reporting the case within the legal deadlines**



- ▶ **Fail to inform the whistleblowers of the outcome of the procedure within the determined deadline, or of the progress and actions taken in the procedure upon his/her request**



- ▶ **Fail to grant access to the whistleblower to the case files and right to participate in the actions taken during the whistleblowing proceedings**

and in cases when they preclude whistleblowing by any action aimed at preventing reporting or disclosure of the violation of public interest, or violate the confidentiality of the proceedings.

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