

CONTENTS

1.	Speech of Inspector General Mrs. Fatmira Laska	5 - 7
2.	The order no. 6 dated 10 Feb. 2006 on an amendment of the order 16 dated 25 Nov 2004 issued by the Inspector 8 General “On the ratification of the types of the declaration form of the private interest and the relevant authorization	7 - 8
3.	Declaration form of private interest before beginning work	9 - 16
4.	Declaration form of periodic/annual private interest	17 - 24
5.	Declaration form of private interest after removal from function	25 - 32
6.	Declaration form of private interest on request.	33 - 40
7.	The order no. 7 dated 21 Feb. 2006 “On the functions that have the obligation to make the periodic declaration of their private interest at HIDAA”	41 - 44
8.	The main guidelines of the duties of the Represented Authority on the prevention, audit and resolution of conflict of interest of the officials that exercise public functions.	45 – 54



REPUBLIC OF ALBANIA

HIGH INSPECTORATE OF DECLARATION AND AUDIT OF ASSETS

Adresa: Rr:“Reshit Collaku”

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Info:www.hidaa.gov.al

The speech delivered by the General Inspector in the meeting with the Represented Authorities.

Honorable participants,

The initiative of the High Inspectorate to have this meeting with you, the Represented Authorities and at the same time directors of Human Resource Units of several institutions, aims to establish, altogether, a practice and methodology of work to better serve to raise the awareness of the public institutions in the implementation of law no. 9367 dated 7 April 2005 “ On the prevention of conflicts of interest in the exercise of public functions”, that is complimentary and in continuity to the law on the declaration and audit of assets of the elected and certain public officials.

In the function of this meeting, all the competences, the role, the duties and responsibilities of the High Inspectorate of Declaration and Audit of Assets, defined mainly in chapter VI, in the articles 41 and 42 of law no. 9367 dated 10 April 2005, are well-defined. The lawmaker designated the High Inspectorate as the central authority responsible for the implementation of this law, performing several duties and responsibilities, such as “ the management and improvement of the policies and mechanisms of preventing and avoiding conflict of interests is considered the legal obligation of HIDAA”

In a better implementation of law demands, a unification of the orders, guidelines and substatutory acts that are applied by the public institutions regarding the prevention of conflicts of interest, is considered an immediate need. Every public institution, based on the specific nature of its function, should prevent itself the possibility of falling into a conflict of interest. For this reason the public institutions should establish their internal mechanisms by means of internal rules or substatutory acts, based on the principle of proportionality and the specific nature of its functions and each of its officials. The establishment of unified and well-defined policies in order to prevent the conflict of interest is the main priority of our institution aiming the accomplishment of the standards, in a rightful and objective manner, contributing in this way to the fight against corruption and organized crime. In order to accomplish this goal, we have the commitment that, by means of HIDAA and all the other central and local institutions, there should be a similar and disciplinary

approach to set the standards that directly contribute to the disappearance of the certain phenomena that exist in Albanian society.

The offering of technical assistance for advising and supporting legal and substatutory initiatives undertaken by the public institutions for the prevention of conflicts of interests is an on-going responsibility and duty of every institution, that in the optimal interest of the Albanian society policies are supported by HIDAA , as far as these initiatives are legally based. A comprehension and coordination of work is very significant for the moment, specially to promote the voluminous work that we have to face for the implementation of the law on the prevention of conflicts of interest.

HIDAA will have good results in the monitoring and verification of cases of conflicts of interest, in case the authority or the responsible structure charged to implement the conflict of interest law in the public institutions, act according to the demands defined in chapter VIII, article 46. So, the monitoring process is of main priority and significant, in order to understand the meaning of decision-making for an act and of fundamental and definitive competency of an official and to identify the subcategories of interests or the concrete interest that might become the reason for the emergence of a conflict of interest, in case the substatutory acts and/or the internal rules are issued. Only in this way we can establish the criteria and the indicators to enable a measurement and an assessment that is as clear as objective as possible of the performance, duties and responsibilities of an official, in case there is a conflict of interest. There are exactly these issued substatutory acts and internal rules that better define the specific duties, the organizational form and the performing one of the relevant public institutions as well as the definition of other types of prohibitions and restrictions of the private interests of the officials and persons related to them. If we consider article 45 point 4 in which it is defined that the absence of substatutory acts and/or internal rules is not a justification for the failure to implement this law, as this law is directly applicable, we think that the waiting time is over. During October, our institution, monitored 71 institutions, where our work groups, left act-controls and in the future there will be another monitoring process to verify the accomplishment of the assigned duties.

One of the elements of our work during this period of time, to which we paid a lot of attention, was the strengthening of the capacities for the administration of conflict of interest in the public institutions, providing assistance and organizing training workshops for the represented authorities of certain institutions. Notwithstanding the changes/removals of the represented authorities in some institutions, HIDAA, day by day, is paying considerable attention, trying to cover any vacuum created, by providing an immediate and direct answer to the legal issues that not only the chairmen of the institutions or the responsible structures have faced, but at the same time providing legal and technical assistance to individual officials. From

September and on, HIDAA is providing even direct legal assistance to the officials that have asked for such an assistance to better understand the prohibitions and restrictions that this law defines, so as a result to better implement it. It is evident the fact that this has been extra work for HIDAA staff to maintain the values and the good organization of our work.

The accomplished work programs regarding the implementation of law “On the prevention of conflict of interest in the exercise of public functions” were along with the continuity of the other legal process that HIDAA is in charge of, the one related to the verification of the declaration of interests, the veracity and the accuracy of the data disclosed, that bring about the identification of conflict of interest cases. The responsible structures of the public institutions and the relevant officials, are immediately notified, in order to take the necessary measures to avoid the conflict of interest caused between the public duty and the private interest of the official. With the good purpose of establishing a better institutional cooperation, we welcome your initiative to identify yourself such cases and notify them at HIDAA, as working in these public institutions makes it much easier to prevent, identify and solve them as quickly as possible. In case when the public official, by means of the authorization issued to the public institution, declared that there is no conflict of interest in the public function he is exercising, but in fact there is, in this case the legal sanctions should be immediately implemented.

To better serve to the institutional cooperation, by means of specific dispositions, the lawmaker defines as the responsible body the represented authority or the responsible structures to collect and sent to the High Inspectorate the completed declarations of interests as well as making known to it cases of failures to make declarations and for this work performed in the service of the High Inspectorate, the officials of these authorities earn a supplement of 15 per cent above their monthly pay. But, at the same HIDAA, is coming across cases of irresponsibility of fulfilling this legal obligation. Not only officially, but even in the meetings we have had, we have always asked to these responsible structures to be more exigent in the announcements that should be made to the officials considering the legal obligation that the public officials have to make the declaration of the private interests, before beginning work and after leaving office. The identification of such cases, of not fulfilling this legal obligation within the required time period specially for the officials that leave office, starting from this meeting day and on, it will have direct consequences on you as represented authorities, if it is proved that you have not made the announcement. This document “announcement of the legal obligation”, solves, definitely, the problem of the legal background to impose the administrative measures defined by the lawmaker.

All of us should understand in a responsible and in a correct way that the other element of our work is: ***the implementation of the law, its prevention, the education and the public support.*** If the priority of our

common work would aim to accomplish these elements, we believe that we would succeed in the process of raising the awareness of public officials to think differently and to behave differently toward the phenomenon of corruption.

The monitoring, audit and assessment of the implementation of the law on the prevention of conflict of interest is the priority of the work at HIDAA, as the central authority responsible for this law, influences in the assessment of the work and duties of the represented authorities in the public institutions. It is an achievement, if we manage to be good counselors of the individual officials, and why not even of office-holders to help in a better understanding of conflict of interests and its avoidance. We are trying to establish efficient and professional structures that would provide sufficient information and assistance for all their demands, so that in no case and none of the officials would be excluded of the right of information, which is something that would result in consequences for the official and for the institution it represents. One of the most important and significant competences that actually HIDAA has and will have even in the future is the verification and the administrative investigation of the periodic declaration of private interests along with the verification and the administrative investigation of case by case conflict of interests as well as the prohibitions and restrictions of interests defined in chapter III of this law. Actually the verification process and the administrative investigation is accomplished for a considerable number of declaration of assets and financial liabilities of the officials. With the entrance in force of law no. 9367 dated 10 April 2005 “On the prevention of conflicts of interest in the exercise of public functions” , this whole process increases the opportunity for the High Inspectorate for further formal investigations, in and outside the country.

The institutional cooperation, the good organization and the comprehension of HIDAA, until now, for a better implementation of the law, have been highly estimated by the international bodies. Altogether we have to think how to better perform and accomplish our legal obligations.

Once again let me thank you for your participation and I would like to make you known that our institution will continue to collaborate in a better understanding of law demands “On the prevention of conflict of interests”

Thank you!

The meeting took place in 24 Nov, at “Dajti” Hotel.



REPUBLIC OF ALBANIA

HIGH INSPECTORATE OF DECLARATION AND AUDIT OF ASSETS

Adresa: Rr:“Reshit Collaku” Tel. 04 259-461, Fax. 04 228-516, Info:www.hidaa.gov.al

O R D E R

No. 6 dated 10 Feb 2006

ON

AN AMENDMENT OF ORDER NO.16 DATED 25 NOV 2004 OF THE GENERAL

INSPECTOR “ ON THE RATIFICATION OF THE TYPES DECLARATION OF

PRIVATE INTERESTS AND THE ISSUED AUTHORIZATION”

In conformity with law no. 9049 dated 10 April 2003 “On the declaration and audit of assets, financial obligations of elected persons and certain public officials” and law no. 9367 date 7 April 2005 “On the prevention of conflict of interests in the exercise of public functions”,

O R D E R :

1. The order no. 16 dated 25 Nov of the General Inspector “On the ratification of the model of the declaration form and the issued authorization”, to be amended and replaced with the model of the declaration form according to the types of the declaration of private interests and the attached authorization, in conformity with law no. 9049 dated 10 April 2003 and law no. 9367 dated 10 April 2005.
2. Attached to this model you will find the models of the declaration of private interests;
 - Declaration of private interest before beginning work.

- Declaration of periodic/annual private interest.
 - Declaration of private interest when leaving office.
 - Declaration of private interest on request.
3. This order enters into force after publication in the Official Journal

GENERAL INSPECTOR

FATMIRA LASKA



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS



DECLARATION OF PRIVATE INTEREST

Index no.	
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BEFORE STARTING WORK

The public official has the legal obligation to declare his/her private interest, of the spouse and his adult children in pursuance of:

- Law no. 9049, dated 10. April 2003 “On the declaration and audit of assets, financial obligations, of the elected persons and certain public officials”, article 3, 4;
- Law no.9367, dated 07.April. 2005 “On the prevention of conflict of interest in the exercise of public functions”, article 14, 15;

A U T H O R I Z A T I O N

ON THE AUDIT OF THE DECLARATION OF INTEREST

I:

Name	Father name	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Function		
<input type="text"/>		
Address of institution		
<input type="text"/>		
Date employment commenced	Date of declaration	
<input type="text"/>	<input type="text"/>	

- In pursuance of point 5, article 14, law no.9367, dated 07.April. 2005 “On the prevention of conflict of interest in the exercise of public functions”,

A u t h o r i s e:

The High Inspectorate of the Declaration and Audit of Assets, as well as other people authorized by the Represented Authority – the General Inspector of HIDAA, to verify all subjects, public and private, inside or outside Albania, about the private interests and the financial liabilities, that are under my name, my bank account or under the name of my spouse and adult children.

SIGNATURE

<input type="text"/>

With your help:

- **Information** on the necessary demands and on respect of law no.9049 dated 10 April "On the declaration and audit of assets, financial obligations of the elected persons and certain public officials" (published in the Official Gazette no. 31 May 2003) and law no.9367, dated 07.April. 2005 "On the prevention of conflict of interest in the exercise of public functions" (published in the Official Gazette no. 31 May 2005).
 - The declaration form of the private interests is an **official document**
 - The public officials that have had an interruption at work, according to which they are obliged to make a declaration of their private interest, for a period of time of more than one year, they should complete the declaration form "Before you commerce work"
 - The declaration form should be completed and submitted no later than **15 days**, from the date you commerce work.
 - You can find and submit "*The declaration form of private interest*" at the Represented Authority (Directory of the Human Resources) of the institution where you exercise your public function and legal assistance may be provided for you , in case you may need it. . For further information, feel free and contact the High Inspectorate for the Declaration and Audit of Assets and exactly "The Unit of the Public Relations, Represented Authorities and Public Officials" in the following phone numbers 04 234918, 04 234904. At the same time you will have the free phone number **0800 9999** as well as you can visit our website www.hidaa.gov.al.
 - The declaration form of private interest is invalid, in case you do not complete it in the way it is required and in case you do not sign all the pages.
 - The information disclosed in declaration form may be released to the public in compliance with the law.
In **the declaration form before you commerce work you should include:** All the private interest of the official, his/her spouse and the adult children, that exist up to the date when you commerce work, and the following are included:
 - a) immovable properties and real rights over them;
 - b) movable properties that can be registered in public registers;
 - c) things of special value over US\$5000;
 - ç) the value of shares, securities and parts of capital owned;
 - d) the value of liquidities, the condition in cash, in revolving accounts, in deposits, treasury bonds and loans, in lek or in foreign currency;
 - dh) the financial obligations to natural and judicial persons, given in lek or in foreign currency;
 - e) personal income for the year, from salary or participation on boards, commissions or any other activity that brings personal income, created by them from the previous declaration form up to the date of leaving work;
 - ë) engagements in private activity for the purpose of profit of any kind of activity that creates income, as well as engagements in profit-making and non-profit organizations, trade unions or professional, political or state organizations and every other organization, that exist when starting work, including every kind of income created from these engagements or activities from the previous declaration up to the date when leaving work;
 - f) licenses and patents that bring income;
 - When property of members of the family is divided and registered as such in the organs of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his name and joined to the declaration of the person who has the obligation to make the declaration. (article 22 law no.9049, dated 10. April. 2003).
 - Additional pages can be copied and attached to the declaration form, in case the included pages are not enough.
- Sanctions:**
- If the declaration is not submitted at the specified date with no reasonable justification the subject is liable to a penalty of 30.000 lek.
 - Refusal to make a declaration can result in sanctions according to the Penal Code.
 - The false declaration is considered a criminal offence and it is punished according to the legislation in power.



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

PRIVATE INTEREST
IMMOVABLE PROPERTIES
MOVABLE PROPERTIES

The following assets should be listed in the table below:

- All types of immovable assets that you own, in or outside the country, as well as the real rights that you, your spouse and your adult children have over them.
- All types of movable assets, registered in public registers, things of special value over \$5000 dollars (or its equivalent in Albanian lek), the value of shares, securities and parts of capital owned, the value of the liquidities, the condition in cash, in revolving accounts, in deposits, treasury bonds and loans, in lek or in foreign currency, that you and your spouse or adult children own, in or outside of the country;
- In cases of an active ownership of the shares or parts of capital, only the real rights over them should be declared, before they are transferred to a trustee; so, until they have a passive ownership of the shares and parts of the capital;
- The existing data about the types of assets that are in the same jointownership with the spouse and the adult children and, as such, are registered in the public registers, should be disclosed only once, despite the percentage that the public official, that has to make the declaration, owns;
- In the cases when the spouses and the adult children have assets registered in their name, they should complete a separate **authorization** (sample) that is in the first page of the declaration form as well as in the form “**Movable and immovable properties**” and they should be attached to the declaration form of the official.

A detailed description of every type of movable or immovable properties, either registered or not in the public registers (quantity, how many, type, total area that you own, address, year of creation)
Complete it without making corrections.

Value of each asset, either in foreign or Albanian currency, at the moment of its creation (given in figures & words).

Percentage that you own

1		
2		
3		

In case you need additional pages you may go on in the following page →

Name, Surname, Signature



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

DEKLARIMI I INTERESAVE PRIVATE
PASURITË E PALUAJTSHME
PASURITË E LUAJTSHME

A detailed description of every type of movable or immovable properties, either registered or not in the public registers (quantity, how many, type, total area that you own, address, year of creation)

Complete it without making corrections.

Value of each asset, either in foreign or Albanian currency, at the moment of its creation (given in figures & words).

Percentage that you own

4		
5		
6		
7		
8		



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

INCOME
AND ENGAGEMENTS IN THE
PRIVATE and/or PUBLIC ACTIVITIES

In this form you should include:

- The income created as a result of the payment or the membership in the steering commissions, committees or any other performed activity in or outside the country, that generates income for the official, his/her spouse and the adult children from January 1st until the date when you commence work.
- Engagements in private activity for the purpose of profit of any kind of activity that generates income, as well as engagements in profit-making and non-profit organizations, trade unions or professional, political or state organizations and every other organization, that exist for the public official, his/her spouse and the adult children from January 1st until the date when you commence work.
- Ethnic, religious, recognized relationships of friendship or enmity as well as political membership are excluded from the declaration of private interest in pursuance to point 2 article 15, law no.9367, dated 7 April 2005.
- In cases of passive ownership of shares and/or parts of capital, the right to benefit from the civil fruits of ownership, should be declared, in case they are taken effectively from January 1st until the date when you commence work.
- The disclosed information should be listed in the following order, first the official, his/her spouse and at the end the adult children.

A detailed description of every kind of engagement or activity that generates income. Name of institution, organization or activity where the income is provided, address, no. of the public register, status, aim and function of the activity of the organization and/or the nature of your engagement.	The amount of the created income, either in lek or foreign currency (given in figures & words)
1	
2	
3	
4	

In case this page is not enough, you might go on additional copied pages.

Name, Surname, Signature



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

**FINANCIAL OBLIGATIONS
TO LEGAL AND NATURAL PERSONS**

The types of financial obligations that should be included:

- Credits, borrowing, school obligations, tax fees and other financial obligations, that exist in or outside the country, that are not yet liquidated by the official, his/her spouse and the adult children, until the date of starting work
- The above mentioned obligations should be listed in the following order, first the official, his/her spouse and at the end the adult children.
- The relevant data of the financial obligations should be given in page 8.

A detailed description of the financial obligation requires: cause of obligation, total amount either in lek or in foreign currency, the exact date of having and liquidating the obligation (year/month), contract number and the basic interest, if there is any; for bank accounts, apart the cause and the amount, time duration is required (month/year) and the monthly liquidation is required too.	The amount of the financial obligation, not yet liquidated, until the date of commercing work. (given in figures & words)
1	
2	
3	
4	



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

**DATA THAT WILL NOT BE PUBLISHED
CONCERNING THE IDENTITY OF THE OFFICIAL
HIS/HER SPOUSE AND THE CHILDREN**

Name	Family name	Surname	Date of birth	Relation to the declarant	Marital Status
				DECLARANT	

Full address where you are registered in the Civil Office:

Administrative Unit No.

Municipality/Commune

Address where you live:

The private interest registered separately, in the name of you spouse or children, in or outside the country, should be included in the following table .

Name	Family name	Surname	Type of private interest

When property of members of the family is divided and registered as such in the organs of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his name and joined to the declaration of the person who has the obligation to make the declaration. (article 22, law nr. 9049, dated 1o April 2003.

Name, Surname, Signature



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

CONFIDENTIAL INFORMATION

A detailed description of the data concerning the private interest, movable or/and immovable, either registered or not in the public registers, financial liabilities, the identity of the lending or borrowing legal or natural person, name of the public institution, with which you have an interest relation.

No. of the public register
No. of the notary contract,
date/month/year
No. of the account

1	
2	
3	
4	

Other data concerning the legal and natural persons, including the trustee, that result to be related to the official that has the legal obligation to declare:

Name, family name and surname of the natural person and/or the name of the legal person

Relation to the declarant

Type of private interest and their location.

Name, Surname, Signature

Phone no., mobile phone

Office phone, fax, e-mail



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS



DECLARATION OF PERIODIC/ANNUAL
PRIVATE INTEREST

INDEX No	
HIDAA Year	

The public official has the legal obligation to declare his/her private interest, of the spouse and his adult children in pursuance of:

- Law no. 9049, dated 10. April 2003 “On the declaration and audit of assets, financial obligations, of the elected persons and certain public officials”, article 3, 4;
- Law no.9367, dated 07.April. 2005 “On the prevention of conflict of interest in the exercise of public functions”, article 14, 15;

AUTHORIZATION
ON THE AUDIT OF THE DECLARATION OF INTEREST
I:

Name	Family name	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Function		
<input type="text"/>		
Address of institution		
<input type="text"/>		
Date of nomination at work	Date of submitting the form	
<input type="text"/>	<input type="text"/>	

- In pursuance of point 5, article 14, law no.9367, dated 07.April. 2005 “On the prevention of conflict of interest in the exercise of public functions”,

A u t h o r i s e:

The High Inspectorate of the Declaration and Audit of Assets, as well as other people authorized by the Represented Authority – the General Inspector of HIDAA, to verify all subjects, public and private, inside or outside the country, about the private interests and the financial liabilities, that are under my name or under the name of my spouse and adult children.

Signature

With your help:

- **Information** on the necessary demands and on respect of law no.9049 dated 10 April "On the declaration and audit of assets, financial obligations of the elected persons and certain public officials" (published in the Official Gazette no. 31 May 2003) and law no.9367, dated 07.April. 2005 "On the prevention of conflict of interest in the exercise of public functions" (published in the Official Gazette no. 31 May 2005).
- The declaration form of the private interests is an **official document**
- The public officials that have had an interruption at work, according to which they are obliged to make a declaration of their private interest, in less than one year, despite the fact they have previously declared at HIDAA, they should complete the declaration form "Periodic/annual"
- The declaration form should be completed and submitted no later than **31st March**, every year.
- You can find and submit "*The declaration form of private interest*" at the Represented Authority (Directory of the Human Resources) of the institution where you exercise your public function and legal assistance may be provided for you, in case you may need it. For further information, feel free and contact the High Inspectorate for the Declaration and Audit of Assets and exactly "The Unit of the Public Relations, Represented Authorities and Public Officials" in the following phone numbers 04 234918, 04 234904. At the same time you will have the free phone number **0800 9999** as well as you can visit our website www.hidaa.gov.al.
- The declaration form of private interest is invalid, in case you do not complete it in the way it is required and in case you do not sign all the pages.
- The information disclosed in the declaration form may be released to the public in compliance with the law.

In **the periodic/annual declaration form you should include:** The increased or decreased private of interest of the official, his/her spouse and the adult children starting from the previous declaration until the 31st March of the declaration year:

- a) immovable properties and real rights over them;
 - b) movable properties that can be registered in public registers;
 - c) things of special value over US\$5000;
 - ç) the value of shares, securities and parts of capital owned;
 - d) the value of liquidities, the condition in cash, in revolving accounts, in deposits, treasury bonds and loans, in lek or in foreign currency;
 - dh) the financial obligations to natural and judicial persons, expressed in lek or in foreign currency;
 - e) personal income for the year, from salary or participation on boards, commissions or any other activity that brings personal income, created by them from the 1st of January until the 31st of December of the declaration year;
 - ë) engagements in private activity for the purpose of profit of any kind of activity that creates income, as well as engagements in profit-making and non-profit organizations, trade unions or professional, political or state organizations and every other organization, that exist when starting work, including every kind of income created from these engagements or activities from the 1st of January until the 31st of December of the declaration year;
 - f) licenses and patents that bring income;
- When property of members of the family is divided and registered as such in the organs of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his name and joined to the declaration of the person who has the obligation to make the declaration. (article 22 law no.9049, dated 10. April. 2003).

Sanctions:

- If the declaration is not submitted at the specified date with no reasonable justification the subject is liable to a penalty of 30.000 lek.
- Refusal to make a declaration can result in sanctions according to the Penal Code.
- The false declaration is considered a criminal offence and it is punished according to the legislation in power



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

PRIVATE INTEREST
IMMOVABLE PROPERTIES
MOVABLE PROPERTIES

In the following table you should disclose only the changes (increases or decreases) occurred to your private interest, previously declared, as well as other interests created since the last declaration until the 31st of December of the declaration year that have to do with You, your spouse or your adult children.

- All types of immovable assets that you own, in or outside the country, as well as the real rights that you, your spouse and your adult children have over them.
- All types of movable assets, registered in public registers, things of special value over \$5000 dollars (or its equivalent in Albanian lek), the value of shares, securities and parts of capital owned, the value of the liquidities, the condition in cash, in revolving accounts, in deposits, treasury bonds and loans, in lek or in foreign currency, that you and your spouse or adult children own, in or outside of the country;
- In cases of an active ownership of the shares or parts of capital, only the real rights over them should be declared, before they are transferred to a trustee; so, until they have a passive ownership of the shares and parts of the capital;
- The existing data about the types of assets that are in the same jointownership with the spouse and the adult children and, as such, are registered in the public registers, should be disclosed only once, despite the percentage that the public official, who has to make the declaration, owns;

In the cases when the spouses and the adult children have assets registered in their name, they should complete a separate **authorization** (sample) that is in the first page of the declaration form as well as in the form “**Movable and immovable properties**” and they should be attached to the declaration form of the official.

A detailed description of the increases and decreases in every kind of movable or immovable assets, either registered or not in the public registers (quantity, how many, type, total area that you own, address, year of creation) Complete it without making correction	Value of each asset, either increased or decreased, foreign or Albanian currency, at the moment of its creation (given in figures & words).	Percentage that you own
1		
2		
3		

In case you need additional pages you may go on in the following page →

Name, Surname, Signature



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

INCOME
AND ENGAGEMENTS IN THE
PRIVATE and/or PUBLIC ACTIVITIES

In this form you should include:

- The income created as a result of the payment or the membership in the steering commissions, committees or any other performed activity in or outside the country, that generates income for the official, his/her spouse and the adult children for the period of time from the pervious declaration up to the 31st of December of the declaration year.
- Engagements in private activity for the purpose of profit of any kind of activity that creates income, as well as engagements in profit-making and non-profit organizations, trade unions or professional, political or state organizations and every other organization, including every kind of income created from these engagements or activities, that exist for the public official, his/her spouse and the adult children, from the previous declaration up to the 31st of December of the declaration year.
- Ethnic, religious, recognized relationships of friendship or enmity as well as political membership are excluded form the declaration of private interest in persuance to point 2 article 15, law no.9367, dated 7.April 2005.
- In cases of passive ownership of shares and/or parts of capital, the right to benefit from the civil fruits of ownership, should be declared, in case they are taken effectively from the pervious declaration up to the 31st of December of the declaration year.
- The disclosed information should be listed in the following order, first the official, his/her spouse and at the end the adult children.

A detailed description of every kind of engagement or activity that generates income. The name of the institution, organization or the activity that provided the income, address, no. of the public register, status, aim and function of the activity of the organization and/or the natyre of your engagement.	The amount of the created income, either in lek or forign currency, from the previous declaration – 31st December of the declaration year, (given in figures & words)
1	
2	
3	

In case this page is nor enough, you might have additional copied pages.

Name, Surname, Signature



**ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS**

**FINANCIAL OBLIGATIONS
TO LEGAL AND NATURAL PERSONS**

The types of financial obligations that should be included:

- Credits, borrowing, school obligations, tax fees and other financial obligations, that exist in or outside the country, that are not yet liquidated by the official, his/her spouse and the adult children since the previous declaration up to the 31st of December of the declaration year.
- The disclosed obligations should be listed in the following order, first the official, his/her spouse and at the end the adult children.
- The relevant data of the financial obligations should be given in page 8.

A detailed information of the financial obligation requires: cause of obligation, total amount either in lek or in foreign currency, the exact date of having and liquidating the obligation (year/month), contract number and the basic interest, if there is any; for bank accounts time duration is required (month/year) and the monthly liquidation as well.	Liquidated amount from the previous declaration up to the 31st of December of the declaration year.	Obligation circumstances up to the 31st of December of the declaration year. (given in figures & words))
1		
2		
3		
4		

Name, Surname, Signature



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

**DATA THAT WILL NOT BE PUBLISHED
CONCERNING THE IDENTITY OF THE OFFICIAL,
HIS/HER SPOUSE AND THE ADULT CHILDREN**

Name	Father name	Surname	Date of birth	Relation to the declarant	Marital Status
				DECLARANT	

Full address where you are registered in the Civil Office:

Administrative Unit
No.

Municipality/Co
mmune

Address where you live

The private interest registered separately, in the name of you spouse or children, in or outside the country, should be included in the following table .

Name	Father name	Surname	Type of private interest

When property of members of the family is divided and registered as such in the organs of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his name and joined to the declaration of the person who has the obligation to make the declaration. (article 22, law nr. 9049, dated 1o April 2003).

Name, Surname, Signature



**ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS**

GIFTS AND PREFERENTIAL TREATMENTS

In case you have had gifts or preferential treatments more than 10.000 (ten thousand) lek, complete the table as it follows:

For further information, you may refer to article 15, point 1, letter b, law no.9367, dated 7 April 2005.

The data included in this section will not be published.

A detailed description of the gift/preferential treatment including the date.	Identity of the natural and legal person	The relation of the official with the giver/donor	The amount of the gift/preferential treatment either in lek or in foreign currency
1			
2			
3			
4			

Name, Surname, Signature



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

CONFIDENTIAL INFORMATION

Complete only the occurred changes from the previous declaration up to the 31st of December of the declaration year..

A detailed description of the data concerning the private interest, movable or/and immovable, either registered or not in the public registers, financial liabilities, the identity of the lending or borrowing legal or natural person, name of the public institution, with which you have an interest relation.

**No. of the public register
No. of the notary contract,
date/month/year
No. of the account**

1	
2	
3	
4	

Other data concerning the legal and natural persons, including the trustee, that result to be related to the official that has the legal obligation to declare:

Name, family name and surname of the natural person and/or the name of the legal person **Relation to declarant** **Type of private interest and their location.**

I declare that the data disclosed in the declaration form is the truth and I have not declared anything that is not true.

Name, Surname, Signature

Telefon privat e celular

Telefon zyre, faks, e-mail



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE AUDIT AND DECLARATION OF ASSETS



DECLARATION OF PRIVATE INTEREST
AFTER YOU LEAVE WORK

INDEX No.	
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The public official has the legal obligation to declare his/her private interest, of the spouse and his adult children in pursuance of:

- Law no. 9049, dated 10. April 2003 “On the declaration and audit of assets, financial obligations, of the elected persons and certain public officials”, article 3, 4;
- Law no.9367, dated 07.April. 2005 “On the prevention of conflict of interest in the exercise of public functions”, article 14, 15;

A U T H O R I Z A T I O N
ON THE AUDIT OF THE DECLARATION OF INTEREST

I:

Name	Father name	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Function		
<input type="text"/>		
Address of institution		
<input type="text"/>		
Date of leaving	Date of declaration	
<input type="text"/>	<input type="text"/>	

- In pursuance of point 5, article 14, law no.9367, dated 07.April. 2005 “On the prevention of conflict of interest in the exercise of public functions”,

A u t h o r i s e:

The High Inspectorate of the Declaration and Audit of Assets, as well as other people authorized by the Represented Authority – the General Inspector of HIDAA, to verify all subjects, public and private, inside or outside Albania, about the private interests and the financial liabilities, that are under my name, my bank account or under the name of my spouse and adult children.

SIGNATURE

With your help:

- **Information** on the necessary demands and on respect of law no.9049 dated 10 April "On the declaration and audit of assets, financial obligations of the elected persons and certain public officials" (published in the Official Gazette no. 31 May 2003) and law no.9367, dated 07.April. 2005 "On the prevention of conflict of interest in the exercise of public functions" (published in the Official Gazette no. 31 May 2005).
- The declaration form of the private interests is an **official document**
- The public officials that have submitted their first declaration form or their annual/periodic declaration form, when they leave their function, they should complete the declaration form "After you leave work"
- The declaration form should be completed and submitted no later than **15 days** after they leave their function.
- You can find and submit "*The declaration form of private interest*" at the Represented Authority (Directory of the Human Resources) of the institution where you exercise your public function and legal assistance may be provided for you, in case you may need it. For further information, feel free and contact the High Inspectorate for the Declaration and Audit of Assets and exactly "The Unit of the Public Relations, Represented Authorities and Public Officials" in the following phone numbers 04 234918, 04 234904. At the same time you will have the free phone number **0800 9999** as well as you can visit our website www.hidaa.gov.al.
- The declaration form of private interest is invalid, in case you do not complete it in the way it is required and in case you do not sign all the pages.
- The information disclosed in the declaration form may be released to the public in compliance with the law.

In **the declaration form after you leave work you should include:** only the changes (increases or decreases) of private interest since the moment of the previous declaration until the date of leaving work as well as the changes of the additional date that are related to:

- a) immovable properties and real rights over them;
 - b) movable properties that can be registered in public registers;
 - c) things of special value over US\$5000;
 - ç) the value of shares, securities and parts of capital owned;
 - d) the value of liquidities, the condition in cash, in revolving accounts, in deposits, treasury bonds and loans, in lek or in foreign currency;
 - dh) the financial obligations to to natural and judicial persons, expressed in lek or in foreign currency;
 - e) personal income for the year, from salary or participation on boards, commissions or any other activity that brings personal income, created by them from the previous declaration form up to the date of leaving work;
 - ë) engagements in private activity for the purpose of profit of any kind of activity that creates income, as well as engagements in profit-making and non-profit organizations, trade unions or professional, political or state organizations and every other organization, that exist when starting work, including every kind of income created from these engagements or activities from the previous declaration up to the date when leaving work;
 - f) licenses and patents that bring income;
- When property of members of the family is divided and registered as such in the organs of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his name and joined to the declaration of the person who has the obligation to make the declaration. (article 22 law no.9049, dated 10. April. 2003).

Sanctions:

- If the declaration is not submitted at the specified date with no reasonable justification the subject is liable to a penalty of 30.000 lek.
- Refusal to make a declaration can result in sanctions according to the Penal Code.
- The false declaration is considered a criminal offence and it is punished according to the legislation in power.



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

**PRIVATE INTEREST
IMMOVABLE PROPERTIES
MOVABLE PROPERTIES**

In the table below should be listed only the changes (increases or decreases) of your private assets, from the last declaration, up to the date when you leave your function.

In the cases when the spouses and the adult children have increased or decreased the assets registered in their name, they should complete a separate **authorization** (sample) that is in the first page of the declaration form as well as in the form “**Movable and immovable assets**” and they should be attached to the declaration form of the official.

A detailed description of the increases and decreases in every kind of movable or immovable assets, either registered or not in the public registers (quantity, how many, type, total area that you own, address, year of creation)	Value of each asset, either increased or decreased, foreign or Albanian currency, at the moment of its creation (given in figures & words).	Percentage that you own
1		
2		
3		
4		
5		

Name, Surname and Signature



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

INCOME
AND ENGAGEMENTS IN THE
PRIVATE and/or PUBLIC ACTIVITIES

In this form you should include:

- The income created as a result of the payment or the membership in the steering commissions, committees or any other performed activity in or outside the country, that generates income for the official, his/her spouse and the adult children for the period of time from the pervious declaration up to the date when leaving work.
- Engagements in private activity for the purpose of profit of any kind of activity that creates income, as well as engagements in profit-making and non-profit organizations, trade unions or professional, political or state organizations and every other organization, that exist when starting work, including every kind of income created from these engagements or activities from the previous declaration up to the date when leaving work.
- Ethnic, religious, recognized relationships of friendship or enmity as well as political membership are excluded form the declaration of private interest in persuance to point 2 article 15, law no.9367, dated 7.April 2005.
- In cases of passive ownership of shares and/or parts of capital, the right to benefit from the civil fruits of ownership, should be declared, in case they are taken effectively from the pervious declaration up to the date when leaving work
- The disclosed information should be listed in the following order, first the official, his/her spouse and at the end the adult children.

A detailed description of every kind of engagement or activity that generates income from the previous declaration up to the date when leaving work. The name of the institution, organization or the activity that provided the income, address, no. of the public register, status, aim and function of the activity of the organization and/or the natyre of your engagement.

The amount of the created income, either in lek or foreign currency (given in figures & words)

1	
2	
3	
4	
5	



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

**FINANCIAL OBLIGATIONS
TO LEGAL AND NATURAL PERSONS**

The types of financial obligations that should be included:

- Credits, borrowing, school obligations, tax fees and other financial obligations, that exist in or outside the country, that are not yet liquidated by the official, his/her spouse and the adult children since the date of the previous declaration up to the date when leaving work.
- The disclosed obligations should be listed in the following order, first the official, his/her spouse and at the end the adult children.
- The relevant data of the financial obligations should be given in page 8.

A detailed information of the financial obligation from the previous declaration up to the date of leaving work concerning the cause of obligation, total amount either in lek or in foreign currency, the exact date of having and liquidating the obligation (year/month), contract number and the basic interest, if there is any; for bank accounts time duration is required (month/year) and the monthly liquidation as well.

Liquidated amount from the previous declaration up to the date of leaving work.

Obligation circumstances up to the date of leaving work (given in figures & words)

1		
2		
3		
4		

Name, Surname, Signature



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

**DATA THAT WILL NOT BE PUBLISHED
CONCERNING THE IDENTITY OF THE OFFICIAL
HIS/HER SPOUSE AND THE CHILDREN**

If there are changes from the previous declaration up to the date when you leave work, disclose them in the following tables:

First name	Family name	Surname	Birthday	Relation to the declarant	Marital Status
				DECLARANT	

Full address where you are registered in the Civil Office:

Administrative Unit
No.

Municipality/Co
mmune

Address where you live:

The private interest registered separately, in the name of you spouse or children, in or outside the country, should be included in the following table .

First name	Family name	Surname	Type of private interest

When property of members of the family is divided and registered as such in the organs of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his name and joined to the declaration of the person who has the obligation to make the declaration. (article 22, law nr. 9049, dated 1o April 2003).

Name, Surname, Signature



ALABANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

GIFTS AND PREFERENTIAL TREATMENTS

In case you have had gifts or preferential treatments more than 10.000 (ten thousand) lek from the previous declaration up to the date when leaving work, complete the table as it follows:
For further information, you may refer to article 15, point 1, letter b, law no.9367, dated 7 April 2005.
The data included in this section will not be published.

A detailed description of the gift/preferential treatment including the date.	Identity of the legal and natural person	The relation of the official with the giver/donor	The amount of the gift/preferential treatment either in lek or in foreign currency (given in figures & words)
1			
2			
3			
4			

Name, Surname, Signature



ALABANIAN REPUBLIC
HIGH INSPECTORATE FOR THE DECLARATION AND AUDIT OF ASSETS

CONFIDENTIAL INFORMATION

A detailed description of the data concerning the private interest, movable or/and immovable, either registered or not in the public registers, financial liabilities, the identity of the lending or borrowing legal or natural person, name of the public institution, with which you have an interest relation.

No. of the public register
No. of the notary contract,
date/month/year
No. of the account

1	
2	
3	
4	

Other data concerning the legal and natural persons, including the trustee, that result to be related to the official that has the legal obligation to declare:

Name, family name and surname of the natural person and/or the name of the legal person	Relation to the declarant	Type of private interest and their location.

I declare that the data disclosed in the declaration form is the truth and I have not declared anything that is not true.

Name, Surname, Signature

Phone no., mobile phone

Office phone, fax, e-mail



ALBANIAN REPUBLIC
HIGH INSPECTORATE FOR THE AUDIT AND DECLARATION OF ASSETS



DECLARATION OF PRIVATE INTERESTS

ON REQUEST

No. INDEX	
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The natural person, when from the verifications performed, it turns out that it is a person related to the subjects that have the obligation to make a declaration, then on the request of the General Inspector this person is obliged to make a declaration in conformity with;

- Law no.9049 dated 10 April 2003 "On the declaration and audit of asstes, financial obligations of elected persons and certain public officials ", article 7;
- Law no.9367 dated 7 April 2005 "On the prevention of conflict of interest in the exercise of public functions", article 14, point 4.

AUTHORIZATION
ON THE AUDIT OF THE DECLARATION FORM OF THE PRIVATE INTERESTS

I:

Name	Father name	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Address		
<input type="text"/>		
Function / Profession		
<input type="text"/>		
Date of declaration on request	Date of the submission of declaration form	
<input type="text"/>	<input type="text"/>	

In conformity with article 5, and point 4 of article 14 of law no. 9367 dated 7 April 2005 "On the prevention of conflict of interest in the exercise of public functions",

A u t h o r i z e :

The High Inspectorate of Declaration and Audit of Assets and the people authorized by the Represented Authority – the General Inspector of HIDAA, to verify all subjects, private and public, inside and outside of the country, private interests and financial liabilities, that are under my name.

Signature
<input type="text"/>

With your help:

- **Information** on the necessary demands and on respect of law no.9049 dated 10 April "On the declaration and audit of assets, financial obligations of the elected persons and certain public officials" (published in the Official Gazette no. 31 May 2003) and law no.9367, dated 07.April. 2005 "On the prevention of conflict of interest in the exercise of public functions" (published in the Official Gazette no. 31 May 2005).
- The declaration form of the private interests is an **official document** .
- The declaration form should be completed and submitted, no later than 30 days, from the date the Inspector General of HIDAA decides the declaration form on request to be disclosed.
- The official document "*The declaration form of private interest*" will be provided and submitted at the High Inspectorate for the Declaration and Audit of Assets, and as the case may be, you can have legal assistance by "The Unit of the Public Relations, Represented Authorities and Public Officials" as well as in the following phone numbers 04 234918, 04 234904. At the same time you will have the free phone number **0800 9999** as well as you can visit our website www.hidaa.gov.al.
- The declaration form of private interest is invalid, in case you do not complete it in the way it is required and in case you do not sign all the pages.
- The information disclosed in the declaration form may be released to the public in compliance with the law.

In **the declaration on request you should include:** All your private interest that exist **until the day you make the declaration on request**, such as the following:

- a) immovable properties and real rights over them;
- b) movable properties that can be registered in public registers;
- c) things of special value over US\$5000;
- ç) the value of shares, securities and parts of capital owned;
- d) the value of liquidities, the condition in cash, in revolving accounts, in deposits, treasury bonds and loans, in lek or in foreign currency;
- dh) the financial obligations to natural and judicial persons, expressed in lek or in foreign currency;
- e) personal income for the year, from salary or participation on boards, commissions or any other activity that brings personal income, created by them from the 1st of January until the day you make the declaration on request;
- ë) engagements in private activity for the purpose of profit of any kind of activity that creates income, as well as engagements in profit-making and non-profit organizations, trade unions or professional, political or state organizations and every other organization, that exist when starting work, including every kind of income created from these engagements or activities from the 1st of January until the day you make the declaration on request;
- f) licenses and patents that bring income;

In case the pages of the declaration form are not enough you can copy additional pages and attach them to the declaration form.

Sanctions:

- If the declaration is not submitted at the specified date with no reasonable justification the subject is liable to a penalty of 30.000 lek.
- Refusal to make a declaration can result in sanctions according to the Penal Code.
- The false declaration is considered a criminal offence and it is punished according to the legislation in power



**ALBANIAN REPUBLIC
HIGH INSPECTORATE OF DECLARATION AND AUDIT OF ASSETS**

**PRIVATE INTEREST
IMMOVABLE PROPERTIES
MOVABLE PROPERTIES**

The following assets should be listed in the table below:

- All types of immovable assets that you own, in or outside the country, as well as the real rights that you have over them.
- All types of movable assets, registered in public registers, things of special value over \$5000 dollars (or its equivalent in Albanian lek), the value of shares, securities and parts of capital owned, the value of the liquidities, the condition in cash, in revolving accounts, in deposits, treasury bonds and loans, in lek or in foreign currency, that you own, in or outside of the country.
- In cases of an active ownership of the shares or parts of capital, only the real rights over them should be declared, before they are transferred to a trustee; so, until they have a passive ownership of the shares and parts of the capital;

A detailed description of every type of movable or immovable properties, either registered or not in the public registers (quantity, how many, type, total area that you own, address and year of creation. Complete it without making corrections.	Value of each asset, either in foreign or in Albanian currency, at the moment of its creation. (Given in figures & words)	Percentage that you own.
2		
3		
4	→	

In case you need additional pages you may go on in the following page



Name, Surname, Signature



ALBANIAN REPUBLIC
HIGH INSPECTORATE OF DECLARATION AND AUDIT OF ASSETS

**PRIVATE INTEREST
IMMOVABLE PROPERTIES
MOVABLE PROPERTIES**

A detailed description of every type of movable or immovable properties, either registered or not in the public registers (quantity, how many,type, total area that you own, address and year of creation. Complete it without making corrections.	Value of each asset, either in foreign or in Albanian currency, at the moment of its creation. (Given in figures & words)	Percentage that you own.
5		
6		
7		
8		
9		
10		

Name, Surname, Signature



**ALBANIAN REPUBLIC
HIGH INSPECTORATE OF DECLARATION AND AUDIT OF ASSETS**

**INCOME
AND ENGAGEMENTS IN THE
PRIVATE and/or PUBLIC ACTIVITIES**

In this form the following should be included:

- The income created as a result of the payment or the membership in the steering commissions, committees or any other performed activity in or outside the country, that generates income for the official, for the period of time from the 1st of January until the date of making the declaration on request.
- Engagements in private activity for the purpose of profit of any kind of activity that creates income, in and out of the country, as well as engagements in profit-making and non-profit organizations, trade unions or professional, political or state organizations and every other organization, that exist for the public official, for the period of time from the 1st of January until the date of making the declaration on request.
- Ethnic, religious, recognized relationships of friendship or enmity as well as political membership are excluded from the declaration of private interest in pursuance to point 2 article 15, law no.9367, dated 7.April 2005.
- In cases of passive ownership of shares and/or parts of capital, the right to benefit from the civil fruits of ownership, should be declared, in case they are taken effectively from the period of time from the 1st of January until the date of making the declaration on request.

1 A detailed description of every kind of engagement or activity that generates income. The name of the institution, organization or the activity that provided the income, address, no. of the public register, status, aim and function of the activity of the organization and/or the nature of your engagement.

**The amount of the created income, either in lek or foreign currency.
(given in figures & words)**

2	
3	
4	
5	

Name, Surname, Signature



**ALBANIAN REPUBLIC
HIGH INSPECTORATE OF DECLARATION AND AUDIT OF ASSETS**

**FINANCIAL OBLIGATIONS
TO LEGAL AND NATURAL PERSONS**

The types of financial obligations that should be included:

- Credits, borrowing, school obligations, tax fees and other financial obligations, that exist in or outside the country, that are not yet liquidated by the official, until the date of making the declaration on request.
- The relevant data of the financial obligations should be given in page 7.

A detailed information of the financial obligation requires: cause of obligation, total amount either in lek or in foreign currency, the exact date of having and liquidating the obligation (year/month), contract number and the basic interest, if there is any; for bank accounts time duration is required (month/year) and the monthly liquidation as well.

**The non liquidated amount of financial liability, until the date of making the declaration on request.
(given in figures & words)**

1	
2	
3	
4	

Name, Surname, Signature



**ALBANIAN REPUBLIC
HIGH INSPECTORATE OF DECLARATION AND AUDIT OF ASSETS**

**DATA THAT WILL NOT BE
PUBLISHED**

The private interests that relate you to the public official:

A detailed information of the data of private interests that relate you to the public official, that has the obligation to make the declaration, concerning the immovable property and/or movable property, registers or not in the public registers, financial liabilities, that you have an interest relation etc.

No. of the public register
No. of the notary contract, date/month/year
No. of the account.

1	
2	
3	
4	

I declare that the data disclosed in the declaration form is the truth and I have not declared anything that is not true.

Name, Surname, Signature

Phone no., Mobile phone

Office phone, Fax, e-mail



**ALBANIAN REPUBLIC
HIGH INSPECTORATE OF DECLARATION AND AUDIT OF ASSETS**

NOTES

Feel free to include other information, data or clarifications:

Name, Surname, Signature

ORDER

Nr. 7, Tirana dated 21 Feb 2006

ON

THE SUBJECTS THAT HAVE THE OBLIGATION TO MAKE A PERIODIC DECLARATION OF THE PRIVATE INTEREST AT THE HIGH INSPECTORATE OF DECLARATION AND AUDIT OF ASSETS

Article 3 of law 9049 dated 10 April 2003 has defined the subjects that have the obligation to make a declaration.¹

Base on interpretation rules of law dispositions and in the principles of legislative technique, we think:

- Point a), article 3 is clear and there is no need of interpretation.
- Point b), article 3, *civil servants of the high and middle management level*, according to the meaning of article 11/2 of law no. 8549 dated 11 November 1999 “ The status of the civil servant”, the following functions have the obligation to make the declaration of their private interests:

1. Civil servant of high-level management level:

1. Secretary General.
2. Director of department.
3. Director of general directorate.
4. Equivalent positions of the first three types in the institutions of central and local public administration

2. Civil servant of medium-level management:

1. Director of directorate.
2. In equivalent positions are included the officials that have a payment increase for the function they have in the amount of 74 000 lek, according the VKM (Normative acts of the Council of Ministers) no. 711 dated 27 Dec 2001, link 1.

¹ The following have the obligation to make a declaration in the High Inspectorate of the Declaration and Audit of Assets:

- a) the President of the Republic, deputies of the Assembly, the Prime Minister, the Deputy Prime Minister, the ministers and deputy ministers;
- b) civil servants of the high and middle management level, according to the definition of article 11 of law nr. 8549 dated 11 November 1999 “Status of the Civil Servant”;
- c) prefects, chairman of the regional councils, mayors of municipalities, of municipal units and of communes;
- ç) directors of directorates and commanders of the Armed Forces in the Ministry of Defense and in the State Information Service;
- d) prosecutors, judges and enforcement officers [bailiffs] of all levels;
- dh) directors of independent public institutions;
- e) general directors, the directors of directorates and the chiefs of sectors (commissariats) in the center, districts and regions, of the General Directorate of the Police, the General Directorate of Taxation and that of Customs;
- ë) members of the low inspectorate for the declaration and audit of assets;

- f) directors of all levels of structures for return of and compensation for property, of privatization and the registration of property;
- g) directors of all levels of the CRTs [Commissions for the Regulation of the Territory];
- gj) officials who are elected and appointed by the Assembly, the President of the Republic, the Prime Minister, the ministers or persons equivalent to them;
- h) 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.

Link no. 1, according to the VKM (Normative acts of the Council of Ministers) no. 711 dated 27 Dec 2001.

Class	Category	Monthly Payment			Function increase (FI) in lek
		Individual payment (gross payment)			
	1	2	3	4	
		Group Payment (GP)	Annual addition on seniority	Additions on qualification	
I	I-a	9000	2%	0	111 000
	I-b	9000	2%	0	100 000
II	II-a	9000	2%	0	90 000
	II-b	9000	2%	0	74 000

All the officials that have the status of the civil servant, of the central or local institutions, have the obligation to make the periodic declaration of their private interests at HIDAA that are paid according to level II.b of the payment.

- Point c), article 3, *prefects, chairman of the regional councils, mayors of municipalities, of municipal units and of communes*, there is no need of interpretation.
- Point ç), article 3, *directors of directorates and commanders of the Armed Forces in the Ministry of Defense and in the State Information Service*. All the public officials that hold the function of a *director of directorate* even in the Armed Forces as well as including the *Brigade Commanders*, have the legal obligation to make the declaration. This is in full compliance to article 31, law 9367 dated 7 April 2005 “On the prevention of conflicts of interest.....”.
- Point d), article 3, *prosecutors, judges and enforcement officers of all levels*, there is no need of interpretation.

- Point e), article 3, *general directors, the directors of directorate and the chiefs of the sectors (commissariats) in the center, districts and regions, of the General Directorate of the Police, the General Directorate of Taxation and that of Customs*, will declare their private interests as the following:

A. General Directorate of the Police

- A.1. General Director of State Police;
- A.2. Deputy General Director of State Police;
- A.3. Directors of Directorate in the GD of State Police;
- A.4. Directors of District Police;
- A.5. Chiefs of the Police Commissariats;

The chiefs of sectors in the GD of State Police and in the Commissariats do not have the obligation to make the declaration of their private interests at HIDAA. The lawmaker defined this clearly in the article 31 of law no. 9367 dated 7 April 2005, in which is explicitly expressed “ an official of the high and middle level of the State Police”. Considering the authority of the decision-making as well as the level of payment, the chiefs of sectors in the GD of State Police and in the Commissariats can not be defined even as “officials of middle management level”

B. General Directorate of Taxation

In conformity to the articles 31, 32 and 48 of law no. 9367 dated 7 April 2005, in the GD of Taxation, the following subjects can declare:

- B.1. General Director of Taxation;
- B. 2. Deputy General Directors of Taxation;
- B.3. Directors of Directorates in the GD of Taxation;
- B.4. Chairman of Regional Branches in the GD of Taxation;
- B.5. An official of tax administration who deals directly with the collection of tax revenues;
- B.5. a. Tax registering inspectors
- B.5. b. Tax assessing inspectors
- B.5. c. Tax controlling inspectors.

The chief of sectors in the GD of Taxation, do not the obligation to make the declaration of their private interests, as the term *sector* defines the chairmen of regional branches. According to law, the lowest level of the officials that disclose their assets at HIDAA, are considered the officials of the middle management level.

A. General Directorate of Customs

In conformity to the articles 31, 32 and 48 of law no. 9367 dated 7 April 2005, in the GD of Customs, the following subjects can declare:

- C.1. General Director of Customs;

C.2. Deputy General Director of Customs;

C.3. Directors of Directorates in the GD of Customs;

C.4. Chairmen of Regional Branches in GD of Customs;

C.5. An official of customs administration who deals directly with the collection of customs revenues;

C.5. a. Receiving customs officials

C.5. b. Assessing customs officials

C.5. c. Physical controlling customs officials

C.5. ç. Smuggling customs officials

C.5. d. Chief of sectors who deal directly with the collection of customs revenues.

Chief of sectors who do not deal directly with the collection of customs revenues in the GD of Customs, do not have the obligation to make the declaration of their private interests at HIDAA.

- Point ë), article 3 is abrogated.
- Point f) *directors of all levels of structure for return of and compensation for property, of privatization and the registration of property*, there is no need of interpretation.
- Point g) *directors of all levels of the CRTs (Commissions for the Regulation of the Territory)* there is no need of interpretation.
- Point gj) *officials who are elected and appointed by the Assembly, the President of the Republic, the Prime Minister, the ministers or persons equivalent to them.*

Officials who:

- are elected and appointed by the Assembly;
- are elected and appointed by the President of the Republic;
- are elected are appointed by the Prime Minister,

Have the obligation to make the declaration of their private interests in their payment is included in the category II.b.

The officials who are elected and appointed by the ministers and that have the obligation to make the declaration form of their private interests, are to be considered the following:

- the public officials that do not have the status of civil servants, but have an equivalent payment with the officials that have the status of civil servants of the high and middle management level and that have an increase of the payment for the function they are holding in the amount of 74 000 lek, according to link no. 1, according to the VKM (Normative acts of the Council of Ministers) no. 711 dated 27 Dec 2001.
- Point h) *directors of joint stock companies with the participation of state capital on more than 50 per cent on the average of more than 50 workers.:*

According to the term *directors* we think to be interpreted as the following:

a-In case the leadership of the company is accomplished by a general director, in conformity to the status of the company, as a result only the general director of the company has the obligation to make a declaration.

b-In case the leadership of the company is accomplished by the Directorate (General Director, Deputy Director, members of the directorate) according to the status of the company, all the above mentioned subjects have the obligation to make a declaration.

The other subjects who are directors of other central or local government institutions, are not to be considered subjects and make a declaration unless they do not have the status of a trade company.

According to article 3/h, the director who is HIDAA subject, should meet the following criteria:

1. to be a director of a joint stock company that has a certain status;
2. this company should have the participation of state capital;
3. the state capital should be of more than 50 per cent;
4. the company should have an average of 50 workers.

These criteria should be met in an cumulative way, so all of them at the same time. The fact of not accomplishing, at least one of these criteria brings about the fact that the subject does not have any more the obligation to make the declaration of the private interests at HIDAA.

**GENERAL INSPECTOR
FATMIRA LASKA**

Main functions of the Represented Authorities for the prevention, control and resolution of conflicts of interest of the officials in the exercise of their public function.

Legal dispositions:

- Law no. 9049 dated 10 April 2003 “On the declaration and audit of assets, financial obligations of the elected persons and certain public officials” (published in the Official Journal no. 31 May 2003”
- Law no. 9367 dated 7 April 2005 “On the prevention of conflicts of interest in the in the exercise of public functions” (published in the Official Journal no. 31 May 2005”
- Law no. 8495 dated 12 May 1999 “Code of administrative Procedures”
- The purpose of these laws is the determination of rules, means, procedures, responsibilities and competencies for the identification, declaration, treatment, resolution, audit, investigation, and the punishment of cases of conflict of interests.

Conflict of interests:

- Conflict of interest is a situation of conflict between the public duty and the private interest 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.

Case by case conflict of interest:

- Case by case conflict of interest is a situation with a conflict of interest which appears case by case and is related to a particular decision-making.

The officials that have the obligation to make case by case declaration of private interests:

Every official, when he takes part in a decision-making for:

- a) administrative acts and contracts, acts of the judicial organs, notary 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 judicial consequences for individually specified subjects;
- b) every official of the state institutions, central or local, and every employee of the institutions under a dependency including state or local enterprises, commercial companies with a controlling participation of state or local capital, non-profit organizations and other judicial persons when he takes part in a decision making about contracts that create judicial civil relations with these subjects as a party.
- c) every official or employee who is in position, has responsibility, performs duties or exercises competencies of concrete kinds expressly defined in this law, in the function of the state institutions, central or local and the other institutions under their dependency as well as the related persons to the extend and in the manner defined in this law.

As an illustration the definition of the officials in a ministry:

- 1- Minister (as an office-holder he completes the authorization in the superior institution, in the Prime Minister Office)
 - 2- Deputy Ministers
 - 3- Secretary General and Directors of Directorates in the ministries and in the other dependent institutions in a national level
 - 4- Chief of Cabinet and the counselors of the Prime Minister.
 - 5- Directors of Regional Directorates.
 - 6- Employees of the Internal Audit
 - 7- Heads of Finance Departments in the ministries and in the other institutions of dependency.
 - 8- Heads of Judicial Department in the ministries and in the other institutions of dependency.
 - 9- All public officials that deal with public funds and the bailiffs.
- 2- The public officials that are elected and appointed by the Minister (officials of the ministries and institutions of dependency as well as all the other employees not involved in these structures), that represent the Ministry under the quality of the Chairman or member of a Board, Council of Supervision and different Committees.
- 3- The officials that have a definitive and fundamental role in the issuance of the acts, in case his attitude and involvement in the decision making of an act might influence the content of the act. The above mentioned structure is passed by the head of the institution and it is an integral part of the internal regulation “On the prevention of conflicts of interest in the exercise of public functions”. Based in this structure, the represented authority of the relevant institution, prepares the list of the officials and notifies each of them by providing for them the authorization form to be completed.

Submission deadline:

No later than 30 days form the entry of this law into force or from the date when work relations begin at a public institution, every official is obliged to issue and authorization, in favor of the public institution where he exercises his function, through which he authorized this institution to check and obtain personal data about this official, wherever they are recorded.

Administration procedures:

- The completed authorization and submitted by the public official is recorded in a separate protocol register and is administrated in a separate file that starts with the general list of the public officials.

Identification and registration of interests under conditions of case by case conflicts of interest:

The case by case declaration of private interests of an official is done in two ways:

1 – Self-declaration of private interests:

- Main principle: every official, on the basis of his knowledge and in good faith, is obligated to make a self-declaration in advance, case by case, of the existence of his private interests that might become the cause for the emergence of a conflict of interest.
- **positive obligation:** the declaration of private interests is requested, in case there is a conflict of interests, and **not its absence.**
- the official is not released from responsibility for falling into a conflict of interest when the measures taken by him do not turn out to be effective in preventing and avoiding the conflict of interest.
- the self-declaration and the ways taken by the official to resolve a conflict of interest, should be done as soon as possible, otherwise the superior or the superior institution will have to act.

2 – Declaration on request:

- the case by case declaration of private interests is done by the official whenever this is requested by the superior or the superior institution.

Sources of information about private interests of an official

- public or private registers.
- data from the media
- data or complain form the public
- every other lawful source

Responsible structures:

- the central authority responsible is HIDAA.
- the authority or structure responsible in the public institutions.
- the superiors of the officials according to the hierarchy
- the directorates or units of human resources or units specially charged.
- the superior institutions.

Active role of public institutions:

The authority responsible of every institution charged by the law to implement the law is designated to the following duties:

- to collect form lawful sources of information all data about the private interests of an official.
- to accept information obtained in a lawful manner.
- to verify the credibility of this information.
- to make known to the official the information obtained about him.
- to give the official the possibility to prove the contrary if the official so requests.
- to record the private interest of the official.
- superior institutions are authorized to actively perform the above mentioned actions for the heads of the institutions in its jurisdiction.

An example of a case by case declaration of private interests by the official.

CASE BY CASE DECLARATION OF PRIVATE INTERESTS BY THE OFFICIAL IN THE EXERCISE OF PUBLIC FUNCTIONS.

- **The officials that have the obligation to make a declaration:**

All the officials defined in article 4 of law no. 9367 dated 7 April 2005 as well as in the internal regulations of the institution.

- **Types of declaration:**

1 – The self-declaration in advance, case by case, of the existence of his private interests that might become the cause for the emergence of a conflict of interest.

2 – The case by case declaration of the private interests whenever required by the superior or the superior institution.

- **Personal information:**

Name, Father's name, Surname, Function, Institution.

Artan Jani Bano, Director in the Ministry of _____.

Type of declaration: (put an x for the type of declaration)

On request

Self-declaration

I declare that the data disclosed in the declaration form is the truth and I have the legal responsibility for their veracity.

1. A detailed information of the types of private interests that might cause the emergence of a conflict of interest:

I am a Director in the Ministry of _____ and a member of the Committee for licenses and patents and my spouse is a partner in the business and is required the issuance of the license for the trade company, sh.p.k. Artir.

2. The restriction of private interests in the exercise of the public functions that causes the emergence of a conflict of interest: **I am a member of the Committee for patents in the exercise of the activity in _____.**

3. The way of solving the conflict of interests:

The nonparticipation in the decision-making process

Date of declaration submission 14 October 2005.

Name, surname and signature.

Artan Bano

An example of the declaration of private interests by the official on request of the superior:

CASE BY CASE DECLARATION OF PRIVATE INTERESTS BY THE OFFICIAL IN THE EXERCISE OF PUBLIC FUNCTIONS.

• **The officials that have the obligation to make a declaration:**

All the officials defined in article 4 of law no. 9367 dated 7 April 2005 as well as in the internal regulations of the institution.

• **Types of declaration:**

1 – The self-declaration in advance, case by case, of the existence of his private interests that might become the cause for the emergence of a conflict of interest.

2 – The case by case declaration of the private interests whenever required by the superior or the superior institution.

• **Personal information:**

Name, Father's name, Surname, Function, Institution.

Skerdi Kristo Todri, General Director.

Type of declaration: (put an x for the type of declaration)

X on the request of the Minister on the basis of a complaint of a construction company, participating in an offer for bid.

self-declaration

I declare that the data disclosed in the declaration form is the truth and I have the legal responsibility for their veracity.

1. A detailed information of the types of private interests that might cause the emergence of a conflict of interest:

I am a General Director and my father-in-law is a partner in a trade company, sh.p.k. X, with its activity, construction.

He had the right of an object construction by means of this bid.

2. The restriction of private interests in the exercise of the public functions that causes the emergence of a conflict of interest: **According to article 21, point 1, letter "b" it is forbidden to enter into a contract with any commercial company, when the official or the related people of the official have shares or parts of capital.**

3. The way of solving the conflict of interests:

Resignation of the contract and the transfer of the expenditures under my authority as an office holder.

Date of declaration submission 14 October 2005.

Name, surname and signature

Artan Bano

Case by case registration of conflict of interests

The registration is done by the authority responsible of the institution and it includes:

- the identity of the official
- his private interests that might become the reason of a conflict of interest.
- the essence of a conflict
- the interested parties
- the source of the data
- the manner in which it was received and verified
- the decision taken based on the data, also including the decision taken by the superiors, the superior institutions or the courts.

The performed registration in compliance with article 11 of law no. 9367 dated 7 April 2005, are considered official documents and in conformity to law no. 8503 dated 30 June 1999 “On freedom of information”, are available for public use.

The represented authorities should take the necessary measures for a better acquaintance and implementation of the legal demands on the right to information over the official documents.

In article 3 of this law it is defined: Everyone is entitled, upon his request, to get information on an official document, related to the activity of state institutions and people that exercise a certain public function, without being obliged to explain the motives of such request.

In the law is expressly defined the obligation to draft a regulation on the right to information over the official documents.

Attention should be paid to the categories of the personal data, not available to public, bases on **law no. 8517 dated 22 July 1999 “On the protection of personal data”**

In article 3 of this law it is defined that: the public may have access to personal data of an individual, **only according to the manner and extend provided by this law.**

In article 7 of this law is defined that: In order to guarantee the fair processing of personal data ,the person in charge of data processing and any other person involved with the processing shall meet certain requirements related to experience, reliability and technical capacity.

Below we will deal with the completion of the register on case by case conflict of interest.

No.	Name of Official Function	Date of Declaration	A detailed description of the conflicts of interest Interested parties	Measures that will be taken to solve the conflict of interest	Source of information	Signature

				Taken decisions		
1	Artur Jani Bani	14 October 2005	His spouse is a partner in getting a license for a private school		Self-declaration	XXX
2	Skerdi Kristo Toderi General Director of	1 November 2005	He entered into a contract with a construction co. sh.p.k., where his father-in-law is a partner. -The construction co. sh.p.k. X		Internal Audit	XXX
3	Skerdi Kristo Toderi General Director of	10 November 2005	He entered into a contract with sh.p.k. X, where his father-in-law is a partner	To be excluded To be fined	On the request of the Minister	XXX

V.O. sh.p.k. (limited liability company) is a trading company.

Restriction of private interests for the prevention of conflicts of interests.

- Continuing conflict of interest is a situation in which a conflict of interest might appear repeatedly and/or often in the future.
- Restrictions of the private interests of an official for preventing **case by case conflict of interest** for particular instances is defined in articles 21 – 25, and for the prevention of particular cases of a **continuing conflict of interests** is defined in articles 26 – 36 of law 9367 dated 7 April 2005.

Restrictions for a certain category of officials:

- Members of the Council of Ministers and Deputy Ministers.
- Deputies
- High state functions
- Mayors of a municipality/commune and regional council
- Members of a regulatory authority
- High and middle rank management level

- Officials of tax and customs organs
- Persons related to the official.

Main categories of restriction:

1 – In the exercise of their activities

- managers in profit-making organizations
- natural person, partnership or free professions

2 – The ownership of shares or parts of capital, in an active or passive manner.

Treatment and resolution of conflicts of interest

1 – Actions taken by the official

- Transferring private interests
- Alienating private interests
- Excluding himself from the process of decision-making
- Resigning from the private duties and engagements
- Resigning from the public function
- Notifying the superior and documenting the resolution

Actions taken by the superior

- Restricting the official from specified information
- Excluding the official from the decision-making process
- Reviewing or changing the duties or competences of the official
- Transferring the official to another duty
- Avoiding the appointment or selection of the official
- Annuling or revoking the act

Public officials that have the obligation to declare their periodic private interest at HIDAA

- The officials defined in point 1, article 3 of law no. 9059 dated 10 April 2003 and the officials defined in articles 27 to 33 of law 9367 dated 7 April 2005.
- For purposes of the periodic declaration, the spouse and the adult children are considered as persons related to the official.
- Other persons related to an official according to this law make a declaration of interests on the request of the Inspector General, when it is considered essential for the needs of the declaration of an official.

Who are considered “related persons”

- For the purposes of articles 27 to 33 of this law for the restrictions of the private interests of the officials, only the spouse, adult children and parents of the official and spouse are related persons

Types of private interests that are declared periodically

- Upon the entrance into force of law no. 9367 dated 7 April 2005, the declaration of assets and financial liabilities is considered as declaration of private interests as the following:

Declaration before beginning work:

The public official completes the official document “Declaration of Private Interests” in which: All the private interests of the officials, the spouse and the adult children that exist **on the date of beginning work**, should be declared as the following:

- a) immovable properties and real rights over them;
 - b) movable properties that can be registered in public registers:
 - c) things of special value over US 5000 \$
 - ç) the value of shares, securities and parts of capital owned;
 - d) the value of liquidities, the condition in cash, in revolving accounts, in deposits, treasury bonds and loans, in lek or in foreign currency;
 - dh) financial obligations to natural and judicial persons, expressed either in lek or in foreign currency;
 - e) personal income for the year, from salary or participation on the boards, commissions or any other activity that brings personal income;
 - ë) engagements in private activity for the purpose of profit or any kind of activity that creates income, as well as engagements in profit-making or non-profit organizations, syndicates or professional, political or state organizations and every other organization, that exist on the date of beginning work, including every kind of created income form these engagements or activities from Jan 1st until the date of beginning work of the year of declaration.
- Ethnic, religious, recognized relations of friendship or enmity as well as the belonging to political organizations, in conformity to point 2, article 15 of law no. 9367 dated 7 April 2005 are not declared in the declaration form of private interests.
- f) licenses and patents that bring income.

- Along with the order of beginning work, the public official is given the notification of completing the declaration form by the Representative Authority. No later than 30 days form the date when work relations begin at a public institution, every is obligated to submit the declaration form to the Representative Authority, who, on the other side, no later than 15 days has to submit it at HIDAA.

Periodic declaration

In the periodic/annual declaration only the changes, the decreased or increased private interests from the moment of the previous declaration until the 31st of December of the declaring year, for the official, the spouse or the adult children, in which are included the private interests defined in the above letters, from letter “a” until the letter “f”, but only the changes that occurred in the private interests, previously declared, the interests created during the year of the declaration and every income that is earned during the whole year.

- At the beginning of every year, the Representative Authority completes the list of the public officials that have the obligation to declare their private interests and attached to an official documentation signed by the head of the institution and it is sent to HIDAA, every year, within the January 15th.
- At the same time the public officials are notified in a written form and the Annual/Periodic Declaration Form of Private Interests is given to them.
- The declaration forms completed by every public official are submitted at the Representative Authority no later than March 31, who submits the declaration forms at HIDAA, no later than April 15 along with an attached official documentation.

Declaration after leaving function:

- The official in the declaration after leaving function would disclose only the changes (increases or decreases) of the private interests from the previous declaration up to the date of leaving the function, pursuant to the aforementioned definition, from letter “a” up to letter “f”.
- For the public officials that leave function, the Representative Authority announces them on the completion of the declaration form, to disclose only the changes that occurred from the previous declaration and to submit it at the Representative Authority.

In case the official is appointed in another function that has the obligation to make a declaration, then the aforementioned action is not accomplished. But, in this case the Representative Authority of the institution notifies in a written form HIDDA of this change in function of the official that has the obligation to declare the private interests, by letting know the previous function and the institution where he submitted the declaration form of the private interests.

Declaration on request:

- In the declaration on request the private interests of the official that exist until the day of making the declaration on request, which include the private interests defined in letters from “a” to “f”, should be disclosed.

Submission of declaration form of the private interests at the Representative Authority:

- When the declaration form of the private interest is submitted, the following actions are taken by the Representative Authority:

1 – He registers the declaration forms in the alphabetical register, prepared according to the Order no.2, dated 13 January 2004, issued by Inspector General, and published in the 1st Legal Commentary in November 2005, page 22.

2 – He writes down the date of the submission in a specific registers.

ADMINISTRATION OF THE DOCUMENTS BY THE REPRESENTATIVE AUTHORITY

The documentation that is used is considered official documentation and aims to implement all the substatory and legal requirements that regulate this activity. In case of leaving function the submission of the whole documentation is done according to specific and defined rules.

For this reason there should be separate files as the following:

1. File no. 1 “Legal and substatory acts”

- Law no.9049 dated 10 April 2003 “On the declaration and audit of assets, financial obligations of elected persons and certain public officials”
- Law no. 9367 dated 7 April 2005 “On the prevention of conflicts of interest in the exercise of public functions”
- Code of Administrative Procedures
- Law no.9131 dated 8 September 2003 “Public administration ethics”
- Law no.6503 dated 30 June 1999 “On the right to get information about official documents”
- Law no.8517 dated 22 July 1999 “Data protection”
- Legal Commentary no.1 and other commentaries that will be sent by HIDAA.
- Orders and guidelines issued by HIDAA.

2. File no. 2 “On the identification and registration of case by case conflict of interest”

- The register of case by case conflicts of interest, in a form of a book, secreted.
- The authorizations issued by the public officials on the case by case declaration of the private interests.
- Data from the media or every other lawful source on the case by case conflict of interest of the officials.
- The verifications performed in public and private registers.

3. File no. 3 “On the registration of the periodic declaration forms of the assets and private interests of the officials that have the obligation to declare at HIDAA.”

- The alphabetical register of the public officials that declare at HIDAA.
- Copies of the notifications of the public officials and their confirmations concerning the declaration process.
- Copies of the documentation related to the disclosed declaration forms submitted at HIDAA.
- Copy of the form including the list of the public officials that did not declare and provide the causes for not submitting the declaration forms in the given the deadline.
- The book of the submission of the declaration forms, where the official signs the date of submission.

4. File no. 4 “On the declaration of assets of the officials that have declared at the Low Inspectorate”

- The 2nd register of the declaration form submitted at the Low Inspectorate.
- The declaration forms submitted at the Low Inspectorate.

Such files have to be submitted at the archive for a period of time of 10 years and they should be saved in pursuance to the legal acts and substatutory acts and considered as official documents.

5. The protocol register of the Representative Authority.

There will be registered all the documents that were sent to and received by HIDAA.

The Representative Authorities reporting to HIDAA on the prevention of conflicts of interests.

- The representative Authorities, every year, but no later than the 31st of January, submit at the High Inspectorate, concerning the previous year, a report related to the activity performed in the implementation of this law, including all the cases of conflict of interests, the manner to prevent or to treat it as well as the results and the accomplishments regarding to several issues of the periodic declaration process.

SANCTIONS:

I - Invalidity of acts taken under conditions of a conflict of interest and the consequences

- 1- Administrative contracts and acts of every public institution issued under the conditions of a conflict of interests are invalid.

They are reviewed and reversed for this reason by the respective organ in conformity with its competences according to the definitions and, as the case may be, in the Code of Civil Procedure or in the Code of Criminal Procedure or in other laws that regulate the regime of these acts.

- 2 – When an act of a public institution becomes invalid:

- a – The public institution, when it judges that the official has acted in bad faith:

- undertakes procedures for disciplinary punishment against the official who caused the invalidity of the act;
- uses all legal means to pass the burden of indemnification to this official;
- asks the competent court to order compensation in favor of the institution for the moral damage caused;
- makes a criminal denunciation against the official, if it judges that the violation committed by him constitutes a criminal offence.

- b- In a case when the public institution itself does not take any initiative, then the duty is applied by:

- the superior institution starting from the closest one and in order
- if they do not act, then the initiative is taken by the High Inspectorate and the State Advocate's Office.

II – Administrative infractions

Every violation of the obligations defined in this law, when it does not constitute a criminal offence, constitutes an administrative infraction and is punished by a fine according to the limits defined in article 44 of this law, from 5, 000 (five thousand) lek up to 400, 000 (four hundred thousand) lek.

III – Disciplinary measures

Every violation of the obligations defined in this law by officials constitutes a disciplinary violation, regardless of criminal or administrative responsibility.

The disciplinary measures are applied in conformity with the laws that regulate labor relations and/or the status of the officials.

IV – Criminal Sanctions:

When during the audit, it comes out that the declared sources do not cover the value of the created assets above 2 million lek for the periodic financial disclosure and above 3 million for the first time financial disclosure, then it is considered that the assets were created in an unlawful manner and the Inspector General notifies the prosecutor's office immediately.

In article 257 of the Criminal Code:

Refusal to make a declaration for failure to make a declaration of assets by elected persons or public employees according to law, when administrative measures have first been taken against them, constitutes a criminal infraction and is punishable by fine or imprisonment up to six months

Hiding or falsely declaring assets by elected persons and public employees constitutes a criminal infraction and is punishable by fine or imprisonment up to two years.



REPUBLIC OF ALBANIA

(Name of Institution)

No. _____ Prot

(City), date ___/___/___

A U T H O R I Z A T I O N

I, the entitled, _____

(name, surname and function)

holding the position of _____

(function and public institution)

In the date ___/___/___, in full compliance to my legal obligation according to point 2, article 10 and point 2, article 41 of law no. 9367, dated 7 April 2005 “On the prevention of conflicts of interest in the exercise of public functions”, authorize the institution

(name of the public institution or superior institution according to point 10, article 3 of law no.9367)

To check and obtain personal data for me, wherever they are recorded and that are related to the types of private interests defined in article 5, with the exception of the personal data defined in point 4, article 7 of this law.

This authorization also has the same value for every superior institution.

The authorization is valid as long as I exercise the public duty and as long as, as a result of this position I have the obligation to make a declaration and be subject of verification, in conformity with law no. 9367, dated 7 April 2005 “On the prevention of conflicts of interest in the exercise of public functions”.

At the same time, this authorization is valid, at any time, notwithstanding the fact that I carry on my public function or not, but valid, only related to those personal data that were related to the exercise of my public function, at the time I used to have that position.

Every checking, performed by the public institutions and the authorized people, with the purpose of obtaining personal data, is considered as it was performed by myself.

Every physical or judicial, private or public person, should not be an obstacles the performance and the obtaining of my personal data, unless these people possess this original authorization or the copied version, but that is unified with the original version.

THE AUTHORIZER

HEAD OF INSTITUTION

(or superior institution)

(name, surname and signature)

(Seal of the institution.)