

## Anti-corruption Act

Passed 27 January 1999

(RT<sup>1</sup> I 1999, 16, 276),

entered into force 28 February 1999,

amended by the following Acts:

11.06.2003 entered into force 19.07.2003 - RT I 2003, 51, 349;

30.01.2003 entered into force 26.02.2003 - RT I 2003, 18, 108;

19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387;

05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336;

07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357;

14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145;

09.11.99 entered into force 06.12.99 - RT I 1999, 87, 791.

## Chapter 1

### General Provisions

#### § 1. Scope of application of Act

This Act provides the legal bases for the prevention of corruption and prosecution of officials involved in corruption.

#### § 2. Means of corruption prevention

The means to prevent corruption are the following:

- 1) declaration of the economic interests of officials and persons listed in § 4 of this Act and disclosure of declarations of economic interests in the cases prescribed by law;
- 2) restriction on employment and activities specified in Chapter 3 of this Act;
- 3) procedural restrictions specified in Chapter 4 of this Act.

#### § 3. Office and official position

(1) For the purposes of this Act, an office is a place of employment or service to which a person has been elected, appointed, or hired under an employment contract.

(2) Official position is the competence of an official arising from the office to adopt decisions binding to other persons, perform acts, participate in making decisions concerning privatisation, transfer or grant of use of municipal property and the obligation to fulfil his or her official duties honestly and lawfully.

#### § 4. Official

(1) Pursuant to this Act, an official is a state or local government official who has an official position provided for in subsection 3 (2), or a non-staff public servant performing his or her duties.

(2) For the purposes of this Act, the following are also deemed to be officials:

- 1) members of the Riigikogu<sup>2</sup>;
- 2) the President of the Republic;
- 3) members of the Government of the Republic;
- 4) the Chief Justice and justices of the Supreme Court;
- 5) the Chairman and members of the Board of the Bank of Estonia, the President of the Bank of Estonia;
- 6) the Commander (Commander-in-Chief) of the Defence Forces;
- 7) the Auditor General and chief auditors of the State Audit Office;
- (07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)
- 8) the Legal Chancellor;
- 9) heads of foreign missions of Estonia;
- 10) the State Secretary;
- 11) county governors;
- 12) the Chief Public Prosecutor and prosecutors;
- 13) judges of administrative, county, city and circuit courts;
- 14) chairmen and members of rural municipality and city councils;
- (07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)
- 15) rural municipality mayors and city mayors, members of rural municipality and city governments;

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

16) rural municipality district elders and city district elders, members of administrative councils of rural municipality districts and city districts;

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

17) notaries;

18) police officers;

19) bailiffs, prison officers and probation officers;

20) officers of the Defence Forces, Defence Forces officials, border guard officials, rescue service officials, and officials of the National Defence League;

21) the Commander of the National Defence League and members of the central management and central audit committee of the National Defence League, the Commander of the General Staff and commanders of structural units of the National Defence League, chiefs of units and members of the management and audit committees of the National Defence League;

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

22) members of the management boards and supervisory boards of companies with state participation;

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

23) members of the management boards and supervisory boards of companies with local government participation;

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

24) members of the management boards and supervisory boards of companies with the participation of a legal person in public law;

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

25) members of the management boards and supervisory boards of legal persons in public law, the President of the Estonian Academy of Sciences, rectors of universities in public law, the Chairman of the Estonian Bar Association;

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

26) heads of state agencies administered by government agencies;

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

27) trustees in bankruptcy, natural persons who are performing administrative functions in public law assigned to them pursuant to law or who are granted authority to exercise executive power pursuant to law and the members of directing bodies of

legal persons in private law which perform the above-mentioned functions or exercise executive power;

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

28) managers and members of management boards and supervisory boards of foundations in private law founded by the state, a local government or a legal person in public law.

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

(3) For the purposes of this Act, heads of rural municipality or city government administrative agencies and heads of agencies administered by administrative agencies are considered to be officials if so decided by the rural municipality or city council.

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

(4) For the purposes of this Act, members of management boards of non-profit associations are considered to be officials if the non-profit association is founded by or with the participation of the state, a local government or a legal person in public law or if so provided for in the Act regulating the activities of the non-profit association or in the articles of association or if a corresponding resolution is adopted by a competent directing body of the non-profit association.

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

§ 5. Definition of act of corruption, relationship involving risk of corruption and income derived from corrupt practices

(1) An act of corruption is the use of official position for self-serving purposes by an official who makes undue or unlawful decisions or performs such acts, or fails to make lawful decisions or perform such acts.

(2) A relationship involving the risk of corruption is a relationship of an official with another person which is created or may be created if the official violates of the restrictions on employment and activities or the procedural restrictions provided for in Chapters 3 or 4 of this Act.

(3) Income derived from corrupt practices is economic or other benefit which an official directly or indirectly receives from another person for committing an act of corruption or on the condition that an act of corruption will be committed in the future:

1) as a monetary payment;

2) as a gift;

3) as remuneration in kind, a useful favour or advantage;

4) by way of transfer without charge, or sale below the market price of shares, share certificates and other securities and shares of private limited companies to him or her;

(05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336)

5) by way of accepting an offer to become a co-owner of an immovable, a partner or shareholder of a public limited company or other company;

6) as economic or other benefit not set out in clauses 1) - 5) of this subsection.

#### § 6. Prohibition on relationships involving risk of corruption

(1) Officials are prohibited from committing acts of corruption, entering into relationships involving risk of corruption with natural or legal persons and from receiving income derived from corrupt practices.

(2) The head of an agency is required, as an employer, to organise work in a manner where the legality of the officials' activities and the restrictions on employment and activities and procedural restrictions established for officials are monitored.

(3) Officials who have relationships involving the risk of corruption shall inform the head of the agency or a body with election authority thereof and apply for the right to make the corresponding decisions or conclude the corresponding transactions to be granted to another official.

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

## Chapter 2

### Declaration of Economic Interests

#### § 7. Purpose of declaration of economic interests

The purpose of a declaration of economic interests is to get an overview of the economic interests of an official which may promote or cause a conflict of private and public interests, the commitment of an act of corruption or the creation of a relationship involving the risk of corruption.

(14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145)

#### § 8. Definition of declaration of economic interests

A declaration of economic interests (hereinafter declaration) is a document in which an official declares information concerning his or her property, proprietary obligations and other circumstances which allow to determine the economic interests and financial situation of the official.

(14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145)

#### § 9. Content of declaration

(1) A declaration shall contain the following information concerning the person submitting the declaration:

1) immovable property (including structures and parts thereof until entry in the land register) (use, location, land registry jurisdiction and registered immovable property number);

2) vehicles entered in the state register (type of vehicle, make, and year of production);

3) the holding of shares, other securities (share certificates in investment funds, bonds, convertible bonds, privatisation vouchers, certificates proving the right or obligation of purchase or sale (option), etc.), and shares (issuer, class, amount, the nominal value of one unit, and the total value of each article in the case of shares and convertible bonds);

4) debts and contracts of suretyship (creditor and amount of debt) to banks and other persons if the amount of debt exceeds six months' salary or 50 000 kroons a year, if salary is not paid in the corresponding office;

5) other proprietary obligations, if the amount of debt or the possible debt-claim (leasings, contracts of suretyship, pledges, mortgages, real encumbrances, etc.) exceeds six months' salary or 50 000 kroons a year, if a salary is not paid in the corresponding office;

(14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145)

6) other income (salary and additional remuneration if the official does not receive a salary for the office, including remuneration received from supervisory boards, interest, pensions, and other remuneration and sources of income);

(14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145)

7) bank accounts (bank, type of account and number of accounts);

8) taxable income (shall be completed on the basis of a natural person income tax return of the preceding year submitted to the Tax Board);

9) dividend income (shall be completed on the basis of a natural person income tax return of the preceding year submitted to the Tax Board).

#### § 10. Declaration of property in common or joint ownership

(1) The things, rights and obligations in common or joint ownership (joint property of spouses and other joint ownership provided by law) listed in § 9 of this Act shall be declared and the share of the official in the common ownership and the estimated share in joint ownership shall be indicated; a corresponding notation shall be made concerning the property which belongs to the spouse of the official.

(2) If an official has entered into a marital property contract, he or she shall submit the copy of the marital property contract entered in the marital property register to a depositary of declarations within one month as of entry into the contract or amendment thereof. Upon disclosure of a declaration, the content of the marital property contract shall not be disclosed.

(14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145)

#### § 11. Declaration form

(1) A declaration shall be submitted on the form set out in Annex 1 to this Act. For the submission of a declaration, a depositary of declarations shall give or send the form to the person submitting the declaration at least one month before the expiry of the term for the submission of declarations. A depositary of declarations shall make an entry in the register maintained by the depositary and shall indicate the person who submitted the declaration, the date of submission of the declaration and the number of the declaration.

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

(2) If the person who is required to submit a declaration has not received the declaration form by the time specified in subsection (1) of this section, he or she shall, in order to receive the declaration, address a depositary of declarations at a time which enables the timely submission of the declaration.

(14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145)

#### § 12. Depositary of declarations

(1) A depositary of declarations is an official appointed by the head of an agency or a duly authorised body. In the cases provided for in this Act, a depositary of declarations is a committee or supervisory board designated therefor.

(2) A depositary of declarations organises the timely collection of declarations, the verification and depositing thereof according to the requirements and, in the cases provided by law, publication of declarations.

(3) Monitoring compliance with restrictions on employment and activities and procedural restrictions provided by law may be assigned to a depositary of declarations.

(4) A depositary of declarations is required to determine the reasons for a failure to submit a declaration on time or failure to submit a declaration at all.

(5) A depositary of declarations has the right to make proposals concerning disciplinary proceedings to be brought against officials and to submit documentation concerning violations revealed in the course of monitoring to the police.

(6) Officials who, pursuant to this Act, shall submit a declaration are required to provide explanations to the depositary of declarations concerning the contents of the

declaration and a failure to submit the declaration on time or failure to submit the declaration at all.

(7) Declarations together with accompanying documents shall be deposited such that nobody except the depositary of declarations, the head of the agency, the person who submitted the declaration, investigative bodies and courts has access thereto.

(8) The head of the agency shall be responsible for creating the working conditions necessary for the depositary of declarations. The work of an official, committee or supervisory board appointed as a depositary of declarations may be compensated for.

(9) Declarations of officials specified in § 4 of this Act shall be deposited in the office of a depositary of declarations as of the submission thereof until the destruction or transfer of the declarations to the archives. Declarations of officials specified in subsection 4 (1) of this Act shall be destroyed after five years or be granted archival value pursuant to the procedure provided for in the Archives Act (RT I 1998, 36/37, 552; 1999, 16, 271; 2000, 92, 597; 2001, 88, 531; 93, 565; 2002, 53, 336; 61, 375; 63, 387; 82, 480). Declarations of officials specified in subsection 4 (2) of this Act and accompanying documents related to the collection, depositing and verification of the declarations shall be given to a public archives after five years pursuant to the procedure provided for in the Archives Act.

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

### § 13. Term for submission of declaration

(1) A declaration shall be submitted every year one month after expiry of the term for submission of income tax returns or within one month after the date of commencement of work in an office, unless otherwise provided by this Act.

(2) If, after the submission of a declaration during the term specified in subsection (1) of this section, the composition of the property or the structure thereof declared by the official changes significantly, the official shall submit a new declaration within one month after the change occurs. A change in the financial situation is deemed to be significant if it involves a change to the extent of at least 30 per cent or over 100 000 kroons.

(3) Officials specified in subsection 4 (2) of this Act, with the exception of persons specified in clauses (2) 1) and 2), shall submit a declaration to the former depositary of declarations within two years after leaving their posts.

(14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145)

### § 14. Submission of declaration

(1) The head of an agency shall determine, on the basis of this Act, the categories of officials who shall submit declarations. An official shall submit a declaration to the depositary of declarations appointed by the head of the agency or, in the absence thereof, to the head of the agency.



(2) Members of the Riigikogu, the President of the Republic, members of the Government of the Republic, the Chief Justice and justices of the Supreme Court, the Chairman and members of the Board of the Bank of Estonia, the Governor of the Bank of Estonia, the Commander and Commander-in-Chief of the Defence Forces, the Auditor General and chief auditors of the State Audit Office, the Legal Chancellor, ambassadors, the Chief Public Prosecutor and public prosecutors, the chairmen of circuit courts, the chairmen of administrative, county and city courts, county governors, the State Secretary, assistant ministers, the President of the Estonian Academy of Sciences and rectors of universities in public law shall submit declarations to the committee designated by the Riigikogu.

(11.06.2003 entered into force 19.07.2003 - RT I 2003, 51, 349)

(3) The chancellors of ministries shall submit declarations to the State Secretary.

(4) Chairmen of rural municipality and city councils, rural municipality mayors and city mayors, rural municipality district and city district elders shall submit declarations to the Minister of Internal Affairs.

(5) Members of local government councils, officials of local governments and non-staff public servants performing the duties of such officials, heads of rural municipality or city government administrative agencies and heads of agencies administered by such administrative agencies and members of management boards and supervisory boards of companies with local government participation, except members of management boards and supervisory boards of local government companies with precluding interest, who do not represent the local governments, shall submit declarations to the committee appointed by the council.

(30.01.2003 entered into force 26.02.2003 - RT I 2003, 18, 108)

(6) Judges of administrative, county and city courts, judges of circuit courts, senior prosecutors, notaries, the Chairman of the Estonian Bar Association, bailiffs and directors of prisons shall submit declarations to the Minister of Justice.

(7) Members of the management board or supervisory board of a company with state participation, except members of the management board or supervisory board of a state company with precluding interest, who do not represent the state, shall submit declarations to the minister who directs the ministry which exercises the state shareholder rights in the company, unless otherwise provided by law.

(30.01.2003 entered into force 26.02.2003 - RT I 2003, 18, 108)

(8) Members of the management board (directing body) of a legal person in public law shall submit declarations to the supervisory board of the same person in public law. Members of the supervisory board of a legal person in public law shall submit declarations to the committee appointed by the Riigikogu unless otherwise provided by law.

(9) Members of the management board and supervisory board of a company with the participation of a legal person in public law and the manager and members of the

management board and supervisory board of a foundation founded by a legal person in public law shall submit declarations to the head of the legal person in public law. Members of the management board or supervisory board of a company with precluding interest which belongs to a legal person in public law, who do not represent the legal person in public law, need not submit declarations.

(30.01.2003 entered into force 26.02.2003 - RT I 2003, 18, 108)

(10) A trustee in bankruptcy shall submit the declaration to the chairman of the court which appointed the trustee in bankruptcy. Other members of directing bodies of legal persons in private law and natural persons who are performing administrative functions in public law assigned to them pursuant to law or who are granted authority to exercise executive power pursuant to law shall submit declarations to the state agency which exercises supervision over their activities.

(11) Members of the supervisory board of a non-profit association specified in subsection 4 (4) of this Act shall submit declarations to the audit committee of the non-profit association.

(12) If an agency operates in the area of government of a ministry, the head of the agency shall submit a declaration pursuant to the procedure established by the minister. The depositary of declarations of the head of an agency shall not be an official subordinate to the head of the agency.

(13) Depositories of declarations of economic interest of the categories of officials listed in this section (heads of agencies, committees and officials) are required to inform the committee of the Riigikogu specified in subsection 14 (2) of this Act of the figures of the declarations within two months as of the submission of declarations to a depositary of declarations.

(14) If, pursuant to this Act, several depositaries of declarations are appointed with respect to an official, the official shall submit a declaration to the depositary of declarations of his or her principal place of employment and a copy thereof to the other depositary of declarations.

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

## § 15. Disclosure of information given in declaration

(1) Everyone has the right to disclose the information given in his or her declaration.

(2) The information given in the declarations of members of the Riigikogu, the President of the Republic, members of the Government of the Republic, the Chairman and members of the Board of the Bank of Estonia, the President of the Bank of Estonia, the Commander and Commander-in-Chief of the Defence Forces, the Auditor General, the Legal Chancellor, ambassadors, the Chief Public Prosecutor, the Chairman and justices of the Supreme Court, the State Secretary, the chairmen and members of circuit courts, the chairmen and judges of administrative, county and city courts, secretaries general of ministries, county governors, chairmen of rural

municipality and city councils, heads of rural municipality and city governments shall be disclosed in the *Riigi Teataja Lisa*<sup>3</sup>.

(09.11.99 entered into force 06.12.99 - RT I 1999, 87, 791; 14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145; 07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357; 11.06.2003 entered into force 19.07.2003 - RT I 2003, 51, 349)

(3) Declarations of members of local government councils and members of city governments and rural municipality governments shall be disclosed in a publication designated by the city council or rural municipality council. The local government council shall decide the disclosure of the declarations of other local government officials and determine the procedure for disclosure.

(4) An agency or official to whom a declaration has been submitted, or a committee designated to be the depository of declarations shall submit the information given in the declaration for disclosure.

(14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145)

(5) A declaration to be disclosed shall be published without the personal identification code, address and data concerning close relatives and close relatives by marriage and without indicating the income specified in clauses 9 (1) 6), 8) and 9) of this Act

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

(6) Information contained in a declaration not subject to disclosure shall not be disclosed.

#### § 16. Verification of declaration

(1) A depository of declarations shall examine declarations submitted to him or her. A depository of declarations has the right to verify the accuracy of information in a declaration and an obligation to do so if an official is suspected of corruption.

(2) A depository of declarations has the right to make enquiries and to verify whether the declaration of an official has been changed during the period following the submission of the declaration.

(3) A depository of declarations shall prepare an audit report concerning each verification specified in subsection (1) of this section and the audit report shall be communicated to the head of the agency and the official the accuracy of whose declaration was verified.

(4) In the case of a suspicion of corruption, a depository of declarations and persons authorised for verification have the right to verify the following information concerning an official specified in § 4 of this Act:

1) the income tax return submitted to the Tax Board;

2) data concerning the official which is deposited in registers and databases maintained by the state and local governments;

3) data which is necessary for the verification of the declaration and is deposited in credit institutions.

(5) If, as a result of verification of a declaration of an official, a material violation of this Act, receiving income derived from corrupt practices or a relationship involving risk of corruption is proved, the verification documents shall be forwarded to an investigative body.

(6) Everyone who has information that an official specified in § 4 of this Act has failed to declare his or her economic interests and financial situation honestly and accurately may contest the declaration by submitting a reasoned application and request that the suspicions be verified by the direct depository of declarations of the official or a committee of the Riigikogu. Verification of compliance with restrictions on employment and activities and procedural restrictions may be applied for as well. The recipient of an application is required to verify the declaration or suspicions of corruption on the basis of the application within one month as of the date of receipt of the application. The applicant shall be informed of the results of verification. If the reasons presented in an application prove to be even partly right, the declaration of the official together with proof shall be published in the media.

(7) All depositories of declarations of economic interests are required to report to the head of the agency who appointed them or to authorised bodies and, at the request of the Riigikogu committee, to the Riigikogu committee on the performance of the duties imposed on them by this Act.

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

§ 17. (Repealed - 07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

§ 18. Failure to submit declaration

(1) Failure to submit a declaration within the term provided for in § 13 of this Act without good reason shall bring about liability pursuant to the procedure provided by law. Illness of the person who is required to submit a declaration or other circumstances independent of such person which prevent him or her from submitting the declaration within the term are deemed to be good reasons.

(2) Failure of an official to submit a declaration by the due date constitutes a violation of duties of employment or a breach of duties and an act which discredits the administrative agency which shall bring about disciplinary liability provided by law or liability imposed for a misdemeanour related to office provided for in this Act.

(30.01.2003 entered into force 26.02.2003 - RT I 2003, 18, 108)

(3) If an official specified in subsection 15 (2) or (3) of this Act fails to submit a declaration by the due date, the chairman of the Riigikogu, the corresponding minister, head of an agency or chairman of the local government council shall publish

a corresponding official notice in the *Riigi Teataja Lisa* within one month after the offence became known.

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

## Chapter 3

### Restrictions on Employment and Activities

#### § 19. Definition of restriction on employment and activities

(1) For the purposes of this Act, a restriction on employment and activities means a restriction to operate as an undertaking, hold a second job or work in a relationship of direct subordination with a close relative or close relative by marriage, while in public service.

(2) Officials specified in subsection 4 (1) of this Act shall not:

1) hold a second job with a work load higher and at a time different than permitted by the immediate superior if such employment damages the reputation of the position or office, or if performance of the duties of employment also means supervision over the other employer;

2) be a member of the directing or supervisory body of a company, except the representative of the state, a local government or legal person in public law of a company with the participation of the state, local government or legal person in public law;

3) be the director of a branch of a foreign company;

4) be employed in an office where an official who directly monitors him or her, or is his or her immediate superior is a close relative or close relative of the official by marriage;

5) be a member of a legal person in public law and, at the same time, the directing or supervisory body of a legal person directly monitored by the legal person in public law;

6) be a member of the directing or supervisory body of a company with state or local government holding within three years after resignation from the public service.

(3) An official may operate as an undertaking, be a partner of a general partnership or general partner of a limited partnership only with the permission of the person or agency who has appointed or elected him or her to office or hired under an employment contract if such activity does not hinder the performance of duties of employment or damage the reputation of the position or office. Everyone has the right to obtain information from the official who has appointed or elected an official to office or hired him or her under an employment contract concerning this permission.

(4) An official shall not exercise supervision over the activities of himself or herself as an undertaking, or over a general partnership of which he or she is a partner or a limited partnership of which he or she is a general partner in performing his or her duties of employment or service.

(5) For the purposes of this Act, close relatives mean grandparents, parents, brothers, sisters, children and grandchildren; close relatives by blood mean the spouse, his or her parents, brothers, sisters and children.

#### § 20. Special rules for restrictions on employment and activities of officials

(1) The restrictions on employment and activities of officials specified in clauses 4 (2) 1)-16) of this Act are not regulated by § 19 of this Act but are provided for in §§ 63 and 84 of the Constitution of the Republic of Estonia and in the Acts concerning the activities of the Riigikogu, the Government of the Republic, the Legal Chancellor, the State Audit Office, the Bank of Estonia, prosecutor's offices, Defence Forces and the border guard, judges, the police, notaries' offices, bailiffs and local governments, and in other legislation which separately regulates the official position, rights and obligations of the officials of such categories.

(09.11.99 entered into force 06.12.99 - RT I 1999, 87, 791)

(2) Taking into account the specific character of some offices, the Government of the Republic may establish a list of offices the employment in which may be permitted, regardless of the restrictions provided for in clauses 19 (2) 4) and 5) of this Act, by the minister in whose area of government the place of employment is, provided there is no risk of corruption involved. The minister shall justify the grant of permission every time. Upon the establishment of exceptions, the person who establishes the exceptions shall exercise regular supervision over the justification thereof and submit a corresponding report together with the opinion of the State Audit Office to the Riigikogu committee specified in subsection 14 (2) of this Act.

(14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145)

(3) Taking into account the specific character of some offices, a local government may establish a list of offices the employment in which may be permitted, regardless of the restrictions provided for in clauses 19 (2) 4) and 5) of this Act, by the executive body of the local government, provided there is no risk of corruption involved. The executive body of a local government shall justify the grant of permission every time. Upon the establishment of exceptions, the person who establishes the exceptions shall exercise regular supervision over the justification thereof and submit a corresponding report together with the opinion of the county governor to the committee or member of the council specified in subsection 14 (4) of this Act.

(14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145)

## Chapter 4

### Procedural Restrictions

## § 21. Definition of procedural restrictions

(1) For the purposes of this Act, a procedural restriction means a prohibition to perform acts which enable to receive income derived from corrupt practices.

(2) Procedural restrictions do not apply to activities as a result of which income on shares of a company is received, unless otherwise provided by law. An official may also receive income as royalties, revenue from patents, interest on deposits, on immovables which are subjected to commercial lease or use by other persons, fee for the works published in print or electronic media, and other income which does not presume the employment of the recipient thereof to promote the economic benefit of another person, unless otherwise provided by law.

(3) For the purposes of this Act, a trustee in bankruptcy is not deemed violate a procedural restriction if he or she, upon conduct of bankruptcy proceedings, uses the services of an office through which he or she operates.

(30.01.2003 entered into force 26.02.2003 - RT I 2003, 18, 108)

## § 22. Prohibition on acceptance of remuneration or more than adequate remuneration

(1) An official who is required to provide services or make decisions without charge shall not demand or accept remuneration therefor in money, in kind or as a favour.

(2) An official who is required to provide services pursuant to the official procedure for a specific remuneration in money, shall not demand or accept remuneration therefor different from the remuneration set out in the rates or price lists.

## § 23. Duty to give notification of bribery and gratuities

(1) An official is required to notify the head of the agency and the Security Police in writing of giving or grant, arranging receipt or acceptance of a bribe or gratuities which becomes known to him or her.

(2) Failure to perform a duty set out in subsection (1) of this section shall constitute the basis for the release of an official from service or office for a misdemeanour or for charging with an offence committed.

(30.01.2003 entered into force 26.02.2003 - RT I 2003, 18, 108)

## § 24. Prohibited transactions

(1) An official shall not engage in self-dealing, or conclude transactions of similar nature or involving a conflict of interest. He or she shall not authorise persons subordinate to him or her to perform such transactions instead of him or her.

(2) Self-dealing, which is prohibited, means *inter alia* the following:

1) concluding, with regard to property entrusted to him or her by an agency, transactions with oneself or a legal person the shares of which belong either wholly or

partially to him or her, his or her close relatives or close relatives by marriage, or a board or decision-making body of which he or she is a member;

2) concluding, as a person entitled to represent a state agency in transactions, transactions with the state through an administrative agency concerned, or concluding, as a person entitled to represent a local government agency in transactions, transactions with a local government through an administrative agency concerned;

3) concluding, as a representative of the state or a local government, property transactions with other employers in whose employment he or she is;

4) concluding, as a representative of the state or a local government, property transactions with legal persons specified in subsection 25 (1) of this Act;

5) concluding, as a representative of the state or a local government, property transactions with a non-profit association or political party of which he or she is a member;

6) concluding, as a representative of the state or a local government, property transactions with an employer, company, non-profit association or political party over the activities of which he or she exercises supervision;

7) concluding, as a representative of the state or a local government, property transactions with one's close relatives, close relatives by marriage or oneself.

(3) The restrictions concerning the representatives of the state or a local government provided for in subsection (2) of this section also apply to the representative of a legal person in public law.

(4) Transactions concluded in violation of the prohibitions provided for in subsection (1) of this section are void.

## § 25. Conflict of interest

(1) A conflict of interest occurs if an official, in the course of his or her duties of employment, is required to make a decision or participate in the making of a decision which significantly influences the economic interests of the official, his or her close relatives or close relatives by marriage or legal persons, if the legal person is:

1) a general partnership, the partner of which the official, his or her close relative or close relative by marriage is;

2) a limited partnership, the general partner or limited partner of which the official, his or her close relative or close relative by marriage is;

3) a private limited company, the shareholder or member of the management board or supervisory board of which the official, his or her close relative or close relative by marriage is;



4) a public limited company, the shareholder or member of the management board or supervisory board of which the official, his or her close relative or close relative by marriage is;

5) a commercial association, the member of the management board or audit committee of which the official, his or her close relative or close relative by marriage is;

6) other legal person in private law, the member of the directing or supervisory body of which the official, his or her close relative or close relative by marriage is.

(2) An official whose duty is to participate in the making of common decisions specified in subsection (1) of this section is required to notify promptly a body concerned and his or her immediate superior or a person or body with the employment or appointment authority thereof and forego the making of the decision. The person or body who has designated an official as a member of a body making common decisions, may designate another person for the one-time substitution of the official.

(3) An official who is competent to make decisions specified in subsection (1) of this section solely, is required to remove himself or herself from making the decision and notify his or her immediate superior of a conflict of interest; the immediate superior shall designate another official to make the decision.

(4) In this section, a decision does not mean legislation of general application.

#### § 26. Restriction on acceptance of gifts

(1) An official shall not solicit, in connection with his or her duties of employment, gifts or other benefits made or granted by persons to him or her, his or her close relatives or close relatives by marriage.

(2) An official shall not accept gifts or consent to the benefits which are made or granted to him or her, his or her close relatives or close relatives by marriage, and the acceptance of which may directly or indirectly influence the impartial performance of his or her duties of employment or service.

(3) Gifts received in violation of the restrictions provided for in subsections (1) and (2) of this section shall belong to the employer of the corresponding official, unless otherwise provided by an international custom or diplomatic etiquette.

### Chapter 5

#### Liability

#### § 26<sup>1</sup>. Failure to submit declaration of economic interests in compliance with requirements and presentation of false information

(1) Failure to submit a declaration of economic interests not subject to disclosure on time without good reason, or the knowing submission of incomplete or false information in such declaration is punishable by a fine of up to 200 fine units.

(2) Failure to submit a declaration of economic interests subject to disclosure on time without good reason, or the knowing submission of incomplete or false information in such declaration is punishable by a fine of up to 300 fine units.

(30.01.2003 entered into force 26.02.2003 - RT I 2003, 18, 108)

§ 26<sup>2</sup>. Submission of false information to person, agency or committee verifying declarations of economic interests

Submission of incomplete or false information to a person or agency conducting lawful verification of declarations of economic interests or to a committee specified in this Act is punishable by a fine of up to 300 fine units.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 26<sup>3</sup>. Violation of restrictions on employment or activities or of procedural restrictions established by law

Violation of the restrictions on employment or activities or of the procedural restrictions established by law is punishable by a fine of up to 300 fine units.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 26<sup>4</sup>. Failure to give notification of relationship involving risk of corruption

Failure to give notification of a relationship involving a risk of corruption is punishable by a fine of up to 300 fine units.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 26<sup>5</sup>. Act of corruption

(1) An act of corruption which involves the receipt of income or gains derived from corrupt or illegal practices is punishable by a fine of up to 300 fine units.

(2) A court may confiscate that which was received unlawfully for an act of corruption pursuant to § 83 of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 82, 480; 105, 612; 2003, 4, 22).

(30.01.2003 entered into force 26.02.2003 - RT I 2003, 18, 108)

§ 26<sup>6</sup>. Failure to perform duties related to collection, depositing or verification of declarations of economic interests

Failure by the head of an agency or another person responsible for the collection, depositing or verification of declarations of economic interests to perform, or his or her unsatisfactory performance of, the duties relating to the collection, depositing or verification of such declarations is punishable by a fine of up to 300 fine units.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 26<sup>7</sup>. Unlawful disclosure of content of declaration of economic interests

Unlawful disclosure of the content of a declaration of economic interests is punishable by a fine of up to 200 fine units.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 26<sup>8</sup>. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364;; 2002, 86, 504; 105, 612; 2003, 4, 22) and the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156) apply to the misdemeanours provided for in §§ 26<sup>1</sup>–26<sup>7</sup> of this Act.

(2) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 26<sup>1</sup>–26<sup>7</sup> of this Act shall be conducted by police prefectures.

(3) If a misdemeanour provided for in §§ 26<sup>1</sup>–26<sup>7</sup> of this Act is committed by a higher official specified in clause 4 (1) 1) of the State Public Servants Official Titles and Salary Scale Act (RT I 1996, 15, 265; 89, 1590; 1998, 36/37, 552; 1999, 95, 843; 97, 858; 2000, 51, 320; 58, 376; 2002, 21, 117; 2003, 51, 349), the extra-judicial proceedings concerning the misdemeanour shall be conducted by the Security Police Board.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

(4) A court shall hear misdemeanours provided for in § 26<sup>5</sup> of this Act.

(30.01.2003 entered into force 26.02.2003 - RT I 2003, 18, 108)

§ 27. Liability for violation of Anti-corruption Act

(1) An official who commits an act of corruption or unlawfully accepts remuneration or has relationships involving a risk of corruption or violates the restrictions on employment and activities or procedural restrictions or fails to submit a declaration of economic interests by the due date or submits incomplete or false information in the declaration shall be brought to justice pursuant to the procedure provided by law.

(2) The head of an agency and an official who are assigned the duties of a depository of declaration shall bear liability imposed for a misdemeanour related to office provided for in this Act for failure to perform or unsatisfactory performance of duties and for unlawful disclosure of the contents of declarations.

(30.01.2003 entered into force 26.02.2003 - RT I 2003, 18, 108)

(3) Acts listed in subsection (1) of this section shall constitute the basis for the release of an official from service or office, except in the cases provided for in specific Acts.

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

§ 27<sup>1</sup>. Compensation for damage caused by acts of corruption

(1) Persons who have suffered damage as a result of an act of corruption of an official have the right to demand compensation for such damage on the bases and pursuant to the procedure provided by law.

(2) Damages shall be claimed from an official by way of recourse.

(07.06.2001 entered into force 03.07.2001 - RT I 2001, 58, 357)

## Chapter 6

### Implementing Provisions

§ 28. The Republic of Estonia Employment Contracts Act (RT 1992, 15/16, 241; RT I 1993, 10, 150; 26, 441; 1995, 14, 170; 16, 228; 1996, 3, 57; 40, 773; 45, 850; 49, 953; 1997, 5/6, 32; 1998, 111, 1829; 1999, 7, 112; 16, 276; 60, 616; 2000, 25, 144; 51, 327; 57, 370; 102, 669; 2001, 17, 78; 42, 233; 53, 311; 2002, 61, 375; 62, 377; 110, 656; 111, 663; 2003, 4, 22; 13, 69) is amended as follows:

1) section 86 is amended by adding clause 12) worded as follows:

«12) due to an act of corruption.»;

2) the title of § 103 is amended by adding the words “or upon commitment of act of corruption”, and the text is amended by adding subsection (3) worded as follows:

«(3) An employer has the right to terminate an employment contract with each employee who commits an act of corruption on the basis prescribed in clause 86 12) of this Act.»;

3) clauses 104 (2) 4)-7) are repealed.

§ 29. The Public Service Act (RT I 1995, 16, 228; 1999, 7, 112; 10, 155; 16, 271; 276; 2000, 25, 144; 145; 28, 167; 102, 672; 2001, 7, 17; 18; 17, 78; 24, 133; 42, 233; 47, 260; 2002, 21, 117; 62, 377; 110, 656; 2003, 4, 22; 13, 67; 69; 20, 116; 51, 349) is amended as follows:

1) clause 16 4) is amended and worded as follows:

«4) who are in a close relationship (grandparents, parents, brothers, sisters, children, grandchildren) or a close relationship by marriage (spouse, spouse’s parents, brothers, sisters, children) with an official or the immediate superior who has direct control over the corresponding position.»;

2) section 16 is amended by adding clause 5) worded as follows:

«5) a person who has been punished for an act of corruption under administrative or criminal procedure.»;

3) the end of subsection 17 (1) is amended by adding the words “or pursuant to law”;

4) subsection 28 (1) is amended by adding the words “the public service code of ethics and” after the words “I am aware that”;

5) subsection 59 (1) is amended and worded as follows:

«(1) A public servant shall perform his or her duties of employment in an accurate, timely and conscientious manner, expediently and without self-interest, pursuant to the public interest. The duties of employment are determined in this Act and other Acts, regulations and job descriptions, and other legislation. A public servant shall also perform his or her duties pursuant to the public service code of ethics set out in Annex 1 to this Act and other codes of ethics established within the administrative agency.”;

6) subsection 69 (1) is amended and worded as follows:

«(1) A state official shall not belong to the permanent directing body or permanent control or audit body of a commercial association, except as a representative of the state to the directing or supervisory body of an enterprise with holding of the state or a person in public law.”;

7) subsection 75 is amended and worded as follows:

«§ 75. Duty to declare economic interest

An official is required to submit to a person or administrative agency with employment authority a declaration of his or her economic interests pursuant to the procedure and under the conditions provided for in the Anti-corruption Act.”;

8) the text of § 76 is amended and worded as follows:

«(1) A public servant is prohibited from:

1) acquiring assets which are entrusted to him or her for concluding a transaction and belong to a person with whom he or she is in employment or service relationship and;

2) concluding, as a person entitled to represent a state agency in transactions, transactions with the state through the administrative agency concerned, or concluding, as a person entitled to represent a local government agency in transactions, transactions with a local government through the administrative agency concerned;

3) concluding, as a representative of the state or a local government, property transactions with legal persons specified in subsection 19 (2) of the Anti-corruption Act;

4) concluding, as a representative of the state or a local government, property transactions with a non-profit association or political party of which he or she is a member;

5) concluding, as a representative of the state or a local government, property transactions with an employer, company, non-profit association or political party, over the activities of which he or she exercises supervision;

6) concluding, as a representative of the state or a local government, property transactions with his or her close relatives, close relatives by marriage or himself or herself.

(2) Transactions concluded in violation of the prohibitions provided for in subsection (1) of this section are void.”;

9) clause 84 3) is amended by adding the words “or ethic standards set for officials” after the words “moral standards”;

10) Annex 1 is added to the Act worded as follows:

Annex 1 to Public Service Act

Public Service Code of Ethics

1. An official is a citizen in the service of people.
2. The activities of an official shall be based on respect for the Constitution of the Republic of Estonia provided for in the oath of office.
3. An official shall adhere, in his or her activities, to the legally expressed will of politicians who have received a mandate from the citizens.
4. Public authority shall be exercised solely in the public interest.
5. Public authority shall always be exercised pursuant to law.
6. The exercise of public authority shall always involve liability.
7. The exercise of public authority is, as a rule, a public activity.
8. An official shall be prepared to make unpopular decisions in the public interest.
9. A person exercising public authority shall endeavour to achieve as broad participation of citizens in the exercise of authority as possible.
10. An official shall always, in his or her activities, subject departmental interests to public interest.
11. An official shall be politically impartial in his or her activities.
12. An official shall make decisions based on public and generally understandable criteria.

13. An official shall avoid creating a situation which arouses or may arouse suspicion with regard to his or her impartiality or objectivity in considering matters under suspicion.

14. An official shall treat property entrusted to him or her economically, expediently and prudently.

15. An official shall use information which becomes known to him or her through official duties solely in the public interest.

16. A person exercising public authority is characterised by honesty and respect for the public and co-employees.

17. An official shall be polite and helpful when communicating with people.

18. An official shall be respectable, responsible and conscientious.

19. An official shall do his or her best in the public service by constant individual development.

20. An official shall facilitate the spread of the above principles in every way.”

§ 30. The Criminal Code (RT 1992, 20, 288; RT I 1997, 21/22, 353; 28, 423; 30, 472; 34, 535; 51, 824; 52, 833 and 834; 81, 1361; 86, 1461; 87, 1466-1468; 1998, 2, 42; 4, 62; 17, 265; 23, 321; 30, 412; 36/37, 552 and 553; 51, 756 and 759; 59, 941; 98/99, 1576; 107, 1766; 108/109, 1783; 1999, 4, 53) is amended as follows:

1) subsection 27 (1) is amended by adding the words “or employment in the public service” after the words “operation in the particular area of activity”, and the word “three” is substituted by the word “five”;

2) section 162<sup>1</sup> is added to the Code worded as follows:

«§ 162<sup>1</sup>. Violation of restrictions on employment and activities, or procedural restrictions established by Anti-corruption Act

Violation of restrictions on employment and activities, or procedural restrictions established by the Anti-corruption Act is punishable by up to two years’ imprisonment together with deprivation the right of employment in the particular office or operation in a particular area of activity or employment in the public service if:

1) a significant proprietary damage or other serious consequence to the rights or interests of a person, the state or a local government protected by law has been caused thereby, or if

2) an administrative punishment has been imposed on the offender for the same act.”;

3) section 162<sup>2</sup> is added to the Code worded as follows:

«§ 162<sup>2</sup>. Failure to give notification of relationship involving risk of corruption

Failure to give notification of a relationship involving the risk of corruption is punishable by a fine or up to one year imprisonment together with deprivation of the right of employment in the particular office or operation in the particular area of activity or employment in the public service if:

1) a significant proprietary damage or other serious consequence to the rights or interests of a person, the state or a local government protected by law has been caused thereby, or if

2) administrative penalty has been imposed to the person at fault for the same act.”;

4) section 162<sup>3</sup> is added to the Code worded as follows:

«§ 162<sup>3</sup>. Failure to perform duties related to collection, depositing or verification of declarations of economic interests

Failure to perform or unsatisfactory performance of the duties of collection, depositing or verification of declarations of economic interests by the head of an agency or another person responsible for the collection, depositing or verification of declarations of economic interests shall be punished by imprisonment for up to two years together with taking away the right of employment in the particular office or operation in the particular area of activity or employment in the public service if a significant proprietary damage or other serious consequence to the rights or interests of a person, the state or a local government protected by law has been caused thereby.”;

5) the title of § 164<sup>2</sup> and subsections 164<sup>2</sup> (2) and (3) the word “corruption” is substituted by the words “an act of corruption”;

6) subsection 164<sup>2</sup> (1) is amended and worded as follows:

«(1) For the purposes of this Act, an act of corruption is the making of undue or unlawful decisions or performance of such acts, or failure to make reasoned and lawful decisions or perform such acts by an official through the use of his or her official position for receiving income derived from corrupt practices or other self-serving purposes.”;

7) section 164<sup>3</sup> is amended and worded as follows:

«§ 164<sup>3</sup>. Failure to submit declaration of economic interests subject to disclosure, or presentation of false information therein

(1) Failure to submit a declaration of economic interests subject to disclosure in accordance with the requirements during the term, or presentation of incomplete or false information therein shall be punished by a fine or detention.

(2) The same act shall be punished by a fine or imprisonment for up to one year together with taking away the right of employment in the particular office or



operation in the particular area of activity or employment in the public service if a significant proprietary damage or other serious consequence to the rights or interests of a person, the state or a local government protected by law has been caused thereby.”;

8) section 164<sup>4</sup> is added to the Code worded as follows:

«§ 164<sup>4</sup>. Failure to submit declaration of economic interests not subject to disclosure, or presentation of false information therein

Failure to submit a declaration of economic interests not subject to disclosure in accordance with the requirements during the term or presentation of incomplete or false information therein shall be punished by a fine or imprisonment for up to one year together with taking away the right of employment in the particular office or operation in the particular area of activity or employment in the public service if

1) a significant proprietary damage or other serious consequence to the rights or interests of a person, the state or a local government protected by law has been caused thereby, or if

2) administrative penalty has been imposed to the person at fault for the same act.”;

9) section 164<sup>5</sup> is added to the Code worded as follows:

«§ 164<sup>5</sup>. Submission of false information to person or agency or committee which verifies declarations of economic interests

(1) The submission of incomplete or false information or failure to submit information in good time to a person or agency or the committee set out in the Anti-corruption Act which exercises lawful supervision over declarations of economic interests shall be punished by detention or imprisonment for up to six months.

(2) The same act shall be punished by imprisonment between six months and two years together with taking away the right of employment in the particular office or operation in the particular area of activity if a significant proprietary damage or other serious consequence to the rights or interests of a person, the state or a local government protected by law has been caused thereby.”;

10) section 164<sup>6</sup> is added to the Code worded as follows:

«§ 164<sup>6</sup>. Influence peddling

The acceptance of remuneration by an official who promises to influence another official to make a decision favourable to the person who gives the remuneration shall be punished by imprisonment for up to two years.”;

11) section 166<sup>3</sup> is added to the Code worded as follows:

«§ 166<sup>3</sup>. Unlawful acceptance of remuneration by official

The acceptance of a more than adequate remuneration determined by an Act or other legislation for the provision of services or making of decisions by an official, or acceptance of remuneration for services without charge shall be punished by imprisonment for up to two years together with taking away the right of employment in the particular office or operation in the particular area of activity if

1) a significant proprietary damage or other serious consequence to the rights or interests of a person, the state or a local government protected by law has been caused thereby, or if

2) administrative penalty has been imposed to the person at fault for the same act.”;

#### § 31. Amendment of Credit Institutions Act

Section 46 of the Credit Institutions Act (RT I 1995, 4, 36; 1998, 59, 941; 110, 1811; 111, 1828) is amended by adding subsection 4<sup>1</sup> worded as follows:

«(4<sup>1</sup>) On the basis of a written application of the depository or person who verifies declarations of economic interests, or an official authorised therefor by him or her pursuant to the Anti-corruption Act, a credit institution is required to release information which is deposited in the credit institution, including information subject to banking secrecy which is necessary for the verification of declarations of economic interests, without charge.”

§ 32. The Code of Administrative Offences (RT 1992, 29, 396; RT I 1997, 66-68, 1109; 73, 1201; 81, 1361 and 1362; 86, 1459 and 1461; 87, 1466 and 1467; 93, 1561, 1563-1565; 1998, 2, 42; 17, 265; 23, 321; 30, 410; 34, 484; 36/37, 552 and 553; 38, 562; 51, 756 and 759; 52/53, 771; 60, 951 and 952; 64/65, 1004; 86/87, 1409; 98/99, 1574; 103, 1695; 108/109, 1783; 1999, 4, 53) is amended as follows:

1) Chapter 12<sup>1</sup> is added to the Code worded as follows:

“Chapter 12<sup>1</sup>

#### Administrative Offences Related to Office

§ 158<sup>1</sup>. Violation of restrictions on employment and activities or procedural restrictions

A fine of 50 to 100 days' wages shall be imposed for the violation of restrictions on employment and activities or procedural restrictions established by the Anti-corruption Act if no significant proprietary damage or other serious consequence to the rights or interests of a person, the state or a local government protected by law has been caused thereby.

§ 158<sup>2</sup>. Failure to give notification of relationship involving risk of corruption

A fine of 50 to 100 days' wages or administrative detention shall be imposed for the failure to give notification of a relationship involving the risk of corruption if no significant financial loss has been caused thereby.

§ 158<sup>3</sup>. Failure to submit declaration of economic interests not subject to disclosure during term, or presentation of false information therein

A fine of 50 to 100 days' wages shall be imposed for the failure to submit a declaration of economic interests not subject to disclosure during the term or presentation of incomplete or false information therein if no significant proprietary damage or other serious consequence to the rights or interests of a person, the state or a local government protected by law has been caused thereby.

§ 158<sup>4</sup>. Failure to perform duties related to collection, depositing or verification of declarations of economic interests

A fine of 100 to 200 days' wages or administrative detention shall be imposed for the failure to perform or the unsatisfactory performance of the duties of the collection, depositing or verification of declarations of economic interests by the head of an agency or another person responsible for the collection, depositing or verification of declarations of economic interests.

§ 158<sup>5</sup>. Unlawful disclosure of content of declaration of economic interests

A fine of 100 to 200 days' wages or administrative detention shall be imposed for the unlawful disclosure of information contained in a declaration of economic interests.

§ 158<sup>6</sup>. Unlawful acceptance of remuneration by official

A fine of 50 to 200 days' wages shall be imposed for the acceptance of a more than adequate remuneration determined by an Act or other legislation for the provision of services by an official, or acceptance of remuneration for services without charge.”;

2) subsection 186 (1) of the Code is amended by adding the numbers “158<sup>1</sup>, 158<sup>2</sup>, 158<sup>3</sup>, 158<sup>4</sup>, 158<sup>5</sup>, 158<sup>6</sup>,” after the numbers “154 (1)”;

3) clause 228 (1) 1) of the Code is amended by adding the numbers “158<sup>1</sup>, 158<sup>2</sup>, 158<sup>3</sup>, 158<sup>4</sup>, 158<sup>5</sup>, 158<sup>6</sup>” after the numbers “154 (1)”.

§ 33. Implementation of Act

Transactions concluded in violation of clauses 24 (2) 1), 4) and 7) of this Act as of 16 November 1988 are void.

§ 34. Repeal of Anti-corruption Act

Upon entry into force of this Act, the Anti-corruption Act (RT I 1995, 14, 170; 68, 1142; 1998, 41/42, 625) is repealed.

Annex 1 to Anti-corruption Act

Declaration of Economic Interests of Official

No. ....

I. General Information

1. Given name and surname .....
2. Personal identification code .....
3. Office .....
4. Agency (employer) .....
5. Salary grade and salary .....

Comments:

1. Salary grade shall be indicated by officials who have a salary grade.
2. Salary for office shall be declared.
3. Additional remuneration paid by the agency in addition to salary shall also be indicated.
4. Lack of salary shall be indicated if salary is not received.

Pursuant to § 7 of the Anti-corruption Act, I declare that I own property, discharge obligations and have sources of income as set out below. I am aware that failure to submit information by the due date, incomplete submission of information or submission of knowingly false information brings about liability pursuant to the procedure provided by law.

II. Information concerning Property

6. Immovable property (including structures and parts thereof until entry in the land register; unfinished constructions shall also be declared; in the case of property in joint or common ownership, the official's share therein shall be indicated):

.....

(use) (county, rural municipality, city of location) (land registry jurisdiction)  
(registered immovable property number)

7. Automobiles, water craft and aircraft entered in a register:

.....

(type of vehicle) (make) (year of production)

8. Shares and other securities:

.....

(issuer) (class) (amount) (nominal value) (total value)

9. Bank accounts (bank, type of account and number of accounts): .....

.....

(bank) (type of account)

### III .Information concerning Proprietary Obligations

10. Debts to banks and other persons in private law, if the amount of debt exceeds the preceding six months' salary or 50 000 kroons, if salary is not paid in the office:

.....

(creditor) (outstanding debt at time of declaration)

11. Other proprietary obligations the amount of which at the time of declaration exceeds the preceding six months' salary or 50 000 kroons, if salary is not paid in the office (leasings, contracts of suretyship, mortgages, etc.):

.....

### IV. Information concerning Other Income

12. Other regular income (salary and additional remuneration in principal job if the official does not receive a salary for the office, and the amount thereof; compensations, including remuneration received from supervisory boards, as well as the supervisory boards shall be specified and the amount of remuneration; interest; pensions; remuneration received from employment, research and education; royalties; other income or sources of income together with the type of income):

.....

### V. Information concerning Taxable Income and Dividend Income

13. Taxable income (shall be completed on the basis of a natural person income tax return of the preceding year submitted to the Tax Board; if spouses submitted a joint income tax return, the part of the official shall be indicated separately).....

14. Dividend income (shall be completed on the basis of a natural person income tax return of the preceding year submitted to the Tax Board): .....

### VI. Information concerning Spouse, Parents and Children

(Only adults shall be indicated in the declaration)

Given name and surname	Relationship	Personal identification	Place of service or employment and	Residence and address
------------------------	--------------	-------------------------	------------------------------------	-----------------------

		code or date of birth	agency (employer)	
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

Date of completion of declaration ...../...../...../

I confirm that the information provided is correct ..... (signature)

(14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145)

<sup>1</sup> RT = *Riigi Teataja* = *State Gazette*

<sup>2</sup> Riigikogu = the parliament of Estonia

<sup>3</sup> RTL = *Riigi Teataja Lisa* = *Appendix to the State Gazette*