**LAW OF MONGOLIA (DRAFT)**

**ON PREVENTION OF CONFLICT OF INTEREST IN PUBLIC SERVICE**

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**LAW OF MONGOLIA (DRAFT)**

**ON PREVENTION OF CONFLICT OF INTEREST IN PUBLIC SERVICE**

# CHAPTER ONE

## General Provisions

### Article 1. Purpose of the Law

1.1. The purpose of this Law is:

a) to define the legal basis of measures to control and prevent conflict between the personal interests and public duties of public officials, so as to ensure that decision-making and the use of State powers by public official is not improperly affected by private interests, and

b) to promote integrity in official decisionmaking by regulating the resolution of conflict of interest situations involving the personal interests of public officials.

### Article 2. Legislation

2.1. Legislation on preventing the conflict of interest in the public service consists of the Constitution of Mongolia, this law, and other legislative acts adopted in compliance with them.

2.2. Should an international treaty to which Mongolia is a party provide for other than the legislation on preventing the conflict of interest in the public service, the provisions of the international treaty shall prevail.

### Article 3. Definitions of terms

3.1. The following terms used in this Law shall be understood as follows in the application of this law:

3.1.1. “conflict of interest” is a situation in which a public official has a personal interest which could improperly influence the official in relation to the faithful performance or non-performance their specified official duties and obligations.

3.1.2. ‘official decision’ means any decision made by a public official, or claimed by an official to be made, under a law or government policy, or under an administrative procedure of a public body.

3.1.3. “public interest” refers to the justification of an official decision or policy based on the general good of the people of Mongolia, respecting the legitimate interests of all people and the state, complying to the Constitution and other laws, , and adhering to principles of justice and fairness in the performance of official duties in an impartial and independent manner.

3.1.4. “private interest” means any material or non-material interest of a public official, including of an official’s family member, relatives or associates;

3.1.5. “family member” means in addition to members specified in Article 3.1.4 of the Law on Family people who have no formal marriage status but live together in one household;

3.1.6. “ascending/descending relative” means people specified in Article 3.1.5 of the Law on Family;

3.1.7. ”other relative” means people specified in Article 3.1.6 of the Law on Family;

3.1.8. ”associate” means:

1. a natural person who has a commercial, business, or other specific private interest in common with a particular public official;

2. a legal person which has a commercial, business, friendship, or other specific private interest in common with a particular public official;

3. a former classmate of a particular public official;

4. a member of an organisation, group, collegial body, association or community of which a particular public official is also a member.

3.1.9. ”business entity” means any type of business, commercial, credit or financial companies, associations or organizations including non-government organisations other than international organisations;

3.1.10. ”donation” means the allocation of goods or property, or provision of services, to a public official, either free of charge or at a discount which is not available to the general public;

3.1.11. “benefit” means any material or non-material advantage or gain obtained personally by a public official, or by others (including family members, relatives, and associates);

3.1.12. “abuse of official power” means action or inaction by a public official without justification, or contrary to state laws or required ethical standards, or in breach of the relevant duties of the official as prescribed; the action or inaction may involve the use of delegated state power unlawfully, unethically, unfairly, or against state interests, or a failure to faithfully perform specified official duties, for the purpose of improperly providing a benefit to any person (including the official concerned), or refusing a legal right to any person;

3.1.13 ‘relevant authority’ means, for the purposes of section 7.1, the Independent Anti-corruption Agency, or a state body or a person specified for the purpose of receiving a declaration under section 17 of this law.

3.1.14 “public official” means:

1. a Person who holds anadministrative or special office of the State, whether appointed or contracted, whether permanently or temporarily, including:
   1. a person who holds an administrative post specified in Article 7 of the Law on Government Service;
   2. a person who holds a government special service post specified in Article 8 of the Law on Government Service;
   3. a person who holds an administrative or appointed post as prescribed by regulation under this law.
2. a person who holds a politicaloffice of the State by election, including:
   1. a person holding political posts specified in Article 6 of the Law on Government Service;
   2. a person holding a political or elected posts as prescribed by regulation under this law.
3. Managers and administrative officials of state or locally-owned legal persons*,* or legal persons with state or local equity;
4. Managers and executive officers of non-governmental organizations, temporarily or permanently performing particular state functions, either under legislation or supported by State or Local funds;
5. Candidates for election to the office of President,
6. Candidates for election to the State Great Khural, and for all levels of the Citizens’ Representatives Khurals;
7. Candidates for election for managerial posts at Core Civil Service.
8. a person who was formerly a public official, up to two years after the end of their most recent period of employment or appointment as a public official.

### Article 4. Persons subject to this Law

4.1. The following persons are subject to this Law:

4.1.1. Public officials;

4.1.2 Such other persons or classes of person not specified in Article 3.1.14 of this Law, in relation to whom special requirements are prescribed by regulations under this law (for example, officials holding government support service posts).

# CHAPTER TWO

## Activities to prevent conflict of interest

### Article 5. Common duties related to activities to prevent conflict of interest assumed by officials in managerial positions in public organizations

5.1. In the framework of implementation of measures specified in Article 1.1 of this Law the following common duties shall be assumed:

5.1.1. Resolve any conflict of interest issues related to to providing partnership between state, private sector, and civil society organizations, ensuring public participation while making decisions, creating conditions and opportunities for citizens, legal entities, and civil society organizations to express their views, conduct activities transparently and openly;

5.1.2. On the basis of reviews made on the organization objectives and functions remove functional duplications and ambiguity, in connection with this upgrade activity strategy and program for restructuring the organization, determine the work load and create conditions for implementation of the mandate of the post through the development of new or updated job descriptions for every official;

5.1.3. Ensure on-going upgrade in efficiency and effectiveness of the implementation of the organization’s objectives and functions through constant improvements of public officials’ knowledge, attitudes, and behavior in compliance to the principles of highly qualified and stable public service, free of conflict of interests and corruption;

5.1.4. Cultivate new organizational culture and environment best suitable to sustaining the integrity of the organization and subject for common compliance in course of implementation of the organization objectives and functions;

5.1.5. Conduct analysis and evaluation of the process and results of the state policy and objectives implementation, facilitate social audit to measure level of the clients satisfaction on the quality of public services provided by the organization and their accessibility, and on this basis upgrade activities of the organization;

5.1.6. Unless otherwise provided for by legislation, make information on its activities and financial statements public;

5.1.7. Within his/her mandate determine reasons and conditions for conflict of interest and on this basis undertake measures in accordance with legislation to control conflict of interest and minimize its impact;

5.1.8. Annul or modify resolutions, decisions, procedures, and regulations which enable conflict of interest situations to arise for state institutions and officials;

5.1.9. Arrange training on legislation and procedures related to prevention of conflict of interest situations; promote awareness of conflict of interest through media organizations, create conditions for citizens and organizations to have open access to this information.

### Article 6. Common duties related to activities to prevent conflict of interest assumed by public officials

6.1. In the framework of implementation of measures specified in Article 3.1.14 of this Law, persons specified in Article 4.1 of the same Law shall assume the following common duties in addition to functions specified in the Constitution and Law on Government Service:

6.1.1. A public official shall ensure that their conduct as a public official is not affected by conflicts of interest;

6.1.2 A public official shall immediately declare to their supervisor or another relevant person in their organisation, any conflict of interest situation which arises if a reasonable person, in possession of the relevant facts, would be likely to conclude that the conflict could be relevant to their performance of official duties.

6.1.3 A public official shall impartially, honestly and competently execute their official duties in the framework of adherence to the basic public service principles including “democracy, justice, and rule of law” stipulated in Article 1.2 of the Constitution and the principles including transparency and serving the people stipulated in Article 4.2 of the Law on Government Service, and shall refrain from abuse of official power;

6.1.4 A public official shall refrain from using, and shall prevent others from using, official or other information acquired in the course of their official duties in a manner other than that laid down by law or to the extent not prescribed by law,;

6.1.5 A public official shall refrain from using, and shall prevent others from using directly or indirectly, state property for unauthorised purposes.

6.1.6 A public official shall promptly provide to a relevant authority information on situations of conflict of interest which occur during the performance of his/her official duties;

6.1.7 A public official, on resignation, retirement or dismissal from public office, is not entitled to make use of the benefits formerly available to them in their capacity as a public official.

### Article 7. Common duties and rights related to activities to prevent conflict of interest assumed by government support service officials, citizens, and legal entities

7.1. Any person (including Government support service officials, citizens, and legal entities) may give information on a case or situation of conflict of interests involving a public official to a relevant authority, provided that the person honestly believes on reasonable grounds that the information is true: the provisions of section 9.7 of this law do not have the effect of restricting the right of a person to give such information to a relevant authorities.

7.2 Any person has the right, on request, to be advised as soon as practicable and in writing, of the evidence and other information taken into account by the decisionmaker in an official decision which directly affects them, and to request an immediate review of the decision, if there are reasonable grounds to indicate that the decision was improperly affected by a Conflict of interests; the review shall be conducted by the respective head or the general manager of the institution in which the decision was made, or, if the matter is referred to the Independent Anti-Corruption Agency, by the Agency.

7.3 Where a person gives information or requests a review of a decision relating to a conflict of interest situation to a relevant authority under section 7.1 or 7.2, no form of administrative sanction, or legal action by any other person may be imposed on them for so doing; any breach of this section by a public official shall be deemed to be a breach of their duty of employment under the law or contract under which they are employed.

7.4. The head of an authority which receives information specified in Articles 7.1 of this Law, or requests a review of a decision under Article 7.2 of this law, shall ensure:

1. that adequate administrative procedures are established for the independent review of the information;

2. that the information is reviewed promptly, and in accordance with the provisions of this Law and the Anti-corruption Law;

3. that the head of the authority is advised in writing of the outcomes of the independent review;

4. that any decision which is subject to a request for review under Article 7.2 of this law is cancelled or withdrawn if the outcomes of the independent review recommend such action, and that any such decision is reconsidered according to the merits of the case;

5. that appropriate disciplinary action is taken in relation to the decisionmaker or decisionmakers in any case in which an independent review under Article 7.2 finds that the decision was affected by a conflict of interests involving them, or that the matter is referred to the Anti-corruption Agency for any action which the Agency may consider is necessary;

6. that the person who requested the review under Article 7.2 is advised promptly and in writing of the outcome of the review.

# CHAPTER THREE

## Self-exclusion, restrictions (prohibitions), and limitations

### Article 8. Duty of self-exclusion

### Appointed officials

8.1. A public official referred to in Article 3.1.14.1, 3, 4 shall be prohibited from participating in the preparation, consideration, or voting on the passing of a decision,, or from otherwise influencing a decision or advice, which may be affected by a conflict of interest situation in which they are involved.

8.2. A public official referred to in Article 3.1.14.1, 3, 4 shall remove themselves from contributing to the work of commission of legal supervision, investigation or other institution of the type which may be affected by a conflict of interest situation in which they are involved.

8.3 Prior to a final decision on self-exclusion under this clause, a public official referred to in Article 3.1.14.1, 3, 4 shall notify his/her direct supervisor in writing of the grounds on which his/her decision is justified.

8.4. Upon receipt of the information or notification stipulated in Articles 8.2 and 8.3 of this Law, the institution head shall make a decision on accepting or refusing the self-exclusion of a public official referred to in Article 3.1.14.1, 3, 4 from subsequent participation in an activity. The public official shall obey this decision.

8.5. The institution head may, at his/her initiative, restrict or prohibit a public official referred to in Article 3.1.14.1, 3, 4 from participating in the preparation, consideration or voting on the passing of a decision or advice if there are adequate grounds to believe that his/her participation would affected by a conflict of interest situation in which they are involved. The institution head in making a decision may take into account written information received from citizens, other institutions, or other public officials, together with the private interests declaration of the public official concerned.

8.6. The institution head may permit the public official referred to in Article 3.1.14.1, 3, 4 concerned to take part in the activity, subject to any limitation which the institution head may determine, in the following situations:

8.6.1. if in the respective unit or administrative territorial unit there is no other public official who can execute this activity and the superior institution cannot appoint other substitute officer;

8.6.2. if the grounding or reason of the conflict of interest is considered as insufficiently significant in substance, or is only formal in character;

8.6.3. if the execution of the activity requires a specific knowledge and skills, and only the public official who is affected by a relevant conflict of interests fulfills this requirement.

### Elected and Political officials

8.7. A public official referred to in Article 3.1.14.2, shall be prohibited from participating in the preparation, consideration or passing of a decision, or from otherwise influencing a decision, which may be affected by a conflict of interest situation in which they are involved.

8.8. A public official referred to in Article 3.1.14.2, shall remove themselves from contributing to the work of any commission of legal supervision, investigation or other institution of the type which may be affected by a conflict of interest situation in which they are involved.

8.9 A public official referred to in Article 3.1.14.2, shall notify the relevant Hural (or equivalent other political body as appropriate in the circumstances), in writing, of the grounds on which his/her decision is justified.

8.10. The Speaker of the Hural (or the holder of the equivalent other political post as appropriate in the circumstances), may, at his/her initiative, restrict or prohibit a public official referred to in Article 3.1.14.2 from participating in the preparation, consideration or voting on the passing of a decision if there are adequate grounds to believe that his/her participation would affected by a conflict of interest situation in which they are involved. The decision-maker may take into account written information received from citizens, other institutions, or other public officials, together with the private interests declaration of the public official concerned.

8.11. The provisions of this Article shall not be applicable to following public officials:

8.11.1. The President of Mongolia,

8.11.2. other persons holding political or appointed posts as prescribed by regulation under this law.

8.12. The provisions of this Article shall apply to :

1. The Prime Minister, member of the State Great Khural;

2. The Secretary of the National Security Council of Mongolia;

3. The head of the official mission of Mongolia in foreign countries and international organizations;

4. The Governor of the Bank of Mongolia; the head of Financial Coordination Committee and the head of its Control Council; the head of the National Statistical Bureau;

5. The head of the General Election Committee; the head of National Human Rights Commission; the State Auditor General;

6. The head of the General Headquarters of the Military Forces of Mongolia; the head of the General Police Department; the head of the Department on Border Protection Military Units; the head of the General Department on Emergency Situations; the head of the General Intelligence Agency.

7. other persons holding political or appointed posts as prescribed by regulation under this law.

### Article 9. Prohibitions of abuse of official power

9.1. It is prohibited to appoint or employ a person in an administrative or special office of the State specified in article 3.1.14.1 of this law unless:

1. the person has first completed the preparation of the declaration of private assets and interests referred to in article 16.1 of this law, and
2. has filed the declaration with the head of the institution in which the appointment or employment is to be offered, and
3. has satisfied the head of the institution that the proposed appointment or employment would not be affected by a conflict of interest situation involving them.

9.2. Where a person fails to meet the requirements set out in Article 9.1 within a reasonable time, the offer of appointment or employment shall be withdrawn, without compensation.

9.3. Where a person has been appointed or employed in accordance with Article 9.1, if it is subsequently proved to the satisfaction of the head of the institution that their declaration of private assets and interests was false or misleading in a relevant respect, the head of the institution may be terminate the employment or appointment immediately, without compensation, and without regard to any law or procedure relating to termination of the employment or appointment which would otherwise be applicable.

9.4. It is prohibited for member of the State Great Khural and all level Citizens’ Representatives Khurals to participate in voting on issues related to establishing legal norms, developing policies, and making official decisions connected to business entities and companies operated by himself/herself or his/her family members, immovable property and shares owned, or licenses for mineral deposit prospecting and exploitation, or on any other matter which is affected by a conflict of interest situation involving them.

9.5. It is prohibited for a public official who occupies a post or position at decision making level to make an official decision, or to issue an official instruction or to submit a request in relation to any matter which is affected by a conflict of interest situation involving them.

9.6. It is prohibited for a public official to implement his/her functions, perform duties and instructions in relation to any matter which is affected by a conflict of interest situation involving them.

9.7. It is prohibited for a public official who occupies a post or position at decision making level to make an official decision on obliging any official, who is under his/her area of supervision, to perform functions connected in any way with any matter which is affected by a conflict of interest situation involving them.

9.8. It is prohibited for a public official who occupies a post or position at decision-making level to make an official decision, conduct an audit, award a public tender, or participate in any other form in relation to any matter which is affected by a conflict of interest situation involving them.

9.9. A public official is prohibited to use or attempt to use confidential information obtained in the course of official duties for the private benefit of any person who is not authorized by a law to have access to that information.

9.10. It is prohibited for an official referred to in article 3.1.14.1 to engage in any form of employment if it has potential to give rise to conflict of interest, unless the head of the institution has approved the official’s engagement in the employment in writing.

9.11. A public official who is authorized to make official decisions is prohibited from making arbitrary decisions without relevant justification to grant benefits, discounts and preferences to other organizations and citizens.

9.12. It is prohibited for a public official to hold more than one post in a public institution, to combine offices and employments, or to permit others to do so, unless specifically authorized by the head of the relevant institution.

9.13. It is prohibited for a public official to provide others with policy advice, or to influence official decisions made by other public officials, in relation to any matter which is affected by a conflict of interest situation involving the official, unless the official makes the conflict known at the same time to the persons involved.

9.14. It is prohibited for a public official to take other elective duties.

9.15. It is prohibited for a public official to use or attempt to use his/her mandate, authority, or name in order to influence another person’s decision for the purpose of obtaining, directly or indirectly, in an improper benefit.

9.16. A public official is prohibited to use information obtained in the course of their official duties, otherwise than in the manner laid down by law.

9.17. A public official is prohibited from using his official name and official position for advertising that may have business characteristics, except where such advertising is necessary for the effective performance of his/her official duties.

9.18. A public official shall not allow his/her family members, relatives or associates to use his/her official title or official position for their private benefit. The fact that the public official did not know of such use shall not excuse the official from responsibility under this Law.

### Article 10. Restrictions on representation, advocacy, and lobbying

10.1. A public official referred in article 3.1.14.1 shall not represent or advocate for the state or local government institutions, or for any private interest, to any other public official or to the public in general unless such representation is part of the official’s duties or responsibilities:

10.1.1 Where such representation gives rise to a conflict of interest involving the public official, he/she is required to make the conflict known at the same time to the persons involved in the representation.

10.2 A public official referred in article 3.1.14.2 may represent or advocate for any private interest in any context without limitation, unless such representation is affected by a conflict of interest situation involving the official.

10.2.1 Where such representation gives rise to a conflict of interest involving the public official, he/she is required to make the conflict known at the same time to the persons involved in the representation.

10.3. A public official referred in article 3.1.14.2 may act in a private capacity to represent private groups or persons and defend their interests in state or local institutions where they act as legal representatives or advocates.

10.4. Examination, investigation and consideration of complaints by a public official referred in article 3.1.14.1 or 3.1.14.2 shall not be considered as representation of private groups or persons.

10.5. Exceptions, to which the restrictions set forth in Articles 10.1 and 10.2 of this Law shall not apply, may in each specific case be prescribed by the appropriate authority or institution. The decision regarding the specifics and conditions of any such exception shall be announced publicly.

10.6. After official separation from office in the public service, a former public official shall have no right for a period of two years to represent on behalf of natural or legal persons in front of any institution in which he/she held office during the period of one year immediately prior to his/her leaving the service. Also he/she shall have no right to represent natural or legal persons in front of other central or local institutions on matters for which he or she had been assigned as part of his/her official duties.

10.7. A public official shall not maintain official relations with former public officials in respect of whom the limitations specified in Article 10.6 of this Law apply. A public official must promptly notify his/her supervisor in the event of any significant relations or contact, including in a private capacity, with any former public official who is subject to this limitation.

### Article 11. Restrictions (prohibitions) on acceptance of gifts and services

11.1. A public official shall not seek or accept, directly or indirectly, any form of gift of a benefit or service, either without compensation or at a discounted price, in connection with the making of an official decision or performance or non-performance of his/her official duties.

11.2. Gifts of benefits or services specified in Article 11.1 of this Law shall include assets of any form, which are offered or provided to family members, relatives and associates of the public official in direct or indirect connection with the with the making of an official decision or performance or non-performance of his/her official duties.

11.3. The restrictions indicated in Article 11.1, and article 11.3 of this Law shall not be applicable to gifts of benefits or services offered to or accepted by a public official pursuant to international diplomatic protocol connected with the official duties of the public official. The procedure referring to acceptance, reporting, ownership, and disposal of the gifts accepted pursuant to the international diplomatic protocol shall be prescribed by regulation.

11.4. Where a single gift of a benefit or service is received by a public official referred to in article 3.1.14.1 in his/her private capacity, from persons other than family members and relatives, and the gift is valued in excess of the value of one month’s minimum salary, the official is required to notify the head of their institution promptly and in writing about the actual value and source of the gift. This notification shall be attached to the official’s annual private assets and interests declaration.

11.5. Where more than one gift of a benefit or service is received from the same source in a 12-month period, and each gift is less than the value of one month’s minimum salary, but the total of all such gifts exceeds the value of one month’s minimum salary, the official is required to notify their immediate supervisor promptly and in writing about the actual value and source of each of the gifts received. This note shall be attached to the official’s annual private interests declaration.

11.5.1 Article 11.5 shall not apply in the case of a single gift from the official’s workplace colleagues in accordance with normal social custom (for example, on the retirement, birthday, promotion or marriage of the official).

11.6. Where a single gift of a benefit or service is received by a public official referred to in article 3.1.14.2 in his/her private capacity, from persons other than family members and relatives, and the gift is valued in excess of one month’s minimum salary, the official is required to amend their annual private interests declaration promptly to show the actual value and source of the gift.

### Article 12. Restrictions (prohibitions) on acceptance of donations

12.1. A public official, or a state or local institution, is prohibited from requesting or accepting any form of donation or financial aid from a natural or legal person, if this acceptance would be likely to cause a reasonable person who is in possession of all of the relevant factual information, to conclude that the donation or aid would improperly affect the taking of an official decision.

12.1.1 Any form of donation or financial aid from a natural or legal person donation which is accepted in accordance with this article by a state or local institution, shall be notified to the general public by means of a single notice in a national newspaper, and by a physical notice displayed for a period of three months on a notice-board which is accessible to the general public in the main offices of the institution.

12.2. A public official, state or local institution shall not take any official decision or action in relation to a donor referred to in article 12.1 for a period of two years after the acceptance of the donation or financial aid, unless required by law or the public interest.

12.3. A public official in following cases is prohibited from requesting donations directly or through the intermediation of other persons or accepting donations or participating in any other way in the collection thereof:

12.3.1. for the public official’s family members or relatives or associates;

12.3.2. for the needs of business entities or organizations where the public official, his/her family members and relatives are members of their management, audit or administration authorities;

12.3.3. for the needs of natural or legal persons from which the public official, his/her family members, relatives or associates acquire any form of income or benefit.

### Article 13. Other prohibitions

13.1. Prohibitions and permissions established by legislation other than this Law shall have application to the activities of public officials unless they are inconsistent with the provisions of this law.

### Article 14. Limitations on entering into contracts

14.1. A public official referred to in article 3.1.14.1 shall not ,take up employment in the management, audit, representation or administrative functions of a business entity, within a period of two years, if during the period of one year immediately prior to the termination of his service in public office the functions of his employing institution were directly related to the supervision or control of the business of said business entity, or were directly related to the regulation of any industry or business activity in which the business entity was engaged.

### Article 15. Limitations on implementing contracts and enjoying individual benefits

15.1. After separation from an office in the public service, a former public official shall have no right for a period of two years to enter into contracts with, or to seek individual benefits beyond those specified by law as an entitlement from, any institution in which the former official last held office during the period of one year immediately prior to his/her leaving the service.

15.2. A business entity in which a former public official or his/her family members and relatives hold over 50 per cent of the authorized capital, or which employs the former official in its management, audit or administrative authorities, is prohibited for a period of two years from entering into a new contract or the extension of an existing contract, with, or from seeking benefits beyond those specified by law as an entitlement from, any institution in which the former official held office during the period of one year immediately prior to the date on which he/she left public employment or public office.

15.3. Limitations prescribed by Article 15.2 shall not apply where a contract with the business entity was awarded by public tender.

# CHAPTER FOUR

## Assets and Interests Declarations

### Article 16. Filing Assets and Interests declarations

16.1. Persons specified in Article 4.1 of this Law shall file their Assets and Interests declarations in accordance with the provisions of this law.

16.2. Persons specified in Article 4.1 of this Law (hereinafter referred to as “declarer”) shall be liable for preparation and filing their accurate Assets and Interests declarations.

16.3. The Anti-Corruption Agency shall determine the format of Assets and Interests declarations, procedures for their registration and storage.

16.3.1 At minimum, the Assets to be declared shall include the following:

Immovable Property, (other than principal home)

Remunerated other employment,

Other forms of significant remuneration (shares, investments etc)

Sponsorship or financial or material support

Significant personal Gifts, benefits and hospitality

Overseas visits paid for by a third party

Business Shareholdings

Unremunerated interests, memberships, partnerships etc

Significant liabilities (other than personal credit card debts etc)

16.3.2 At minimum, the private interests (relationships) to be declared shall include the following:

***[Working Group to insert specific relationships)***

16.4. Persons specified in Article 4.1 of this Law shall file their Assets and Interests declarations to the institutions or officials, specified in Article 17 of this Law, within 30 days of their appointment or election to office, and annually thereafter by February 15 of each year for the duration of their public service.

16.5. If after filing the Assets and Interests declarations within the time specified in Article 16.4 of this Law, the Assets and Interests declaration has undergone substantial changes, the declarer shall notify within 30 days and get respective registration.

16.6. Candidates in the elections for the President shall file their Assets and Interests declarations to the General Election Committee, candidates in elections for the State Great Khural – to the election district committee, candidates in elections for the Citizens’ Representatives Khurals of all levels shall file their declarations to the respective aimag, capital city, soum or district election committee, by the deadline specified in the Election Law.

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### Article 17. Registering and storing Assets and Interests declarations

17.1. The following organizations or officials shall register and store Assets and Interests declarations within the period specified by law:

17.1.1. The Anti-Corruption Agency shall receive Assets and Interests declarations of government high officials and officials equivalent to ranks of government high officials;

17.1.2. The General Elections Committee shall receive Assets and Interests declarations of candidates in the election of the President; the district election committee of the candidates in the election for the State Great Khural, aimag, capital city, soum, and district election committees of the candidates in the election for the Citizens’ Representatives Khurals of all levels; received declarations shall be registered and submitted to the General Elections Committee as stipulated in the Election Law.

17.1.3. The General Council of Courts shall received Assets and Interests declarations of judges of all instances, except for the Supreme Court;

17.1.4. The Government Service Council shall receive Assets and Interests declarations of officials who are appointed by the Government of Mongolia;

17.1.5. Assets and Interests declarations of other officials shall be received by the respective head of their institution.

17.2. An official, authorized to register Assets and Interests declarations, specified in Articles 17.1.3–17.1.5 of this Law, shall report on the implementation of the procedure for the filing of declarations to the Anti-Corruption Agency within 14 days after collecting the declarations within the period specified in Article 16.4 of this Law, together with the list of persons who filed their declarations.

17.3. The relevant Election committee specified in Article 17.1.2 of this Law, shall publish each candidate’s Assets and Interests declaration on the website of the General Elections Committee within 48 hours of receiving it from the candidate, and in the form as submitted by the candidate.

17.4 Within 14 days of the consolidating and submitting the comprehensive results of elections, shall deliver to the Anti-Corruption Agency for subsequent storage the Assets and Interests declarations of candidates in each of the respective constituencies.

### Article 18. Correspondence confidentiality

18.1. Letters, requests or queries regarding the Assets and Interests declarations and methodology for their proper fill out raised by persons specified in Article 4.1 of this Law and addressed to the Anti-Corruption Agency, responses and recommendations thereof are deemed to be personal secrets and matters pertaining to them shall be regulated by the Law on Personal Secrets.

18.2. An official responsible for the registration of Assets and Interests declarations is prohibited from disclosing information about the declarer or any other information stipulated in Article 18.1 of this Law or to use it for any purpose without the permission of the declarer, except in cases otherwise permitted by law, while in office or after official separation from the position.

18.3. The official who violates Article 18.2 of this Law shall be held accountable under the Law on Personal Secrets.

18.4. In the event that declarer’s mandate expires due to retirement or leaving his/her position or dismissal or relief of duties, his/her private interests declarations after storing them for 5 years shall be transferred to him/her or if passed away – to his/her spouse or legal successors.

### Article 19. Review and inspection of Assets and Interests declarations and the grounds for liability

19.1. The Anti-Corruption Agency shall review and analyze the Assets and Interests declarations.

19.2. The following organizations or officials shall register and store Assets and Interests declarations within the period specified by law:

19.2.1. The Anti-Corruption Agency shall receive Assets and Interests declarations of government high officials and officials equivalent to ranks of government high officials;

19.2.2. The General Elections Committee shall receive Assets and Interests declarations of candidates in the election of the President; the district election committee of the candidates in the election for the State Great Khural, aimag, capital city, soum, and district election committees of the candidates in the election for the Citizens’ Representatives Khurals of all levels; received Assets and Interests declarations shall be registered, published, and submitted to the General Elections Committee as stipulated in the Election Law.

19.2.3. The General Council of Courts shall received Assets and Interests declarations of judges of all instances, except for the Supreme Court;

19.2.4. The Government Service Council shall receive Assets and Interests declarations of officials who are appointed by the Government of Mongolia;

19.2.5. Assets and Interests declarations of other officials shall be received by the head of the relevant institution in which they are appointed or employed.

19.3. The official in charge of the registration of the Assets and Interests declarations shall monitor whether the declarations have been prepared completely and have been filed in due time, exercise the right to demand declarer to comply with the set procedures and regulations, and if there are grounds to believe that the law has been violated, obligated to inspect within his/her mandate or to transfer to the Anti-Corruption Agency for inspections.

19.4. If it considers it to be necessary the Anti-Corruption Agency may conduct an inspection of Assets and Interests Declarations at its own initiative on the basis of information received.

19.5. In the event of the failure of person specified in Article 4.1 of this Law to file the Assets and Interests declaration in due time or have filed incompletely, the Anti-Corruption Agency shall undertake the inspection of the declarer’s Assets and Interests declaration.

19.6. Failure of a person specified in Article 4.1 of this Law to file his/her Assets and Interests declaration within the time period prescribed or get it registered or have deliberately falsified it, shall serve as grounds for disciplinary sanctions, or dismissal, suspension or termination from the official position.

19.7. Failure of an authorized official to exercise his/her duties to register and review the Assets and Interests declarations or submit the relevant materials within the period specified in Article 17.2 of this Law shall constitute a disciplinary offence.

# CHAPTER FIVE

## Other provisions

### Article 20. Law implementation control institutions

20.1. Implementation of this Law shall be controlled by following institutions and officials:

20.1.1. The Anti-Corruption Agency: over the activities of government high officials and officials equivalent to ranks of government high officials;

20.1.2. The General Elections Committee – activities of candidates in the election of the President; the district election committee – of candidates in the election of the State Great Khural; the election committees of aimags, capital city, soums, and districts – of candidates in the elections of the Citizens’ Representatives Khurals of all levels;

20.1.3. The General Council of Courts – activities of judges of all instances, except the Supreme Court;

20.1.4. The Government Service Council – activities of officials who are appointed by the Government of Mongolia or Cabinet member;

20.1.5. Activities of other officials shall be controlled by the head of the respective institution.

20.2. When controlling compliance with this Law, institutions and officials specified in Article 20.1 of this Law shall:

20.2.1. monitor whether public officials timely and in accordance with relevant procedures file and get stored their Assets and Interests declarations;

20.2.2. based on the public official’s Assets and Interests declaration prepare written recommendations for the person specifying the measures he/she should undertake to ensure that his/her activities are in compliance with the requirements of this Law;

20.2.3. be entitled to inspect a person’s Assets and Interests declaration on their own initiative or on the instruction of the Anti-Corruption Agency or upon receipt of a notification regarding the non-compliance with the requirements of this Law by the person holding public office subordinate to him/her. An Inspection Committee may be set up at the institution for the purpose of carrying out such inspection. If considered necessary the issue might be transferred to the Anti-Corruption Agency for further investigation.

20.2.4. appoint and dismiss an officer responsible for registration, storage, and review of the Assets and Interests declarations.

20.3. The person who filed the notification, the person whose activity was inspected, and the Anti-Corruption Agency shall be formally informed of the inspection results. The Anti-Corruption Agency shall also be informed about all the incoming reports and notifications containing information about the violations of this Law.

### Article 21. Sanctions against violators of legislation on preventing the conflict of interest

21.1. If a public official or a candidate breaches his/her duties stipulated in this Law, it shall be a legal ground for imposing on him/her disciplinary sanction, suspending him/her from the position, cancelling his/her appointment to the position, removing his/her name from the list of election candidates.

21.2. If the person, who has breached the legislation on preventing conflict of interest in the public service, is not subject to the criminal punishment, a judge shall impose on him/her following administrative penalties:

21.2.1. a fine equal to 10 to 50 per cent of minimum monthly wage amount, if a public official kept official relations with former office holder in public service in respect of whom the limitations specified in Article 16.1 of this Law apply;

21.2.2. a fine equal to 20 to 150 per cent of minimum monthly wage amount, if following actions or non-actions, which caused conflict of interest, were committed:

21.2.2.1. participating in the preparation, consideration or passing of decisions or otherwise influencing decisions which caused a conflict of interest situation in breach of Articles 8.1, 8.2, and 8.4 of this Law;

21.2.2.2. using his/her mandate, authority, and name in order to influence other person’s decision which caused a conflict of interest situation in breach of Articles 9.1, 9.2, 9.3, and 9.4 of this Law;

21.2.2.3. illegal representation of state administrative or local institutions, private groups or natural persons in breach of Article 10.1 and 10.2 of this Law;

21.2.2.4. requesting or accepting a donation from others, taking decisions in relation to the donor within two years after the acceptance of the donation in breach of Article 12 of this Law;

21.2.2.5. have breached requirements stipulated in Article 14.1 of this Law.

21.2.3. a fine equal to 20 to 200 per cent of minimum monthly wage amount with confiscation of illegal income, if a public official accepted gifts or services in connection with the performance of his/her official duties, except the situation indicated in Article 11.4 of this Law;

21.2.4. a fine equal to 20 to 250 per cent of minimum monthly wage amount with or without confiscation of illegal income and invalidation of contracts, if the person, to whom the restrictions stipulated in Articles 15.1, 15.2, and 16.1 of this Law apply, entered into prohibited by this Law contracts, enjoyed individual benefits, or illegally represented others in the state or local institutions;

21.2.5. a fine equal to 5 times of minimum monthly wage amount with or without confiscation of illegal income, if a person committed violations stipulated in Articles 21.2.2, 21.2.3, 21.2.4, and 21.2.5 of this Law on a repeated basis.

21.3. If the breach of the legislation on preventing the conflict of interest in the public service by abuse of power, illegal use or misappropriation of public property, causing serious loss or consequences has criminal nature, the guilty person shall be subject to criminal prosecution.

### Article 22. Repayment of costs of services and benefits received

22.1. The cost of services and benefits illegally accrued to a public official, his/her family members, and relatives shall be reimbursed by the violator and transferred to the state budget.

22.2. The size of payment shall be determined on the basis of market value of accrued services and benefits.

### Article 23. Entering into force

23.1. This Law shall enter into force starting from …………… 2008.

Signature