

LAW OF MONGOLIA

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Ulaanbaatar

ON THE REGULATION OF PUBLIC AND PRIVATE INTERESTS AND PREVENTION OF CONFLICT OF INTEREST IN PUBLIC SERVICE

CHAPTER ONE GENERAL

Article 1. Purpose of the Law

1.1. The purpose of this Law is to ensure transparency and credibility of the civil service by way of strengthening the alignment of public service activities with public interest through prevention and resolution of conflicts between private interests and official duties of a public official.

Article 2. Legislation on the regulation of public and private interests and prevention of conflict of interest in public service

2.1. The legislation on the regulation of public and private interests and prevention of conflict of interest in public service shall consist of the Civil Service Law¹, Law Against Corruption², General Administrative Law this law and other legislative acts issued in compliance with this law and for the purpose of implementing the fundamental principles of the activities of the State as laid out in Article 1, Paragraph 1 of the Constitution of Mongolia³.

2.2. In the case the International Treaty of Mongolia stipulates otherwise than this law, the provisions of the International Treaty shall prevail.

Article 3. Definitions

3.1. The following definitions apply in this law:

3.1.1. "public interest " means public trust that a public official will discharge his/her duties mandated by the Constitution and other laws of Mongolia in a fair and unbiased manner, free of conflict of interest.

3.1.2. "private interest " means economic or non-economic interest of a public official or his/her related person that may influence the performance of official duties by the said public official;

¹ Civil Service Law, published in "State Information Bulletin", Vol. 28, 2002.

² Law Against Corruption, published in "State Information Bulletin", Vol. 35, 2006.

³ The Constitution of Mongolia, published in "State Information Bulletin", Vol. 1, 1992.

3.1.3."conflict of interest" means a situation where a private interest of a public official contradicts public interest in his/her official capacity and may negatively affect a fair and unbiased discharge of his/her official duties;

3.1.4."an official" means persons referred to in Article 4.1 of this law;

3.1.5."related person" means a public official's father, mother, siblings, family members, cohabitant, his/her spouse's father and mother and siblings, partner and/or other persons sharing common interests;

3.1.6."common interest person" means a natural and/or legal person associated with a public official through for-profit activities; "нэгдмэл сонирхолтой этгээд"

3.1.7."for-profit activity" means activities conducted by a company, partnership, sole proprietorship and any such business, trade, credit and finance entity;

3.1.8."donation" means a transfer of a source of finance or property or extension of a service to a public official for a specific purpose and without charge or at a discount larger than the discount publicly offered;

3.1.9."gift" means giving of property, transfer of a service or an entitlement, exemption from a duty, ceding of an entitlement for the benefit of a person related to the public official and other forms of financial gain received by a public official free of charge;

3.1.10."creative product" means a work of journalism, literature or art that yield royalties or income.

3.1.11. "a situation suggesting a conflict of interest" means conducting activity relating to person suggesting conflict of interest from the regard of general public such as a person who studied/is studying with the public official in the same class as well as a person who has the same membership with public official in association, foundation, organization of collective decision making or a person who was born and raised in the same place.

Article 4. Persons subject to this Law

4.1. This Law applies to officials stated in Article 4 of the Anti-Corruption Law.

Article 5. Scope of the Law

5.1. This Law defines the grounds for prohibitions, restrictions and ethical standards for the activities of a public official (an official hereinafter), conflict of interest prevention measures and conflict of interest disclosure and verification procedures, and establishes the degree of accountability for those in breach of the legislation on the prevention and regulation of conflicts between private and public interests in the public service.

Article 6. Rules of conduct

6.1. An official shall uphold the principle of rule of law, discharge his/her official duties in a credible, unbiased, fair and responsible manner and abide by professional ethics.

6.2. An official shall take responsibility in discharging his/her duties mandated by law.

6.3. An official shall not use his/her public office for own personal gain or personal gain of a related person and shall avoid relationships that may influence his/her official duties.

6.4. An official shall endure the proposition and/or behaviour of natural and legal persons that express private interest and are in contradiction with the official's public duties, and shall uphold public interest over and above private and/or special interest in the performance of his/her official duties.

6.5. An official shall prevent from being involved in conflict of interest situation by reporting on such circumstances and refusing from it.

CHAPTER TWO

PREVENTION OF CONFLICT OF INTEREST

Article 7. Common rules for public bodies in the prevention of conflict of interest

7.1. A public body shall be prohibited from sharing its premises with an economic entity other than an economic entity providing services to the said public body.

7.2. The management of a public body shall be obligated to take the following measures for prevention of conflict of interest:

7.2.1. establish and enforce a code of ethics on prevention of conflict of interest;

7.2.2. receive, register and verify private interest declarations and statements on non-existence of private interest in accordance with an established procedure;

7.2.3. establish a procedure for receiving reports on conflict of interest, verify the reports and the statements and enforce accountability;

7.2.4. **not permit** a public official who is in conflict of interest or may be in conflict of interest, from performing his/her official duties;

7.2.5. provide a written guidance on the prevention and resolution of conflict of interest to the official who is or may be in conflict of interest;

7.2.6. if this law and rules adopted by the Government permit, exercise the discretion to make a decision on whether an official employed by the organization, may hold concurrent positions.

7.3. If an examination referred to in clauses 7.2.2, 7.2.3-т of this law reveals a violation of the nature of corruption, the case shall be turned over to the Independent Authority Against Corruption for investigation.

Article 8. Declaration and explanation of a conflict of interest

8.1. In line with the procedure set out in clause 23.8 of this law, an official shall declare non-existence of a conflict of interest for each prior to issuing an administrative decision, performing the functions of supervision, audit and inquiry, taking punitive measures and participating in the preparation, negotiation and approval of contracts.

8.2. An official shall abstain from performing his/her official duties in a situation where a conflict of interest arises or may arise with regard to his/her official position, and shall file a written declaration to this effect to the relevant competent body or official.

8.3. Other persons who are knowledgeable of a conflict-of-interest situation may report it to the relevant competent body or official.

8.4. A competent body or official in receipt of a report or declaration of a conflict of interest, shall immediately issue a written decision on as to whether the official duties in question are to be performed by another official.

8.5. An official may be allowed to perform his/her official duties in the following circumstances:

8.5.1. an organizational unit or an administrative and territorial unit does not have another officer to perform the duties in question, or a body of higher instance is not in a position to appoint a replacement officer;

8.5.2. the duties in question require highly specialized knowledge and skills and only the officer who has declared conflict of interest can meet these requirements.

8.6. If a situation arises suggesting a conflict of interest, the official concerned shall file a written explanation of the circumstances with the relevant competent body or official.

8.7. Based on the official's explanation and statement on non-existence of a conflict of interest as well as his/her private interest declaration, the relevant competent body or official shall issue a decision in accordance with clause 8.4 of this law and an absence of such a decision shall mean a confirmation of the non-existence of a conflict of interest.

8.8. An official's statement of non-existence of a conflict of interest referred to in clause 8.1 of this law and his/her explanation referred to in clause 8.6 of this law shall be open to the public.

Article 9. Reporting a situation affecting impartiality of an official

9.1. An official shall have the obligation to inform immediately his/her senior officer or a relevant competent body of any pressure or improper influence he/she has been exposed to while discharging his or her official duties, and the Independent Authority Against Corruption if the offence is punishable by law.

9.2. An official who has been offered a gift, service or any other advantage in his/her official capacity, shall:

- 9.2.1. reject such an offer;
- 9.2.2. determine the identity of the person making the offer;
- 9.2.3. if a gift cannot be returned due to specific circumstances, keep the gift and report it immediately to his/her senior officer or a relevant competent body;
- 9.2.4. if possible, list the witnesses of the event;
- 9.2.5. within reasonable time, submit a written report on the event to his/her senior officer or a relevant competent body;
- 9.2.6. if a punishable offence has been involved, report it to the relevant competent body or official.

CHAPTER THREE PROHIBITIONS AND RESTRICTIONS FOR PUBLIC OFFICIALS

Article 10. Prohibition related to the use of official information

10.1. An official shall be prohibited from disclosing unlawfully and/or using for purposes not related to the performance of the duties of office, the information he/she has acquired in his/her official capacity.

Article 10¹. Prohibitions and restrictions on holding bank account, owning movable or immovable asset or establishing legal entity in offshore region

10¹.1. the official or his/her related person subject to issuing declarations on private interest and asset and income is prohibited from opening bank account on his/her name, depositing monetary assets, owning movable or immovable asset or founding legal entity by merging in offshore region during his/her tenure.

10¹.2. if the candidate or his/her related person for public position which is appointed or elected according to requirements stipulated by the law opened bank account on his/her name, deposited monetary asset, owned movable or immovable asset, founded legal entity by merging in offshore region shall inform the pertinent authority in advance.

10¹.3. the foreign country, its territory subject to offshore region shall be determined by the Government based on proposal by the Central Bank of Mongolia and state administrative central body in charge of financial affairs taking into account a list issued by the international economic, banking and financial institute.

10¹.4. in case the candidate stipulated in provision 10¹.2 of this law elected or appointed, if the official or his/her related person opened bank account, deposited monetary asset, owned movable or immovable asset or founded legal entity by merging he/she shall take the following measures within 3 months and declare changes and incomes made in ownership status within 30 days to the Independent Authority Against Corruption:

- 10¹.4.1. close the opened bank account;
- 10¹.4.2. withdraw monetary asset deposited in the bank;
- 10¹.4.3. transfer, sell or withdraw entitlement to the movable or immovable asset;
- 10¹.4.4. cease the operation, sell, transfer or end entitlement to use, possess or dispose if founded legal entity by merging.

10¹.5. the provision 10¹.1 of this law shall not apply if the official and his/her related person opened bank account, deposited monetary asset, owned the movable or immovable asset during study, work, medical treatment or exercise of the official duty in foreign country, and its territory subject to the offshore region. If opened bank account, deposited monetary asset, owned movable or immovable asset in foreign country and its territory subject to offshore region in order to study, receive medical treatment other than exercising official duty obligated by the law, the official or the related person shall inform the Independent Authority Against Corruption in written form.

10¹.6. the fulfilment of duty stipulated in provisions 10¹.2, 10¹.4 of this law shall not be considered as bases for occurrence of conflict of interest or situation suggesting the conflict of interest.

10^{1.7}. the violation of provisions 10^{1.1}, 10^{1.2}, 10^{1.4}, 10^{1.5} of this law shall be considered as a basis for withdrawing the official from his/her public post.

Article 11. Prohibitions and restrictions related to the discharge of official duties

11.1. An official shall be prohibited from issuing administrative decision, perform functions of supervision, audit and inquiry, take punitive measures and participate in the preparation, negotiation and approval of contracts with regard to a common interest person for two years after the termination of for-profit activities established with this person.

11.2. An official shall be prohibited from issuing administrative decision, perform functions of supervision, audit and inquiry, take punitive measures and participate in the preparation, negotiation and approval of contracts with regard to a common interest person for two years after the termination of for profit activities established with this person.

11.3. A public official, who prior to his/her election or appointment to a public office, had served as a member of the governing, executive or audit body of an economic entity, may not issue administrative decisions in relation to the activities of this economic entity for two years after his/her entry upon duty in the public office and/or the termination of any relationship governed by civil law with this economic entity

11.4. The restriction on the issuance of administrative decisions specified in clause 11.3 of this law shall not apply to public officials who have served as members of the governing, executive or audit bodies of economic entities where the central and/or local government holds prevailing shares of the equity capital.

Article 12. Prohibition on Influencing Decision-Making

12.1. A public official shall be prohibited from issuing administrative decisions and performing supervision, control, inquiry or punitive functions suiting his/her private interests or those of his/her related persons, and/or influencing in any manner, using his/her official position, the preparation of such actions.

Article 13. Restriction Related to Advertising

13.1. An official is prohibited from using the authority of the public office or his/her position in any kind of advertising except in cases where such is warranted by his/her official duties.

13.2. The restriction specified in clause 13.1 of this law does not apply to the participation of a member of the State Great Hural or Government in the promotion of public benefit activities.

Article 14. Restrictions Related to the Right of Representation

14.1. An official shall be prohibited from representing public service before his/her own private interest.

14.2. An official shall be prohibited from representing before other parties an individual, organization or an economic entity with which he/she is directly or indirectly associated in his/her official capacity.

14.3. An official shall be prohibited from representing a public office before an individual, organization or an economic entity in following circumstances:

14.3.1. if any of the aforementioned entities is related to him/her;

14.3.2. if he/she or his/her related persons derive any type of income from any of the aforementioned entities;

14.3.3. if he/she or his/her related person is a member of the governing, auditing or executive body of the aforementioned organization or economic entity.

Article 15. Restriction on Receiving Payments

15.1. An official shall be prohibited from accepting any payment for the performance of his/her official duties.

15.2. If payment is decreed by law, the Government or a local government authority, an official shall be prohibited from accepting supplementary payment.

Article 16. Restrictions on Accepting Gifts

16.1. An official shall be prohibited from directly or indirectly accepting gifts in the performance of his/her official duties.

16.2. The restriction set forth in clause 16.1 of this law, shall not apply to gifts accepted by an official not in his/her official capacity or gifts accepted pursuant to diplomatic protocol in the performance of his/her official duties.

16.3. The procedure of accepting, reporting and disposing a diplomatic gift by an official shall be established by the Government.

16.4. An official shall have an obligation to report within 30 days in writing to the competent official the cases where the value of a one-off gift or service received from persons other than his/her family members or relatives exceeds the equivalent of his/her monthly salary or where the value of gifts or services received from a single source in the course of one year exceeds the equivalent of his/her three monthly salaries.

16.5. If the value of a gift or service received by an official is in excess of his/her six monthly salaries, the items shall become the property of the State.

16.6. The official may redeem such a gift or service by way of paying the difference in excess of his/her six monthly salaries.

16.7. A gift shall not be considered external to an official's public office if in relation to the donor the said official has discharged his/her official duties such as issuance of an administrative decisions, performance of supervision, audit, inquiry and/or punitive functions or contract approval in a period of two years prior to the receipt of the gift.

16.8. If an official has accepted a gift from the person referred to in clause 16.4 of this law, he/she shall not discharge official duties such as issuance of administrative decisions, performance of supervision, audit, inquiry and/or punitive functions or contract approval in relation to the said person for a period of two years.

16.9. A public official while acting as a representative of the holder of the State or local government capital share in a capital company and for two years after the completion of this assignment may not accept any gifts from such a company and/or members of its governing or executive bodies.

16.10. The Government shall determine the procedures whereby the gifts accepted by an official and turned over to State property, shall be evaluated, stored and utilized.

16.11. Benefits that are expressed in monetary terms shall be managed in accordance with the procedures referred to in clauses 16.11.10 of this law.

Article 17. Restrictions on Acceptance of Donations

17.1. Officials, central, local administrative and local self-governed public bodies shall be prohibited from accepting or soliciting from natural or legal persons gifts or other financial aid for public needs.

17.2. Officials, central or local administrative and local self-governed public bodies may accept donations and other financial aid for public needs such as improvement of staff training, work organization or technical support that do not entail conflict of interest for officials concerned and are not subject to the restriction specified in clause 17.1 of this law, from a third party that is independent of any relationship to the official capacity of the said officials, central or local public bodies.

17.3. An official shall obtain permission from his/her senior management or relevant competent body before accepting a donation or financial aid.

17.4. An official, central or local administrative and local self-governed public body shall be prohibited from passing any decision in relation to the donor for a period of two years following the receipt of the donation or financial aid specified in clause 17.2 of this law, they

17.5. An official shall be prohibited from soliciting or accepting donations or participating in the collection of donations directly or through the intermediation of other persons in the following circumstances:

17.5.1. for personal needs or the needs of related persons except where it is necessary for the treatment of a serious health condition;

17.5.2. for the needs of a natural or legal person with whom the official or his/her related person is in a profit-sharing relationship;

17.5.3. for the needs of a legal person where the official's related person is a member of the governing, auditing or executive body.

Article 18. Restrictions on Holding Concurrent Offices

18.1. A public official may not hold concurrently any employment or office other than those allowed by this law.

18.2. A member of the State Great Hural or Government of Mongolia may concurrently have or hold the following occupations or offices:

18.2.1. offices allowed by law and/or international treaties;

18.2.2. offices directed at public benefit activities;

18.2.3. occupations of a teacher, researcher or creative work;

18.2.4. if allowed by law, other offices in the State Great Hural or the Government;

18.2.5. if allowed by law, offices in international organizations.

18.3. Members of the Constitutional Court, judges of all levels, prosecutors, investigative officers are prohibited from holding concurrent offices or occupations unless sectoral laws specify otherwise.

18.4. An armed forces official may perform work or exercise authority under a labour or work-performance contract concluded on the basis of a written permission by a senior official.

18.5. Officials other than those referred to in clauses 18.2, 18.3, 18.4 of this law may concurrently hold/perform the following:

18.5.1. offices allowed by law, international treaties and Government regulations;

18.5.2. work of a teacher, researcher and creative work;

18.5.3. other offices, contractual work and obligations if these do not result in conflict of interest and are permitted in writing by senior officials or relevant competent bodies.

18.6. An official who is registered with the Tax Authority as a sole proprietor and whose annual income does not exceed 80 times of minimum monthly salary, or engages in vegetable farming for household consumption or derives income from forestry, bee keeping, fishery, animal farming and tourism or other training may combine his/her official duties with these economic activities.

18.7. Where a member of the State Great Hural concurrently serves as a Cabinet member, he/she may not be part of an inquiry working group formed by the State Great Hural and may not initiate or propose the establishment of such a working group.

Article 19. Procedures for Compliance with Restrictions on Concurrent Offices

19.1. An official who is holding an office, executing contract, obligation or exercising authority barred by law at the time of his/her entry upon public duty, shall inform his/her senior officer of this situation in writing.

19.2. The senior officer who is in receipt of the report referred to in clause of 19.1 of this law, shall, based on the requirements of the workplace, provide the concerned official with a written directive on the termination within 30 days of the office, employment, obligation, contract or authorization which shall be prohibited to be held concurrently with public office.

Article 20. Prohibitions Related to Economic Activities

20.1. Unless otherwise stated in law an official shall be prohibited from engaging in the activities of an economic entity or serving on the management of economic entities other than those specified in clause 18.6 of this law.

20.2. President of Mongolia, members of the State Great Hural, Prime Minister, Ministers, members of the Constitutional Court, the President of the Supreme Court, judges of the Supreme Court, Prosecutor General, head of organization responsible for directly reporting its activities to State Great Hural, governors of Aimag and capital city, head of Presidium of Citizens' Representative Hural of Aimag and capital city, secretary of ministries, head of government agencies, person who is/was a director of government owned companies or international organizations and related persons of these public officials shall not be shareholders, stockholders or partners of economic entities or sole proprietors that are recipients of the central and/or local government procurement orders, State financial Resources or State-guaranteed credits, except the cases where these have been granted as a result of open competition.

20.3. Officials and their related persons specified in clause 20.2 of this law shall comply with the provision of the same clause also for two years after the said officials have ceased to perform the duties of their public offices.

20.4. Officials serving on the governing, control or executive body of a company with central and/or local government ownership shall not obtain income from vendors executing central or local government procurement orders for the said company.

20.5. An official shall not be, for two years after he/she has ceased to perform public duty, a shareholder, stockholder or a partner in an economic entity in respect of which he/she had, while in public office, taken decisions on government procurement, allocation of central and/or local government resources and performed supervision, control or punitive functions.

Article 21. Restrictions on Employment After Public Office

21.1. An official shall not, for two years after his/her separation from public office, undertake the following actions fraught with conflict of interest:

21.1.1. take up employment with an economic entity or organization in relation to which he/she had performed his/her official duties;

21.1.2. conclude agreement or contract with his/her former employer or seek a license issued by the former employer;

21.1.3. represent any individual or a legal entity before his/her former employer.

21.2. The restriction specified in clause 21.1.2 of this law shall not apply to an agreement, contract that had been concluded or extended prior to the official's election or appointment to public office, as well as to an agreement, contract that has been awarded through public tender or that has a value with an annual income less than the amount equal to 50 times of minimum monthly salary.

21.3. An official shall be prohibited from entering into official relations with the entities specified in clause 21.1 of this law.

21.4. An official shall be obligated to immediately inform a competent official of the violations of the restrictions specified in clause 21.1 of this law.

Article 22. Other Restrictions Related to Outside Earned Income

22.1. In addition to the income earned for his/her official duties, an official may obtain bonuses from office, work or contract that are not prohibited by this law or other laws, as well as income from economic activities that are not prohibited by this law and other laws.

22.2. A member of the State Great Hural who performs duties of a Cabinet member shall receive the salary of a Cabinet member.

22.3. An official while serving as a representative of the holder of the central or local government capital share in an economic entity, as well as for two years after the termination of this service is prohibited from:

22.3.1. receiving, directly or through a third party intermediation, any kind of financial benefit, including financial resources, not related to the performance of his/her official duties;

22.3.2. accepting gifts from the said central or local government owned economic entity or a member of its governing or executive body;

22.3.3. acquiring capital shares, stocks or property of such an economic entity;

22.3.4. holding other offices in related state owned legal entity.

CHAPTER FOUR PRIVATE INTEREST DECLARATION

Article 23. Filing a Private Interest Declaration

23.1. Officials of public service and persons nominated for offices (hereafter referred to as declarer) specified in clause 4.1 of this law shall file private interest declarations; and if deemed necessary, the Legal Standing Committee of the State Great Hural shall approve the list of officials to submit private interest declaration, based on the proposal of the Independent Authority Against Corruption.

23.2. Persons specified in clause 23.1 of this law shall have a duty to provide a truthful and accurate declaration of private interests.

23.3. An official shall furnish his/her private interest declaration within 30 days after the election or appointment to public office and henceforth update his/her private interest declaration and submit it every 15th day of February throughout the duration of his/her public office to the organization and/or official specified in Article 24 of this law.

23.4. Submission by an official of his/her private interest declaration past the date specified in clause 23.3 of this law without reasonable excuse shall be considered a failure to file the declaration.

23.5. The organization or official vested with the power of appointment shall receive the preliminary private interest declaration of the nominee for public office and deliver it to the the Independent Authority Against Corruption.

23.6. The Independent Authority Against Corruption shall examine the preliminary private interest declaration of the candidate for a public office within 10 working days and advise the competent organization or official concerned of the probability of conflict of interest in the case of the candidate.

23.7. if the contingency of an apparent conflict of interest was detected in exercising official duty by the candidate for public service he/she shall report in detail on such situation in statement on contingency of an apparent conflict of interest subject to submission to the Independent Authority Against Corruption stipulated in 23.6 of this law.

23.8. The Legal Standing Committee of the State Great Hural shall approve the forms for declaration of private interest and statement of non-existence of conflict of interest, as well as procedures for their registration, verification and keeping.

23.9. in case of provision 23.7 of this law, the candidate for the public service shall issue assurance on adhering Article 8 of this law and the issue whether to appoint him/her shall be decided by the authority or official who is authorized to appoint that official.

23.10. The Independent Authority Against Corruption shall adopt the form of the assurance stipulated in provision 23.9 of this law.

Article 24. Registration and Keeping of Private Interest Declaration

24.1. Private interest declarations shall be registered within specified time and kept by the following organizations or officials:

24.1.1. private interest declarations of the President of Mongolia, members of the State Great Hural, Prime Minister, Cabinet members as well as officials appointed by the State Great Hural, President or Cabinet by th Independent Authority Against Corruption;

24.1.2. private interest declarations of executive and administrative officers of the Independent Authority Against Corrrtuion by the Legal Standing Committee of the State Great Hural;

24.1.3. private interest declarations of members of the Constitutional Court and judges of all levels by the General Council of Courts;

24.1.4. private interest declarations of members of aimag, capital city, soum and district Hurals of Citizen Representatives by the secretariats of respective Hurals of Citizen Representatives;

24.1.5. private interest declarations of other officials, specified in clauses 24.1.2-24.1.4 by the officials who have appointed or supervise them.

24.2. Organizations, officers in charge of registering private interest declarations referred to in clauses 24.1.4–24.1.5 of this law shall deliver reports on the implementation of the private interest declaration procedure together with the name lists of the persons who have filed their declarations, to the Independent Authority Against Corruption within 14 days after the receipt of private interest declarations by the date specified in clause 23.3 of this law.

24.3. The Independent Authority Against Corruption shall report on the implementation of the legislation on private interest declaration to the Legal Standing Committee of the State Great Hural within the 15th day of April of each year.

Article 25. Disclosure of Private Interest Declarations

25.1. Private interest declarations of officials shall be open to the public.

25.2. Organizations, officials specified in clause 24.1 of this law shall have a duty to provide unhampered access by citizens to private interest declarations of public officials.

25.3. Letters, requests and questions addressed by officials to relevant organizations and officers with regard to seeking help in filling in the declaration forms and its given replies and guidelines shall be considered as privacy matters and related issues shall be dealt with in keeping with the Privacy (Personal Secrecy) Law.

Article 26. Verification of Private Interest Declarations

26.1. The Independent Authority Against Corruption shall oversee the submission and examination of private interest declarations other than those specified in clauses 24.1.2 of this law.

26.2. Private interest declarations of the members of the State Great Hural shall be examined by the Ethics Sub-committee of the State Great Hural, based on requests or complaints filed by citizens.

26.3. Private interest declarations of members of the State Great Hural of Mongolia who are concurrently holding the posts of members of the Cabinet, shall be furnished and examined by Independent Authority Against Corruption.

26.4. The Independent Authority Against Corruption may conduct examinations on the basis of requests or information received or as a planned monitoring activity.

26.5. The Independent Authority Against Corruption shall undertake the examination of private interest declarations of members of State Great Hural, if these persons failed to comply with the submission date or to ensure completeness of their reports.

26.6. Organizations, officials in charge of the registration of private interest declarations, shall have a duty to ensure that the declarations are filled in without

corrections, fully and on time, demand compliance with declaration rules and procedures, conduct inquiries within their jurisdiction in cases of breach of law and refer the cases of offences punishable by law for examination by the Independent Authority Against Corruption.

26.7. Private interest declarations referred to in clause 24.1.2 of this law shall be examined by the Legal Committee of the State Great Hural.

26.8. Person reporting his/her private interests shall have a duty to provide objective and accurate explanation on his/her private interest declaration.

CHAPTER FIVE ENFORCEMENT OF THE LAW

Article 27. Code of Ethics of the Public Service

27.1. An official shall act in conformity with the code of ethics approved and enforced in the relevant profession, sector or organization.

27.2. An official has a duty to recuse himself/herself from discharging official duties or holding concurrent offices in cases where the impartiality and neutrality of his/her actions may give rise to doubt due to ethical reasons.

Article 28. Bodies in Charge of Administering and Enforcing the Law

28.1. The following entities shall be in charge of ensuring compliance of organizations and officials with this law:

28.1.1. the Independent Authority Against Corruption will monitor the implementation of the legislation on the regulation of public and private interests and prevention of conflict of interest in public service, and the Legal Standing Committee of the Great State Hural will monitor the activities of the General Council of Courts;

28.1.2. the Independent Authority Against Corruption will monitor the activities of organizations and officials other than those specified in clause 28.1.1 of this law.

Article 29. Penalties for breach of the legislation on the regulation of public and private interests and prevention of conflict of interest in civil service

29.1. if the offence of the legislation on the regulation of public and private interests and prevention of conflict of interest in public service is not subject to criminal liability, the judge shall impose on the offender of the legislation the following administrative sanctions:

29.1.1. a fine amounting to one to five minimum monthly wages on the competent official of the organization in breach of provisions in clauses 7.3, 8.3, 19.2, 25.2, 26.6 of this law;

29.1.2. a compensatory payment of the value of illegally accepted gift or service, a fine amounting to one to five minimum monthly wages, dismissal from the public

office illegally obtained on an official in breach of the restrictions specified in Article 16, clause 22.3 of this law;

29.1.3. a fine to the amount of one to five minimum monthly wages and nullification of the agreement, contract or license in respect to an official in breach of the restrictions specified in clauses 20.2, 20.3, 20.5, 21.1 of this law;

29.1.4. a fine amounting to one to five minimum monthly wages on a relevant competent official in breach of his/her responsibility for registration and ensuring compliance with private interest declaration rules and regulations or timely submission thereof by the date specified in clause 24.2 of this law.

29.2. if a competent official in breach of the legislation on the regulation of public and private interests and prevention of conflict of interest in public service is not criminally liable, he/she shall be subject to the following disciplinary sanctions:

29.2.1. a warning if there is a justifiable excuse for a belated submission of a private interest declaration in breach of the date set forth in clause 23.3 of this law;

29.2.2. a 30 percent decrease of the monthly pay for a period up to 3 months for violation of the restrictions specified in clause 13, failure to fulfill the responsibilities specified in clauses 8.1, 8.2, 8.3, 9.1, 19.1, 21.3, 21.4 and repeated failure to comply with the submission date specified in clause 23.3 of this law for private interest declaration;

29.2.3. demotion for breach of provisions 10, 14, 17, 18, 20.1, 20.4, failure to take measures as prescribed in clause 9.2, granting of agreement, contract or license to a person subject to restrictions under clause 21.1, appointment of a person in an apparent conflict of interest, submission of false private interest declaration in violation of provision 23.7, repeatedly committing the offences specified in clause 29.2.2 of this law;

29.2.4. dismissal from public service for breach of provisions 10^{1.1}, 10^{1.2}, 10^{1.4}, 10^{1.5} and Articles 11, 12, 15, 16, failure to provide private interest declaration as per Article 23, repeatedly committing offences specified in clause 29.2.3 of this law.

29.3. Administrative sanction imposed by the court of law shall not impede the application of disciplinary action in respect to the official in question.

29.4. Officials under disciplinary actions specified in clause 29.2 of this law shall inform the entities concerned and the public of their penalization at their own expense.

29.5. The Independent Authority Against Corruption shall establish the procedure for notification by the penalized official of the entities concerned and the public at own expense.

Article 30. Entry into Force of the Law

30.1. This law shall enter into force on the 1st day of May of 2012.

Signature

