

Project against Economic Crime (PECK)

Compliance with international standards
in the area of anti-corruption

***Public Administration and
Public Procurement***



28 April 2015, Pristina

General Remarks:

- Public Administration (PA) and Public Procurement (PP):
 - Are **covered by recent legislation** that is largely compliant with international general standards and practice;
 - But remain **two problematic areas** prone to high politisation and corruption, frequent violations, low level of trust combined with low and scarce monitoring;
 - Lack of **proper implementation**;
 - There is an important **credibility** issue in both sectors.

PA - Transparency

- i) Enhance **transparency** in public administration (including “e-government”) in policy, regulatory and institutional frameworks as well as periodical monitoring and reporting;
- ii) Ensure adequate implementation of **access to public documents** at both central and local levels

PA – Recruitment and Promotion

- (i) Implement uniform rules for the transparent and impartial **recruitment** and **promotion** of public servants through inter alia
 - proper announcement of vacant posts,
 - fair competition between candidates, and
 - avoidance of conflict of interest;
- (ii) Increase the **supervision** and **monitoring** over the selection and promotion procedures of public officials; and
- (iii) Introduce appropriate **screening/vetting procedures** for checking data and integrity of candidates to positions in public administration

PA – Codes of Ethics & Gifts

- (i) Adopt the **Code of Ethics** for civil servants as soon as possible;
- (ii) Consider extension of its application to uncovered categories of officials in the public administration; and
- (iii) Increase awareness with ethical professional standards (regular training, guides, advice)
- Work out **guidelines** about the behaviour and conduct of public officials when they receive **gifts**.

PA – Declaration of assets & conflict of interest

- (i) Strengthen the **control** of the **declarations of assets and interests** in order to ensure proper implementation and monitoring;
- (ii) Intensify efforts to build **capacity in individual institutions** to prevent and detect conflicts of interest through close supervision and coordination mechanisms as well as by means of specific reference materials, guidelines and training; and
- (iii) An adequate and enforceable **conflict of interest standard**, including improper migration to the private sector ("**pantouflage**") be extended to every public official (including managers and consultants) at every level of government

PA – Rotation of staff & Disciplinary proceedings

- Consider making wider use of **rotation** in sectors of public administration particularly exposed to a risk of corruption
- Establish and maintain a central periodical **reporting of statistics** on the use of disciplinary proceedings and sanctions in public administration

Public Procurement Transparency requirements

- To create conditions for **enhanced transparency** and **equality in competition**, in order to minimise the risk of corruption opportunities in public procurement and privatisation fields;

PP - Implementation and review system

- Ensure further **streamlining** of Public Procurement **rules and procedures**, including a quick introduction of central purchasing;
- **Enhance monitoring, supervision and review** capacities and mechanisms;
- Revise Public Procurement Law concerning **reporting** of public procurement **violations** and offenders;
- Enhance **exchange and treatment of information** and horizontal **interagency cooperation** (between public procurement, audit, anti-corruption, tax and other law enforcement bodies).

PP - Integrity measures for responsible personnel

- Introduce **coherent staff policies and treatment** in the public procurement system in order to avoid changes of staff;
- Clarify and strengthen procedures in order to have **objective criteria** for conclusion of contracts;
- Introduce **conflict of interest prevention rules** in the public procurement, including compulsory declaration of conflict of interest situations by members of procurement panels;
- Promote further **training** and **specialisation** focused on prevention and detection of corruption practices.