AUTORITÀ NAZIONALE ANTICORRUZIONE

European Network for Public Ethics

Best practices from ENPE studies on Anti-Corruption Measures

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Foreword

As part of its institutional activities, ENPE carries out, among other things, in-depth studies and research on the various measures taken by its Members to prevent corruption and protect public integrity, in order to promote the exchange of experiences and the sharing of good practices within the Network.

The in-depth studies carried out confirm the absence of minimum European standards, with the result that each Member tends to adopt different solutions, with significant differences in the implementation and effectiveness of the measures.

In this context, the emphasis placed by the European Parliament, when examining the proposal for a Directive on the fight against corruption, on the need to achieve the definition of minimum standards for the implementation of preventive measures seems to be fully supportable. Without them, the same critical problems would arise as at present, with a serious lack of homogeneity in the anti-corruption strategies implemented by the various Member States. A lack of homogeneity that risks undermining the effectiveness of the entire anti-corruption system set up by the European Union.

The results of the studies carried out by ENPE may provide some interesting elements for the identification of such minimum standards.

It should be noted, however, that in selecting the profiles to be studied, it was necessary to take into account the fact that the various authorities that are members of ENPE, although they all share a commitment to integrity and public ethics, differ considerably in terms of their competences and areas of activity. For example, the procurement sector, to which the European Parliament itself paid particular attention during the examination of the Directive, falls exclusively within the competence of the Italian National Anti-Corruption Authority. Moreover, not all Members have powers in the field of whistleblowing or lobbying. This has led to the need to limit the scope of the studies to a few preventive measures falling within the fields of intervention of all or most of the Members, favouring those institutions where all the members are active with specific actions and, at the same time, taking into account the measures that the EU Directive identifies as priority or appropriate in the fight against corruption.

On the basis of these criteria, three measures have been identified for in-depth analysis and study: revolving-door policies, asset declaration by public officials and civil servants, and prevention and management of conflicts of interest.

The three studies were carried out between 2022 and 2024 using the focus group method, through the submission of questionnaires to be completed by members, and also included interviews and group discussions on the specific topics.

This document presents the results of the research studies about the three above-mentioned topics, also in the light of the proposed European Directive.

As ENPE will continue to carry out similar research and in-depth thematic work in the coming months (awareness raising has already been identified as the next topic to be developed), we reserve the right to send further contributions to supplement this document at a later date.

1. Revolving-door policies

Article 3(3) of the proposed EU Directive states that Member States shall take measures to ensure that there are effective rules governing the interaction between the private and public sectors.

The revolving-door policies adopted by some EU Member States can certainly be counted among these.

The study carried out by ENPE in 2022 shows that many member countries have some measures in place prohibiting public officials leaving office to join an entity with which they have had a business relationship, signed a contract or have exercised regulatory or supervisory functions while in office.

Specifically, five Network member countries monitor revolving-door movements between the public and private sectors: Croatia, France, Italy, Spain and Lithuania.

1.1. Balancing strict prohibition and free movement between public and private sectors: the cases of CROATIA and LITHUANIA

In the application of the measure, it is particularly important to ensure a balance between the impartiality of public action, which the revolving-door rules protect, and the right of citizens to realise their professional ambitions, possibly even by moving from the public to the private sector. The rules should therefore fulfil the purpose of protecting the public interest without introducing elements of excessive rigidity into the system.

An effective solution in this respect can be found in the Croatian experience.

In **CROATIA**, the Act on the prevention of conflict of interest prohibits defined public officials (President of the Republic, members of the Government, parliamentarians, directors of administration) for a period of 18 months after leaving office to take a position in an entity with which they had a business relationship or over which they exercised supervisory, control or regulatory functions while in office.

However, the Croatian Act introduces the following three elements to mitigate the rigidity of the ban, or at least to prevent it from being too punitive for public officials:

a) some exceptions for positions in public companies;
b) the right of the officials concerned to receive salary compensation (up to one year for State officials and up to six months for local and regional officials);
c) the possibility for the entity interested in hiring the former official to ask the Conflict of Interest Commission to approve the appointment, designation or conclusion of a contract.
   The Commission then has 15 days to examine the situation and any potential conflict of interest.

LITHUANIA also provides an interesting example of flexible implementation of the ban. It provides that persons leaving the public service may also apply to the Chief Official Ethics Commission for an exemption, which is considered on a case-by-case basis.

1.2. Effectiveness of control: the cases of FRANCE and ITALY

The ENPE study also shows that, when applying revolving-door policies, it is preferable to invest in the prevention of potential conflicts of interest rather than in subsequent sanctions.

From this point of view, the French model, which gives the High Authority a broad control and monitoring function, is certainly interesting.

Specifically, in **FRANCE** the High Authority exercises three types of control over revolving-door movements:

a) pre-appointment control for the most exposed functions (*e.g.*: members of the Government);
b) a control of public agents or officials joining the private sector;
c) a control of the combination of activities for the creation or takeover of a company by a public servant.

For public officials willing to join the private sector, the High Authority examines whether the new private activities envisaged are compatible with the former functions for a period of three years.

Its action is focused on the most sensitive and strategic cases for which its prior referral is mandatory.

It is also interesting to note the type of control exercised by the High Authority, which includes both criminal and ethical profiles.

From a criminal point of view, the High Authority verifies compliance with Article 432(13) of the Criminal Code, which prohibits a former public official from working for a company that

was subject to his or her supervision or control during his or her term of office, or with which he or she concluded contracts or in respect of which he or she took or proposed decisions.

From an ethical point of view, the High Authority shall ensure that the proposed activity does not compromise the dignity, probity and integrity of the previous functions and does not call into question the independent, impartial and objective functioning of the administration in which the person concerned has exercised his or her functions.

When the High Authority identifies such difficulties, it may issue an opinion of incompatibility, preventing the person from carrying out the envisaged activity, or of compatibility with reservations, in which it imposes precautionary measures to prevent the criminal and ethical risk.

The Italian example also provides an interesting model for monitoring and control. In **ITALY** the control of revolving-door concerns all public employees who, during the last three years of their service, have exercised authoritative and negotiating powers for a public administration when that person subsequently goes to work on the same subjects in the private sector. The National Anti-Corruption Authority controls this "pantouflage" for a period of three years after the end of the function and has the power to assess individual and specific cases of assignment.

Violation of this prohibition may result in the nullity of the contracts concluded and an obligation to return the compensation received.

1.3. The lobbying ban: the cases of LITHUANIA and SLOVENIA

In some countries, restrictions on revolving-door movements include a ban on lobbying. Within ENPE, Lithuania is an example of this.

In **LITHUANIA**, the Law on Adjustment of Public and Private Interests establishes that a person who has ceased to work in the civil service may not represent natural persons or legal entities (not to lobby) for one year in the institution or establishment in which he or she worked for the last year, and if the establishment in which he or she worked for the last year belongs to a system of institutions, in any institution of this system of institutions.

SLOVENIA has also introduced a lobbying ban for former civil servants similar to Lithuania's, although this country does not regulate revolving door movements.

In Slovenia, the Integrity and Corruption Prevention Act prohibits public officials from lobbying for two years after leaving office.

In addition to the ban in lobbying, in Slovenia there is a ban in place also for performing business activities. A (former) office holder may not act as a representative of a business entity that has business contacts with a public sector body in which the office holder held office until two years have elapsed from the termination of their office. The body must inform the Commission for the Prevention of Corruption on any breach of this provision within 30 days.

Further, the body in which the public office holder was then serving may not come into contact with an entity in which the public office holder has more than a 5% stake (directly or indirectly through other legal person) for one year after leaving office.

In **CROATIA,** the Lobbying law (National Gazette number: 36/24) contains provisions related to both cooling off period and the ban of lobbying for lobbied persons.

The cooling off period in Croatia is regulated in the way that lobbied person is prohibited from lobbying in relation to the legislative or executive authority, state administration body or body of a local or regional selfgovernment unit, including its administrative bodies, or other legal person or body vested with public powers in which they held a public office or served, for a period of 18 months upon termination of office or service.

The absolute ban on lobbying applies to a lobbied person who is subject to the law governing the prevention of conflict of interest and who is obliged by the provisions of that law. That person may under no circumstances engage in lobbying while in office or service, nor be registered in the Register of Lobbyists.

1.4. Partial control in States without an established revolving-door monitoring system

The ENPE study also shows that in some countries, although there is no systematic monitoring of revolving-door movements and no legal framework, sectoral or partial controls or rules have been introduced only for certain public institutions.

A brief overview of such cases is given below.

1.4.1.Rules for specific public institutions: the case of BELGIUM

In **BELGIUM** there are no general rules on controlling revolving-doors between the public and private sector, but there are rules for specific public institutions.

For example, parliamentarians (House and Senate) have restrictions on employment for a period of one year in case of incompatibility. The period is extended to five years after leaving office for former ministers.

1.4.2. Prohibitions for regulators and inspectors: the case of MALTA

In MALTA, revolving-doors of holders of political office (Ministers, members of Parliament) is not monitored. However, public employees who are regulators or inspectors may be prohibited for a period of up to two years after leaving office from entering into a profit-making relationship with any public or private entity with which they have had dealings in the course of their duties for a period of five years prior to leaving office.

Former public employees who breach the undertaking would have to pay a penalty equivalent to three years' salary.

1.4.3. Non-competition obligation: the case of CZECH REPUBLIC

The CZECH REPUBLIC does not have a legal framework regulating revolving-doors. However, there are some provisions governing the movement of most public officials. For a period of one year after leaving office, they cannot become partners or members of the bodies of a business corporation or be employed by an entity that has concluded a contract with the State during the three years preceding the date of leaving office.

Furthermore, a specific element of the Czech Republic's policy is the possibility of imposing a non-competition obligation on certain civil servants for up to one year after their appointment.

1.4.4. Consultancy ban: the case of ROMANIA

ROMANIA does not have a mechanism for controlling revolving door. However, the law stipulates that civil servants and internal auditors who have performed supervisory and control activities towards commercial companies or other profit-making entities may not provide consulting activities to these companies for three years after the end of their public functions.

2. Asset declaration by public officials and civil servants (reporting obligations and sanctions)

Among the measures to prevent corruption that Member States are required to put in place, Article 3(3) of the proposed EU Anti-Corruption Directive includes effective rules on the declaration and verification of assets of public officials.

The study carried out by ENPE in 2023 shows that many Member States have already introduced an obligation for civil servants and public officials to submit a declaration of assets, although the scope of application, the way in which declarations are verified and the powers of the competent authorities vary considerably from country to country.

While the members stress the importance of preserving the specific features of each Member State's model, they also agree on the need to set common minimum requirements for the implementation of the declaratory obligations to which public officials are subject.

Specifically, members agree on the obligation for elected and non-elected public officials listed within each Member State to complete an asset declaration at the beginning and end of their term of office. The competent authorities must verify the completeness, accuracy and sincerity of these declarations, and carry out in-depth checks, particularly on the most politically exposed public officials. In the event of an incomplete or untruthful declaration, or if no declaration is made, the public official is liable to administrative, disciplinary, financial or criminal sanctions, and his or her case may be referred to the public prosecutor.

Most systems cover elected and non-elected high-ranking officials, such as Ministers and Members of Parliament. However, some countries extend the requirement to a broader range of officials, including local government representatives, members of regulatory bodies, members of State-owned companies, and civil servants. For example, in BELGIUM local representatives are covered (municipal and provincial concillors) as well as members of State-owned companies. In GREECE, the law lists a very broad range of liable people in media, army, sports, public procurement, medical and financial sectors. In ROMANIA the Law 372/2022 added a category of public officials in the sport sector in the scope of officials having to submit a declaration. Only three countries (GREECE, LITHUANIA and ROMANIA) include members of the judiciary in the scope of declarative obligations controlled by their authority.

In terms of frequency, officials usually submit declarations at the beginning and end of their term of office. In most countries, they are also required to declare any changes in their situation during their term of office; these regular updates help to track changes in their financial situation and identify any sudden accumulation of assets. In CZECH REPUBLIC, GREECE, ITALY, MALTA and ROMANIA the asset declaration is to be renewed annualy during the mandate.

In the following paragraphs, some of the best practices that have emerged in the context of the ENPE with regard to the different profiles of the asset declaration obligation are presented.

2.1. Level of details: the cases of CROATIA and ROMANIA

Asset declarations of assets typically include information about bank accounts, shares, debts, and sources of income.

Some countries require more comprehensive information, including details about the partner and minor children. Good examples are Croatia and Romania.

In **CROATIA** the asset declaration include the following information:

a) property;
b) incomes;
c) movables;
d) shares and stocks in companies;
e) cash savings;
f) cryptocurrencies;
g) debts;
h) guarantees and other obligations;
i) assets of partners and minor children.

This declaration must be made:

a) at the beginning of office (or after reappointment / re-election), within 30 days of taking it;
b) at the end of office, within 30 days after the termination of duty;
c) annually during office;
d) after the expiration of12 months from the end of office.

Both elected and non-elected officials and civil servants (but only senior civil servants) are subject to this obligation.

In **ROMANIA**[1] the declaration of assets include the following information:

[1] For the sake of completeness, it should be noted that, on 29 May 2025, the Romanian Constitutional Court declared three articles of Law No. 176/2010 to be unconstitutional (https://www.ccr.ro/comunicat-de-presa-29-mai-2025/). Specifically, the Court ruled that the publication of asset and interest disclosures of all public officials and dignitaries in Romania subject to Law no. 176/2010 – both on ANI's website and on the website of the institution in which the deponent carries out his or her activity – was unconstitutional. The Court also ruled that the obligation for public officials and dignitaries to declare the rights and obligations of their spouse and dependent children (income, properties, etc.) within the asset disclosure was unconstitutional. Following the

a) identification data of the declarant (name, position, personal numeric code, residence);
b) real estate (land, buildings);
c) movable goods (vehicles, agricultural machinery);
d) other goods (precious metal, jewelry, objects of more than 5,000 EUR value;
e) liabilities (debts, mortgage of more than 5,000 EUR;
f) income of the declaring person;
g) income of family members (spouse and dependant children) in the last fiscal year.

The declaration must be submitted annually (first time within 30 days of taking up office).

Forty categories defined by law are subject to declaration, among which:

a) President of the Republic;
b) members of Parliament and European Parliament;
c) members of the Government, State secretaries and under-secretaries;
d) advisers to the Prime Minister;
e) judges, prosecutors and assistant magistrates;
f) diplomatic and consular personnel;
g) local elected officials;
h) public servants;
i) prefects and deputy-prefects;
j) candidates running for the positions of President of the Republic, Deputy, Senator, Local Counselor, Chairman of the County Council;
k) mayors.

2.2. Control of the declaration content: the cases of CROATIA, CZECH REPUBLIC, FRANCE, GREECE, MALTA, ROMANIA and SPAIN

It should be noted as a good practice that in many Member States the anti-corruption measure is not limited to the obligation to declare assets, but also includes some form of control of the content of the declaration.

This control may be carried out either through access to databases or registers of other competent bodies - as is the case in CROATIA, the CZECH REPUBLIC, FRANCE, ROMANIA and SPAIN - or through investigative activities by the competent authority, as is the case in MALTA.

publication of the Court's full decision in the Official Gazette, the above provisions will be suspended, and the law will have to be amended to align with the aforementioned ruling.

The type of control envisaged in **CROATIA** is particularly pervasive, with the Commissioner verifying declarations of assets through the following activities:

a) formal control and preliminary verification of data (status of the asset declaration, legal deadline, certification, correctness and completeness);
b) control of the content of the declaration (comparison of reported data on assets with data obtained from other competent bodies – Ministry of Finance, Tax Administration, land registries, beneficial ownership);
c) direct access to databases (Land Registry, Cadastral, databases of the Ministry of Finance, Tax Administration and Civil Registers);
d) exchanges with the declarant;
e) cooperation with other public authorities (State Attorney's Office, Ministry of Finance, Tax Administration) in the exchange of information for the verification of asset declarations on the basis of the prior consent of the public authorities.

The Commission is authorised to request and obtain information from all public authorities in the Republic of Croatia and the competent authorities are required to submit the requested information at their disposal without delay. At the request of the Commission and within the time limit determined, the obliged entity must submit amendments, explanations and evidence of the allegations from the submitted asset declaration.

Similarly, in **ROMANIA**, the National Integrity Agency verifies the content of asset declarations in the course of an evaluation through the following activities:

a) exchanges with declarants (invitation to submit a point of view with data or information they deem relevant);
b) direct access to other databases (fiscal registers, population registry, land registries, other property registries);
c) request for information to other private or public entities, which are obliged to provide data within 30 days of receipt of the request. Bank secrecy is not opposable to the Agency in this matter.

In the **CZECH REPUBLIC**, the Ministry of Justice, designated as the competent body in this matter, verifies the content of the declaration through access to databases (especially, Land Registry and Company Register) and investigations by local authorities. The declarations checked are randomly selected by the Central Register of Notification (set up by the Ministry of Justice), with the exception of checks carried out following notifications by local authorities or the Ministry of Justice.

In **FRANCE**, the High Authority for Transparency in Public Life (HATVP) has direct access to some databases of the Tax Administration (real estate, bank accounts, life-insurances). The HATVP signed several inter-agency agreements and protocols with public institutions aimed at ensuring better coordination and facilitating the exchange of relevant information.

Since January 2017, staff members of the HATVP are allowed to connect directly to some of the tax administration databases and applications to carry out routine checks, especially to value real estates, to access the list of registered bank accounts or to access cadastral information. Furthermore, the HATVP liaises with the Department for information processing and action against illicit financial channels (TRACFIN) and the prosecution service.
The HATVP may request fresh information or investigations from the tax authorities, which are required to act within 30 days. The HATVP may also request the communication (within 60 days) of any relevant information (bank account balances, ongoing court proceedings, company balance sheets, etc.).

In **MALTA**, the Commissioner for Standards in Public Life may, as part of the verification of asset declarations, carry out investigations by requesting information, documents and evidence from third parties according to Standards in Public Life Act.

In **SPAIN**, the Office of Conflict of Interest of the Ministry for Digital Transformation and Civil Service has direct access to tax databases and can also request information from the Mercantile Register and the Land register. There is also a right of communication, which can be exercised through the Tax Administration.

Another case is **GREECE**, where the new law (Law 5026/2023) aims to increase the number of asset declarations audited annually to at least 7 per cent of the total over a three-year period and to improve the quality and effectiveness of audits.
The law established an Audit Committee for better coordination, which is a special independent body with administrative and financial autonomy. The Committee has the power to commission certified external auditors and experts to carry out audit missions and to verify declared assets.
The National Transparency Authority (NTA) works closely with the General Secretariat for Public Administration Information Systems for technical support and has access to the "Bank and Payment Account Register System" and to databases operated by other public services. Professional secrecy, banking secrecy and data exchange secrecy cannot be invoked against the NTA when it examines the declaration, to the extent that confidentiality is respected. The NTA may also request additional evidence from the audited entity.

2.3. Publication of asset declarations

With regard to the publication of asset declarations, an analysis of the practices applied by ENPE members reveals the following different scenarios:

- automatic publication of all declarations in an accessible format
- publication of declarations only of certain categories of persons

- publication with access reserved only for certain categories of persons
- publication on request.

2.3.1. Automatic publication of all declarations in an accessible format: the cases of CROATIA, ROMANIA and SPAIN

Some Member States ensure the widest accessibility of public officials' asset declarations, providing for their publication without any restrictions.

These include **CROATIA**, where declarations are published on the website of the Commissioner for the resolution of conflict of interest, which is identified as the competent authority in the field. All data is publicly available and disclosed without the consent of the obliged person, with the exception of data on the income of their partner if they are employed by an employer whose information on salary and other material rights is considered a trade secret. Due to the submission of salary information to the Commission as part of filling out the obliged entity's asset declaration, the obliged entity's partner shall not bear any adverse consequences with the employer due to the disclosure of a business secret. All personal data of obliged entity, their partner, their minors and third parties are not publicly available.

In **ROMANIA**, declarations are published on the website of the National Integrity Agency (the competent Authority) for the entire duration of the mandate and a period of three years after termination of the mandate. Declarations are partially anonymised according to GDPR, but integrity inspectors can access the full version for evaluation purposes.

Finally, there is the peculiar case of **SPAIN**, where the publication of asset declarations is mandatory for all categories, but with different deadlines. In particular, financial statements are published annually for officials and for high officials who have left their position (sent to the Council of Minister). There is partial anonymisation.

2.3.2. Publication of declarations only of certain categories of persons: the cases of FRANCE, GREECE, ITALY and SLOVENIA

In some countries, the disclosure of declarations is limited to certain categories of persons.

In **FRANCE**, for example, the declarations of members of the Government are published on the HATVP website, while those of members of the French and European Parliament (Deputies and Senators) are published in prefecture. On the other hand, the declarations of ministerial cabinet staff, high civil servants and presidents of sports federations are not published.
In France, all declarations are filed online since October 2016. Filers may contact a dedicated hotline (by phone or e-mail) if they have questions, and guidelines are provided online for

each step of the process. Beyond the declarations, the HATVP recommends online submission of all documents accompanying the declaration (*e.g.* blind trust, official notice of appointment etc.).

Similarly, in **GREECE** there is partial publication of declarations: only those of elected representatives and members of the Government are published on the website of the Parliament for three years. The content of the assets declarations made by these politically exposed persons is publicly available, with the exception of those data that can harm the life or property of the declarant and his family (address, registration number of vehicles, personal identification numbers). All other declarations are never made public.

In **ITALY**, asset declarations are published on the public body's website in a section "Transparent Administration". Members of Parliament and Government publish relevant declarations on their websites. As far as public officials are concerned, the related asset declarations are partially published: only managers with very broad decision-making and organisational powers and directly appointed by the political body are subject to publication. There is no anonymisation.

Finally, the case of **SLOVENIA** is peculiar in that it only provides for the publication of changes in assets and only for certain officials. In fact, the current legislation does not allow the Commission for the Prevention of Corruption to publish initial declarations of assets.

2.3.3. Publication with access reserved only for certain categories of persons: the cases of BELGIUM and CZECH REPUBLIC

In a limited number of countries, there is no publication, but the content of asset declarations is only accessible to certain authorities.

Member States that provide for the confidential treatment of asset declarations include, firstly, **BELGIUM**, where they are kept in a selected envelope that can only be consulted by an investigating judge.

The **CZECH REPUBLIC** provides an example of a hybrid model, where declarations of assets and interests are generally only open to certain categories of persons, but can be made available to the public on request. In particular, assets declarations of certain public officials (such as law enforcement) are not available to the public, but relevant autorities have access to the full scope of the information provided. They are available to the public upon request to the Ministy of Justice. Information is partially anonymized according to GDPR.

2.3.4. Publication on request: the cases of PORTUGAL and MALTA

Finally, some Member States provide access to asset declarations only upon request to the competent authorities.

An example of this is **PORTUGAL**, where data on income and assets are not publicly accessible and can only be consulted. Any person can make the consultation (without the option of reproduction) as long as they present a well-founded request. Certain elements are not subject to public consultation or access (sensitive personal data), but there is not anonymity.

In **MALTA**, declarations by Members of Parliament are made available to journalists upon request to the Speaker of the House. Until recently, ministerial declarations were made public on the website of Parliament, however as of 2024, the longstanding practice has been terminated, and these declarations are no longer being tabled in Parliament. It has been reported that an exercise is currently being undertaken within Government to overhaul the system of declarations applicable to both Members of Parliament and Ministers, however as of May 2025, no progress has been reported. In the interim, the most recent ministerial declarations remain unavailable to the public and reports in the press suggest that journalists have not been granted access to the most recently filed declarations.

2.4. Sanctions

Sanctions for breaches of reporting obligations can vary in severity, ranging from disciplinary measures (admonition, dismissal, publication in the official newspaper) to legal penalties (administrative or criminal). In particular, the penalties provided for can be divided into three different categories, each of which is illustrated by one or more significant examples:

- disciplinary measures
- administrative fines
- criminal sanctions.

2.4.1. Disciplinary measures: the cases of SPAIN and PORTUGAL

Some Member States (7 out of 14) provide for the possibility to pronounce disciplinary measures ranging from admonition to dismissal. In case of dismissal or disqualification of office, the measure is limited in time and can be imposed during a period up to 10 years. In some very serious cases, countries impose a permanent exclusion from office.

SPAIN provides an example of particularly severe disciplinary sanctions. In fact, disciplinary measures, to which may be added criminal charges and the imposition of any other liabilities that may arise, include:

a) publication in the Official State Gazette of the declaration of non-compliance;

b) temporary exclusion from office or prohibition from being appointed to an equivalent position for a period of 5 to 10 years;
c) permanent exclusion from office;
d) loss of the right a compensatory pension and obligation to pay back what has been wrongly received.

Also in **PORTUGAL**, the system of sanctions for non-compliance with the obligation to declare assets is very harsh, as the following disciplinary measures are added to the criminal prosecution:

a) loss of mandate;
b) dismissal;
c) disqualification from 1 to 5 years.

Disciplinary measures are also provided for in Croatia and Greece (admonition, in addition to administrative sanctions) and Lithuania, where administrative sanctions are also applied.

2.4.2.Administrative fines: the case of ROMANIA

Some countries (8 members) have a system of administrative sanctions in case of failure to comply with reporting obligations. The amount of administrative fines ranges from 100 € (Belgium) to 50 000 CZK (2 000 €) (Czech Republic).

The system in **ROMANIA** appears to be particularly complex, where sanctions are articulated as follows:

a) administrative fines (up to 400 €) for the failure to file, or delay in filing the asset and interest discosulers;
b) administrative fine (up to 400 €) for non-compliance with their obligations by the persons in public institutions assigned to implement the legal provisions on the asset and interest disclosures;
c) administrative fine (up to 400 €) for the failure to apply the disciplinary action or for the failure to ascertain the termination of the public position when the assessment report remained definitive;
d) civil fine (approx. 45 € per each day of delay) when the obligation to answer requests from the National Integrity Agency is not observed.

2.4.3.Criminal sanctions: the cases of FRANCE and PORTUGAL

In some countries the authority in charge of controlling the asset and interest declarations has the power to refer the case to the public prosecutor. The amount of criminal fines ranges from 800 € (Belgium) to 45,000 € (France). Jail sentences can also be pronounced for a time period up to 5 years.

In **FRANCE**, for example, failing to declare a substantial share of assets or misrepresenting the value of assets and failing to submit a declaration of assets, carry a penalty of three years' imprisonment and a fine of 45 000 €, and may entail additional penalties, such as a ban on civil rights for a maximum of 10 years and a ban on holding public office according to the terms provided for in articles 131-26 and 131-26-1 of the penal code, which may be permanent.

Particularly interesting is the case of **PORTUGAL**, where failing to submit the declaration is punished as a crime of qualified disobedience with a prison sentence of up to 3 years imprisonment and up to 5 years in case of intentional concealment of assets. For the purposes of criminal prosecution, the Entity for Transparency must report any suspicion of criminal offences to the Public Prosecutor's Office.

3. Prevention and management of conflicts of interest

As is well known, the European institutions have always placed particular emphasis, among anti-corruption measures, on the prevention and management of conflicts of interest, in order to preserve the impartiality of public administration and public decision-making processes. In line with this orientation, Article 3(3) of the proposed EU Anti-Corruption Directive mentions, among the measures that Member States are required to put in place, effective rules on the declaration and management of conflicts of interest in the public sector.

ENPE carried out specific research on the topic in 2024. According to this study, 7 out of 14 countries considers their system in place as "effective", 4 out of 14 as "moderately effective" and 3 out of 14 as "slightly effective".

The study has put forward the fragmentation of the provisions in different pieces of legislations and the dispersion of supervision authority as obstacles to an effective oversight of conflicts of interest. Therefore, unifying the notion of conflict of interest within Member States with a single definition could be a way to improve the management of the phenomenon.

To overcome difficulties, many authorities have developed training sessions with public officials and have elaborated codes of conduct and ethical charters. Yet, the lack of public awareness (general public and public officials) is still one of the main challenges for countries in the management of conflicts of interest.

3.1. Legal definition

The ENPE study shows that 14 countries out of 15 have a legal definition of conflict of interest in their national law[2]. However, only 4 countries (France, Lithuania, Portugal and Romania) out of 15 have a single and general definition of conflict of interest, while in most countries there are various definitions in different laws and regulations. Even if there are different definitions which can vary in scope, the underlying core notion of conflict of interest can be based on common criteria for determining the existence of a conflict of interest, such as the fact of affecting the impartiality of the performance of duties.

The definition of conflict of interest in **FRANCE** is set out in article 2 of the law of 11 October 2013 as "*any situation of interference between a public interest and public or private interests which is likely to influence or appear to influence the independent, impartial and objective exercise of a function*". In France, therefore, the definition of conflict of interest is characterized by three cumulative criteria:

a) an interest, which can be private or public, direct or indirect, material or moral, current or past;
b) an interference between two interests, which can be material, geographical or temporal;
c) the intensity of the interference.

The definition in **LITHUANIA**, is set out in article 2 of the law of 2nd July 1997 on the Adjustment of public and private interests as "*a situation where the declarant, while performing his official duties or carrying out an official assignment, has to accept or participate in making a decision or carry out an assignment that is also related to his private interests*".

In **PORTUGAL**, the definition is set out in the General Regime for the Prevention of Corruption. The term "conflict of interest" refers to any situation in which there may be a reasonable and serious doubt about the impartiality of the conduct or decision of a member of the management body, director or employee.

In **ROMANIA**, a conflict of interest is a situation in which the person exercising a public dignity or public office has a personal interest of a patrimonial nature, which could influence the objective fulfillment of his/her duties entrusted to him/her by the Constitution and other normative acts. Romanian law therefore establishes the following three cumulative criteria for identifying a conflict of interest:

[2] In the case of Hungary, there is no uniform concept of conflict of interest. Several sectoral laws separately define the grounds for conflict of interest and the legal consequences of conflict of interest, but do not define the concept.

a) a person in the exercise of a public office or dignity;
b) the performance of an official duty which, depending on the position held, may consist in responding to requests, participating in a decision, taking a decision, issuing acts or orders;
c) a personal interest of a patrimonial nature.

In **CROATIA**, although there are different definitions of conflict of interest, there is a general regulation on conflict of interest within the Act on the Prevention of Conflict of Interest, according to which a conflict of interest exists when the private interests of the obliged entity (public official) are in conflict with the public interest, and especially in the following cases:

a) when private interests of the obliged entity may affect impartiality in performing public duty (potential conflict of interest);
b) when private interests of the obliged entity has influenced or may be considered to have influenced impartiality in performing public duty (actual conflict of interest).

In **CZECH REPUBLIC**, there is also a general definition that applies to all public officials falling under the personal scope of the Act on Conflict of Interest in complement to the various definitions contained in the Czech legal system. According to this act, a public official is obliged to refrain from any action in which his or her personal interests may affect the performance of his or her duties. For the purposes of this Act, "*a personal interest shall be understood as an interest which brings to the public official, a person close to the public official, a legal person controlled by the public official or a person close to the public official an increase in property, a property or other benefit, the avoidance of a possible decrease in property or other benefit or any other advantage; this shall not apply if the benefit or interest is otherwise generally obvious in relation to an unlimited number of addressees*." Furthermore, there is an obligation of the public officials to report their personal interest.

In **SLOVENIA**, the notion of conflict of interest is mainly derived from Article 4 of the Integrity and Prevention of Corruption Act, according to which: "*Conflict of interest means circumstances in which the private interest of an official person or a person appointed as an external member of a commission, council, working group or another similar body by a public sector entity, influences or appears to influence the impartial and objective performance of their public duties.*" This definition refers not only to the actual conflict of interest but also to the appearance thereof.

In **GREECE**, in the overall legal system, conflicts of interest are described as situations in which the impartial performance of duties of a policy officer or a civil servant is objectively affected. The main elements of the definition are the following:

a) a policy officer or a civil servant who
b) performs public duties and

c) his/her ability to perform his/her duties is objectively impaired/affected due to (a) private interest(s).

When there is no general definition, most provisions for conflict of interest come from the criminal code or from specific regulations such as procurement (Austria, Poland) or internal audit and financial investigations (Malta).

In **POLAND**, for example, according to Article 56 of the Public Procurement Law of 11 September 2019: "*The head of the contracting body, the member of the tender committee and other persons carrying out the procurement procedure on the side of the contracting body or persons who may have influence on the result of that procedure or who award contracts, shall be subject to exclusion from the performance of those activities if there is a conflict of interest on their side*". This piece of legislation applies to all public administration, including the civil service.
This definition of conflict of interest, which is so far the only one in the Polish legal order, refers to conflict of interest in public procurement. The definition is subjective – it defines the relationship between the contracting authority and the contractor, which, according to the above-mentioned law, constitutes the existence of a conflict of interest.

In **MALTA**, on the contrary, as mentioned above, it is mainly the internal audit and financial investigations regulations that provide a definition of conflict of interest. In particular, the Standards in Public Life Act contains numerous references to the obligations of Ministers and Members of Parliament to manage and avoid situations where their private interests conflict or can conflict with their public duties. Furthermore, according to the Internal Audit and Financial Investigations Act, "*direct conflict of interest refers to a situation where the official of the Directorate is himself related with the auditee by virtue of a professional or work relationship, provided that a period of five years has not elapsed since such relationship has been terminated*".

In other cases, a definition of conflict of interest is contained in the rules for specific positions (judges, prosecutors, senior public officials). In **SPAIN**, for example, the law 3/2015 regulating the exercise of senior public officials provides a general definition of conflict of interest. A conflict of interest arises when the decision to be taken by the senior official "*may affect his or her personal interests, of a financial or professional nature, by involving a benefit or detriment to them*". Three cumulative criteria are therefore identified:

a) decision
b) likely to affect the public official's personal interests, of an economic or professional nature
c) beneficial or prejudicial to such interests.

It implies an obligation to abstain from participating in the decision, and to notify the abstention in writing to his hierarchical superior and to the Office of Conflicts of Interest so that it can be recorded in the register of activities of high public officials.
The same obligation is established for all civil servants in Law 40/2015, where reference is not made to the decision, but to the procedure (any administrative procedure in which the public employee is involved).

Finally, a peculiar case is **ITALY**. Italian law does not provide a general definition of conflict of interest, but there are several provisions, both in the Constitution and in other laws and regulations. From these it is possible to derive three criteria for identifying a conflict of interest:

a) economic and financial considerations (property, assets, shareholdings in companies);
b) other personal interests (past/present assignments, work, professional, advisory and collaborative activities in public or private entities, disputes or debt/credit situations with the public or private entity recipient of the procedure);
c) existence of a serious reason of convenience, according to the case law, in order to protect the impartial image of the public administration.

These situations could concern the official or, to a certain extent, his relatives and in-laws, his spouse or partner, or persons with whom he has regular contact.
For the sake of completeness, it should also be noted that in Italy a bill has been presented which introduces a unitary and organic discipline on conflicts of interest, applicable to all public government positions, from the State to the local level.

3.2. Means for detecting conflicts of interest

In most countries (Austria, Croatia, Cyprus, Czech Republic, France, Greece, Hungary, Italy, Lithuania, Malta, Portugal, Romania, Slovenia and Spain) there is a system of detection of conflicts of interest through the notification to the hierarchical authority, often combined with the reporting to the national authority.

In order to detect conflicts of interest, public officials can also be required to seek an authorisation for secondary employment in application of the general duty to refrain from secondary employment that hinders the fulfilment of official duties (Austria, Poland, Spain).

8 out of 15 countries (Cyprus, Czech Republic, France, Greece, Hungary, Italy, Portugal and Spain) have a control of revolving doors which is in place to detect conflict of interest.

Finally, the declaration of interests is also used by 13 out of the 15 countries surveyed (Croatia, Cyprus, Czech Republic, France, Greece, Hungary, Italy, Lithuania, Malta, Poland, Portugal, Romania and Spain) to detect situations of conflict of interest.

However, most countries have complex systems that combine several actions and measures to detect conflicts of interest.

The following table summarises the different measures introduced by the countries surveyed.

Country	Means of detection
Austria	➢ Reporting to the hierarchical authority; ➢ Autorisation required for all secondary employment for employees of the Federal Bureau of Anti-Corruption and employees of the Directorate State Protection and Intelligence Service; ➢ General duty to refrain from secondary employment that hinders the fulfilment of official duties, gives rise to the presumption of partiality or jeopardises other essential official interests; ➢ Duty to report any gainful secondary employment and board activities in a legal entity under private law; ➢ Duty of the employing authority to prohibit any inadmissible secondary employment by issuing an instruction.
Croatia	➢ Reporting to the Commission for the resolution of conflict of interest. ➢ The Commission learns about the circumstances of a possible conflict of interest based on a report that anyone can submit to the Commission or based on their own knowledge (*e.g.* media publications). ➢ Also, the Commission inspects the available public registers and asset declarations of officials, which allows it to gain information about a possible conflict of interest.
Cyprus	➢ Control of declarations of interests; ➢ Control of revolving doors; ➢ Reporting to the hierarchical authority; ➢ Reporting to the Independent Authority Against Corruption.
Czech Republic	➢ Control of declarations of interests; ➢ Control of revolving doors; ➢ Reporting to the hierarchical authority; ➢ Reporting to the Ministry of Justice.
France	➢ Control of declarations of interests; ➢ Control of revolving doors; ➢ Reporting to the hierarchical authority; ➢ Reporting to the High Authority for Transparency in Public Life.
Greece	➢ Control of declarations of interests;

	➢ Control of revolving doors; ➢ Reporting to the hierarchical authority; ➢ Reporting to the National Transparency Authority.
Hungary	➢ Control of declarations of interests; ➢ Control of revolving doors; ➢ Reporting to the hierarchical authority.
Italy	➢ Obligation to sign declarations of absence of conflicts of interest; ➢ Control of declarations of interests; ➢ Control of revolving doors; ➢ Reporting to the hierarchical authority; ➢ Reporting to your authority.
Lithuania	➢ Control of declarations of interests; ➢ Reporting to the hierarchical authority; ➢ Reporting to the Chief Official Ethics Commission.
Malta	➢ Control of declarations of interests; ➢ Reporting to the hierarchical authority; ➢ Reporting to the Commissioner for Standards in Public Life.
Poland	➢ Control of declarations of interests and assets; ➢ Within the civil service – acting in a situation of actual, potential and perceived conflict of interest can be identified during the process of approving/rejecting additional employment and earning of civil service members. The decision rests with the Director General / Head of Office. This obligation is based on Article 80 of the Civil Service Law.
Portugal	➢ Control of declarations of interests; ➢ Control of revolving doors; ➢ Reporting to the hierarchical authority; ➢ Reporting to the Entity for Transparency.
Romania	➢ Control of declarations of interests; ➢ Reporting to the National Integrity Agency; ➢ Notification drawn up by the integrity inspector.
Slovenia	➢ Reporting to the hierarchical authority; ➢ Reporting to the Commission for the Prevention of Corruption.
Spain	➢ Control of declarations of interest; ➢ Control of revolving doors; ➢ Reporting to the hierarchical authority; ➢ Reporting to the Office of Conflicts of Interest for high public officials;

	➢ Authorisation required for all secondary employment for all civil servants ➢ Minerva: newly created automatic control of conflicts of interest in public procurement; ➢ Canal Infofraude: allows the reporting of risks related to fraud, corruption, conflicts of interest and double financing in the implementation of the Recovery, Transformation and Resilience Plan (RTRP) ➢ Anti-Fraud Action Plan: any entity involved in the implementation of RTRP measures shall have an "Anti-Fraud Action Plan" in place to ensure and declare that, in its respective field of action, the funds have been used in accordance with the applicable rules, in particular with regard to the prevention, detection and correction of fraud, corruption and conflicts of interest.

3.3. Preventive measures

The systems of prevention of conflicts of interest are based on the disclosure of the interest which implies informing the hierarchical superior and/or the ethics office.

11 countries out of 15 **have measures for recusal and delegation** of decision-making and signing authority in place. The extent of recusal measures varies among countries; 2 countries (Austria and Spain) out of the 11 countries which have recusal measures in place in their system restrict the recusal to the decision related to the identified interests that could give rise to a conflict of interest. In most of the cases the measures are extended to the discussions prior to the decision, *i.e.*, all actions that precede decision-making, including decision-making. In most systems, when there are recusal measures in place, the recusal involve leaving the room at the time of the decision vote. In **ROMANIA**, there is no obligation to leave the room, except for local elected officials, who have the obligation to refrain from issuing or participating in the issuance or adoption of the administrative act and from concluding or participating in the conclusion of the respective legal act.

8 countries (Cyprus, Czech Republic, France, Hungary, Italy, Lithuania, Portugal and Spain) out of 15 have a system where the individual concerned by the conflict of interest might have to **renounce/give up the interest**.

5 countries (Hungary, Italy, Portugal, Slovenia and Spain) out of 15 have developed **risk-mapping tools** to prevent conflict of interest.

All countries have a **system of regulation of gifts and invitations**, often through a benefits register.

Most countries (11 countries out of 15) have an **ethics officer** in charge of managing conflicts of interest within the different administrations. In **ITALY**, the management of conflicts of interest within administrations and bodies is entrusted to various subjects, such as the hierarchical superior, the integrity manager and, in the public procurement sector, to a specific subject called the single procedure manager.

In **GREECE**, The National Trasparency Authority organised training programs for the certification of Integrity Advisors, in cooperation with the Ministry of Interior. The main purpose of this training programme (duration of 105 hours) is to train public officials on both a theoretical and practical level in order to provide them with the knowledge, skills and competences required to undertake the duties of an Integrity Advisor. Since the implemetation of this programme, 12 certification cycles have been completed with over 200 officials being certified.

The following table summarises the different preventive measures introduced by the countries surveyed.

Country	Preventive measures
Austria	➢ Disclosure of the interest; ➢ Measures for recusal and delegation of decision-making and signing authority; ➢ Regulation of gifts and invitations.
Croatia	➢ Disclosure of the interest; ➢ Measures for recusal and delegation of decision-making and signing authority; ➢ Transfer of decision-making rights based on ownership in business entities to another person; ➢ Regulation of gifts and invitations.
Cyprus	➢ Disclosure of the interest involved; ➢ Measures for recusal and delegation of decision-making and signing authority; ➢ Renunciation of the interest; ➢ Regulation of gifts and invitations.
Czech Republic	➢ Disclosure of the interest involved; ➢ Renunciation of the interest; ➢ Regulation on the obligation to declare gifts received above a certain value threshold; ➢ For public procurement: if the contracting authority finds that there is a conflict of interest, it shall take remedial action to eliminate it.

France	➢ Disclosure of the interest involved; ➢ Measures for recusal and delegation of decision-making and signing authority; ➢ Renunciation of the interest; ➢ Regulation of gifts and invitations.
Greece	➢ Disclosure of the interest involved; ➢ Measures for recusal and delegation of decision-making and signing authority; ➢ Regulation of gifts and invitations.
Hungary	➢ Disclosure of the interest involved; ➢ Measures for recusal and delegation of decision-making and signing authority; ➢ Renunciation of the interest; ➢ Risk mapping; ➢ Regulation of gifts and invitations.
Italy	➢ Disclosure of the interest involved; ➢ Declarations of absence of conflict of interest; ➢ Renunciation of the interest; ➢ Risk mapping; ➢ Regulation of gifts and invitations.
Lithuania	➢ Disclosure of the interest involved; ➢ Measures for recusal and delegation of decision-making and signing authority; ➢ Renunciation of the interest; ➢ Regulation of gifts and invitations.
Malta	➢ Disclosure of the interest involved; ➢ Regulation of gifts and invitations.
Poland	➢ In the case of a suspected violation of civil service obligations resulting from the Civil Service law, the director general of the office may decide to initiate explanatory proceedings. ➢ Poland's civil service is decentralized - each director/office manager acts as a government employer and is responsible for the operation and continuity of the office's work, labor law activities with respect to persons employed in the office, and the implementation of personnel policy in the office. ➢ 231 offices (out of 1,741 in which members of the civil service corpus are employed) confirmed having a policy aimed at preventing conflicts of interest, 117 confirmed the functioning of a gift policy and benefits register.

Portugal	➢ Disclosure of the interest involved; ➢ Measures for recusal and delegation of decision-making and signing authority; ➢ Renunciation of the interest; ➢ Risk mapping; ➢ Regulation of gifts and invitations; ➢ Existence of a Code of Ethics and/or Conduct throughout different public entities or areas.
Romania	➢ Disclosure of the interest involved; ➢ Measures for recusal and delegation of decision-making and signing authority; ➢ Regulation of gifts and invitations; ➢ PREVENT System: tool aiming to prevent conflict of interest situations from occurring in public procurement procedures (detect family ties and close links between bidders and the management of contracting authorities).
Slovenia	➢ Disclosure of the interest involved; ➢ Measures for recusal and delegation of decision-making and signing authority; ➢ Risk mapping; ➢ Regulation of gifts and invitations; ➢ Restriction on business activity, incompatibility of office.
Spain	➢ Disclosure of the interest involved; ➢ Declarations of absence of conflict of interest; ➢ Measures for recusal and delegation of decision-making and signing authority; ➢ Renunciation of the interest; ➢ Risk mapping; ➢ Regulation of gifts and invitations.

3.3.1. Publicity of recusal measures: the cases of FRANCE, SPAIN, ITALY, CROATIA and LITHUANIA

In most countries, there is no publicity of the recusal measures on a public register. However, countries have put in place measures to inform the public on conflict of interest.

In **FRANCE**, the recusal decrees adopted by the Prime Minister for members of the Government are listed in a "Conflict of Interest Prevention Register" which can be consulted online. Otherwise, internal publicity measures of interests can be put in place. They consist

of informing the line manager, colleagues, or other members of the deliberative assembly in the case of elected officials, of the interest held and the risk of interference.

In **SPAIN**, if recusal measures are not published on a public register, they are still registered in the register of activities of senior public officials of the Conflicts of Interest Office. Furthermore, very serious and serious infringements to the law 3/2015 regulating the exercise of senior public officials shall be sanctioned by a declaration of non-compliance with the law and its publication in the Official State Gazette once the corresponding resolution has become administratively final.

In **ITALY**, while there is no publicity with a public register, the National Anti-Corruption Authority decides on hypotheses of conflict resulting from requests for opinions and it publishes its opinions by resolution.

In **CROATIA**, information to the public is made about the conflict of interests on the website of the public body in which the public official hold office.

Similarly, in **LITHUANIA**, data on the resignation or suspension of the head of an institution are published on the website of this institution.

3.4. IT tools to prevent and detect conflicts of interest: the cases of SPAIN, ROMANIA and ITALY

Some countries have developed or are in the process of implementing digital systems to prevent and detect conflicts of interest at an early stage or even automatically. These include, in particular, Spain, Romania and Italy.

The system for controlling conflicts of interest implemented in **SPAIN** is remarkable for its capillarity and richness, where, in addition to the traditional measures that exist in other countries - such as the control of interest declarations, the control of revolving doors and the reporting to the hierarchical authority - new tools, mostly automatic and digital, have been introduced, with specific reference to the procurement sector and the implementation of the Recovery, Transformation and Resilience Plan (RTRP – Next Generation Funds). In particular, the **Minerva system**, a newly created IT tool helping automatizing the control of conflicts of interests for public procurement and subsidies.
Minerva is an IT data mining tool, based at the Spanish State Tax Administration Agency, used for the systematic and automated analysis of the risk of conflict of interest in the procedures implementing the RTRP. The conflict of interest risk analysis is performed by comparing in Minerva the tax identification numbers of the persons subject to the analysis (decision-makers of the operation), along with their first and last names, with those of the

natural or legal persons participating in each procedure, along with their first and last names in the case of the former and company name in the case of the latter.
This tool is available to all decision-making entities, executing entities and instrumental entities participating in the RTRP, as well as to all those in the service of public entities participating in the execution of the Plan and to the competent control bodies.

In **ROMANIA**, the National Integrity Agency developed a system that has the objective to prevent conflicts of interest in the public procurement field, by automatically detecting whether participants in the public bid are relatives or are connected to people from the contracting institution's management, entitled **PREVENT**. The system aims to raise the accountability among heads of public authorities and to avoid situations where EU financed projects are blocked due to fraud issues as well as to raise the absorption rate of the structural funds. In the event of a possible conflict of interest, an integrity warning is issued by the system, after which the contracting authority must take all measures to remove the possible conflict of interest signaled by the PREVENT System.

Also worth mentioning is the project of the National Anti-Corruption Authority in **ITALY**, which aims to strengthen the **Single Platform for Administrative Transparency**, also as a tool to detect conflicts of interest. The Single Transparency Platform is a centralised system for the collection of data and documents that the Authority started to set up some time ago on the basis of specific legal provisions. Such a tool not only reduces the transparency burden on administrations and increases their capacity for verification and control, but is also a useful governance tool, as it makes it possible to monitor how public resources are used and to identify potential conflicts of interest in advance.

3.5. Sanctions

Sanctions for individuals acting in situation of conflict of interest can vary in severity, ranging from disciplinary measures (reprimand, admonition, exclusion from certain procedures, dismissal from public office) to legal penalties (administrative, civil or criminal).

3.5.1. Disciplinary measures: the cases of CYPRUS, HUNGARY, POLAND and ROMANIA

Most countries have disciplinary measures in place to sanction a situation of conflict of interest.

In **CYPRUS**, for example, in addition to administrative and criminal sanctions, the following disciplinary measures apply to public officials who act in a situation of conflict of interest:

a) correction measures;
b) political responsibility;
c) termination of duties.

In **HUNGARY**, the disciplinary measures are partly different:

a) disciplinary liability of the employee;
b) exclusion from certain procedures.

In **POLAND**, where false declaration of a conflict of interest is also a criminal offence, the following disciplinary measures apply:

a) warning;
b) reprimand;
c) privation of promotion;
d) expulsion.

Lastly, the case of **ROMANIA** is particularly interesting, where, besides dismissal from public office or demotion to a lower public function for a period of up to one year with a corresponding reduction in salary, the administrative code also provides for disciplinary measures such as the reduction of salary rights by 5-20% for a period of up to 3 months and by 10-15% for a period of up to one year. The right to promotion can also be suspended for a period up to three years.

3.5.2.Administrative fines: the cases of CZECH REPUBLIC, CROATIA and GREECE

Of the 15 countries surveyed, 6 (Croatia, Cyprus, Czech Republic, Greece, Portugal and Spain) have administrative fines to sanction conflicts of interest.

In particular, in **CROATIA**, administrative fines range from 530 € to 5,309 €.

In **CZECH REPUBLIC**, the administrative fine can be up to 50 000 CZK (2 000 €).

In **GREECE**, where there are also criminal sanctions, the administrative fine can be up to twice the amount of the total remuneration and compensation of any kind received.

3.5.3.Criminal sanctions: the cases of CYPRUS, FRANCE, ROMANIA and GREECE

10 out of 15 countries have criminal fines in place to sanction an individual acting in situation of conflict of interest. Those criminal fines can be completed by jail sentences.

In **CYPRUS**, the fines can be up to 10,000 € or one year in jail and up to 30,000 € or three years in jail.

In **FRANCE**, The High Authority can issue injunctions against public officials (except members of Parliament) requiring them to cease the activity causing the conflict of interest. The injunction can be made public, and it can be transferred to a prosecutor.
Any non-compliance is a criminal offence liable to a year of imprisonment and a 15,000 € fine.

Failure to file a declaration of interests or to declare a significant portion of one's interests is punishable by a 3-year prison sentence and a fine of 45,000 €. Where applicable, this may result in a ban on civil rights for a maximum of 10 years and a ban on holding public office according to the terms provided for in articles 131-26 and 131-26-1 of the penal code, which may be permanent.

Similarly, in **ROMANIA** Law 176/2010 stipulates a three years interdiction for the public official in the case of which a conflict of interest or incompatibility has been found.

Particularly afflictive is also the penalty system in **GREECE**, where criminal sanctions include imprisonment for up to 3 years and ban on appointment to the position for a period of up to 5 years.

3.5.4. Administrative and civil penalties: the case of ITALY

Finally, there is the peculiar case of **ITALY**, whose system of sanctions in the event of a breach of the rules on conflicts of interest includes not only disciplinary and criminal sanctions, but also a special administrative and civil penalty consisting in the annulment of the procedure in which the breach occurred. In fact, a procedure leading to the adoption of an act which is vitiated by the existence of a conflict of interest on the part of the official may be considered invalid.