

Regulation on Conflicts of Interests – Members of Parliament.

Last updated: July 13, 2004

| Country: | Content of regulation: | Reference: |
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| 1. Argentina | <p><u>Incompatibilities:</u> S. 13, Law 25.188. — “Es incompatible con el ejercicio de la función pública: a) dirigir, administrar, representar, patrocinar, asesorar, o, de cualquier otra forma, prestar servicios a quien gestione o tenga una concesión o sea proveedor del Estado, o realice actividades reguladas por éste, siempre que el cargo público desempeñado tenga competencia funcional <u>directa</u>, respecto de la contratación, obtención, gestión o control de tales concesiones, beneficios o actividades...”</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes (including those belonging to family members)</p> | <p><u>Code (rules) of conduct:</u> Art. 66 of the Constitution, available at: http://www.constitution.org/cons/argentin.htm; Law 25.188 on 'Ethics in the performance of public functions' (November 1, 1999), http://www.espaciosjuridicos.com.ar/datos/LEY/LEY25188.htm.</p> |
| 2. Australia | <p><u>Incompatibilities:</u> Unless excepted, person with any direct or indirect financial interest in an agreement with the Government; government contractors</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes. Members of the Parliament are required to disclose (and register) sources of income, shareholdings (under procedures which will disclose the ultimate interest in circumstances where private companies are used as a screen to mask holdings directly or indirectly in other companies), trusts in which they are trustees and in which a member of the family holds a beneficial interest, land in which they hold a beneficial interest, any other substantial interest held by the member herself or by a member of the family which might appear to raise a material conflict of interest with the public duty as a Member.</p> | <p><u>Code (rules) of conduct:</u> S. 44 (iv.) and (v.), and S. 45 (iii.) of the Constitution, http://www.constitution.org/cons/australi.txt, S. 326 and 327 of the Electoral Act, http://www.aceproject.org/main/samples/lf/lfx_1002.pdf; Members of Parliament (Register of Interests) Act, 1978, http://www.aph.gov.au/house/pubs/standos/res15.htm.</p> |
| 3. Austria | <p><u>Incompatibilities:</u> According to section 6 para. 2 of the Incompatibility Act, MPs holding a leading position in a joint-stock company, as well as in a private limited company in the fields of banking, commerce, industry, and transport, have to indicate such a position within one month to the President of their respective chamber. Under section 6 paras. 1 and 3 and section 7 para. 1, the Incompatibility Committee of the respective chamber decides upon the admissibility of such a function within three months; in case it deems the position incompatible, the respective MP has to prove his compliance with the decision within three months. According to section 6 para. 4, MPs may ex lege hold the function of a member of the supervisory board of an enterprise underlying the examination of the Court of Audit under art. 126b para. 2 of the Federal Constitution only as a honorary, i.e. unpaid function. This means that MPs are not generally prohibited from holding positions mentioned sub section 4 but only on the individual case decision by the Incompatibility Committee. Among the leading positions concerned, section 4 by way of example enumerates the functions of a member of the board of directors as well as a member of the supervisory board of a joint-stock company, and of a managing director as well as a member of the supervisory board of a private limited company; however, even stock ownership that gives the owner a position controlling the respective company can be deemed as a leading position under section 4 (section 6 paras. 1 and 3 and section 7 para. 2 explicitly use the term "Beteiligung", meaning as much as "share" or "interest").</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Art. 59 and 141 (c) of the Federal Constitutional Law, http://www.oefre.unibe.ch/law/icl/au00000_.html, S. 2 (1) (4.) and (4) of the Federal Law on the Rules of Procedure of the National Council, http://www.parlinkom.gv.at/pd/gesetze/gog-eng/gog1.html#P2, S. 9 and 10 of the Incompatibility Law of 1983, BGBl. No. 330, http://www.ris.bka.gv.at/bgb1/ as amended by Federal Gazette I no. 191/1999.</p> |
| 4. Belgium | <p><u>Incompatibilities:</u> posts of governor, vice-governor, director, trustee or auditor of the National Bank of Belgium and other clearly defined posts with certain public bodies or establishments of public benefit. MPs may not be appointed as member of the board of directors of an 'autonomous' state owned public corporation [e.g. the National Bank of Belgium, GIMV and GIMB (regional investment companies), some autonomous public companies (e.g. the Belgian Railway Company), ...]. There is no limitation for MPs to hold shares of publicly traded companies (e.g. the National Bank)</p> <p>--No relevant incompatibility in the Constitution</p> | <p><u>Code (rules) of conduct:</u> Art. 49 of the Constitution, http://www.oefre.unibe.ch/law/icl/be00000_.html, Art. 55bis of the Standing Orders of the Chamber of Representatives, http://www1.lachambre.be/reglement/reglementF.pdf, Art. 70bis of the Standing Orders of the Senate,</p> |

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| | <p><u>Obligation to declare personal assets:</u> Yes (since 2004). Since 1995 Ministers and Members of Parliament have to declare each year their financial interests to the Court of Audit. Only judiciary authorities can consult these reports (Acts of the 2nd May 1995).</p> <p>The special law of June 26, 2004, executing and completing the law of May 2, 1995, concerning the obligation (for deputies, counsellors, members of legislative assemblies at federal, regional, community, provincial and municipal level, ministers, etc.) to fill in a document (declaration) about the mandates, functions, professions and patrimony that they fulfil, has been published as well as the (ordinary) law of June 26, 2004 concerning the same subject.</p> | <p>http://www.senate.be/www/webdriver?Mlval=index_senate&M=1&LANG=fr, Act of 6 August 1931, http://www.europarl.eu.int/workingpapers/pana/w9/part2_en.htm. http://www.just.fgov.be</p> |
| 5. Brazil | <p><u>Incompatibilities:</u> Representatives and Senators shall not:</p> <p>I. as from the date of issue of the certificates: a) execute or maintain a contract with a public entity, an autonomous government entity, a state owned company, a mixed capital company or a public utility company, unless the contract complies with uniform clauses; b) accept or hold a remunerated office, function or job, including those which may be terminated "ad nutum", in the entities listed in the preceding item; II. as from taking of office: a) be the owners, controllers, or directors of a company which enjoys a privilege as a result of a contract with a public entity or perform a remunerated function therein;</p> <p>b) hold an office or a function subject to termination "ad nutum" in the entities referred to in Item I a); c) advocate a cause in which any of the entities referred to in Item I a), have an interest; d) be the holder of more than one public elective position or office (Const.).</p> <p>It is forbidden to senators to own or participate in the management of companies that have benefits resulting from a contract with a governmental enterprise (Código de Ética).</p> <p>--Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> art. 14(9), 54, and art. 55 of the Constitution, http://www.oefre.unibe.ch/law/icl/br00000_.html, and "Código de Ética e Decoro Parlamentar" (resolução nº 20, de 1993), http://www.senado.gov.br/servlets/NJUR.Filtro?tipo=RSE&secao=NJUILEGBRAS&numLei=000020&data=19930317&pathServer=www1/netacgi/nph-brs.exe&seq=000.</p> |
| 6. Canada | <p><u>Incompatibilities:</u> Government contractor. However, if a Parliamentarian is a shareholder of an incorporated company that has a contract with the government, the prohibition is not applicable unless the contract involves the building of a public work.</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No. Currently, there is no requirement for Parliamentarians to disclose financial interests generally. However, Standing Order 21 of the House of Commons provides that Members are not entitled to vote on questions in which they have direct pecuniary interests; if they do so, their votes will be disallowed. A similar provision is found in the Senate Rules. Moreover, Senators who have a pecuniary interest in a matter referred to a select committee cannot sit on that committee. No rules diminish Parliamentarians' right to participate in debate.</p> | <p><u>Code (rules) of conduct:</u> Art. 34 and 41 of the Parliament of Canada Act, http://laws.justice.gc.ca/en/P-1/89140.html, Art. 121 and 122 of the Criminal Code, http://laws.justice.gc.ca/en/c-46/text.html, Canada Elections Act, Standing Orders of the House of Commons and Rules of the Senate, http://www.parl.gc.ca/information/library/PRBpubs/793-e.htm.</p> |
| 7. Chile | <p><u>Incompatibilities:</u> government contractor; director of a bank or <u>any</u> limited company (sociedad anónima).</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No</p> | <p><u>Code (rules) of conduct:</u> The reading of a bill on a code of conduct is already well along in the Chamber of Deputies. In addition, there are some relevant provisions (Art. 57, 58 (2) and (4), and Art. 82, N° 11 and N° 12 (17) of the Constitution, http://www.constitution.org/cons/chile.htm, Art. 35 to 37 of the Standing Orders of the Chamber of Deputies; Art. 136 to 139 of the Standing Orders of the Senate.</p> |
| 8. Colombia | <p><u>Incompatibilities:</u> The following are not qualified to be congressmen: ... Those who participated in business dealings with public entities or contracted with them in their own interest or that of third parties, or have been legal representatives of entities that administer taxes or fiscal-type levies within six months prior to the date of the election (art 179 Const). ... Congressmen are prohibited from doing the following: 1. Holding public or private office or employment; 2. Managing in their own name or someone else's name, affairs before the public authorities or before individuals dial administer taxes, or from being empowered to contract with these officials on their own or through a third party. The law will establish the</p> | <p><u>Code (rules) of conduct:</u> art 179 and 180 of the Constitution, http://confinder.richmond.edu/columbia_const2.html#tit6c4.</p> |

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| | <p>exceptions to this provision; 3. Being members of boards or executive councils of decentralized entities of whatever level or of institutions that administer taxes; 4. Making contracts or making arrangements with individuals or private legal entities that may administer, handle, or invest public funds or that may be contractors of the state or receive subsidies from the latter. Excepted is the acquisition of goods or services that are equally offered to all citizens (Art 180 Const.).</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No</p> | |
| 9. Czech Republic | <p><u>Incompatibilities:</u> Public official may not make use of their post, authority or information acquired within the course of discharging their office in order to gain unjust advantage for themselves or other persons. They especially may not: Within the course of discharging their office, negotiate with the state, state owned companies or companies mainly administered by the state either in person or for another person. Member of Parliament is not entitled to the remuneration for discharging the office of a member of managing, supervisory, or auditing body of a corporation engaged in running business in which the State of the State Property Fund of the Czech Republic or those subjects have major ownership interest or controlling voting interest. The remuneration may neither be discharged after expiration of the mandate.</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes. Member of Parliament is obliged to report whether they or their spouses: carries on business of self-employed activities according to a specific regulation, with the exception of trusteeship of their own properties as well as scientific, pedagogic, publicizing, literary, artistic or sports activities providing that they are not carrying on business in those fields. Within the course of meeting of a constitutional or state body, public official wishing to participate in the debate, submit a proposal, or cast a vote is obliged to report their relation, or if aware the relation of their spouse, children, parents, siblings towards the item discussed before approval or decision is taken, if the outcome of the discussions could be beneficial to them or the above-mentioned persons, or if they or the above-mentioned persons are have individual interest in the issue. This does not apply if it is a generally evident benefit or interest.</p> | <p><u>Code (rules) of conduct:</u> Art. 22 and 25 (f) of the Constitution, http://www.oefre.unibe.ch/law/icl/ez00000_.html, S. 6 (f) and 7 and 8 of the Act No. 90/1995 Coll. on the Rules of Procedure of the Chamber of Deputies, http://www.psp.cz/cgi-bin/eng/docs/laws/1995/90.html, and Act No. 238/1992 Col. on Some Provisions Concerning Public Interest Protection and on Incompatibilities of Some Offices.</p> |
| 10. Denmark | <p><u>Incompatibilities:</u> --</p> <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No. There is a rule disciplining the voluntary disclosure of board membership and investments in companies.</p> | <p><u>Code (rules) of conduct:</u> Regulations concerning voluntary registration of the occupations and financial interests of Members of the Folketing, 2001/02.</p> |
| 11. Finland | <p><u>Incompatibilities:</u> --</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No. There is however a recommendation that all MPs should announce voluntarily their economical bonds. Announcements have been collected to the public database on the parliaments internet server. After the elections MPs have to announce how they financed their campaign. Supporters (also companies) who gave over 1700 Euros support must be identified.</p> | <p><u>Code (rules) of conduct:</u> Parliament Act, 13 Jan 1928, http://www.oefre.unibe.ch/law/icl/fi02000_.html</p> |
| 12. France | <p><u>Incompatibilities:</u> leadership posts in a national enterprise, a state-aided company, a financial company mobilizing public savings, a real estate firm. Certain senior management posts which are de facto exercised in certain companies or enterprises, particularly: companies which derive advantage from the State or a public body; companies whose purpose is purely financial and which publicly solicit the deposit of savings; companies whose main activity is carrying out works, providing supplies or rendering services for the account or under the control of certain public bodies; companies carrying on certain activities in the field of real estate; companies whose capital mainly consists of share-holdings by companies of the aforementioned kinds (Article L.O. 146 of the Electoral Code); however, exemptions from these provisions exist concerning unsalaried posts in various bodies which are deemed to be of regional or local benefit. However, certain posts or activities which are compatible with membership if they were embarked upon before membership began cannot be embarked upon during membership. It is prohibited: (1) to become an adviser, except for members of the professions subject to statutes or whose title is protected; (2) to accept a post as a member of the board of directors or supervisory board of a company as referred to in the aforementioned Article L.O. 146 (Article L.O. 147 of the Electoral Code).</p> | <p><u>Code (rules) of conduct:</u> Art. 79 of the Standing Orders of the National Assembly, http://www.assemblee-nationale.fr/english/8ac.asp; Art. 99 of the Standing Orders of the Senate, http://www.senat.fr/reglement/reg51.html; Art. 141, 150 and 151 of the Electoral Code, http://www.legifrance.gouv.fr/WAspad/VisuArticleCode?commun=CELECT&code=&h0=CELECTOL.rcv&h1=1&h3=25, Organic Law N° 88-226, http://www.legifrance.gouv.fr/WAspad/Visu?cid=13886&indice=1&table=CONSOLIDE&ligneDeb=1, and Law N° 88-227 of 11.03.1988 relating to financial transparency in</p> |

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| | <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p>political life, http://www.legifrance.gouv.fr/WAspad/Visu?cid=20304&indice=2&table=CONSOLIDE&ligneDeb=1, Law N° 93-122 of 29.01.1993 called the Anti-Corruption Law, http://www.legifrance.gouv.fr/WAspad/Visu?cid=20329&indice=15&table=CONSOLIDE&ligneDeb=1, Law on the financing of political parties, Law on concurrent holding of more than one office. See also: http://www.assemblee-nationale.fr/connaissance/incompatibilites.asp.</p> |
| 13. Germany | <p><u>Incompatibilities:</u> --</p> <p><u>Obligation to declare personal assets:</u> Yes (Obligation to disclose (management or supervisory) board memberships; interests held or acquired in a joint-stock company or partnership, if this results in considerable economic influence on the company).</p> <p>-- No incompatibility in the Constitution</p> | <p><u>Code (rules) of conduct:</u> Rule 18 of the Rules of Procedure of the Bundestag, http://www.bundestag.de/htdocs_e/info/rules.pdf, and Code of Conduct for Members of the German Bundestag, http://www.bundestag.de/htdocs_e/info/rules.pdf; §44a AbgG. There is <u>NO</u> code of conduct for Members of the Bundesrat.</p> |
| 14. Greece | <p><u>Incompatibilities:</u> The duties of deputy shall be incompatible with the functions or the status of member of board of directors or chairmen or director general or their substitute or employee of a commercial firm or enterprise enjoying special privileges or concessions or receiving a regular state subsidy by virtue of a special law.</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No</p> | <p><u>Code (rules) of conduct:</u> Art. 57 and 100 (1) (c) and (4) of the Constitution, http://www.oefre.unibe.ch/law/icl/gr00000_.html; Reglement de la Chambre de Deputes, http://www.parliament.gr/english/index.pdf.</p> |
| 15. Hong Kong | <p><u>Incompatibilities:</u> --</p> <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes (Obligation to disclose (amongst others): (i) remunerated directorships of companies, public or private; the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shareholdings of a nominal value greater than one-hundredth of the issued share capital).</p> | <p><u>Code (rules) of conduct:</u> Legislative Council Ordinance, http://www.ifes.org/AsiaAssocSite/hk2.htm, Electoral Affairs Commission Ordinance of 1997, http://www.ifes.org/AsiaAssocSite/hk1.htm, Rule 83(5)(d) of the Rules of Procedure, http://www.legco.gov.hk/english/index.htm, Legislative Council of the Hong Kong Special Administrative Region, Guidelines on Registration of Interests, November 2002, http://www.legco.gov.hk/english/index.htm.</p> |
| 16. Hungary | <p><u>Incompatibilities:</u> The mandate of a Member of Parliament shall end ... upon declaration of a conflict of interest... A majority of two-thirds of the votes of the Members of Parliament present shall be required for the Parliament to establish a conflict of interest.</p> <p>--Some incompatibility in the Constitution and reference to determine compatibilities through law (art 20 Const.)</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Art. 20 A (1) (c) and (2) of the Constitution, http://www.oefre.unibe.ch/law/icl/hu00000_.html, SO 130 and 131 (1) and (2) of the Standing Orders of the Parliament of the Republic of Hungary, http://www.mkogy.hu/hazszabaly/resolution.htm.</p> |
| 17. India | <p><u>Incompatibilities:</u> government contractor</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No</p> | <p><u>Code (rules) of conduct:</u> Art. 102 (2) and 104 of the Constitution, Tenth Schedule to the Constitution, http://www.constitution.org/cons/india/const.html, Rules 222 to 228 of the Rules of Procedure and Conduct of Business in Lok Sabha, The Members of Lok Sabha Disqualification on Ground of Defection Rules (Appendix IV of the Rules of Procedure and Conduct of Business in Lok Sabha), http://parliamentofindia.nic.in/rules/rules.html; Rules 187 to 203 of the Rules of Procedure and Conduct of Business in Rajya Sabha, The Members of Rajya Sabha</p> |

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| | | Disqualification on Ground of Defection Rules (Appendix II of the Rules of Procedure and Conduct of Business in Rajya Sabha), http://rajyasabha.nic.in/ . |
| 18. Indonesia | <p><u>Incompatibilities:</u> --</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Art. 7 (1) (d) and (f), 9 (2) and 98 of the Rules of Procedure of the House of Representatives, Art. 13 (1) and (3) in relation with Art. 4 (1) (f) and (h), Art. 4 (4), 34 and 38 of the Law No. 16 Concerning the Composition and Status of the People's Consultative Assembly, the House of Representatives and the Regional House of Representatives, Volume II, Chapter I of the Penal Code, Law on Police Measures against MPs</p> |
| 19. Ireland | <p><u>Incompatibilities:</u> Office holders should not hold company directorships carrying remuneration. Even if remuneration is not paid, it is regarded as undesirable for them to hold directorships. ... Office holders should not hold any financial interests which might conflict, or be seen to conflict, with their position as an office holder. Office holders are required to register shares with an aggregate nominal or market value in excess of €13,000 and directorships or shadow directorships.</p> <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Ethics in Public Office Act 1995, http://www.artscouncil.ie/archive/future/docs/Ethics%20in%20Public%20Office%20Act%201995.pdf; Code of Conduct, http://www.sipo.gov.ie/2816/Cconduct.pdf.</p> |
| 20. Israel | <p><u>Incompatibilities:</u> Member of the board of directors of an association; government contractor; purchaser of State property; (as of October 1, 1996) engaging in any business or occupation, except for unpaid voluntary work; engaging in any business, even without pay, if the work involves possible misuse or attainment of a personal advantage, or conflict of interest with his duty as Knesset Member. <u>Note:</u> Since 1996, members of the Israeli Knesset may not earn income from any occupation whatsoever, although this restriction takes effect only six months after the beginning of a mandate.</p> <p>-- Incompatibilities in the Constitution (Note: Israel has no written constitution in one single document, but rather a number of Basic Laws).</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Rules of Ethics, http://www.knesset.gov.il/rules/eng/ethics1.htm, see also The Immunity of Members of Knesset, their Rights and Duties Law, http://www.knesset.gov.il/description/eng/eng_work_chak1.htm, and The Knesset Rules of Procedure, http://www.knesset.gov.il/rules/eng/contents.htm, see further S. 7, 42 and 43 (a) of The Basic Law: The Knesset, http://www.oefre.unibe.ch/law/icl/is02000_.html.</p> |
| 21. Italy | <p><u>Incompatibilities:</u> executive of a State enterprise or State-assisted company. Law n. 60 of 1953 (mentioned above) forbids a member of Parliament to sit on the board of banks (except for small local banks) and publicly traded financial institutions. The Prime minister and other cabinet members can not appoint to chairs in public owned companies members of Parliament. Law n. 60 of 1953 also bans Parliament members from being legal advisors, consultants of managers for companies that do business with the government. The problem here is that the Constitution (art. 66) gives each House the power to review reasons of incompatibility of its members. So no citizen can claim and no judge can really decide whether or not a member is in a compatible position in respect to his mandate because the House (or the Senate) retains the power of declaring if or not a member should choose which office to keep.</p> <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Art. 54, 65 and 66 of the Constitution, http://www.oefre.unibe.ch/law/icl/it00000_.html, Rule 18 of the Rules governing the Examination of Credentials (Regolamento parlamentare per la verifica del poteri), http://www.senato.it/funz/reg_verifica.htm, Art. 135(6) of the Standing Orders of the Senate (Regolamento del Senato), http://www.senato.it/funz/reg/home.htm; Law n. 60 of 1953.</p> |
| 22. Japan | <p><u>Incompatibilities:</u> The Standards of Conduct prohibit the president and vice-president of the House of Councillors from holding executive posts at enterprises or organizations and receiving remuneration for the duties [unless they receive remuneration related to their own businesses or remuneration of one million yen or less per year]. The Standards of Conduct also prohibits chairpersons of standing committees, special committees, and research committees of the House of Councillors from holding executive posts at enterprises or organizations related to the jurisdiction of these committees and receiving remuneration for the duties).</p> <p>-- No incompatibility in the Constitution</p> | <p><u>Code (rules) of conduct:</u> Art. 124-II to 124 IV of the Diet Law, Principles of Political Ethics, http://www.sangiin.go.jp/eng/law/center2.htm, Standards of Conduct, Detailed Rules for Application of the Standards of Conduct, Regulations of the Deliberative Council on Political Ethics of the House of Representatives; Law Concerning the Disclosure of the Assets and Others of Diet Members Aimed at</p> |

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| | <u>Obligation to declare personal assets:</u> Yes | Establishment of Political Ethics of These Members; Law to Raise Political Ethics by Banning the Purchase or Transfer of Shares, etc. under Pseudonyms ; Law Concerning Punishment of Public Officials Who Make Personal Gain by Interceding for Businesses |
| 23. Luxembourg | <u>Incompatibilities:</u> Dans son article, 58, la Constitution prévoit que le député nommé par le Gouvernement à un emploi salarié qu'il accepte, cesse immédiatement de siéger et ne reprend ses fonctions qu'en vertu d'une nouvelle élection. Cette disposition exclut les nominations de députés aux fonctions de directeur dans les établissements publics dans la mesure où ces nominations se font en général par le Gouvernement. --No relevant incompatibility in the Constitution <u>Obligation to declare personal assets:</u> No | <u>Code (rules) of conduct:</u> Art 54-58 of the Constitution, http://www.oefre.unibe.ch/law/icl/lu00000_.html ; Règlement de la Chambre des Députés, http://www.chd.lu/docs/pdf/reglement.pdf , Art 129, electoral law of Feb 18, 2003 |
| 24. Malaysia | <u>Incompatibilities:</u> A member who is elected to be President [of the Senate], Speaker of the House of Representatives, shall be disqualified from holding office if after three months of his election to such office or at any time thereafter he is or becomes a member of any board of directors or board of management, or an officer or employee, or engages in the affairs or business, of any organization or body, whether corporate or otherwise, or of any commercial, industrial or other undertaking, whether or not he receives any remuneration, reward, profit to benefit from it: provided that such disqualification shall not apply where an organization or body carries out any welfare or voluntary work or objective beneficial to the community or any part thereof, or any other work or objective of a charitable or social nature, and the member does not receive any remuneration, reward, profit or benefit from it. --Some incompatibilities in the Constitution <u>Obligation to declare personal assets:</u> No | <u>Code (rules) of conduct:</u> Art. 48, 56 and 57 of the Constitution, http://confinder.richmond.edu/local_malaysia.html ; no mention of "rules of procedure" in the web. |
| 25. Mexico | <u>Incompatibilities:</u> -- No incompatibility in the Constitution <u>Obligation to declare personal assets:</u> No | <u>Code (rules) of conduct:</u> Ley Federal de las Entidades Paraestatales, Art 19, Fraccion V, http://www.cddhcu.gob.mx/leyinfo/pdf/110.pdf |
| 26. Netherlands | <u>Incompatibilities:</u> -- -- No incompatibility in the Constitution <u>Obligation to declare personal assets:</u> No | <u>Code (rules) of conduct:</u> - - (http://www.tweede-kamer.nl/organisatie/griffie/overig/Inhoudsopgave_pagina_RvO.jsp --in Dutch only) |
| 27. New Zealand | <u>Incompatibilities:</u> In respect of members of Parliament generally the Standing Orders of the House of Representatives provide that a member must declare any pecuniary interest before participating in the consideration of an item of business. A member failing to declare a pecuniary interest commits a contempt of the House. -- No incompatibility in the Constitution <u>Obligation to declare personal assets:</u> Yes, if relevant to parliamentary business under consideration (including interests held by member's spouse or domestic partner or child who is wholly or mainly dependent on the member for support). | <u>Code (rules) of conduct:</u> Standing Orders (165 - 167, 400) and Speakers' Rulings (61/1 - 62/6) are on website http://www.clerk.parliament.govt.nz/Publications/Other ; the statute book contains provisions relating to the bribery of Ministers of the Crown and members of Parliament (sections 102 and 103 of the Crimes Act 1961). |
| 28. Norway | <u>Incompatibilities:</u> -- -- No incompatibility in the Constitution <u>Obligation to declare personal assets:</u> No. However, the presidium of the Parliament has adopted rules according to which MPs voluntarily may register certain economic interests in a register which is open to the public. Among the interests which in case shall be registered is ownership in all kinds of companies when the ownership exceeds one per cent of the capital of the company. Most of the MPs have chosen to register their interests. | <u>Code (rules) of conduct:</u> Rules of procedure (of the Storting), http://www.stortinget.no/english/rules_of_procedure.html |

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| 29. Peru | <p><u>Incompatibilities:</u> The office of congressman is incompatible with such positions as manager, proxy, representative, chief executive officer, attorney, majority shareholder, and members of the board of directors of enterprises which have contracts with the government for projects or supplying and provisioning, or which manage national income or perform public services. The office is also incompatible with similar posts in enterprises which, during the congressman's term, obtain concessions from the government, or with those in the credit and financial system that are supervised by the Office of Superintendent of Banking and Insurance.</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No</p> | <p><u>Code (rules) of conduct:</u> Art. 92 of the Constitution, http://confinder.richmond.edu/Peru(eng).html; Texto Único del Reglamento del Congreso de la República, http://www.congreso.gob.pe/reglamento.htm, Section 19.</p> |
| 30. Philippines | <p><u>Incompatibilities:</u> any other office or employment in the Government, or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries; government contractor</p> <p>No Senator or Member of the House of Representatives may hold any other office or employment in the Government, or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries, during his term without forfeiting his seat. Neither shall he, directly or indirectly, be interested financially in any contract with, or in any franchise or special privilege granted by the Government, or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation, or its subsidiary, during his term of office (Art 6, sections 12-14, 12-14 Const.)</p> <p>Public officials shall not (1) directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office; (2) own, control, manage or accept employment as officer, employee, consultant, counsel, broker... in any private enterprise regulated, supervised or licensed by their office unless expressly allowed by law. Public officials have an obligation to submit declarations under oath of investments, stocks, bonds, ... all business interests and financial connections. When a conflict of interest arises, he shall resign from his position in any private business enterprise within thirty days from his assumption of office or divest himself of his shareholdings or interest within sixty days from such an assumption.</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Code of Conduct and Ethical Standards for Public Officials and Employees Act (Republic Act No.6713 of 1989), http://www.nscb.gov.ph/ru11/aboutus/ccespo.htm; Art 6, sections 12-14, Constitution, http://www.chanrobes.com/article6.htm.</p> |
| 31. Poland | <p><u>Incompatibilities:</u> President of the National Bank of Poland; members of the National Council of Radio Broadcasting and Television; a senator cannot own more than 10% of shares in a business where the state or a communal legal person is a shareholder (Const.).</p> <p>A senator is subject to special restrictions as concerns his involvement in business activities. He must not carry out activities that would entail benefiting from state or local self-government (i.e. municipal, regional or provincial) assets. A senator must not be a member of the governing body of an enterprise in which the State Treasury or local self-government hold shares, cannot be involved in a business where he would be using State Treasury or communal property, is not allowed to manage or represent such business (even if he is not its owner), and cannot own more than 10% of shares in a business where the state or a communal legal person is a shareholder. In case of transgressing this interdiction, a senator is liable to be brought before the State Tribunal, which may revoke his mandate. Senators involved in additional activities, or in running a business, are not entitled to use their mandate with a view to obtaining special privileges.</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Art. 33 to 35 of the Act on the Exercise of the Mandate of a Deputy or Senator, http://www.senat.gov.pl/k5eng/historia/noty/nota06a.htm, Art. 22, 23, 71a, and 72 of the Standing Orders of the Sejm of the Republic of Poland; http://www.sejm.gov.pl/english/poslowie/pcg3.htm; Art. 2 and 23 of the Rules and Regulations of the Senate, http://www.senat.gov.pl/k5eng/senat/index.htm, art 103 and 227 of the Constitution, http://www.oefre.unibe.ch/law/icl/pl00000_.html.</p> |
| 32. Portugal | <p><u>Incompatibilities:</u> Member of the board of public enterprises, State-controlled companies, and companies controlled by public institutions. Law No 64/93 of 26 August 1993, as amended by Law No 28/95 of 18 August 1995, stipulates, however, in Article 8, that where more than 10% of the capital of an enterprise is held by the holder of a political office (this includes Members of the European Parliament, pursuant to Article 1(2g)), that enterprise is not permitted to respond</p> | <p><u>Code (rules) of conduct:</u> Art. 117, 120, 154, 157, 160 (1) (a), and 163 of the Constitution, http://www.oefre.unibe.ch/law/icl/po00000_.html, and Law N° 34/87 of 16.07.1987, Art. 3, 4 (1) (a) and Art. 6</p> |

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| | <p>to calls for tender for the supply of goods or services in the context of a commercial or industrial activity involving contracts with the state or any other public collective entity. In addition, Article 9 of the same law (No 64/93) states that holders of public office may not act as arbitrators or experts, remunerated or otherwise, in any proceedings to which the state or any other public collective entity is a party; this restriction applies for one year after the person concerned has ceased to hold office.</p> <p>--No relevant incompatibility in the Constitution but reference to determine compatibilities through law</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p>(1) (d) and (f) of the Standing Orders of the Assembly of the Republic, http://www.parlamento.pt/const_leg/estatuto_deputados/index.html; Art. 4 (1) (c) and (2), Art. 6 (1) (c) and (2), Art. 8 (1) (a) and (5), Art. 20 to 22 of the Statute of Deputies, http://www.parlamento.pt/const_leg/estatuto_deputados/index.html; Law No 64/93 of 26 August 1993.</p> |
| 33. Russia | <p><u>Incompatibilities:</u> The deputies to the House of Representatives [State Duma] work on a permanent professional basis. Deputies to the House of Representatives [State Duma] may not be employed in the civil service or engage in any activities for remuneration other than teaching, research or other creative activities.</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No</p> | <p><u>Code (rules) of conduct:</u> art. 97 of the Constitution, http://www.oefre.unibe.ch/law/icl/rs00000_.html. See also Vasil Gonashvili, 2002, "Constitutional aspects of unelectability and incompatibility of a member of parliament," Georgian Law Review, 5: 247-267. No Rules of Procedure in English.</p> |
| 34. Singapore | <p><u>Incompatibilities:</u> A person shall not be qualified to be a Member of Parliament who ... (c) holds an office of profit (Const.). The privileges, immunities and powers of Parliament and of the Speaker, Members and committees of Parliament shall be the same as those of the Commons House of Parliament of the United Kingdom and of its Speaker, Members or committees at the establishment of the Republic of Singapore (art. 3 Privileges, Immunities and Powers Act).</p> <p>-- No direct incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No. However, a Member shall not in or before Parliament or any committee take part in the discussion of any matter in which he has a direct personal pecuniary interest without disclosing the extent of that interest and shall not in any circumstances vote upon any such matter (Privileges, Immunities and Powers) Act, section 32).</p> | <p><u>Code (rules) of conduct:</u> Art 45 of the Constitution, http://www.oefre.unibe.ch/law/icl/sn00000_.html); Parliament (Privileges, Immunities and Powers) Act (Chapter 217, 1985 Revised Edition) wherein sections 32 and 35-36 (which are provisions on pecuniary interest/conflict of interest), http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-217&doctype=PARLIAMENT%20%28PRIVILEGES%20%20IMMUNITIES%20AND%20POWERS%29%20ACT%0a&date=latest&method=part.</p> |
| 35. South Africa | <p><u>Incompatibilities:</u> --</p> <p>South Africa's elected leaders are required to disclose [in the Register of Members' Interests] shares and financial interests, remunerated employment outside Parliament, directorships and partnerships, consultancies and retainerships, sponsorships, gifts and hospitality, benefits, travel of certain categories, land and property, and pensions.</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> South Africa, Code of Conduct for Elected Members of the ANC 1994; Code of Conduct in regard to Financial Interests of Members of the National Assembly and the Senate 1996; http://www.pmg.org.za/parlinfo/codeofconduct.htm</p> |
| 36. South Korea | <p><u>Incompatibilities:</u> officers and employees of public corporations and of agricultural, marine and rancher co-operatives. Members of the National Assembly may not acquire, through abuse of their positions, rights, and interests in property or positions, or assist other persons to acquire the same, by means of contracts with or dispositions by the State, public organizations, or industries (Art. 46 Const.)</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No</p> | <p><u>Code (rules) of conduct:</u> Art. 43 and 46 of the Constitution, http://eng.assembly.go.kr/.</p> |
| 37. Spain | <p><u>Incompatibilities:</u> --</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes (Compulsory declaration of activities and assets)</p> | <p><u>Code (rules) of conduct:</u> SO 16, 17, and 19 (3), 99 and 101 of the Standing Orders of the Congress, http://www.congreso.es/; SO 17 (1) and (2) of the Standing Orders of the Senate, http://www.senado.es/reglamen/index.html; S. 160 (3) and (4) of the Representation of the Spanish People Organic</p> |

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| 38. Sri Lanka | <p><u>Incompatibilities:</u> certain officers of public corporations [In particular: (a) an officer in any public corporation holding any office created prior to November 18, 1970, the initial of the salary scale of which was, on November 18, 1970, not less than Rs. 7,200 per annum or such other amount per annum as would, under any subsequent revision of salary scales, correspond to such initial, (b) an officer in any public corporation holding any office created November 18, 1970, the initial of the salary scale of which is, on the date of creation of that office, not less than the initial of the salary scale applicable on that date to an office referred to in item (ix) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first mentioned initial...]</p> <p>-- Some incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Art. 66 (c) to (e), and (i), Art. 78, 81, 89 to 91, and 99 (13) (a) of the Constitution, http://www.parliament.lk/present_constitution.htm, Art. 78 of the Standing Orders, Part II and Schedule to the Parliament (Powers and Privileges) Act, No. 21 of 1953, http://www.parliament.lk/parliament_act.htm.</p> |
| 39. Sweden | <p><u>Incompatibilities:</u> --</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No. There is a rule disciplining the voluntary disclosure of board membership and investments in companies.</p> | <p><u>Code (rules) of conduct:</u> 1996/810 Act on registration of members commitments and financial assets</p> |
| 40. Switzerland | <p><u>Incompatibilities:</u> Members of the Parliament (MP) keep their private occupations during their parliamentary mandate. Article 11 of the new Law of parliament adheres to disclose economic and professional interests of the Member of Parliament; for example: profession, the membership in an administration board (private companies), activity as expert for the federal administration etc. In addition to this, the membership of the Parliament is incompatible with the membership of the leading administration of companies in which the federal state takes financially a dominant position (Art. 14 of the new Law of Parliament).</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Art. 9 (6) of the Standing Orders of the National Council, http://www.admin.ch/ch/i/rs/171_13/a9.html; Art. 7 (1), 44 (2) and (3), 55 and 56 of the Standing Orders of the Council of States, http://www.admin.ch/ch/i/rs/171_14/index.html. Art 11, 13, 14, 15, Law of Parliament – The new Law of parliament in German, French and Italian is available under http://www.bk.admin.ch/ch/d/ff/2002/8160.pdf ; http://www.bk.admin.ch/ch/f/ff/2002/7577.pdf ; http://www.bk.admin.ch/ch/i/ff/2002/7271.pdf .</p> |
| 41. Taiwan | <p><u>Incompatibilities:</u> While MPs are prohibited from concurrently serving any positions for any government-owned companies, according to Art. 11 of the “Lawmakers’ Ethics and Discipline Law”.</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes.</p> | <p><u>Code (rules) of conduct:</u> -- “Public Officials’ Recusal Arising from Conflict of Interest Law,” 2000; Art. 9 of the “Public Officials’ Declaration of Properties Law”, 1993; Chapter 5 (Arts. 19-24) of the “Lawmakers’ Ethics and Discipline Law”, 1999.</p> |
| 42. Thailand | <p><u>Incompatibilities:</u> officials and employees of a State agency or enterprise; government contractors. A person under any of the following prohibitions shall have no right to be a candidate in an election of members of the House of Representatives: ...having been expelled, dismissed or removed from the official service, a State agency or a State enterprise on the ground of dishonest performance of duties or corruption</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> S. 77 of the Constitution. However, there are some relevant provisions (S. 118 (5) to (7), and (13) in connection with S. 95, 109 (8) to (12), 110, and 111 of the Constitution, S. 118 (5) and (10) in connection with S. 109 (14) and 297 to 311 of the Constitution, http://www.ect.go.th/english/laws/constitutioneng.html.</p> |
| 43. Turkey | <p><u>Incompatibilities:</u> Members of the Turkish Grand National Assembly shall not hold office ... in corporations and enterprises affiliated with the State and other public corporate bodies; in the executive or supervisory organs of enterprises and corporations where there is direct or indirect participation of the State and public corporate bodies; in the executive and supervisory organs of public benefit associations, whose special resources of revenue and privileges are provided by law; in the executive and supervisory organs of foundations which enjoy tax exemption and receive financial subsidies</p> | <p><u>Code (rules) of conduct:</u> Art. 76, and 82 of the Constitution, http://www.hri.org/docs/turkey/con3a.html. Prof. Dr. Aysel ÇELİKEL, Former Minister of Justice, Dean of Faculty of Law, Istanbul Commerce University</p> |

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| | <p>from the state; and in the executive and supervisory organs of labour unions and public professional organisations, and in the enterprises and corporations in which the above-mentioned unions and associations or their higher bodies have a share; nor can they be appointed as representatives of the above-mentioned bodies or be part to a business contract, directly or indirectly, and be arbitrators of representatives in their business transactions (art 82. Const).</p> <p>Incompatibilities in the Constitution</p> <p>Obligation to declare personal assets: Yes</p> | |
| 44. UK | <p><u>Incompatibilities:</u> Each MP is responsible for the content of his or her own entry [in the Register of Members' Interests] with respect to ten sections, including: (1) remunerated directorships; (2) remunerated employment, office, profession etc.; (3) clients; (4) sponsorship or financial or material support; (5) gifts, benefits and hospitality; (6) overseas visits; (7) overseas benefits and gifts; (8) land and property; (9) registrable shareholdings; (10) miscellaneous and unremunerated interests. Registrable shareholdings are defined when MPs have a beneficial interest in a shareholding having a face value: (a) greater than 1 per cent of the issued share capital of the company or body, or (b) less than 1 per cent of the issued share capital but more than £25,000. Remunerated directorships include those in public and private companies including directorships which are individually unremunerated, but where remuneration is paid through another company in the same group. The requirement extends to holdings in which the interest is held by or on behalf of the Member's spouse or dependent children.</p> <p>--No relevant incompatibility in the "Constitution"</p> <p>Obligation to declare personal assets: Yes</p> | <p><u>Code (rules) of conduct:</u> Code of Conduct and Guide to the Rules Relating to the Conduct of Members of 24.07.1996 (House of Commons), http://www.parliament.the-stationery-office.co.uk/pa/cm199697/cmselect/cmstand/688/codefc.htm; House of Lords Code of Conduct, adopted on Monday 2nd July 2001, as amended on Tuesday 24th July 2001, http://www.publications.parliament.uk/pa/ld/ldcond/ldcond.htm.</p> |
| 45. US | <p><u>Incompatibilities:</u> See below.</p> <p><u>Members of the Houses of Representatives:</u></p> <p>Members are required to disclose all positions held as an officer, director,... the source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds \$200 in amount or value... The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds \$1,000 as of the close of the preceding calendar year (Rule XLIV of the House of Representatives).</p> <p>Members shall not: (1) receive compensation for affiliating with or being employed by a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship; (2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity; (3) receive compensation for practicing a profession which involves a fiduciary relationship; (4) serve for compensation as an officer or member of the board of any association, corporation, or other entity... (Rule XLVII of the House of Representatives)</p> <p><u>Members of the Senate:</u></p> <p>No Member, officer, or employee shall engage in any outside business or professional activity or employment for compensation which is inconsistent or in conflict with the conscientious performance of official duties... No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class...No Member, officer, or employee of the Senate compensated at a rate in excess of \$25,000 per annum and employed for more than ninety days in a calendar year shall affiliate with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation...No Member, officer, or employee of the Senate compensated at a rate in excess of \$25,000 per annum and employed for more than ninety days in a calendar year shall serve as an officer or member of the board of any publicly held or publicly regulated corporation, financial institution, or business entity. The preceding sentence shall not apply to service of a Member, officer, or employee as:(1) an officer or member of the board of an organization which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954, if such service is performed without compensation; (2) an officer or</p> | <p><u>Code (rules) of conduct:</u> Rule IX and Rules XLIII to XLVII of the Rules of the House of Representatives, http://bernie.house.gov/research/house_documents_rules.asp; Rules XXXIV to XLII of the Standing Rules of the Senate, http://rules.senate.gov/senaterules/standingrules.txt.</p> |

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| | <p>member of the board of an institution or organization which is principally available to Members, officers, or employees of the Senate, or their families, if such service is performed without compensation; or (3) a member of the board of a corporation, institution, or other business entity, if (A) the Member, officer, or employee had served continuously as a member of the board thereof for at least two years prior to his election or appointment as a Member, officer, or employee of the Senate, (B) the amount of time required to perform such service is minimal, and (C) the Member, officer, or employee is not a member of, or a member of the staff of any Senate committee which has legislative jurisdiction over any agency of the Government charged with regulating the activities of the corporation, institution, or other business entity...</p> <p>An employee on the staff of a committee who is compensated at a rate in excess of \$25,000 per annum and employed for more than ninety days in a calendar year shall divest himself of any substantial holdings which may be directly affected by the actions of the committee for which he works, unless the Select Committee, after consultation with the employee's supervisor, grants permission in writing to retain such holdings or the employee makes other arrangements acceptable to the Select Committee and the employee's supervisor to avoid participation in committee actions where there is a conflict of interest, or the appearance thereof (Rule XLII of the Standing Rules of the Senate).</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | |
| 46. Venezuela | <p><u>Incompatibilities:</u> director of State enterprise</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Art. 15, Reglamento Interior Y De Debates De La Asamblea Nacional, http://www.asambleanacional.gov.ve/ns2/PaginasPlanas/reglamento-2.asp.</p> |
| 47. Zimbabwe | <p><u>Incompatibilities:</u> --</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> No</p> | <p><u>Code (rules) of conduct:</u> S. 41 (1) (m), (q), and 43 of the Constitution, http://www.nca.org.zw/html/coz/coz_fs.htm, SO 78 of the Standing Orders (Public Business), http://www.parlzim.gov.zw/Whats_new/standing_orders/body_standing_orders.html.</p> |

Regulation on Conflicts of Interests – Ministers.

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| 48. Argentina | <p><u>Incompatibilities:</u> S. 13, Law 25,188. — “Es incompatible con el ejercicio de la función pública: a) dirigir, administrar, representar, patrocinar, asesorar, o, de cualquier otra forma, prestar servicios a quien gestione o tenga una concesión o sea proveedor del Estado, o realice actividades reguladas por éste, siempre que el cargo público desempeñado tenga competencia funcional directa, respecto de la contratación, obtención, gestión o control de tales concesiones, beneficios o actividades...”</p> <p>--No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes (including those belonging to family members)</p> | <p><u>Code (rules) of conduct:</u> Law 25.188 on 'Ethics in the performance of public functions' (November 1, 1999), http://www.espaciosjuridicos.com.ar/datos/LEY/LEY25188.htm</p> |
| 49. Australia | <p><u>Incompatibilities:</u></p> <p>Ministers are required to resign directorships in public companies and may retain directorships in private companies only if any such company operates, for example, a family farm, business or portfolio of investments, and if retention of the directorship is not likely to conflict with the minister's public duty (eg, a minister should question the retention of a directorship in a company in which share holdings extend beyond the minister's own family).</p> <p>Ministers are required to divest themselves of all shares and similar interests in any company or business involved in the area of their portfolio responsibilities. The transfer of interests to a family member or to a nominee or trust is not an acceptable form of divestment. Ministers are not precluded from making investments on the stock markets or other financial and trading markets, but they should not operate as traders and should exercise careful personal judgment in respect of transactions.</p> <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Ministerial Code Of Conduct, issued by Prime Minister John Howard after the 1996 Federal election, http://www.australianpolitics.com/executive/howard/pre-2002/codeofconduct.shtml.</p> |
| 50. Austria | <p><u>Incompatibilities:</u> The highest executive authorities are the Federal President, the Federal Ministers and the Secretaries of State, and the members of the State Governments. The admissibility of activities in the private sector of the economy by the authorities specified in Paragraph (1) and other public functionaries can be restricted by federal law.... During his tenure of office, the Federal President may not belong to any popular representative body nor exercise any other occupation.</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Art. 19 & 61 of the Constitution, http://www.oefre.unibe.ch/law/icl/au00000_.html#A019</p> |
| 51. Belgium | <p><u>Incompatibilities:</u> There seems to be NO incompatibility for these functions of Minister or MP in the economical field.</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> <p>The special law of June 26, 2004, executing and completing the law of May 2, 1995, concerning the obligation (for deputies, counsellors, members of legislative assemblies at federal, regional, community, provincial and municipal level, ministers, etc.) to fill in a document (declaration) about the mandates, functions, professions and patrimony that they fulfil, has been published as well as the (ordinary) law of June 26, 2004 concerning the same subject.</p> | <p><u>Code (rules) of conduct:</u> Art. 50 & 51 of the Constitution, http://www.oefre.unibe.ch/law/icl/be00000_.html); S. 10 of the law “sur les Marches Publics” of 24th December 1993, http://www.begroting.be/f/h8/h8a/h8a5.pdf, Law of 2 May 1995.</p> <p>http://www.just.fgov.be</p> |
| 52. Brazil | <p><u>Incompatibilities:</u> According to the Law 8112/1990, civil servants are forbidden to participate in the management of private companies and general partnerships, except for the participation in management or auditing boards of companies or entities in which the State has, direct or indirect participation. They are also</p> | <p><u>Code (rules) of conduct:</u> Art. 14(9) of the Constitution, http://www.oefre.unibe.ch/law/icl/br00000_.html, and “ Código de Conduta da Alta Administração Fderal” (D.O. de 22.8.2000),</p> |

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| | <p>forbidden to do business, although they can be shareholders or backers.</p> <p>--No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p>www.presidencia.gov.br/etica/conduta1.htm</p> |
| 53. Canada | <p><u>Incompatibilities:</u> (1) For the purposes of this section and section 13, "controlled assets" means assets that could be directly or indirectly affected as to value by Government decisions or policy. (2) Controlled assets, other than assets that may be retained under subsections 9(2) or 13(5), shall be divested. (3) Controlled assets include: publicly traded securities of corporations and foreign governments, whether held individually or in an investment portfolio account... 9.2 says: "Ethics Counsellor determines that they are of such a value that they do not constitute any risk of conflict of interest in relation to the public office holder's duties and responsibilities". 13 says: "13.(1) Subject to subsection (5), controlled assets are usually divested by selling them in an arm's length transaction or by making them subject to a trust or management agreement, the most common of which are set out in the Schedule. (2) The Ethics Counsellor has the responsibility for determining that a trust or management agreement meets the requirements of this Code. Before an arrangement is executed or when a change is contemplated, a determination that the arrangement meets the requirements of this Code shall be obtained from the Ethics Counsellor. (3) Confirmation of sale or a copy of any executed instrument shall be filed with the Ethics Counsellor. With the exception of a statement that a sale has taken place or that a trust or management agreement exists, all information relating to the sale and the arrangement is confidential. (4) For the purposes of this Code, trust or management arrangements shall be such that they do not leave in the hands of the public office holder any power of management or decision over the assets. (5) Subject to the approval of the Ethics Counsellor, a public office holder is not required to divest controlled assets that are: pledged to a lending institution as collateral; or of such value as to be practically non-marketable." ...</p> <p>17. Subject to section 18, public office holders shall not, outside their official duties, a. engage in the practice of a profession; b. actively manage or operate a business or commercial activity; c. retain or accept directorships or offices in a financial or commercial corporation; d. hold office in a union or professional association; or e. serve as a paid consultant. Permissible Activities. 18.(1) When the activities described in section 17 relate to the official duties and responsibilities of a public office holder, the public office holder may, in exceptional circumstances and with the approval required by subsection 7(4) become or remain involved in them, but may not accept remuneration for any activity, except as provided in subsections (3) and (4)... (3) Where the Prime Minister or a person designated by the Prime Minister is of the opinion that it is in the public interest, full-time Governor in Council appointees to Crown Corporations, as defined in the Financial Administration Act, may retain or accept directorships or offices in a financial or commercial corporation, and accept remuneration therefore, in accordance with compensation policies for Governor in Council appointees as determined from time to time.</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Conflict of Interest and Post-Employment Code For Public Office Holders, 1994, http://strategis.ic.gc.ca/SSG/oe00002e.html#obj</p> |
| 54. Chile | <p><u>Incompatibilities:</u></p> <p>--No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u></p> |
| 55. Colombia | <p><u>Incompatibilities:</u> Same as those required for congressmen. The following are not qualified to be congressmen: ... Those who participated in business dealings with public entities or contracted with them in their own interest or that of third parties, or have been legal representatives of entities that administer taxes or fiscal-type levies within six months prior to the date of the election (art 179 Const). ... Congressmen are prohibited from doing the following: 1. Holding public or private office or employment; 2. Managing in their own name or someone else's name, affairs before the public authorities or before individuals dial administer taxes, or from being empowered to contract with these officials on their own or through a third party. The law will establish the exceptions to this provision; 3. Being members of boards or executive councils of decentralized entities of</p> | <p><u>Code (rules) of conduct:</u> art 179 and 180 of the Constitution, http://confinder.richmond.edu/columbia_const2.html#tit6ch4</p> |

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| | <p>whatever level or of institutions that administer taxes; 4. Making contracts or making arrangements with individuals or private legal entities that may administer, handle, or invest public funds or that may be contractors of the state or receive subsidies from the latter. Excepted is the acquisition of goods or services that are equally offered to all citizens (Art 180 Const.).</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | |
| 56. Czech Republic | <p><u>Incompatibilities:</u> A member of the Government must not pursue activities whose nature is in conflict with the exercise of his function. Details are stipulated by law.</p> <p>--Some incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Art 32 and 70 of the Constitution, http://www.oefre.unibe.ch/law/icl/ez00000_.html</p> |
| 57. Denmark | <p><u>Incompatibilities:</u> Members of government are prohibited from exercising any other functions in private or public service except from being member of parliament. This includes board memberships etc. The legal reference is Act. no. 1019 of 17 November 2000 on the remuneration and pension etc. of ministers.</p> <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes (Constit.)</p> | <p><u>Code (rules) of conduct:</u> Regulations concerning voluntary registration of the occupations and financial interests of Members of the Folketing, 2001/02; Act no. 1019 of 17 November 2000 on the remuneration and pension etc. of ministers.</p> |
| 58. Finland | <p><u>Incompatibilities:</u> While holding the office of a Minister, a member of the Government shall not hold any other public office or undertake any other task which may obstruct the performance of his or her ministerial duties or compromise the credibility of his or her actions as a Minister. A Minister shall, without delay after being appointed, present to the Parliament an account of his or her commercial activities, shareholdings and other significant assets, as well as of any duties outside the official duties of a Minister and of other interests which may be of relevance when his or her performance as a member of the Government is being evaluated.</p> <p>--Some incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Art 63 of the Constitution, http://www.oefre.unibe.ch/law/icl/fi00000_.html</p> |
| 59. France | <p><u>Incompatibilities:</u> Membership of the Government shall be incompatible with ... any public employment or professional activity. An organic act shall determine the conditions under which the holders of such mandates, offices, or employment shall be replaced.</p> <p>--Some incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Art. 23 of the Constitution, http://www.oefre.unibe.ch/law/icl/fr00000_.html</p> |
| 60. Germany | <p><u>Incompatibilities:</u> The Federal President may not ... hold any other salaried office, nor engage in a trade, nor practice a profession, nor belong to the management or ends in any event on the first meeting of a new Bundestag, the tenure of office of a Federal Minister ends also on any other termination of the tenure of office of the Federal Chancellor (art. 55 Const.)</p> <p>The Federal Chancellor and the Federal Ministers may not hold any other salaried office, nor engage in a trade, nor practice a profession, nor belong to the management or, without the consent of the Bundestag, to the board of directors of an enterprise carried on for profit (art. 66 Const.).</p> <p>--Some incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Art 55 and 66 of the Constitution, http://www.constitution.org/cons/germany.txt</p> |
| 61. Greece | <p><u>Incompatibilities:</u> The office of the President shall be incompatible with any other office, position, or function. (art 30 Const.)... No person who does not satisfy the requirements for holding the office of deputy, according to Article 55, shall be appointed member of the Government or Deputy Minister. [The duties of deputy shall be</p> | <p><u>Code (rules) of conduct:</u> Art 30 & 81 of the Constitution, http://www.oefre.unibe.ch/law/icl/gr00000_.html</p> |

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| | <p>incompatible with the functions or the status of member of board of directors or chairmen or director general or their substitute or employee of a commercial firm or enterprise enjoying special privileges or concessions or receiving a regular state subsidy by virtue of a special law]. All professional activities of the members of the Government, the Deputy Ministers, and the Speaker shall be suspended while they discharge their duties. A law may establish the incompatibility of the office of Minister or Deputy Minister with other functions as well.</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | |
| 62. Hong Kong | <p><u>Incompatibilities:</u> Ministers are required to seek approval from the Government within one year after completion of their agreements, before taking up any outside employment or engaging in any business the principal part of which is carried out in Hong Kong,</p> <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Civil service regulations; declaration of investment system, http://www.legco.gov.hk/yr01-02/english/hc/sub_com/hs51/papers/hs510424cb2-1677-2e.pdf</p> |
| 63. Hungary | <p><u>Incompatibilities:</u> The office of President of the Republic is incompatible with all other public, social and political offices or mandates. The President of the Republic shall not be otherwise gainfully employed and shall not accept remuneration for other activities, with the exception of such activities which fall under the protection of copyright. (Art 30 Constitution)... The Minister's term shall cease ... upon declaration of a conflict of interest (Art 33 Const).</p> <p>Senior positions and memberships in boards of supervisors are by all means incompatible with the legal relationship of public officials if upon acceptance they threaten to result in a more advantageous situation to the business venture concerned over others. The acceptance of a position has to be refused as well if it is unworthy of the office of the public official or would threaten the unbiased activity of the public official.</p> <p>--Some incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Art. 30, 33, and 39 of the Constitution, http://www.oefre.unibe.ch/law/icl/hu00000_.html ; Közisztviselői Etikai Kódex, Code of Ethics of Public Officials, http://www.b-m.hu/kozszolgalat/etika/angol/aetika_21.htm</p> |
| 64. India | <p><u>Incompatibilities:</u> The President shall not hold any other office of profit (art. 59 Constit). Subject to the provisions of sub-rule (2), no member of the Service shall except, with the previous sanction of the Government,- (a) engage directly or indirectly in any trade or business, or (b) negotiated for or undertake, any other employment, or (c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not, or (d) canvass in support of any business of insurance agency, commission agency etc. owned or managed by any member of his family, or (e) take part, except in the discharge of his official duties, in the registration, promotion or management of any bank or other company registered or required to be registered under the Companies Act, 1956 (of 1956), or any other law for the time being in force, or of any co-operative society for commercial purposes. Every member of the Service shall, if any member of his family is engaged in a trade or business, or owns or manages an insurance agency or commission agency, report that fact to the Government. No member of the Service shall accept any fee for any work done for any public body or for any private person without the sanction of the Government.</p> <p>-- Essentially no incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes?</p> | <p><u>Code (rules) of conduct:</u> The All-India Services (Conduct) Rules 1968 APPLICABLE? Art 59 of the Constitution, http://www.oefre.unibe.ch/law/icl/in00000_.html</p> |
| 65. Indonesia | <p><u>Incompatibilities:</u></p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u></p> |

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| 66. Ireland | <p><u>Incompatibilities:</u> Office holders should not hold company directorships carrying remuneration. Even if remuneration is not paid, it is regarded as undesirable for them to hold directorships. ... Office holders should not hold any financial interests which might conflict, or be seen to conflict, with their position as an office holder. Office holders are required to register shares with an aggregate nominal or market value in excess of €13,000 and directorships or shadow directorships.</p> <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Code of Conduct, http://www.sipo.gov.ie/2816/Cconduct.pdf.</p> |
| 67. Israel | <p><u>Incompatibilities:</u> A person ineligible for candidacy to the Knesset may not be appointed as a Minister.</p> <p>Ref.: Incompatibilities of Members of the Knesset: Member of the board of directors of an association; government contractor; purchaser of State property; (as of October 1, 1996) engaging in any business or occupation, except for unpaid voluntary work; engaging in any business, even without pay, if the work involves possible misuse or attainment of a personal advantage, or conflict of interest with his duty as Knesset Member.</p> <p>Incompatibilities in the Constitution (Note: Israel has no written constitution in one single document, but rather a number of Basic Laws).</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Basic Law: The President of the State, 1964, http://www.oefre.unibe.ch/law/icl/is01000_.html, Basic Law: The Government, 1992, http://www.oefre.unibe.ch/law/icl/is00000_.html</p> |
| 68. Italy | <p><u>Incompatibilities:</u> - -*</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> <p>* Since July 2004, members of the government cannot be managers of for profit organizations (see http://www.ilsole24ore.com/SoleOnLine3/Norme%20e%20Tributi/confliitto%20interessi.pdf?cmd=art&codid=20.0.247737452).</p> | <p><u>Code (rules) of conduct:</u> Art. 84 of the Constitution, http://www.oefre.unibe.ch/law/icl/it00000_.html (President of the Republic only) –see http://www.corriere.it/Primo_Piano/Politica/2003/07_Luglio/22/pop_interessi.shtml for recent project of law on conflicts of interest (July 2003).</p> |
| 69. Japan | <p><u>Incompatibilities:</u></p> <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u></p> |
| 70. Luxembourg | <p><u>Incompatibilities:</u> There is no regulation in Luxembourg concerning conflicts of interest for government members, but a rule of conduct is observed by all members of government meaning that during their time in government, they hold no ownership in any company, be it as a private person, be it as a member of government, nor do they sit on the board of directors of publicly traded companies. The rule of conduct is voluntary, but meticulously observed by all members of government.</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Art 58 of the Constitution, http://www.oefre.unibe.ch/law/icl/lu00000_.html</p> |
| 71. Malaysia | <p><u>Incompatibilities:</u> The Yang di-Pertuan Agong (President) shall not hold any appointment carrying any remuneration. The Yang di-Pertuan Agong shall not actively engage in any commercial enterprise (art 34 Const.). The Yang di-Pertua Negeri shall not hold any office of profit and shall not actively engage in any commercial enterprise (art 19B Const.).</p> <p>--Some incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Art 34 of the Constitution, http://confinder.richmond.edu/local_malaysia.html</p> |
| 72. Mexico | <p><u>Incompatibilities:</u></p> | <p><u>Code (rules) of conduct:</u></p> |

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| | <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | |
| 73. Netherlands | <p><u>Incompatibilities:</u> No minister can hold any office other than being a cabinet minister. As soon as a person becomes minister, he is asked to give up all his functions including membership of board of directors. He also cannot be owner of a government controlled firms.</p> <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Letter of the Prime Minister of the Netherlands to the Houses of parliament, Dec 22, 2002</p> |
| 74. New Zealand | <p><u>Incompatibilities:</u> Ministers are required to register remunerated directorships and substantial minority or controlling interest in a business enterprise. Rules are set to discipline situations where there is a conflict of interest. Ministers are required to divest or put their assets under a blind trust only when the conflict of interests is "significant and pervasive." Ministers are not allowed to take any active part in the day to day management or routine operation of any business enterprise.</p> <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Cabinet Manual, Ministers Of The Crown: Appointment, Role And Responsibilities, http://www.dPMC.govt.nz/cabinet/manual/2a.html#2.115</p> |
| 75. Norway | <p><u>Incompatibilities:</u> In a Regulation for Ministers it says that the Ministers are forbidden to hold any position (such as sit on the board of directors in a company) when this might have a restrictive influence on their ability to do their work, for instance because of a possible cause of interests, see the answer to question 1. Such position can be held with permission from the Prime Minister, but such permissions are not often given.</p> <p>-- No incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Norway has an act with procedures to be followed by public administration (Act of 10.02.67 nr. 2). § 6 of this act gives rules against handling matters where civil servants are incompatible because of a possible conflict of interest. This rule applies directly to the Ministers when acting as head of a Ministry, and is also used as a guideline for Ministers when acting as a member of the Government.</p> |
| 76. Peru | <p><u>Incompatibilities:</u> Ministers may not manage their own interests or the interests of third parties. Engage in activities for profit. Or be involved in the administration or management of private enterprises or associations.</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Art. 126 of the Constitution, http://confinder.richmond.edu/Peru(eng).html</p> |
| 77. Philippines | <p><u>Incompatibilities:</u> The President, Vice-President, the Members of the Cabinet, and their deputies or assistants shall not, unless otherwise provided in this Constitution, hold any other office or employment during their tenure. They shall not, during said tenure, directly or indirectly, practice any other profession, participate in any business, or be financially interested in any contract with, or in any franchise, or special privilege granted by the Government or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries. They shall strictly avoid conflict of interest in the conduct of their office. The spouse and relatives by consanguinity or affinity within the fourth civil degree of the President shall not, during his tenure, be appointed as Members of the Constitutional Commissions, or the Office of the Ombudsman, or as Secretaries, Undersecretaries, chairmen or heads of bureaus or offices, including government-owned or controlled corporations and their subsidiaries (Art. 7, Section 13, Const.).</p> <p>Public officials shall not (1) directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office; (2) own, control, manage or accept employment as officer, employee, consultant, counsel, broker... in any private enterprise regulated, supervised or licensed by their office unless expressly allowed by law. Public officials have an obligation to submit declarations under oath of investments, stocks, bonds, ... all business interests and financial connections. When a conflict of interest arises, he shall resign from his position in any private business enterprise within thirty days from his assumption of office or divest himself of his shareholdings or interest within sixty days from such an assumption.</p> | <p><u>Code (rules) of conduct:</u> Article 7, Section 13, Const., http://www.chanrobles.com/article7.htm; Code of Conduct and Ethical Standards for Public Officials and Employees Act (Republic Act No.6713 of 1989), http://www.nscb.gov.ph/ru11/aboutus/ccespoe.htm</p> |

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| | -- Incompatibilities in the Constitution <u>Obligation to declare personal assets:</u> | |
| 78. Poland | <u>Incompatibilities:</u> President of the National Bank of Poland; members of the National Council of Radio Broadcasting and Television -- Incompatibilities in the Constitution <u>Obligation to declare personal assets:</u> | <u>Code (rules) of conduct:</u> art 103 and 227 of the Constitution, http://www.oefre.unibe.ch/law/icl/pl00000_.html |
| 79. Portugal | <u>Incompatibilities:</u> --No relevant incompatibility in the Constitution but reference to determine compatibilities through law <u>Obligation to declare personal assets:</u> | <u>Code (rules) of conduct:</u> Law No 64/93 of 26 August 1993, as amended by Law No 28/95 of 18 August 1995 (legal regime governing incompatibilities and disqualifications applying to the holders of political offices); Art. 120, 157, and 163 of the Constitution, http://www.oefre.unibe.ch/law/icl/po00000_.html |
| 80. Russia | <u>Incompatibilities:</u> --No relevant incompatibility in the Constitution <u>Obligation to declare personal assets:</u> | <u>Code (rules) of conduct:</u> |
| 81. Singapore | <u>Incompatibilities:</u> The President shall... (b) not actively engage in any commercial enterprise... A member of the Cabinet or Parliamentary Secretary shall not hold any office of profit and shall not actively engage in any commercial enterprise (Const.). A minister must disclose to the President in confidence full particulars of his sources of income and a full list of his holdings of stocks or share in all companies... A minister must use the strictest discretion in deciding, in circumstances where private interest and public duty conflict, whether he can properly continue to hold such stocks or shares. A minister should not hold any directorship in public companies... Except that the Prime Minister may authorize a Minister to hold such office or participate in or be associated with any of the aforesaid activities where he considers it in the national interest for the Minister so to do. Honorary directorships... may be retained. Interests above must be publicly declared in the gazette. -- Incompatibilities in the Constitution <u>Obligation to declare personal assets:</u> | <u>Code (rules) of conduct:</u> Art 19 and 33 of the Constitution, http://www.oefre.unibe.ch/law/icl/sn00000_.html ; Code of Conduct for Ministers; Parliament (Privileges, Immunities and Powers) Act (Chapter 217, 1985 Revised Edition) sections 32 and 35-36; Cmd. 3 of 1997 |
| 82. South Africa | <u>Incompatibilities:</u> Members of the Cabinet and Deputy Ministers must act in accordance with a code of ethics prescribed by national legislation. (2) Members of the Cabinet and Deputy Ministers may not -(a) undertake any other paid work; (b) act in any way that is inconsistent with their office, or expose themselves to any situation involving the risk of a conflict between their official responsibilities and private interests; or (c) use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person (Const.). The 1995 Code of Conduct requires that Ministers may not serve on the board of public companies or own shares in companies directly connected to the Minister's official duties. -- Incompatibilities in the Constitution <u>Obligation to declare personal assets:</u> Yes | <u>Code (rules) of conduct:</u> Art 96 of the Constitution, http://www.oefre.unibe.ch/law/icl/sf00000_.html ; Code of Conduct, 18 October 1995 - - see Deoram Sing, 1999, "New Developments of Public Administration," International Review of Administrative Sciences, 65(4), http://www.sagepub.co.uk/journals/details/issue/sample/a010610.pdf |
| 83. South Korea | <u>Incompatibilities:</u> --No relevant incompatibility in the Constitution <u>Obligation to declare personal assets:</u> | <u>Code (rules) of conduct:</u> Art 83 Constitution, http://www.oefre.unibe.ch/law/icl/ks00000_.html |

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| 84. Spain | <p><u>Incompatibilities:</u> The members of the Government may not exercise representative functions other than those of the parliamentary mandate itself, nor any other public function which does not derive from their office, nor any professional or mercantile activity whatsoever.</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> S. 98 of the Constitution, http://www.congreso.es/ingles/funciones/constitucion/titulo_4.htm</p> |
| 85. Sri Lanka | <p><u>Incompatibilities:</u> The President is disqualified if covering certain officers of public corporations [In particular: (a) an officer in any public corporation holding any office created prior to November 18, 1970, the initial of the salary scale of which was, on November 18, 1970, not less than Rs. 7,200 per annum or such other amount per annum as would, under any subsequent revision of salary scales, correspond to such initial, (b) an officer in any public corporation holding any office created November 18, 1970, the initial of the salary scale of which is, on the date of creation of that office, not less than the initial of the salary scale applicable on that date to an office referred to in item (ix) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first mentioned initial...]</p> <p>-- Some (minor) incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Art. 91 and 92 of the Constitution, http://www.parliament.lk/present_constitution.htm</p> |
| 86. Sweden | <p><u>Incompatibilities:</u> A Minister may not undertake any public or private employment, nor may he undertake any commission or perform any function which is liable to impair public confidence in him.</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Art 9 of the Constitution, http://www.oefre.unibe.ch/law/icl/sw00000_.html</p> |
| 87. Switzerland | <p><u>Incompatibilities:</u> Yes</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> NA</p> |
| 88. Taiwan | <p><u>Incompatibilities:</u></p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u></p> |
| 89. Thailand | <p><u>Incompatibilities:</u> A Minister shall not hold a position or perform any act provided in section 110, except the position required to be held by the operation of law, and shall not hold any other position in a partnership, company or any organisation which engages in a business with a view to sharing profits or incomes or be an employee of any person....A Minister shall not be a partner or shareholder of a partnership or a company or retain his or her being a partner or shareholder of a partnership or a company up to the limit as provided by law. In the case where any Minister intends to continue to receive benefits in such cases, such Minister shall inform the President of the National Counter Corruption Commission within thirty days as from the date of the appointment and shall transfer his or her shares in the partnership or company to a juristic person which manages assets for the benefit of other persons as provided by law. The Minister shall not do any act which, by nature, amounts to the administration or management of shares or affairs of such partnership or company.</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | <p><u>Code (rules) of conduct:</u> Art 208 and 209 of the Constitution, http://www.oefre.unibe.ch/law/icl/th00000_.html</p> |
| 90. Turkey | <p><u>Incompatibilities:</u> Same as those required to be elected on the Turkish Grand National Assembly, e.g.: Members of the Turkish Grand National Assembly shall not hold office ... in corporations and enterprises affiliated with</p> | <p><u>Code (rules) of conduct:</u> Art. 76, and 82 of the Constitution, http://www.hri.org/docs/turkey/con3a.html.</p> |

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| | <p>the State and other public corporate bodies; in the executive or supervisory organs of enterprises and corporations where there is direct or indirect participation of the State and public corporate bodies; in the executive and supervisory organs of public benefit associations, whose special resources of revenue and privileges are provided by law; in the executive and supervisory organs of foundations which enjoy tax exemption and receive financial subsidies from the state; and in the executive and supervisory organs of labour unions and public professional organisations, and in the enterprises and corporations in which the above-mentioned unions and associations or their higher bodies have a share; nor can they be appointed as representatives of the above-mentioned bodies or be part to a business contract, directly or indirectly, and be arbitrators of representatives in their business transactions (art 82. Const).</p> <p>-- Incompatibilities in the Constitution</p> <p><u>Obligation to declare personal assets:</u></p> | |
| 91. UK | <p><u>Incompatibilities:</u> Whether it is proper for a Minister to retain any private interest, it is the rule that he or she should declare that interest to Ministerial colleagues if they have to discuss public business in any way affecting it, and that the Minister should remain entirely detached from the consideration of that business. In order to avoid the danger of an actual or perceived conflict of interest, Ministers should be guided in relation to their financial interest by the general principle that they should either dispose of any financial interest giving rise to the actual or perceived conflict or take alternative steps to prevent it. As regards steps other than disposal which might be taken in relation to interests, the Minister might consider placing all investments into a bare trust, i.e., one in which the Minister is not informed of changes in investments or of the state of the portfolio, but is still fully entitled to both the capital and income generated. Another step which (perhaps in conjunction with other steps) might provide a degree of protection would be for the Minister to accept an obligation to refrain from dealing in the relevant shareholdings etc for a period.</p> <p>Ministers must resign any directorships they hold when they take up office. This applies whether the directorship is in a public or private company and whether it carries remuneration or is honorary. The only exception to this rule is that directorships in private companies established in connection with private family estates or in a company formed for the management of flats of which the Minister is a tenant may be retained subject to the condition that if at any time the Minister feels that conflict is likely to arise between this private interest and public duty, the Minister should even in those cases resign the directorship. Directorships or offices held in connection with charitable undertakings should also be resigned if there is any risk of conflict arising between the interests of the undertakings and the Government.</p> <p>--No relevant incompatibility in the "Constitution"</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Code of Conduct and Guidance on Procedures for Ministers, 1977, and 2001, (section on Ministers' Private Interests) http://www.cabinet-office.gov.uk/central/2001/mcode/contents.htm.</p> |
| 92. US | <p><u>Incompatibilities:</u> The core conflict-of-interest law (18 U.S.C. 208) prohibits a Government employee from working on a matter that would have a direct and predictable effect on his or her financial interest or the financial interests of a spouse, minor child, general partner, organization for which he or she is officer, director, or trustee... When faced with a financial conflict of interest, the employee must disqualify himself from participation, divest the interest, or obtain a waiver of the restrictions from his supervisor. Government employees are prohibited from engaging in any outside employment or activity that conflicts with their federal duties. High-level employees are also subject to absolute limits on the amount of earned income they may receive each year. Regulatory exemptions from the statutory conflict of interest provisions for particular interests that do not pose significant conflicts do exist.</p> <p>--No relevant incompatibility in the Constitution</p> <p><u>Obligation to declare personal assets:</u> Yes</p> | <p><u>Code (rules) of conduct:</u> Ethics in Government Act of 1978 (amended by the Ethics Reform Act of 1989). http://www.house.gov/ethics/ega102.html; Hannigan, Barbara B., and William Lenox, 2003, "Outline of rules of ethics for employees and officials of a securities regulatory agency" (also describe rules that apply to the executive branch of the Government).</p> |
| 93. Venezuela | <p><u>Incompatibilities:</u></p> | <p><u>Code (rules) of conduct:</u></p> |

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| | --No relevant incompatibility in the Constitution <u>Obligation to declare personal assets:</u> | |
| 94. Zimbabwe | <u>Incompatibilities:</u> During his tenure of office, no Minister or Deputy Minister shall directly or indirectly hold any other public office or any paid office in the employment of any person (sect 31D Const). ... While he continues in office as President, the President shall not directly or indirectly hold any other public office or any paid office in the employment of any person. After ceasing to be President, a person shall not directly or indirectly hold any public office or any paid office in the employment of any person while he is receiving a pension from the State in respect of his former office of President (sect 31B Const). -- Incompatibilities in the Constitution <u>Obligation to declare personal assets:</u> | <u>Code (rules) of conduct:</u> Sections 31B and 31D of the Constitution, http://www.nca.org.zw/html/coz/coz_fs.htm |

Other sources: <http://www.ti-bangladesh.org/bp/>, “Codes of conduct –public officials”

<http://www.ipu.org/parline-e/parlinesearch.asp>, Inter-parliamentary union.

<http://www.eumap.org/library/content/250/50?browse=d> corruption laws.

Laws: <http://www.loc.gov/law/guide/austria.html>; <http://www.lib.uchicago.edu/~llou/conlaw.html> (constitutions); <http://www.constitution.org/cons/natlcons.htm> (constitutions).

Stock Exchange Supervisory Authorities: http://www.iosco.org/lists/display_members.cfm?alpha=i&orderBy=Jurisdiction&memid=1 (contains email addresses)

Internet searches for: “country name” + “incompatibilities members parliament”; “country name” + “conflict interest minister”; “country name” + “code conduct minister”, etc.