THE CONGRESS
OF LOCAL AND REGIONAL
AUTHORITIES

Recommendation 423 (2018)[1]
Conflicts of interest
at local and regional level

1. Conflicts of interest, the risk of the abuse of public office for private advantage, have always existed at all levels of government, since many of those who work for public authorities will have a variety of other roles and responsibilities.

2. Mindful that all types of corruption threaten the efficiency of governance, the issue of conflicts of interest is one of the key areas which the Congress of Local and Regional Authorities of the Council of Europe decided to address in its roadmap of activities for preventing corruption and promoting public ethics at local and regional levels, adopted at its 31st Session in October 2016.

3. Local and regional authorities are often responsible for delivering services in areas that are vulnerable to corruption, such as urban planning, construction and social services. The implementation of conflicts of interest policies can be an important weapon in the fight against corruption, by bringing to light activities that are damaging to the public interest.

4. While many member States have introduced legislation to regulate conflicts of interest at local and regional levels, the impact of such legislation remains largely unknown. Adequate measures need to be taken by authorities to collect the necessary data to have a comprehensive oversight of the extent of the problem.

5. Public attitudes and awareness are also important for ensuring the effectiveness of the measures applied. Education, training, seminars and other forms of assistance to public officials can all contribute to raising awareness of existing rules and procedures in the fight against conflicts of interest.

6. In the light of the above considerations, the Congress refers to:

a. the Council of Europe Model Code of Conduct for Public Officials (2000);

b. the Council of Europe's Programme of Action Against Corruption;

c. the Criminal Law Convention on Corruption (ETS No. 173);

d. the Civil Law Convention on Corruption (ETS No. 174);

e. Resolution (97) 24 of the Committee of Ministers on the twenty guiding principles for the fight against corruption;

f. Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on the protection of whistleblowers;

7. The Congress invites the Committee of Ministers to encourage the governments and parliaments of member States and, where applicable, regions with legislative powers, to:

a. ensure that their legislation is fully compatible with this recommendation;

b. ensure that all local and regional authorities have clear procedures for identifying, managing and solving conflict of interest situations;

c. specify exactly what constitutes a conflict of interest, including misuse of confidential official information or property, acting on behalf of third parties and accepting gifts and invitations;

d. define the conditions for public officers to be involved in political activities;

e. organise seminars, conferences, training courses, workshops and other educational support for public officials to raise awareness about these issues;

f. encourage the introduction of e-systems to simplify the process of declarations of interest and facilitate their management;

g. ensure whistleblower protection for reporting conflicts of interest, as well as the introduction of reporting channels, such as information hotlines;

h. promote the exchange of information and knowledge between international organisations regarding the fight against conflicts of interest;

i. encourage co-ordination on this issue at the national level, between territorial authorities, non-governmental organisations (NGOs) and civil society groups, to ensure that the concerns, experience and recommendations of all concerned are taken into consideration.

COUNCIL OF EUROPE

Council of Europe, F-67075 Strasbourg Cedex
http://www.coe.int/congress

CONSEIL DE L'EUROPE

Tel.: + 33 (0) 3 88 41 21 10
Fax: + 33 (0) 3 88 41 27 51/+ 33 (0) 3 88 41 37 47

1