

# **Law on Corruption Prevention and Combating Bureau**

## **Chapter I General**

### **Provisions**

#### **Article 1. The Meaning of Corruption and the Purpose of this Law**

(1) For the purposes of this Law, corruption means bribery or any other action by a Government official intended to gain a benefit or advantage for him/herself or other persons by means of his/her office or authority or by overextending same.

(2) The purpose of this Law is to define the legal status and objectives of the Corruption Prevention and Combating Bureau (hereafter "the Bureau"), and to monitor compliance of political organisations (parties) and their associations with party financing regulations.

#### **Article 2. Status of the Bureau**

(1) The Bureau is an institution of the State Administration under the supervision of the Cabinet of Ministers, performing the functions defined in this Law to prevent and fight corruption and monitor compliance of political organisations (parties) and their associations with party financing regulations.

(2) The Bureau has an account at the National Treasury, its own seal bearing the enlarged image of the small Coats-of-Arms of Latvia and the full name of the Bureau.

(3) The Bureau is body of performing investigatory operations.

## **Chapter II**

### **Structure, Officials and Staff of the Bureau**

#### **Article 3. The Structure and Board of the Bureau**

(1) The Bureau is made up of the central administration and territorial branches. The territorial branches do not have the status of a legal entity.

(2) The Head of the Bureau, his/her deputies and Heads of Departments of the central administration are members of the Board. The duties of the Board are as follows:

- 1) approve the plan of operations for the performance of functions defined in this Law;
- 2) approve the structure and Founding Law of the central administration of the Bureau;

- 3) adopt a decision to establish territorial branches and define their structure and area of operations and approve their Founding Laws;
- 4) review the draft agreements between the Bureau and relevant foreign counterparts;
- 5) decide any issue within the authority of the Head of the Bureau if so requested by the Head or another member of the Board

(3) Meetings of the Board are called at the request of the Head of the Bureau or a member of the Board. The Board adopts decisions by a majority of the full Board.

#### **Article 4. Head of the Bureau**

(1) The Bureau is managed by the Head of the Bureau. He/she is appointed for a term of five years and may be dismissed by the Saeima on the recommendation of the Cabinet of Ministers.

(2) An open competition shall be announced for the position of the Head of the Bureau. Any person may be a candidate for this office, provided he/she

- 1) is a citizen of Latvian;
- 2) is fluent in Latvian and at least two other foreign languages;
- 3) is university educated and has the appropriate professional experience;
- 4) has not reached retirement age;
- 5) has no criminal record (regardless of the record having been cancelled or erased) or has been rehabilitated;
- 6) complies with the requirements of this law to receive the special permission to access State secrets;
- 7) is not and has never been a member of an illegal organisation.

(3) The Head of the Bureau:

- 1) manages operations of the Bureau;
- 2) is responsible for the performance of the functions of the Bureau;
- 3) calls and chairs meetings of the Board;
- 4) handles funds of the Bureau and is responsible for their use;
- 5) approves the staff of the Bureau in accordance with the available funding and decides on their pay in accordance with provisions of normative acts;
- 6) decides on the job descriptions, rights and obligations of the officials and staff of the central administration of the Bureau and Heads of the territorial branches;
- 7) reviews complaints received from physical and legal persons regarding actions of the officials or staff of the Bureau;
- 8) awards officials and staff of the Bureau and imposes disciplinary punishment, as the case may be;
- 9) within his/her authority, enters into agreements with relevant foreign services;
- 10) approves internal normative acts regulating operations of the Bureau;
- 11) carries out appropriate administrative, technical and organisational actions in order to maintain the confidentiality of information, prevent unauthorised access to information, and ensures that information is not changed, disclosed or destroyed;
- 12) decides on the procedure for registration, processing, storage and destruction of information received by the Bureau;

- 13) without special authorisation, represents the Bureau, issues instructions to the officials and staff of the Bureau and Heads of the territorial branches;
- 14) reports to the Cabinet of Ministers on operations of the Bureau not less than once every six months;
- 15) drafts and submits to the Cabinet of Ministers application for funding from the National Budget;

(4) In the absence of the Head of the Bureau his/her duties shall be performed by his/her deputy.

#### **Article 5. Appointing and Discharging Officials of the Bureau**

(1) Officials of the Bureau performing functions of the Bureau and carrying responsibility for same, are the Head of the Bureau, his/her deputies, Heads of Departments of the central administration and Heads of territorial branches, investigators and experts.

(2) The legal labour relations of officials of the Bureau shall be subject to normative acts regulating labour relations unless this Law provides differently.

(3) A person unable to comply with requirements provided by law to enable them to receive special permission to access State secrets, may not be an Official of the Bureau.

(4) Officials of the central administration and Heads of the territorial branches of the Bureau are appointed and may be dismissed by the Head of the Bureau.

(5) Officials of the territorial branches of the Bureau are appointed and may be dismissed by the Head of the Bureau on the recommendation of the Head of the branch.

(6) Officials of the Bureau may be dismissed in the following cases:

- 1) at their own wish;
- 2) he/she is appointed or elected to another position;
- 3) he/she has joined a political organisation (party) or an association of political organisations (parties);
- 4) he/she is unable to perform his/her duties due to reasons of health;
- 5) due to a Court sentence coming into effect;
- 6) negligence in performance of duties or actions incompatible with the status of his/her position;
- 7) is unsuitable for the position.

(7) In order to assess the reasons mentioned in sub-clauses 3, 4, 6 and 7 of Clause 6 of this Article, the Head of the Bureau shall appoint a commission as provided by the Cabinet of Ministers, headed by the Prosecutor General or a senior prosecutor duly authorised by him/her.

(8) In the event an official of the Bureau is arrested or is criminally charged, the Head of the Bureau (in the case of the Head of the Bureau, the Prosecutor General) shall suspend him/her from performing his/her duties and stop payment of salary as of the date of suspension.

(9) In the event an official of the Bureau so suspended is found guilty of a crime, salary for the period of suspension is not paid and the official shall be considered dismissed as of the date of suspension. In the event the official is acquitted, he/she shall be paid his/her salary for the duration of the suspension, unless the acquittal has another reason provided by this Law.

#### **Article 6. Hiring and Firing Staff of the Bureau**

- (1) The legal labour relations of the staff of the Bureau shall be subject to normative acts regulating labour relations, unless this Law provides differently.
- (2) Any employee of the Bureau must comply with the requirements provided by law to receive the special permission to access State secrets.
- (3) Staff of the central administration of the Bureau is hired and fired by the Head of the Bureau.
- (4) Staff of the territorial branches is hired and fired by the Head of the Bureau on recommendation of the Head of the branch.

### **Chapter III Authority of the Bureau**

#### **Article 7. Functions of the Bureau to Prevent Corruption**

(1) In order to prevent corruption, the Bureau shall perform the following functions:

- 1) develop an anti-corruption strategy and draw up a national anti-corruption programme, which is then approved by the Cabinet of Ministers;
- 2) co-ordinate co-operation among the institutions indicated in the national programme in order to ensure implementation of the programme;
- 3) monitor observance of the law "On Prevention of Conflict of Interest in Actions of State Officials" and any other additional restrictions for State officials provided in normative acts;
- 4) draw up and co-ordinate projects of financial assistance by other countries and international organisations;
- 5) review complaints and submissions within its authority and carry out checks suggested by the President of Latvia, the Saeima, the Cabinet of Ministers and the Prosecutor General;
- 6) compile and analyse results of these checks, information contained in declarations submitted by State officials, any violations found in these submissions and failure to observe the restrictions provided by law;
- 7) analyse the practice of State institutions in preventing corruption, and in cases of corruption found, submit recommendations to the relevant Ministry and the National Civil Service for the correction of discrepancies found;
- 8) develop a method for the prevention and fighting of corruption in State and municipal institutions and the private sector;
- 9) compile and analyse the experience of other countries in preventing and fighting corruption;
- 10) analyse normative acts and draft normative acts and recommend changes in these, submit recommendations for drafting new normative acts;
- 11) carry out a survey of public opinion and analyse the results;
- 12) educate the public in the area of the law and ethics;
- 13) inform the public of the development tendencies of corruption and cases of corruption found, as well as steps taken to prevent and fight corruption;
- 14) develop and implement a public relations strategy;
- 15) according to its competence evaluate content and results of investigations performed by other institutions
- 16) examine the declarations of state officials in the framework of the Law "On Prevention of Conflict of Interest in Actions of State Officials"

(2) Provide information and recommendations on anti-corruption issues to the Anti-Corruption and Crime Council upon request.

### **Article 8. Functions of the Bureau in Combating Corruption**

(1) The Bureau shall perform the following functions in the fight against corruption:

- 1) charge State officials with administrative liability and impose punishment in cases of administrative violations in the area of corruption, as provided by law;
- 2) carry out investigation and operative actions to discover criminal offences in the area of corruption in the National Civil Service, as provided in the Criminal Law.

(2) Other agents engaged in investigative operations provided by law are duty bound to assist the Bureau on request in the performance of its functions in operative operations.

### **Article 9. Functions of the Bureau in Monitoring Observance by Political Organisations (Parties) and their Associations of Party Financing Regulations**

The Bureau shall perform the following functions in monitoring observance by political organisations (parties) and their associations of party financing regulations:

- 1) monitor compliance with party financing regulations by political organisations (parties);
- 2) in cases provided by law, charge with administrative liability and impose appropriate punishment;
- 3) perform investigations in order to discover criminal offences as provided in the Criminal Law if linked to violations of party financing regulations by political organisations (parties) and their associations, provided such violations are not within the jurisdiction of national security institutions;
- 4) within its authority, review complaints and submissions and carry out investigations initiated by the President of Latvia, the Saeima, the Cabinet of Ministers or the Prosecutor General;
- 5) compile and analyse the processed information provided in financial declarations of political organisations (parties) and their associations, any violations found in the submissions and failure to observe the restrictions provided by law;
- 6) analyse normative acts and draft normative acts and recommend changes therein, submit recommendations to draft new normative acts;
- 7) carry out public opinion surveys and analyse their results;
- 8) educate the public in the area of financing political organisations (parties) and their associations;
- 9) inform the public of any discovered violations of party financing regulations by political organisations (parties) and their associations) and steps taken to prevent same.

### **Article 10. Authority of Bureau Officials**

(1) Bureau officials may, within their authority:

- 1) carry out investigations as provided in the Latvian Code of Criminal Procedures;
- 2) carry out operative investigations as permitted by law in order to uncover and prevent criminal offences in the areas of corruption and party financing;
- 3) draw up administrative charges in case of discovered violations, review cases of administrative violations and impose administrative punishment in cases of violations the review of which, according to the Code of Administrative Violations, comes under the jurisdiction of the Bureau;
- 4) request and receive free of charge information, documents and other material from the State administration and municipal institutions, companies, organisations, officials and other persons, regardless of their secrecy regime;
- 5) request and receive free of charge through the agencies of the Prosecutor General information from financial institutions needed in a criminal case;
- 6) have free access to all information stored in registered data bases whose registration is regulated in normative acts, regardless of their ownership;
- 7) obtain, receive, register, process, compile, annualise and store information needed for the performance of functions of the Bureau. The handling and use of such information shall be regulated by the Head of the Bureau;
- 8) in the event certain indications are noticed in the actions of a person evidencing potential of illegal actions, issue a warning that violations of the law are unacceptable;
- 9) showing a service certificate of identity, freely visit State administration and municipal institutions, as well as manufacturing premises, warehouses, trade and other commercial premises located in the territory of Latvia owned or leased by legal or physical persons;
- 10) if necessary in the performance of functions fighting corruption and monitoring financing of political organisations (parties) and their associations, use free of charge communication and public information facilities of Government institutions, State owned corporations and Government organisations, and in exceptional cases also facilities owned by other persons. The costs of use of communication and public information facilities of other persons shall be paid if so requested by the owner;
- 11) in emergency cases and with the consent of the driver, use vehicles belonging to companies, institutions, organisations or private persons (except vehicles of foreign diplomatic and consular services and international organisations, as well as specific service vehicles), to proceed to a case site or to transport persons to medical facilities in case emergency medical attention is required, as well as to pursue persons who have committed a criminal offence, and to transport detained persons to a police station;
- 12) keep and carry service or personal arms and special means of self protection, use arms and special means of protection in accordance with the provisions of the law "On the Police";
- 13) summon to the Bureau any person connected to investigation of a case or material, and in the event a person fails to appear after receiving such summons, bring him/her in by force;
- 14) demand that a person cease to violate the law and other actions interfering with the performance of their duties by officials and other staff of the Bureau, and use force against such violators;
- 15) check personal documents of identification while performing anti-corruption functions or monitoring party financing of political organisations (parties) and their associations;
- 16) advertise for and remunerate assistance in uncovering criminal offences and detaining of persons who have committed a criminal offence;

17) with mediation of General Prosecutor or his authorised person pass criminal cases or examination materials to other inquiry institution for continuation of inquiry process. Or take over from other inquiry institutions criminal cases or inquiry materials which fall within the competence of the Bureau.

#### **Article 11. Obligations of Bureau Officials and Employees**

(1) It is the duty of officials and employees of the Bureau to perform their work, showing personal initiative and acting in the best public interests in order to ensure proper performance of functions of the Bureau as provided in this Law.

(2) In the performance of functions mentioned in Articles 7, 8 and 9 of this Law, the Bureau shall co-operate with other Government and municipal institutions, public organisations and foreign institutions.

### **Chapter IV**

#### **Legal Protection, Liability and Social Guarantees of Officials and Employees of the Bureau**

#### **Article 12. Legal protection and guarantees of independence (indemnity) of Bureau officials**

(1) A Bureau official is a representative of Government authority, and any legal requests, demands and orders he/she issues in the performance of his/her duties, are binding to all persons. Offending or insulting, resisting or endangering a Bureau official, or any action interfering with his/her performance of duties shall be punished as provided by law.

(2) A Bureau official shall not be liable for any material or physical harm caused in accordance with Bureau authority to a offender resisting arrest.

(3) A Bureau official may not be charged with criminal liability in the territory of Latvia without the consent of the Prosecutor General, he/she may not be arrested (also administrative arrest), searched, brought in by force; nor may his/her residential or office premises or personal or official vehicles be searched or viewed. Such criminal procedural restrictions shall not apply to Bureau officials if they are caught committing a criminal offence, in which event the Prosecutor General and Head of the Bureau are advised within 24 hours.

#### **Article 13. Limitations of Bureau Officials**

(1) Income limits, restrictions on double employment or other similar restrictions and obligations are provided in the law "On the Prevention of Conflict of Interest in the Actions of Civil Servants".

(2) Along with the restrictions listed in Clause 1 of this Article, the following restrictions shall apply to Bureau officials:

- 1) they may not take part in the operations of political organisations (parties) and their associations;
- 2) they may not organise strikes, demonstrations, pickets or take part in same.

#### **Article 14. Remuneration of Bureau Officials**

Remuneration of Bureau officials shall be determined by the Cabinet of Ministers.

### **Article 15. Social Guarantees of Bureau Officials and Employees**

(1) Bureau officials and Employees are subject to the compulsory State insurance as provided by the Cabinet of Ministers.

(2) Any loss and damages caused to the property of a Bureau official, employee or their family as a result of the professional actions of a Bureau official or employee, shall be compensated in full from the National Budget.

(3) The procedure for submitting application for such compensation to the Head of the Bureau and the procedure for deciding on payment of the compensation and actual payment of same shall be determined by the Cabinet of Ministers.

### **Article 16. Benefits payable in the event of injury to a Bureau official or employee and in the event of the death of a Bureau official, employee or a member of their families**

(1) In the event a Bureau official or employee has been injured or crippled while performing his/her duties, or has sustained other harm to his/her health disabling him/her from performing his/her work, he/she shall be paid a once only benefit as provided by the Cabinet of Ministers, taking into consideration the degree of loss of working capacity, which shall be determined by the National Health and Working Ability Commission of Physicians.

(2) In the event of a death of a Bureau official or staff member, his/her family shall be paid a once only benefit in the amount of the monthly salary of the deceased. In the event the Bureau official or staff member was killed while performing his/her duties, he/she shall be buried at the cost of the State and his/her family shall be paid, in addition to the death benefit provided in normative acts, a once only benefit in the amount of ten years of average salary.

(3) A Bureau official or employee shall be paid a benefit in the amount of a month's salary in the event of the death of a family member or dependent.

### **Article 17. Childbirth benefits**

In the event of the birth of a child, a Bureau official or employee shall be paid a benefit in the amount of six months salary. In the event both parents of the infant are Bureau officials or employees, only one of them is entitled to the benefit.

### **Article 18. Termination of Employment Benefit**

A Bureau official or employee shall be paid a benefit in the amount of a month's salary if his/her employment contract is terminated due to closing of the Bureau, elimination of his/her job or staff reduction.

### **Article 19. Supplementary Remuneration for Performance of Duties outside his/her Job Description**

A Bureau official or employee shall be paid additional remuneration for performing the duties of an absent Bureau official or employee or the duties of a presently vacant job in addition to his/her own duties, as provided by the Cabinet of Ministers.

### **Article 20. Payment of Risk Benefits and Supplements for Long Service**



A Bureau official or employee shall be paid a risk benefit in the case of performing duties under high intensity conditions and a supplement for long service, as provided by the Cabinet of Ministers.

#### **Article 21. Costs of Continued Education and Training**

(1) The Head of the Bureau shall provide opportunities for Bureau officials and employees to attend continued education and training events of not less than 45 days over a period of three years at the cost of the Bureau, while continuing to draw their regular salary, provided such continued education and training take place in Latvia.

(2) The procedure for attending continued education and training taking place outside Latvia, and payment of expenses for same, shall be determined by the Cabinet of Ministers.

(3) In the case of a Bureau official or employee who successfully attends an educational facility in order to improve his/her knowledge in the line of his/her duties, while continuing to perform his/her duties, the Bureau shall pay one half of the annual tuition costs.

(4) A Bureau official or staff member who resigns or is discharged by the Bureau, who has worked at the Bureau less than five years after the occasion of payment for studies, shall refund to the Bureau the amount of tuition paid by the Bureau, as provided by the Cabinet of Ministers.

#### **Article 22. Annual Vacation**

(1) Bureau officials and staff members shall be entitled to annual vacation in accordance with the Bureau vacation schedule.

(2) The length of such annual vacation shall be five calendar weeks for officials and four calendar weeks for employees. A Bureau official or employee shall be granted full annual vacation for his/her first year of employment after he/she has worked continually at the Bureau for at least six months.

(3) Upon leaving for his/her vacation, a Bureau official or staff member shall be paid a vacation benefit in the amount of a month's salary.

(4) Bureau officials and staff members may be granted additional vacation in cases and of a length provided by the Cabinet of Ministers.

#### **Article 23. Time off for educational purposes**

(1) Bureau officials and employees who successfully attend an educational in order to improve his/her knowledge in the line of his/her duties facility while continuing to perform their duties, shall be given time off with pay up to 20 working days to sit for examinations or defend dissertations.

(2) If necessary, and conditions at work permit it, a Bureau official or employee may be given time off with pay up to ten days to sit for end of term examinations.

#### **Article 24. Leave without pay**

If necessary, and conditions at work permit it, a Bureau official or employee may be given time off without pay.

#### **Article 25. Liability of Bureau officials and Employees for Breach of Confidentiality**

(1) Bureau officials and employees may not disclose, in public or otherwise, restricted information which they have obtained in the course of performing their duties, except in cases provided in normative acts. The aforesaid prohibition of disclosure continues after leaving employment of the Bureau.

(2) In the event of a disclosure of information as stated above, Bureau officials and employees shall be liable for loss and damages caused to third persons as a result of such disclosure, as provided by normative acts.

### **Transitional Provisions**

1. This Law shall come into effect on May 1, 2002.
2. Organisation of establishing the Bureau shall begin on May 1, 2002.
3. Starting July 1, 2002, the Bureau shall carry out the following functions:
  - 1). In the area of prevention of corruption - all functions stated in Article 7 of this Law, except those mentioned in Clauses 3 and 6 of the Article.
  - 2) in the area of fighting corruption - investigations and operative work within its authority.
  - 3) monitoring observance of regulations of party financing of political organisation (parties) and their associations.
4. Starting February 1, 2003, the Bureau shall perform its functions in full.
5. Institutions responsible for anti-corruption functions and monitoring of observance of regulations of party financing prior to this Law coming into effect shall continue to perform their functions until such time as these functions are taken over by the Bureau.
6. The Cabinet of Ministers shall issue Cabinet of Ministers Regulations mentioned in this Law within 3 months.

This Law was adopted by the Saeima April 18, 2002.

VAIRA VĪĶE-FREIBERGA  
President of Latvia