OECD Public Governance Reviews

Reforming Integrity Checks and Code of Ethics in Bulgaria

RECOMMENDATIONS FOR THE ANTI-CORRUPTION COMMISSION

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BETTER POLICIES FOR BETTER LIVES

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Foreword

Anti-corruption agencies must mainstream integrity policies and procedures to safeguard their activities, achieve their objectives and build public trust in their functions. Setting up effective institutional arrangements − including an integrity function, promoting a culture of public integrity, and creating accountability mechanisms tailored to the entity's risks − are crucial for ensuring the ethical use of power and public resources.

The Commission for Anti-Corruption and Illegal Assets Forfeiture of the Republic of Bulgaria (Комисия за противодействие на корупцията и за отнемане на назаконно придобитото имущество; CACIAF) has implemented integrity checks of its staff since 2018. Despite the accumulated experience and the efforts invested, the CACIAF recognised the need to improve these integrity checks to ensure that the system delivers a thorough integrity assessment in line with its organisational needs. In addition, the CACIAF has sought assistance in strengthening organisational integrity arrangements under its Code of Ethics to enhance the culture of integrity in the organisation. This report seeks to support such efforts and draws on the OECD's work on public integrity, namely the OECD Recommendation on Public Integrity.

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Acknowledgements

Table of contents

FIGURES

TABLES

6 |

BOXES

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Abbreviations and acronyms

ALIS	Administrative, Legal and Information Services Directorate
Anti-Corruption Law	Act on Counteracting Corruption and on Seizure of Illegally Acquired Property 2018
APS	Australian Public Service
BAK	Federal Bureau of Anti-Corruption of Austria
CACIAF	Commission for Anti-Corruption and Illegal Assets Forfeiture of the Republic of Bulgaria
DAFP	Administrative Department of the Public Service (*Departamento Administrativo de la Función Pública*) of Colombia
EPAC	European Partners against Corruption
EU	European Union
IACP	International Association of Chiefs of Police
IEAL	Integrity and Ethics Awareness and Learning
IPA	Institute of Public Administration
KNAB	Corruption Prevention and Combating Bureau
LPLM	Law on Liability of the State and Municipalities for Damages
MAPPAP	Public Activities Monitoring System (*Monitoreo de Actividades Privadas y Públicas Anteriores y Posteriores*) of Argentina
NSW	Parliament of New South Wales
STT	Special Investigation Service of the Republic of Lithuania
SWOT	Strengths, Weaknesses, Opportunities and Threats

Executive summary

This report provides practical, tailored recommendations for Bulgaria's Commission for Anti-Corruption and Illegal Assets Forfeiture (Комисия за противодействие на корупцията и за отнемане на назаконно придобитото имущество; CACIAF) to strengthen its Code of Ethics and its integrity check procedures. It also provides insights on the institutional arrangements for integrity within the CACIAF and how they can be best strengthened and supported.

Reforming the integrity assessment procedures in the operation of the CACIAF

Integrity assessments help evaluate a public official's integrity and ethics at the pre-employment stage, on an ongoing basis, or in response to identified risks. In Bulgaria, integrity assessments are referred to as "integrity checks" based on the Anti-Corruption Law of 2018. Integrity checks involve reviews of asset and interest declarations, knowledge tests, disciplinary sanctions in force, performance appraisals and drug and alcohol tests. They are important to ensure that the CACIAF's officials uphold the highest levels of integrity in meeting their anti-corruption objectives.

Currently, the integrity check process is fragmented. This fragmentation is a result of the way the CACIAF was established and the various laws that govern its employees. The rules in force do not distinguish among the different types of employment laws in place, hierarchical levels or responsibilities in setting the scope and frequency of integrity checks. The integrity check system in its current form does not track or provide updated information about conflicts of interest and ethical values that may arise after officials pass the recruitment process check and begin their career at the CACIAF.

The CACIAF could consider the following recommendations to strengthen its integrity checks:

- introduce a comprehensive strategy and risk management process for identifying and mitigating public integrity risks in checking integrity and allocating resources.
- assign well-defined responsibilities and tasks to a specific unit or an integrity advisor to develop expertise and consistency in integrity checks undertaken at the CACIAF. A designated unit or integrity advisor could supervise and monitor the implementation of integrity check procedures, oversee the work of the inspection teams, contribute to the development of knowledge tests, report on the results, draw lessons from the procedures and any emerging trends, and provide recommendations for improving the system.
- adopt a plan and tailored internal rules for the implementation of periodic integrity checks to promote consistency and effectiveness.
- assign a co-ordinator to add integrity elements to the knowledge-testing system and information gathering from prospective and current staff to elevate integrity issues within existing testing procedures.
- introduce psychological assessments and attitude testing into the selection process of relevant positions to improve the integrity testing of potential CACIAF employment candidates and employees of high integrity risk. This complex discipline requires support from qualified

psychological experts equipped with the right knowledge and skills, particularly for positions requiring the application of ethics in more complex or challenging situations.

- adopt a risk-based approach to asset and interest declarations based on the risk exposure of various roles or functions in the organisation.
- raise awareness and build capacity through training programmes on integrity check procedures to improve implementation.

Enhancing the impact of the Code of Ethics of the CACIAF

The Code of Conduct for Public Administration Employees covers the ethical aspects of professional conduct of all public servants in Bulgaria. The CACIAF's Code of Ethics, adopted in 2018, is aligned with the national regulation but is tailored to its own mission and operation. The Code of Ethics and its related ordinances assign integrity-related competences and responsibilities to various units of the CACIAF. Currently, there is no central unit or designated personnel for co-ordinating the organisational integrity policy, advising officials and drawing lessons for further development. To strengthen the role and impact of the Code of Ethics, CACIAF could:

- assign an integrity advisor to promote the implementation of the Code of Ethics as a focal point of integrity management in the organisational structure.
- increase the reach of integrity training, especially for newly recruited officials. Furthermore, it could also develop regular training programmes for its employees tailored to their roles and responsibilities.
- revise the Code of Ethics (with input from staff and relevant stakeholders) and facilitate regular exchanges between staff on their experiences in applying the Code of Ethics to their daily work.
- strengthen rules to better protect internal whistleblowers and consider appointing the integrity advisor as an organisational contact point to reduce fragmentation and address gaps in confidentiality and protective measures.
- adopt a detailed gift policy to clarify how employees should proceed when they are offered gifts such as hospitality, entertainment, meals, sponsored events, or travel by third parties.
- develop a tailored lobbying policy for the CACIAF to ensure transparency, including on potential external influences, to reinforce public trust in the institution.

1 Introduction

This report aims to help Bulgaria's anti-corruption commission to strengthen: (1) its integrity assessment procedures for staff and (2) its Code of Ethics. This chapter introduces the structure and operation of the integrity framework in place at the Commission for Anti-Corruption and Illegal Assets Forfeiture (CACIAF) of the Republic of Bulgaria and outlines the key organisational units that are responsible for the implementation of the ethical standards and the integrity assessment procedures of staff.

1.1. Promoting public integrity by strengthening integrity assessment procedures and the regulation of ethical standards

This report considers how the Commission for Anti-Corruption and Illegal Assets Forfeiture of the Republic of Bulgaria (*Комисия за противодействие на корупцията и за отнемане на назаконно придобитото имущество;* CACIAF) can strengthen its integrity assessment procedures for staff and its Code of Ethics.

Government integrity is one of the strongest determinants of trust in government and public action. Reinforcing integrity in the public service is a precursor to building trust and promoting the ethical use of power and public resources; open dialogue between government and stakeholders; and greater reliability and consistency in actions.

The *OECD Recommendation on Public Integrity* highlights that building a culture of integrity starts with setting clear and proportionate standards and effective procedures to help prevent violations of public integrity standards and to manage actual or potential conflicts of interest (OECD, 2017[1]). As a result, government bodies, including anti-corruption authorities increasingly recognise the importance of setting clear standards of personal conduct in codes of ethics and developing adequate integrity assessments tools, including integrity assessment procedures for their staff.

Integrity assessments tools help evaluate integrity and ethics at the pre-employment stage, on an ongoing basis for serving public officials or in response to identified risks. They might rely on various methods, including personality or character tests, responses to hypothetical ethical dilemmas in interviews, background evaluations (to assess employment, criminal and personal history), other tools to manage conflicts of interests (for example, asset or interest declarations) and random or intelligence-led covert integrity testing. While integrity assessments are different to assessments of merit or competency, aspects of integrity can be incorporated into every aspect of employee selection beginning with the job description and advertisement to ensure that the public sector employs people with deep commitment to integrity values. Formulating integrity assessment strategies and implementation plans will help organisations better harness resources and tailor activities in line with their risks and needs.

1.2. The institutional responsibilities and structure of the CACIAF

1.2.1. The main tasks and responsibilities of the CACIAF

The CACIAF is an independent anti-corruption commission established by the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property 2018 (Anti-corruption Law). The government merged five former anti-corruption bodies[1] to form the CACIAF and its current responsibilities and structure are shaped by this merger. The chairperson, the deputy and the three members of the Commission are elected by simple majority of the National Assembly for six years.

The CACIAF is responsible for:

- preventing corruption, verifying property declarations of persons holding senior public positions, identifying conflicts of interest, and confiscating illegally acquired property.
- gathering, analysing and verifying information in cases when there is reason to believe that senior public office holders have committed acts of corruption.
- assessing corruption risks and conducting periodic assessments of the application of anti-corruption measures.
- collecting good practices to maintain a database for implementation of the anti-corruption policies and measures.
- co-ordinating any draft law prepared by executive bodies regarding the existence of corruption risks, as well as carry out an *ex post* analysis of the impact of the law.[2]

1.2.2. The organisational structure of the CACIAF

The Regulations on the Structure and Activities of CACIAF and its Administration 2018 defines the structure, activities, and organisation of work in the Commission (CACIAF, 2018[2]). It outlines the rules for interaction and co-ordination between administrative units, as well as the composition, areas of operation and organisation of work of the directorates. The CACIAF is organised into units reporting directly to the President, as well as directorates of general and specialised administration (Figure 1.1).

Figure 1.1. The organisation of the CACIAF
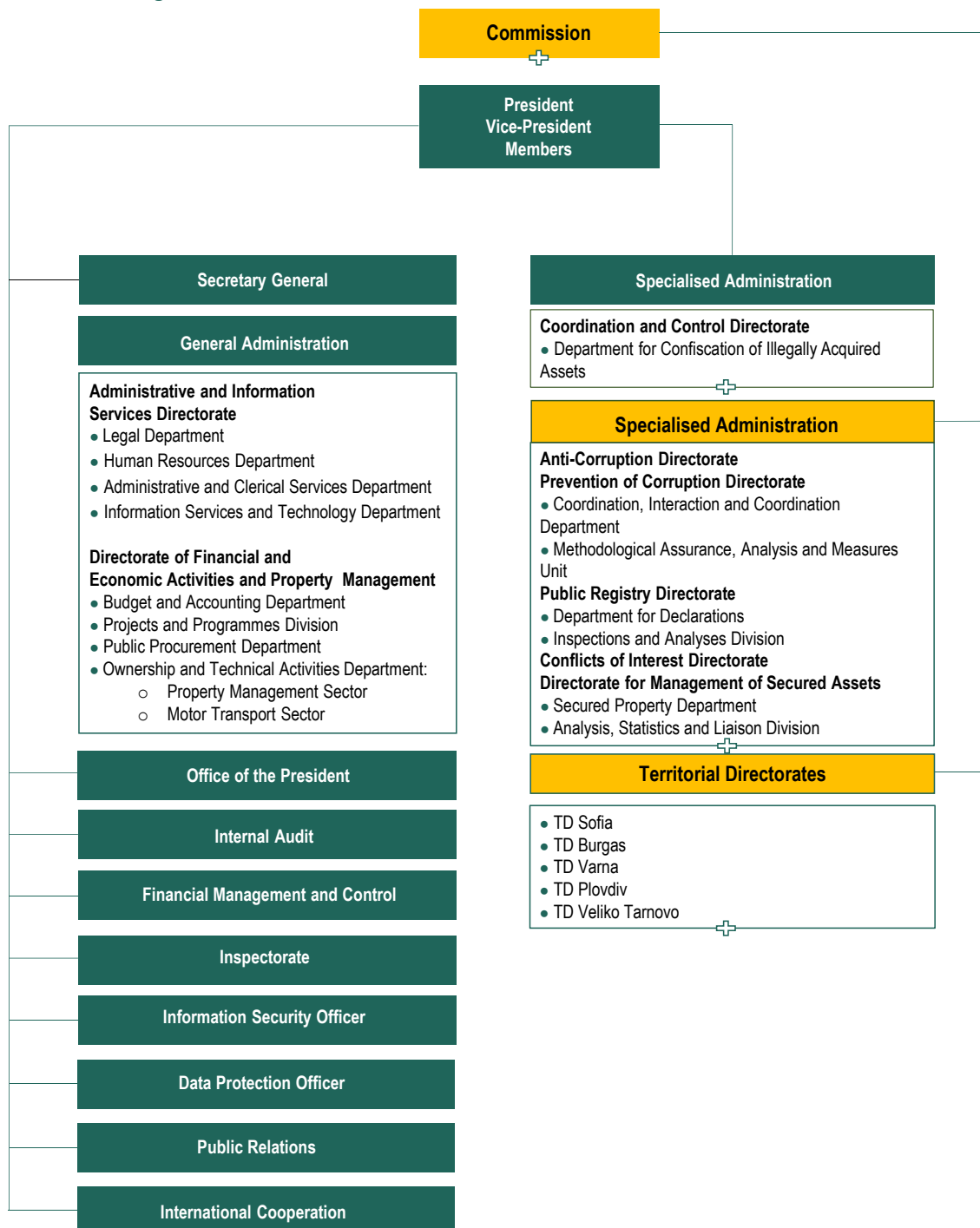
Source: Information provided by the CACIAF

The specialised administration consists of six directorates within the central administration and five territorial directorates (Table 1.1).

Table 1.1. Key functions and tasks of the specialised CACIAF Directorates

Directorate/Unit	Function	Main tasks
Anti-Corruption Directorate	Investigation/intelligence	• Investigations of reports containing evidence of corruption - collects, analyses, carries out explicit and operational checks of information and the data collected as a result, as well as activities on their documentation, upon and on the occasion of received information about acts of corruption of persons holding senior public positions. • Performs operational investigative activities in accordance with chapter nine of the Anti-Corruption Law - operational and investigative activities related to the detection, prevention and suppression of corruption crimes committed by persons holding senior public positions. • Carries out the co-ordination in line with the operational report with other state bodies for the protection of national security and public order. • Plans, organises and conducts joint events and specialised operations with the authorities of the Prosecutor's Office of the Republic of Bulgaria, the Ministry of Interior, the State Agency National Security, the State Agency Intelligence, Military Police Service and other security and public order services. • Carries out operational investigative activities in pre-trial proceedings, assigned by the investigation authorities in accordance with the Criminal Procedure Code, as well as in connection with the implementation of assigned inspections under the Judicial System Act.
Co-ordination and Control Directorate	Administrative	• Organises the Commission's meetings. • Prepares opinions and reports to the Commission together with the directors of the territorial directorates the draft decisions on the submitted reports for the initiation of proceedings for confiscation of illegally acquired property, which includes submitting to the court a request for the imposition of precautionary measures, for the termination of the inspection or for the extension of its term, for termination of proceedings, for confiscation in favor of the state of illegally acquired property and for entering into an agreement. • Co-ordinates the activity of carrying out an assessment of the value of the established property.
Prevention of Corruption Directorate	Prevention/administrative	• Maintain a national database on the implementation of anti-corruption policies and measures. • Co-ordinates draft laws prepared by the executive authorities regarding the presence of corruption risk. • Develops, monitors and evaluates anti-corruption measures. • Collects and analyses good practices. • Co-operates with European and international anti-corruption institutions. • Identifies risk areas for corruption. • Plans and implements project activities. • Organises anti-corruption trainings, seminars and information campaigns. • Develops methodologies for assessment of corruption risk, ethical standards of conduct, integrity verification systems and assists in their implementation.
Public Registry Directorate	Administrative	• Keeps and maintains an electronic public register for the declarations of persons holding senior public positions. • Administer submitted declarations (accepts the declarations, carries out checks of the submitted declarations through direct access to electronic registers, databases and other information arrays maintained by other state bodies, performs analysis of the declarations of property and interests, draws up acts to establish administrative violations).
Conflict of Interest Directorate	Investigation/control	• Carries out checks to establish the existence or absence of a conflict of interest in respect of persons referred in the Anti-corruption Law; on the basis of a report/signal submitted to the Commission, by decision of the Commission or at the request of the holder of a senior public office.
Management of Secured Property Directorate	Control	• Perform the functions of managing, preserving and safeguarding property on which security measures have been imposed in proceedings initiated by the Commission.

Directorate/Unit	Function	Main tasks
Territorial Directorates	Investigation/control	• Verifies and identifies illegally acquired property, seizure, and confiscation. • Carries out inspections to establish a significant discrepancy in the property of an inspected person. • Collects and stores evidence to establish the origin and location of the property, which is known to have been acquired through illegal activity. • Interacts with the Prosecutor's office, the Ministry of Interior, the bodies of the State Agency National Security, the revenue authorities and the bodies of the Customs Agency and other bodies and institutions when verifying the sources for the acquisition of the property.

Source: Regulation for the organisation and activity of CACIAF and its Administration; https://www.caciaf.bg/bg/za-nas/pravomoshtija (accessed on 22 June 2022)

There are a number of areas within the CACIAF that have a distinctive role in the implementation of the organisational integrity framework and the integrity assessment procedures:

- In hiring and ongoing training, the Administrative, Legal and Information Services Directorate (ALIS), particularly the Human Resources Department plays a key role in conducting integrity assessments as part of the selection process.

- The ALIS is also responsible for publishing the Code of Ethics of the CACIAF and informing the employees about its provisions. All employees must declare to Human Resources that they are familiar with the National Code of Ethics and the Code of Ethics of the CACIAF.

- To prevent and addresses integrity issues within the CACIAF, the Inspectorate assesses corruption risks and proposes measures to limit them. It collects and analyses information including through scheduled and unscheduled internal inspections and ensures compliance with the laws and regulations. It can propose to initiate disciplinary proceedings for discovered breaches of functions and duties for the Commission's staff, the National Code of Conduct for Public Administration Employees and the Code of Ethics of the CACIAF.

Notes

[1] The former Commission for Prevention and Ascertainment of Conflict of Interest, the Centre for Prevention and Counteracting Corruption and Organized Crime at the Council of Ministers, a unit of the National Audit Office, as well as a specialised directorate of the State Agency National Security, and the Commission for Illegal Assets Forfeiture.

[2] This report reflects and provides analysis of the legal standing and regulation of the CACIAF in force as of 26 October 2022.

2 Reforming the integrity assessment procedures for CACIAF staff

This chapter outlines CACIAF's current integrity check system and suggests ways to strengthen the institutional arrangements. Some of the main recommendations include: introducing a comprehensive strategy and risk-management process, assigning well-defined competences and tasks, upgrading the knowledge testing system, and considering the feasibility of psychological assessment in the selection process.

2.1. Overview of the current system of integrity checks at the CACIAF

According to the Anti-Corruption Law (SG. No. 7/19.01.2018), all employees of the CACIAF are subject to initial and regular (periodic and occasional) 'integrity checks' (Art. 15(5) and (7)). Commission members undergo professional and moral quality screening and must provide proof of how they meet the requirements for the position during the process of their election by the National Assembly (Anti-Corruption Law, Art. 9). Under CACIAF's processes, 'integrity checks' involve reviews of asset and interest declarations, knowledge tests, disciplinary sanctions in force, performance appraisals and drug and alcohol tests. The CACIAF has adopted organisational (internal) rules for conducting the integrity checks of its employees and undertaken these checks since the establishment of the organisation in 2018 (CACIAF, 2018[3]).

The employees working at the CACIAF fall under three categories:

1. civil servants employed under the Civil Servant Act (SG. No. 67/27.07.1999)
2. civil servants employed under the Anti-Corruption Law (officials of the Anti-Corruption Directorate)
3. employees contracted under the Labour Code (SG. No. 26/1.4.1986).

CACIAF conducts three types of integrity checks:

1. **Initial integrity checks** take place before the appointment of all employees. When several public bodies and departments were merged and the CACIAF was established in 2018, all reassigned employees underwent the initial integrity check within six months of their reassignment. Regardless of their legal status and the type of employment, each employee had to pass an integrity check as a part of the recruitment process.
2. **Periodic integrity checks** are carried out over a fixed period of time, annually at most, on the basis of an order of the President of the Commission.
3. **Occasional integrity checks** are unannounced tests based on the order of the President of the CACIAF. They are not subject to time limit requirements. Inspectors and directors of the CACIAF have to agree to become subjects of both periodic and occasional integrity checks during their employment.

The integrity checks rely on several indicators which are applied according to the type of check (Table 2.1). The declaration (described below) covers circumstances that need to be declared according to the provisions of the Anti-Corruption Law.

2.1.1. Declarations of incompatibility, assets and interest

All staff members are obliged to submit declarations of incompatibility, assets and interest and any changes thereof (Art. 3). The verification of the declared facts and circumstances should establish the reliability and correctness of the data submitted by the candidates and employees subject to the inspection. The inspection teams can access electronic registers, databases and ask for data held by other public authorities to verify the declared facts and circumstances.

2.1.2. Knowledge tests

Under the Regulation on the conduct of competitions and selection for mobility of civil servants of 2019, candidates who wish to work at the public administration, including the CACIAF have to take a knowledge test (Art. 36). The test includes questions related to the organisation, the operation of the administrative body in which the competitive position is located, and the professional field of the position. The purpose of the test is to check the knowledge and skills of each candidate that are needed to carry out the duties related to the respective position.

In addition, the candidates have to take another knowledge test. This aims to verify the knowledge required to perform the activities in the relevant unit of the CACIAF, as well as to comply with the Constitution and laws of the country in the interest of citizens and society. The second test is also used repeatedly during the employment relationship as a mandatory element of the initial and periodic integrity check procedures.

2.1.3. Disciplinary sanctions in force

As part of the integrity check procedure, the Human Resources Department issues a statement for the inspection team about disciplinary sanctions imposed during the employment regarding the employee. Disciplinary reprimands and penalties including non-advancement and downgrading are calculated into the assessment of the integrity of the employees.

2.1.4. Performance appraisals

The Human Resources Department provides information for the inspection team about the results of the latest performance assessment. The scoring within the check procedure depends on how the quality of work performance has been evaluated between 'outstanding performance' and 'unacceptable performance'.

2.1.5. Random alcohol or drugs checks

The Code of Ethics of the CACIAF stipulates that neither the members of the Commission, nor the employees of the CACIAF are allowed to consume alcohol, non-prescription narcotics and/or drugs while performing their duties (Art. 14(1)). The heads of the departments may initiate occasional checks to test such consumption. If the check proves that an official has consumed alcohol, non-prescription narcotics and/or drugs on more occasions, the head of the relevant unit proposes the launch of disciplinary proceedings and a disciplinary penalty.

Table 2.1. Indicators and scoring applied in integrity check procedures

	Initial	Periodic	Occasional	Scoring
1. Verification of circumstances in the declarations of incompatibility and declarations of assets and interest	X	X		• In initial checks, if full compliance is found in declarations of incompatibility: 50 points. • In case of established incompatibility and in case of established inconsistency of circumstances: 0 points. • In periodic checks, if full compliance is established in the declarations of incompatibility and of property and interests: 35 points. • In case of established incompatibility and in case of established inconsistency of circumstances in the declarations of incompatibility and of property and interests:0 to 35 points (depending on the type of non-compliance found).
2. Knowledge tests	X	X		• In initial checks: 0-50 points. • In periodic checks: 0-55 points.
3. Disciplinary sanctions in force	X*	X		For candidates and employees employed under the Anti-corruption Law: • in case of final disciplinary penalty remark: 3 points • in case of final disciplinary penalty reprimand 2 points • in case of a disciplinary penalty inadmissibility for growth in rank, degree or position for a period of one to three years, for which the stipulated period for its imposition has not expired: 0 points • in case of a disciplinary penalty reduction in rank, degree of rank or position, for a period of three months to one year, for which the stipulated period for its imposition has not expired: 0 points. For candidates and employees employed under the Civil Servant Act: • in case of final disciplinary penalty remark:3 points

	Initial	Periodic	Occasional	Scoring
				• in case of final disciplinary penalty reprimand:2 points • in case of a disciplinary penalty postponement of promotion by one year for which the stipulated period for its imposition has not expired: 0 points • in case of a disciplinary penalty relegation to a lower rank for a period of 6 months to 1 year for which the stipulated period for its imposition has not expired: 0 points. For employees employed under the Labour Code: • Final disciplinary penalty of reprimand: 3 points. • Final disciplinary penalty 'warning of dismissal': 0 points.
4. Performance	X*	X		• 'Exceptional performance': 5 points. • 'The execution exceeds the requirements': 4 points. • 'Performance fully compliant': 3 points. • 'Performance not fully compliant': 1 point. • 'Unacceptable performance' score: 0 points.
5. Alcohol and drug tests			X	• In case of refusal to carry out a check with a technical means or test and confirmed by medical tests the use of alcohol and/or narcotic substances or their analogues:50 points. • In case of a positive test result with a technical device or a test for the use of alcohol and/or narcotic substances or their analogues, confirmed by medical tests:50 points. • In case of a positive result of a test with a technical device or a test for the use of alcohol and/or narcotic substances or their analogues, the indications of which were accepted by the person subject to the check: 50 points. • In case of a positive result of a test with a technical device or a test for the use of alcohol and/or narcotic substances or their analogues, the indications of which are not accepted by the person subject to the check and his/her refusal to receive the test ticket or in case of non-appearance within the stipulated time in the designated specialised laboratory for medical research: 50 points. • In case of refusal of the person subject to the inspection, who showed a positive result of a test with a technical device or a test for the use of alcohol and/or narcotic substances or their analogues, to be examined in the specified specialised laboratory for medical tests: 50 points. • In case of a negative test result with a technical device or a test for the use of alcohol and/or narcotic substances or their analogues: 0 points. • In case of a positive result of a test with a technical device or a test for the use of alcohol and/or narcotic substances or their analogues, not confirmed by medical tests: 0 points.

*In case of re-appointment once, within a period of 6 months after the reassignment of employees from public bodies and units that merged into the CACIAF in 2018.
Source: Answers provided by the CACIAF to the OECD Questionnaire

The indicators applied in the integrity checks are determined depending on the type of the inspection. The maximum sum that can be received is 100 points. The employee fails an initial and periodic integrity check if it does not collect at least 50 points. Occasional check indicators are scored in reverse, higher points reflect a failure to produce a negative test on alcohol or use of other type of substance. According to the Anti-corruption Law failing an integrity check is a ground for dismissal (Art. 15(9)).

2.2. Integrity checks in the appointment process of CACIAF employees

2.2.1. Recruitment under the Civil Servant Act

The appointment of an employee to a vacant position within the administration of the CACIAF is carried out in accordance with the Civil Servant Act and must be preceded by a competition held under the

Ordinance for conducting competitions and selection for mobility of civil servants of 2019.The head of the administrative unit or the secretary general initiates filling a vacant position to the Chairman of the CACIAF. Once the request is approved, the Human Resources Department organises the selection process. The job announcement includes information on the integrity checks procedure.

The candidates submit the required documents at the premises of the CACIAF in person or electronically. If they successfully pass both knowledge tests, applicants must fill out a declaration of incompatibility. After an interview process, all successful candidates must undergo an initial integrity check.

2.2.2. Recruitment under the Anti-corruption Law

The employees of the Anti-Corruption Directorate have to comply with the strictest requirements of employment as this Directorate collects, analyses and checks information received about corruption committed by senior public officials. The competition for entry into the civil service within the Anti-Corruption Directorate follows a specific procedure regulated in the Regulations for the organisation and activities of the CACIAF and its administration and in the Ordinance No. 1 of 1 August 2018 on the specific requirements for entering the civil service in the Directorate. Early stages of the recruitment process involve language and knowledge testing,[1] the results of which are made public on the CACIAF website.

In addition, the CACIAF undertakes a psychological examination as an additional compulsory element of the selection process for employees of the Anti-Corruption Directorate with the candidates admitted to the final interview stage. Currently, other employees of the CACIAF are not tested in terms of their psychological status. The psychological test covers the psychological aptitude of the candidates and is a prerequisite of the final interview (CACIAF, 2018[4]).

2.2.3. Recruitment under the Labour Code

Employees working in the administration of the CACIAF can also be appointed in accordance with the Labour Code and Decree No. 66 of 28 March 1996 of the Council of Ministers on the Provision of Certain Activities in Budgetary Organisations. In this case the process is similar to the recruitment of civil servants. The vacant position is announced on the CACIAF's website with relevant information and description on the job, the minimum and specific requirements for filling the position, information on the integrity checks procedure, and additional requirements for candidates. Employees contracted under the Labour Code also fall under the scope of the Anti-Corruption Law, thus are obliged to submit a declaration of assets and interests, nevertheless, those who hold technical positions are excluded from this provision.

2.3. Strengthening the institutional arrangements for integrity checks

Integrity assessment is a complex set of measures which may rely on both data-driven screening and qualitative assessment elements, and in exceptional cases investigative methods. Through data-driven screening public bodies check the identity, criminal background and wealth upon official records. Character driven checks provide an insight to the more personal attributes of integrity, the soundness of values and commitments. Many governments also test the knowledge of public employees of legal and organisational measures on integrity.

Random or intelligence-led covert integrity testing is a special tool by which public officials are deliberately placed in potentially compromising positions without their knowledge, and tested, so that their resulting actions can be scrutinised and evaluated by their employer or an investigating authority. It stands apart of the other screening methods as it can only be applied in cases specified by law and needs special legislation to permit the use of any evidence obtained (OECD, 2005[5]).

Integrity testing might also extend to monitoring private and public activities before and after public service employment. In **Slovenia**, candidates aiming to work at the Commission for the Prevention of Corruption must inform the candidacy committee of any past or present personal circumstances that could influence or appear to influence the impartial and objective performance of their duties or could hurt the Commission's reputation (Government of Slovenia, 2010[6]). In **Argentina**, the Public Activities Monitoring System (MAPPAP) checks and verifies compliance with public ethics standards of persons entering and leaving high-level public positions. Public officials must declare the public and private positions and functions held during the year before their employment. The information is collected and presented in an open data system on the internet (Government of Argentina, 2022[7]).

In many OECD countries, background checks and pre-screening for integrity are two of the first activities used to identify people who present high risk. This can be done even before their skills and competencies are considered. However, identifying effective pre-screening tools can be a challenge, as there is little consensus on the accuracy or reliability of pre-screening tools when it comes to integrity (U4 Anti-Corruption Resource Centre, 2012[8]). For that reason, integrity and the commitment to the organisation's values could be tested at multiple stages and through the combination of tools in the selection process and afterwards.

For example, in **Australia**, each public entity must conduct vetting to ensure the eligibility and suitability of its personnel who have access to government resources. While checking personal identity and eligibility to work in the country is mandatory, integrity and reliability checks are recommended. The screening system is built on both data-driven screening and qualitative assessment methods (Table 2.2).

Table 2.2. Recommended pre-employment checks in the Australian public service

Screening check	Rationale
Integrity and reliability check	
Employment history check	An employment history check identifies whether there are unexplained gaps or anomalies in employment.
Residential history check	A residential history check helps to substantiate the person's identity in the community. All personnel need to provide supporting evidence of their current permanent residential address.
Referee checks	A referee check helps entities engage people of the appropriate quality, suitability and integrity. The Attorney-General's Department recommends conducting professional referee checks covering a period of at least the last 3 months. A referee check may address: a. any substantiated complaints about the person's behaviour b. information about any action, investigation or inquiry concerning the person's character, competence or conduct c. any security related factors that might reflect on the person's integrity and reliability.
National police check	A national police check, commonly referred to as a criminal history or police records check, involves processing an individual's biographic details (such as name and date of birth) to determine if the name of that individual matches any others who may have previous criminal convictions.
Credit history check	A credit history check establishes whether the person has a history of financial defaults, is in a difficult financial situation, or if there are concerns about the person's finances.
Qualification check	A qualification check verifies a person's qualifications with the issuing authority.
Conflict of interest declaration check	A conflict-of-interest declaration identifies conflicts, real or perceived, between a person's employment and their private, professional or business interests that could improperly influence the performance of their official duties and thus their ability to safeguard Australian Government resources. A conflict can be brought by (and not limited to) financial particulars, secondary employment and associations.
Entity-specific checks	The Attorney-General's Department recommends entities identify checks needed to mitigate additional entity personnel security risks where not addressed by the recommended minimum preemployment screening checks. Additional screening checks are entity-specific and are separate from the security clearance process. Some examples of entity-specific checks include drug and alcohol testing, detailed financial probity checks and psychological assessments.

Source: Adopted from (Australian Government Attorney General's Office, 2022[9])

In **Lithuania,** the recruitment process of the Special Investigation Service (STT) provides an assessment of the candidate's motivation to work at the STT and knowledge of the relevant laws respectively. The applicants are asked questions to assess their ability to use their knowledge in practice and prove specific skills required for the post to be filled, including their ability to communicate and cooperate as well as their professional and personal qualities (Special Investigation Service of the Republic of Lithuania, 2018[10])

In general, public organisations in OECD countries use a variety of targeted tools to implement integrity checks and assess personal character (OECD, 2020[11]):

- use of uniform curriculum vitae formats, allowing to apply integrity filters to ease identification of suitable candidates;
- pre-screening integrity test (e.g. online), personality tests or similar examinations, as a first step to be considered for the position, and/or as input into the final decision;
- interview questions asking candidates to reflect on ethical role models they have had previously in the workplace, and/or to discuss ethical dilemmas they have faced and how they reacted to them;
- situational judgement tests and questions that present candidates with a morally ambiguous situation and have them explain their moral reasoning;
- role-play simulations and gamification to be conducted in an assessment centre;
- reference checks which include questions related to ethical decision making and assessment from peers in previous positions on the ethical nature of the person and their ability to manage others ethically;
- questions that enable the candidate to demonstrate awareness of and model moral management behaviour (recognising that being an integrity leader is not only about being a sound moral person, but also about actively role-modelling ethical decision making, communicating about ethics to employees, using rewards and sanctions to promote ethics, and giving employees an appropriate level of discretion and guidance to make their own ethical decisions).

2.3.1. The CACIAF could introduce a more comprehensive strategy and risk management process for identifying and mitigating public integrity risks

Currently, the integrity check process is fragmented because of the history of the formation of the CACIAF and the various laws that govern its employees. While the CACIAF must operate within these laws, if the opportunity arises Bulgaria could bring better consistency to the laws and rules applying to all the staff of the CACIAF. In the meantime, CACIAF should develop a strategy that clearly sets out the different regimes applicable and apply a risk-based approach to developing a clear plan on how to mitigate those risks.

Implementing integrity check tools have time and cost implications, which can be reduced by screening selected candidates or employees of higher risk. While the underlying aim of integrity checks is to establish whether a candidate or the inspected CACIAF employee can and will perform its powers and duties with honesty and integrity, currently none of the procedures rely on the assessment of risks related to the tasks and functions concerned. The relevant rules in force do not distinguish among the different types of employment, the levels of hierarchy and responsibilities in terms of the scope and frequency of the integrity checks. CACIAF recognises the need for an assessment of which positions should be subjected to more vigorous integrity checks.

According to the information received, human resources processes, including the competition procedure have been audited regularly. The scope of the audit has been determined by the methodology adopted by the Ministry of Finance. The methodology rather focuses on the implementation of formal measures such as the adoption of legally prescribed organisational regulations and the mandatory signature of the CACIAF's Code of Ethics declarations by all employees. The audit does not extend to a wider scope of integrity risks and controls.

The CACIAF's organisational regulation on risk assessment in force is key to understand the internal and external context of its work, as well as the drivers and potential impediments to achieving its integrity objectives. To support the integrity check procedures, the CACIAF could further elaborate its risk assessment methodology to identify specific risks certain positions and responsibilities entail. Upon the experiences collected within the New South Wales public service in Australia, a risk-based approach to employment screening might entail several potential advantages, including:

- establishing a clearer and more defensible rationale for employment screening that is based on the role;

- standardising screening throughout the organisation, which reduces the reliance on hiring managers to determine what checks, tools and interview questions should be applied and ultimately reduces the likelihood of under-screening or over-screening potential candidates;

- using resources more effectively as the amount of screening performed is more tightly linked to the body's needs;

- improving the organisation's overall risk management as roles that unexpectedly carry large risks can be identified (Independent Commission Against Corruption of New South Wales, 2018[12]).

The risk assessment should consider the competences and responsibilities of each position within the CACIAF, based on factors such as seniority and decision-making capabilities, access to confidential or sensitive information and involvement in operational issues. Special attention could be paid to typically vulnerable activities, such as the enforcement of legislation (for example, investigation, control, imposing sanctions), handling of sensitive information (especially 'insider' or confidential information), management of funds and financial resources (allocating budget, payment of expenses), management of goods and services, public procurement and contracting, payments (Transparency International, 2015[13]). In **Ukraine**, public organisations are recommended to draw up a list of positions vulnerable to corruption. Tasks of high risk include communication with other public bodies and local authorities, management of state funds and assets, selection of contractors or suppliers and revision of contracts, and handover of completed works, goods or provided services.

Analysing audit outcomes, systematic overview of job descriptions, interviewing employees, undertaking control risk assessments, and conducting Strengths, Weaknesses, Opportunities and Threats (SWOT) gap analyses are common methods for identifying potential risks for the different positions. (OECD, 2020[11]). For instance, in **Australia** government agencies use a matrix to set out the specific checks that are performed for each level of risk (3). Tiered sets of screening checks allow organisations to differentiate between basic or low-risk roles (which require fewer, less expensive checks) and complex or high-risk roles (which entail more detailed and expensive checking) (Independent Commission Against Corruption of New South Wales, 2018[12]).

Table 2.3. Categorising roles and functions based on risk levels

Risk category	Level of risk		
	Low risk	**Medium risk**	**High risk**
Decision-making authority	• Minimal levels of discretion (for example, junior roles and short-term staff)	• Contract managers • People managers	• Executives and senior managers • Key process owners (for example, finance, payroll and security)
Financial delegation	• Staff with no financial delegations	• Roles with modest financial delegations • Staff with purchase cards or corporate credit cards	• Staff with significant financial delegations
Financial functions	• Staff with no financial functions	• Roles that process non-cash revenue	• Staff with access to bank accounts and cheque signatories • Staff who handle cash
Job requirements	• Roles that do not require evidence of formal qualifications	• Formal qualifications are desirable but not necessarily crucial to the role • Role requires a valid driver's licence	• The relevant qualifications are mandatory or crucial to the job
System access	• Contractors with no system access	• Staff with access to sensitive information	• System administrators and master users

Source: (Independent Commission Against Corruption of New South Wales, 2018[12])

Risk assessments can be useful to engage employees across the organisation to provide different perspectives and validate the results. Managers and frontline employees – those who are directly responsible for operations or service delivery can have different perceptions of the likelihood and impact of risks. Frontline employees, especially officials of the Anti-corruption Directorate and the Territorial Directorates, can also be in a better position to identify emerging risks related to specific functions and responsibilities. Using quantitative techniques and data analytics can also help to identify potential fraud and corruption in a range of areas where the CACIAF collects reliable and valid data.

The European Partners against Corruption (EPAC) that brings together more than 80 anti-corruption authorities and police oversight bodies including the CACIAF, explicitly underlines the important role of integrity risk management process, especially in times of rapid change (Box 2.1). Anti-corruption authorities have the responsibility to quickly identify their risks and opportunities if they intend to protect, preserve and further develop their values (European Partners Against Corruption, 2017[14]).

> **Box 2.1. Integrity risks in the operation of anti-corruption authorities**
>
> According to the Integrity Risk Management Guidelines adopted by the European Partners Against Corruption (EPAC) the typical fields where integrity risks may arise are the following:
>
> - procurement and property management
> - conflicts of interest and favouritism
> - giving and receiving gifts
> - incompatibilities, restrictions and limitations
> - post-employment restrictions
> - undue/unlawful influences
> - whistle-blower's protection
> - human resources (recruitment, motivation, discipline)
> - knowledge management – loss of know-how
> - transparency and decision making
> - sponsoring
> - operational field
> - technology; access and storage of files
> - IT & (personal) data protection and security
> - financial irregularities
> - intellectual property
> - material and physical resources (misuse, loss)
> - instrumentalisation of anti-corruption authorities und public oversight bodies (unlawful influence).
>
> Source: (European Partners Against Corruption, 2017[14])

By assessing risks related to positions and responsibilities effectively and regularly the CACIAF could better outline its objectives and priorities, and tailor the integrity checks to its own context and staffing needs more flexibly. Moreover, the precise mapping of the specific features certain functions entail can help the CACIAF to assign the most capable people to the most suitable roles and tasks.

2.3.2. The CACIAF could develop expertise and consistency in integrity checks by assigning well-defined competences and tasks to a specific unit or an integrity advisor

Integrity check procedures within the CACIAF are performed by designated integrity verification teams made up of members with legal and/or economic education. Reserve members are also appointed to fill in if a member is absent or an objection has been raised. At present, there is no explicit regulation about which unit or directorate the inspectors should belong to. The inspection team may include staff from all directorates and units of the CACIAF who hold the required legal or economic university degree.

The regulation is different regarding initial integrity checks. In such procedures the inspection team is the competition commission appointed by order of the Chair of the CACIAF. According to the "Regulation on the conduct of competitions and selection for mobility of civil servants of 2019", the members should include a representative of the Human Resources Department, an official with legal qualification and the immediate supervisor of the open position (Art. 6(2)).

In specific cases, officials are prohibited from taking part in integrity checks procedures, for example, when they have an interest in the outcome or has relations to the person subject to the inspection giving reasonable doubts to his impartiality. The members of the competition commission need to declare that they:

- have no personal interest in the outcome of the competition;
- are not in a relationship with any of the candidates that raises reasonable doubts about their impartiality;
- have been informed of the obligation not to disclose the information that became known to them during the competition.

The verification of the integrity of the inspectors in the inspection team is carried out by another inspection team appointed by the President of the Commission. Only after all members of the inspection team have been successfully cleared can the integrity check procedure take place. According to the CACIAF, no member of an inspection team has been disqualified.

Considering a formalised shift from ad-hoc to permanent committee membership will allow for shorter and more straightforward and consistent procedures for the selection of the members, the verification of their integrity, and the accumulation of expertise in the integrity check procedures.

The rules on the composition of the inspection teams and their areas of responsibility should be aligned and clearly defined. A coherent process of harmonising their roles and the integrity requirements towards them could eliminate the possibility of facing different integrity standards, while having overlapping competences.

The directorates and units co-ordinate with each other within the rather complex setup of integrity check actors and developed working methods to bridge the different areas of responsibilities. Assigning a single point of responsibility and accountability with formal competences could enhance how the CACIAF discharges its responsibilities and conducts integrity check procedures. The system could be consolidated by providing ownership for the integrity check framework through the identification of a co-ordinating unit within the administration (Box 2.2).

Box 2.2. Ownership of the integrity screening process in Australia

The Australian Standard on Employment Screening recommends that the chief executive officer of an organisation be held accountable for its employment screening framework. Key elements of ownership over integrity testing include that:

- there is a single employment screening policy/process owned by a senior manager with authority to implement and enforce its requirements;
- key users of the process (for example, hiring managers and the head of risk) are consulted during the drafting of the policy/process;
- the process has the support of senior management, including the agency head and the audit and risk committee;
- financial and human resources have been allocated to implement the policy/process.

Source: (Independent Commission Against Corruption of New South Wales, 2018[12])

The co-ordination and documentation of the integrity check system could also be linked to a person with a more general integrity advisory function within the CACIAF. As identified focal points in the workplace, integrity advisors are in a position to facilitate co-ordination of integrity and transparency policies within the organisation, as well as in co-operation with other organisations and jointly with other integrity actors. Given their position, they may be able to provide support to risk owners in assessing and managing risks within their organisation; diffusing integrity-related information and procedures; and designing tailor-made training sessions and advise the inspection teams and competition commissions.

A designated unit or integrity advisor could also supervise and monitor the consistent implementation of the integrity check procedures, overview the work of the inspection teams, contribute to the development of knowledge tests, report on the results, lessons of the procedures and any emerging trends, and provide recommendations for improvement of the system.

2.3.3. The CACIAF could adopt a periodic plan and more tailored internal rules on the implementation of periodic integrity checks

As set out above, there are three types of integrity checks: (1) initial check of their integrity during the recruitment process and later on become subject to (2) periodic checks of integrity and (3) occasional checks based on the suspected use of alcohol and narcotic substances. Under the Anti-corruption Law inspectors and directors of the CACIAF are subject to periodic and occasional checks of integrity when taking up their new roles and duties (Art. 15(5) and (7)). The failure to comply with the integrity check leads to dismissal.

In practice, occasional checks only cover medical examination of potential cases of alcohol, drug and substance abuse, while periodic checks follow up on the initial screenings in the same structure and with similar indicators examined no sooner than one year after the first procedure.

The heads of the departments concerned may initiate occasional checks which are carried out by the inspection teams. Each employee of the CACIAF can be subjected to occasional check and get tested on the use of alcohol and/or drugs during working hours. In the event of the use is established, the manager initiates disciplinary proceedings against the employee.

The CACIAF reported that it carried out 485 initial integrity checks between 2018 and 2021. However, neither periodic, nor occasional checks have been carried out since the CACIAF was set up in 2018. Similarly, no specific plan or strategy has been laid out to carry out integrity checks. The regulation of the integrity checks carried out by the CACIAF depend greatly on data-driven background screenings and use alcohol or drug tests to determine potential risks related to certain positions. The integrity check system in its current form does not track and provide new information about any new conflicts of interests and ethical values officials acquire after they pass the initial check during the recruitment process and begin their career at the CACIAF.

A more focused, well-tailored and carefully planned application of the checking procedures prescribed by the Anti-Corruption Law could make their implementation more consistent and effective. As mentioned in relation to integrity risks, in practice not all positions face the same level of ethical decision making and therefore may not require the same degree of screening (Box 2.3). For instance, following the original legislative goal the targeted and consequent use of occasional checks for testing officials who are up for promotion could make the system more foreseeable, motivate ethical behavior, and help to develop ethical awareness of future leaders.

Box 2.3. The foundations and different levels of integrity screening of public officials

Australia

Section 8(2A) of the "Independent Commission Against Corruption Act" of 1988 passed by the Parliament of New South Wales (NSW) states that "fraudulently obtaining or retaining employment or appointment as a public official" can constitute corrupt conduct. Therefore, pre-employment screening is widely used in the NSW public service to ensure the suitability, integrity and identity of people engaged to work. The level of pre-employment screening needed varies according to the organisational context and role being filled.

United States

The US public service does background checks and security clearances for federal jobs in order to verify that employees would be reliable, trustworthy, of good conduct and character, and loyal to the United States. The background investigation usually involves checks of criminal and credit histories and in cases that a federal position includes access to sensitive information - a security clearance is needed.

The type of background investigation depends on the position's requirements as well as the level of security clearance needed for the position. Positions in the federal government are classified in three ways:

1. non-sensitive positions;
2. public trust positions; and
3. national security positions.

For the different positions there is a different level of clearance required. For instance, lower levels of security clearances, background investigations typically rely entirely on automated checks of an applicant's history. For a secret clearance in a national security position, the investigation requires agents to interview people who have lived or worked with the applicant at some point in the last seven years or more.

Chile

Senior public managers working in the public service are expected to exercise their functions efficiently and effectively. Their performance is evaluated upon the Performance Agreement which covers i) professional competence; ii) probity and integrity in public management; and iii) awareness of public impact.

As part of their selection process, the Civil Service of Chile conducts an evaluation interview designed by external consultants and carried out by the project manager. The evaluation explores the experience and knowledge of the candidate, knowledge about the position, adaptation to the interview situation, and the values associated with the profile of the senior public manager. While the managerial evaluation serves as a guidance in the selection process, it is not graded, nor it is used as a filter criterion to pass to the overall test of competencies.

Source: Australia: NSW Public Service Commission, https://www.psc.nsw.gov.au/workforce-management/recruitment/recruitment-and-selection-guide/deciding-and-appointing/pre-employment-screening-checks; U.S. Office of Personnel Management, https://www.opm.gov/policy-data-oversight/assessment-and-selection/other-assessment-methods/integrityhonesty-tests/ (accessed on 22 June 2022); Information provided by the Government of Chile

Adopting a long-term plan which clearly states which functions and positions become subjects of periodic integrity checks, in what depth and selecting targeted tools for testing might invigorate the system. This way the CACIAF could better prepare for the integrity check procedures and make strategic decisions in areas like recruitment, promotions and its overall integrity framework.

2.4. Upgrading the testing procedures in the integrity check system

2.4.1. The CACIAF could assign a co-ordinator to develop the knowledge testing system and add integrity elements to the questionnaires

The knowledge tests are aimed to verify the knowledge required to carry out activities in the relevant structure of the CACIAF and to comply with the Constitution and laws of the country in the interests of citizens and society. The purpose of the tests is to verify the knowledge of the person subject to the inspection. The tests are in writing and contain a total of 50 questions for the initial check and 55 questions for the periodic checks, the value of each being 1 point. The candidate needs to collect at least 20 points to get admitted to the next stage of the initial check procedure.

As reiterated in the reply given to the OECD's questionnaire, currently, the "Rules for conducting the integrity checks of the employees of the CACIAF" do not provide for a specific directorate or unit to prepare the tests for knowledge testing, as they are prepared by the members of the inspection teams appointed by an order of the Chair of the Commission.

As the knowledge tests are an integral part of the integrity checks within the CACIAF, the Commission has developed a variety of options particularly tailored towards the different directorates and units, the employees there, and the specificity of their work. There are different versions of the knowledge tests being used for the Anti-corruption Directorate, Inspectorate, Conflict of Interest Directorate and Territorial Directorates. With regards to the Territorial Directories, the tests are designed for economists or jurists due to the specificity of work in these units (three versions of the test each). All other employees who do not belong to either of those units are required to undertake a general version of the knowledge test that aims to assess the familiarity with the CACIAF's authority and power, internal rules and management.

The test aims to assess whether individuals are familiar with specific laws and regulation of Bulgaria. In detail, individuals are tested on their knowledge of the Constitution of Bulgaria and other laws, regulations on classified information together with their familiarity with the CACIAF, its functions, structure and the Code of Ethics. According to the information received upon the OECD's questionnaire, in the knowledge tests within the integrity checks, there are questions from the Code of Ethics of the CACIAF, as well as in the tests during the competitions.

During the fact-finding interviews, it has been highlighted that the knowledge tests are often formalistic as they focus on the familiarity with the relevant legal provisions. At the same time, by their characteristics they do not contribute much to the assessment of the integrity of employees, a better understanding of their capacities and whether they come up to expected high standards of conduct.

The CACIAF could consider adding integrity elements and include references to the National and the CACIAF's Code of Ethics to the legally prescribed points of the knowledge tests (Box 2.4). Furthermore, the integrity elements of the knowledge tests could be differentiated upon the functions and responsibilities of the units and position concerned. For positions of some ethical intensity, candidates could be tested through questions and dilemmas that reflect the kind of ethical dilemmas they are likely to face, so that they can demonstrate their personal values and moral reasoning skills. Positions of lower ethical intensity could be seen as steppingstones where the officials and future leaders can demonstrate their integrity leadership capabilities. This way, the employees of the CACIAF could begin to develop an integrity track

record right at the beginning of their career that can be further assessed and elaborated in future knowledge tests applied in periodic or occasional integrity check procedures.

Box 2.4. Testing the integrity knowledge of public officials

Latvia

In 2014 and 2015 the Corruption Prevention and Combating Bureau (KNAB) initiated knowledge testing of public officials on corruption and prevention of conflict of interests. Knowledge tests have also become parts institutional anti-corruption training programmes, which public organisations increasingly developed and implemented for their employees in co-operation with KNAB. The knowledge tests helped to ascertain the employees' knowledge level and to plan the contents of further training in co-operation with KNAB.

Malta

The Government of Malta launched the Integrity and Ethics Awareness and Learning (IEAL) Programme in 2021. The IEAL programme is mandatory for categories of perspective and appointed employees whose role and responsibilities are susceptible to high risk. Public employees in such posts are listed in the Public Administration Act and are obliged to repeat the assessment every two years.

The IEAL Programme aims to enhance integrity standards in the day-to-day activities of government officials through a development programme to increase their awareness and make them more knowledgeable about the responsibility regarding their actions and decisions. It also provides guidance and reflections on how to take appropriate and ethically correct decisions when faced with dubious situations. This is achieved by presenting realistic case scenarios and the outcomes of internationally renowned studies.

The programme provides an overview of how ethical dilemmas can develop at the workplace. The Programme encourages public employees to consider how to address ethical dilemmas, to evaluate well the risks linked to their decisions and the possible consequences of their actions. It consists of two parts (1) formation sessions followed by (2) a test. The themes the programme covers include governance, distribution of power, values and performance. Officers who fail the test are permitted to redo the assessment within six months of the first attempt.

Source: Corruption Prevention and Combating Bureau (2014 and 2015) Progress and results in preventing and combating corruption in Latvia. https://www.knab.gov.lv/en/media/1484/download; (European Partners Against Corruption, 2021[15]) (accessed on 22 June 2022); Information provided by the Government of Malta

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Until now the focus of the development of knowledge tests have been on tailoring the questions on the relevant legal provisions to the needs and specific features of the organisational units. To harmonise the currently rather fragmented and formalistic use of the tests and make this tool more effective, the CACIAF could designate a single unit to co-ordinate tests and (in co-operation with other units and inspectors) adopt more practical integrity elements to the questionnaires.

2.4.2. The CACIAF could introduce psychological assessment to the selection process of certain functions and positions to test integrity values

While currently other (potential) staff members of the CACIAF do not have to undergo psychological testing, due to their specific tasks and responsibilities, the employees of the Anti-Corruption Directorate have to pass this additional test to get to the final interview stage. The Directorate performs operational and investigative activities in the entire territory of Bulgaria related to the detection, prevention and

suppression of corruption crimes committed by persons holding senior public positions. It also carries out inspections under the Judiciary Act of 2007, as well as individual actions in pre-trial proceedings assigned by the Prosecutor's Office.

Psychological testing is co-ordinated by the Human Resources Management Unit. According to the information received during the fact-finding interviews the CACIAF has signed an agreement with the Institute of Psychology of the Ministry of Interior of the Republic of Bulgaria to conduct psychological examination of candidates for work at the Anti-Corruption Directorate. The Institute prepares the questionnaires and methodology and provides an opinion on the psychological state of the candidates and whether they qualify to carry out operative-search activities.

The personal profile is a complex assessment of the psychological qualities, value orientation and attitudes related to the specific professional requirements for operative-search activities. For the assessment standardised personality questionnaires, semi-structured interviews and other psychological methods are applied. The CACIAF is not directly involved in the preparatory and evaluation process of the psychological tests. The selection board considers the test results and terminates the recruitment process for those who do not pass the psychological examination.

Members of the CACIAF interviewed for this report indicated that the introduction of psychological tests to all recruitment processes would contribute to more effective testing of the integrity of candidates. Currently, depending on the job they are applying for, the selection committees have to screen candidates for various competences. For instance, senior officials are expected to present strategic competence and a vision for the future development, management competence of planning, organising, and co-ordinating, leadership to motivate and develop staff, and the ability to work in teams. While the mandatory competences for civil servants are legally prescribed and apply to all civil servants working in the Bulgarian public sector, and the selection criteria for managers and experts are also defined by the internal rules of the CACIAF, integrity is not listed among the requirements for any of the job categories (CACIAF, 2021[16]).

Knowledge tests help to make decisions against predetermined objective criteria, whereas psychological tests could provide appropriate tools to get a more realistic picture about the candidate's integrity profile. Testing for integrity, moral reasoning or other values is a practice used in some OECD countries, either across civil service or within specific organisations such as the police, intelligence, and national security agencies (Box 2.5).

Box 2.5. Testing the integrity values of public employees in Luxembourg

To verify the integrity values of prospective and already employed public employees the Luxembourgish recruitment and selection unit applies a Personality Questionnaire (Questionnaire de personnalité), which contains a section on professional consciousness to explore whether the candidate respects procedures, rules, standards, completes the tasks and is attentive to the quality of their implementation.

This questionnaire is regularly used during recruitment and selection in public entities.

The section covering integrity is part of the Questionnaire on Staff Motivation, in which candidates receive a score in relation to the two following extremes:

1. the candidate considers integrity and ethics to be outside the professional context and does not need to be convinced about the objectives;
2. the candidate considers that it is important to apply moral principles and to be able to work with a clear conscience.

Source: Information provided by the Government of Luxembourg

The personal assessment of candidates and employees is a complex discipline. It requires support from qualified psychological experts equipped with the right knowledge and skills, particularly for positions of higher integrity risks. Therefore, in **Lithuania**, a psychologist is a permanent member of the committee overseeing the preliminary selection of candidates applying to the Special Investigation Service (Special Investigation Service of the Republic of Lithuania, 2018[10]).

While the values-based assessments can provide insight on the values fit, thus can be an important indicator of future performance, they might also have privacy implications. Therefore, in many OECD countries value-driven assessments are only applied to specific groups of employees of high integrity risk, such as the police force (Box 2.6) or in well-grounded individual cases. For example, in **Australia** the Attorney-General's Department recommends organisations seek legal advice (e.g., from the Australian Public Service Commission and the Australian Human Rights Commission) about the suitability and use of any entity specific psychological checks. The organisations may launch the assessment procedure after they acquire written consent from the candidates (Australian Government Attorney General's Office, 2022[9]).

Box 2.6. Psychological evaluation in the selection process of law enforcement bodies

Psychological screening is one of the tools that many police agencies use to ensure that they employ the most suitable candidates as part of a multi-stage recruitment process. Other tools might include tests assessing verbal, written, numerical and reasoning skills, a thorough background and financial check, testing of the physical abilities, a polygraph exam and medical checks.

International Association of Chiefs of Police

The International Association of Chiefs of Police (IACP) provides guidelines for the psychological evaluation. According to the document information about the required duties, responsibilities, working conditions, and other psychologically relevant job characteristics should be obtained from the hiring authority. This information helps evaluators identify knowledge, skills, abilities, and personal characteristics associated with effective and counterproductive job performance. The evaluator should be familiar with the overall hiring/selection process of the hiring agency, agency assessment standards, and procedures required by law.

It is recommended that a written psychological assessment relevant to the purpose of the evaluation be administered using test instruments that have documented reliability, validity, and other empirical evidence supporting the use in the pre-employment evaluation of public safety applicants. Individual face-to-face interviews with candidates, whether in person or remotely via telepsychology methods, should be conducted before a final determination of the candidate's psychological suitability is made. The purpose of the interview is to obtain relevant interpersonal and mental status information about the candidate, and to confirm and/or clarify test scores, personal history, and related information collected during the psychological evaluation.

Hiring agencies that permit second-opinion evaluations as part of an appeal process are encouraged to require these psychological evaluations to be based on the same criteria used for the initial psychological evaluation.

Australia: Queensland Police Service

The purpose of the psychological assessment is to evaluate whether applicants have the necessary psychological characteristics to perform the inherent occupational requirements. The psychological assessment process may include psychological testing, psychological interview and/or other assessment. The written psychological test may take up to three hours to complete, while psychological

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interviews typically take between one and two hours. Not all applicants receive invitation to a personal interview.

All test results remain confidential. In the case of successful applicants, the data might also be used for future training and human resource management decisions. The results are be retained for a minimum of seven years. For successful applicants the results are retained for a minimum of 80 years from the employee's date of birth or seven years from date of separation, whichever is later.

United States: Los Angeles Police Department

The Psychological Evaluation consists of an oral interview and evaluation by a psychologist on factors related to successful performance in the difficult and stressful job of a police officer. The information evaluated includes the written psychological tests along with information obtained in the background investigation process.

Candidates with a history or prior diagnosis of a psychological or psychiatric condition, including learning disabilities or Attention Deficit Disorder, or who have been treated with psychotropic medication or therapy, will be asked to provide relevant medical records before a final psychological determination can be made.

Source: International Association of Chiefs of Police - Police Psychological Services Section (2020) Pre-employment Psychological Evaluation Guidelines, https://www.theiacp.org/sites/default/files/all/p-r/Psych-PreemploymentPsychEval1.pdf; Queensland Police Service (2021) Psychological Assessment Information Sheet & Consent Form, https://www.police.qld.gov.au/sites/default/files/2021-03/Information%20and%20Consent%20form%20-%20PAI%2012%20mth%20RENEWAL%20online%20Mar%202021.pdf; Los Angeles Police Department (n.d.) Psychological Evaluation, https://www.joinlapd.com/step-7-psychological-evaluation (accessed on 22 June 2022).

Nevertheless, the first step is to clarify which values are integral to the work and the position and functions concerned. This should go beyond simply listing key words such as "integrity" and "accountability" and include a description of which behaviours illustrate these values in a work context (Table 2.4).

Table 2.4. Psychological constructs implicated in public service

Positive personality attributes	Negative personality attributes
agreeableness	excessive force
conscientiousness / responsibility	sexual misconduct and harassment
dependability	substance abuse
emotional toughness (freedom from anxiety, hostility, and psychological distress)	insubordination and other supervisory problems
flexibility / adaptability	embezzlement, bribery, fraud
Independence / achievement orientation	deceitfulness
integrity	Inappropriate verbal conduct
intellectual efficiency	blackmail, theft
self-discipline / self-control	lying
social confidence / self-control	kickbacks and revenge
social sensitivity	personal violence
tolerance	discrimination
well-being	absenteeism

Source: (Corey and Zelig, 2020[17])

The successful psychological testing of candidates is also closely linked to the assessment of the risks certain functions might entail. The susceptibility to influence, the ability to resist and speak up might require different personal characteristics and levels of psychological testing depending on the tasks and

responsibilities concerned. Psychologists co-operating in a closer relationship with the CACIAF can gain more insight on the specificities its work, thus might be able tailor the tests more to the needs of the organisation.

During the fact-finding interviews several points were suggested to be adopted into the integrity testing system, each reflecting to the experiences gained and needed working at the CACIAF:

- testing how the candidate reacts and makes decisions in specific situations that could emerge in everyday work
- assessment of the values the candidate stands for, its ability to communicate clearly and openly, susceptibility to influence, the ability to argue, susceptibility to negative phenomena.

As mentioned, not all officials face the same level of ethical decision-making and therefore do not need the same degree of testing. Psychological tests might be the most effective in screening candidates applying for positions of high ethical intensity. For example, they might be applied for a smaller number of pre-screened candidates who already successfully passed the knowledge test before the final decision about their employment is made.

2.4.3. The CACIAF could assess the effectiveness of asset and interest declarations in the integrity check procedures and adopt a risk-based approach to prioritising controls

Declarations of assets and interests are mandatory elements of the integrity check procedures (Box 2.7). All employees of the CACIAF have to submit the declarations within a month after taking up their posts and by 15 May each year regarding the previous calendar year. Depending on the type of declarations – for incompatibility and for assets and interests, the Inspectorate or the Human Resources Department administers the declarations in a register. Declarations are kept for a period of five years from the termination of the employment. From the declaration document only the information on interests is publicly available.

Box 2.7. Assets and interests to be declared for the employees of the CACIAF

The declaration on assets and interests submitted by the employees of the CACIAF annually includes the following information:

- real estate(s)
- motor vehicles, water and aircraft vehicles, as well as other vehicles, which are subject to registration under the law
- cash amounts, including deposits, bank accounts and receivables of total value above BGN 10 000, including foreign currency
- investments in investment and pension funds and equivalent forms of savings and investments, if their total value exceeds BGN 10 000
- available securities, shares in companies with limited liability and limited partnerships and financial instruments under Art. 3 of the Markets of Financial Instruments Act
- obligations and credits above BGN 1 000, including credit cards, if the absorbed credit limit during the previous calendar year in local or foreign currency exceeds BGN 10 000
- labour incomes, received during the previous calendar year;
- incomes outside those for the occupied position, received during the previous calendar year, exceeding BGN 1 000

- third person's real estate and motor land, water vehicles and aircraft in the value above BGN 10 000, which the person, his/her spouse, or with whom he/she is in factual cohabitation on marital grounds, permanently uses, notwithstanding of the reasons for that and of the conditions of use
- costs of training, travelling and other payments of a single price above BGN 10 000 when those are not paid with own means, with public means or with means of the institution in which they occupy the position
- participation in commercial companies, in bodies of management and control of commercial companies, of non-profitable legal persons, or of cooperatives, as well as performing activity as a sole trader on the date of the election or appointment and 12 months before the date of election or appointment
- contracts with persons who carry out an activity in areas, related to receivables by the person holding senior public position, decisions in the sphere of his powers or obligations under the office
- data about related persons, in the activity of whom the person holding senior public position has private interest.

Source: Anti-Corruption Law (Art. 37)

Clearly defined objectives pursued by asset and interest disclosure and the verification process ensure effective implementation. They are instrumental in the detection of financial and non-financial interests that may affect the decisions of the officials. Disclosure before or upon entry into public functions and departure are instrumental in detecting potential conflicts of interest in public functions or post-public employment. In between, the CACIAF opts for additional disclosure annually or each time when changes occur in public duties to detect any issue that may arise from such changes.

However, since the scope covered by disclosure requirements is large and the frequency is rather high, the CACIAF could consider assessing whether the declarations are revealing the legal and ethical questions that are raised by them. The assessment could address the review process, how many problems are identified, whether they are reflected in the recruitment competitions and integrity checks, and the number of conflicting cases eventually resolved.

Depending on the results of the assessment adopting a risk-based approach to prioritising controls is necessary (Box 2.8). To increase the effectiveness of the declaration system officials holding positions and functions of high risk, and members of the senior management could be checked with more scrutiny and frequency, while other employees could adhere to less stringent rules.

Box 2.8. Controls in the monitoring of asset and interest declarations in France

17 000 high-ranking French public officials must submit to the High Authority for Transparency in Public Life each year, in the two months following their entry into functions or the beginning of their mandate, two declarations: a declaration of assets and a declaration of interests. The Board of the High Authority defines and adopts a yearly control plan. It is based on risk exposure, occupied functions and seniority of the different categories of public officials. Control priorities are also bound to legal publication deadlines for the public officials whose declarations are made public on the website of the High Authority.

All declarations are checked but some of them are controlled more thoroughly. Four motives can lead to such an in-depth verification process: (1) a specific exposure; (2) the fact that, upon formal

verification, the declarations are visibly incomplete, sent after the timeframe or erroneous; (3) red flags (civil society organisations, citizens, other administrations, etc.); and (4) abnormalities revealed in controlling assets variation during the mandate or time in office.

Source: High Authority for Transparency in Public Life (2022) https://www.hatvp.fr/en/high-authority/ethics-of-publics-officials/ (accessed on 22 June 2022)

2.4.4. The CACIAF could raise awareness and build capacity through trainings on integrity check procedures

There are a number of CACIAF employees that would eventually be involved in integrity checking, including those with specific tasks in recruitment such as the human resources staff as well as line managers. These staff should be adequately trained on what integrity entails and CACIAF's expectations and how the integrity checks should be implemented.

The trainings for professional and official development of the employees in the state administration are conducted by the Institute of Public Administration (IPA) upon law. The IPA was established in 2000 and functions under the Civil Servants Act and serves as an institution of the Council of Ministers of the Republic of Bulgaria. The Institute focuses in three work streams, namely: training, research, and consultancy to successfully modernise the Bulgarian public administration. The Institute of Public Administration conducts courses for newly appointed officials, for managerial positions and for professional development. In this context, it offers a course on the National Code of Conduct aimed to develop ethical standards for public administration officials and prevent corruption behaviour (Box 2.9).

Box 2.9. Integrity training by the Institute of Public Administration

The Institute of Public Administration conducts mandatory career development training for: 1) first-time civil service recruits; and 2) first-time management appointees. Additionally, the IPA proposes professional development training for officials in managerial and expert positions in the public administration. The IPA enables administrations to request ad-hoc training throughout the year.

The IPA training catalogue for 2021 includes new and updated courses, some of them co-financed by the European Union through the European Social Fund. Such courses include: modelling, analysis and improvement of work processes in administration; Strategies and policies to counter risks in the public administration; Code of Conduct - Functions and Highlights.

The programme on the Code of Conduct includes three main modules, namely: "Codes of Ethics - Substance and Meaning", "Code of Ethics as a prevention tool", and "Code of Conduct and Ethical Infrastructure". The modules touch upon European ethical principles, levels of ethical regulation, various types of conflict of interest, specific ethical rules, situations with involvement in corruption, presents and benefits, reporting corruption, whistle-blower protection, anti-corruption behaviour, and good practices. Knowledge on integrity related issues is being tested through examining practical case studies and through a final test.

Other integrity-related courses offered by the IPA which are not mandatory and require the payment of a fee include: Risk management in public sector organisations; Law on Liability of the State and Municipalities for Damages (LPLM); Combating fraud in the use of EU funds.

Source: (OECD, 2022[18])

As the IPA plays a legally prescribed key role in providing trainings for the Bulgarian civil service, the CACIAF does not have a designated directorate or unit responsible for organising trainings for the inspection teams. According to the information shared in the OECD's questionnaire the CACIAF does not have a designated unit or person to provide guidance for the members of the inspection teams should doubts or questions emerge during the integrity checks.

The OECD *Recommendation on Public Integrity* calls on adherents to invest in integrity leadership to demonstrate a public sector organisation's commitment to integrity, in particular through delivering periodic training and guidance to increase awareness of, and to develop skills concerning the exercise of appropriate judgement in matters where public integrity issues may be involved (OECD, 2017[1]).

Carrying out an initial and later regular, practical integrity trainings (in the form of, for example, lectures, ethical dilemma discussions, e-learning or simulation games), could build the knowledge and skills necessary for effective and successful integrity check procedures. The co-ordinating unit or integrity advisor could disseminate information through information booklets, a website, a co-ordinating unit or person with dedicated functions to increase the clarity and diffusion of the standards and procedures. Members of the inspection teams could be offered guidance on specific questions that can be raised to test the applicants' level of integrity more adequately. The trainings specific to integrity checks could be integrated into a comprehensive system of integrity trainings as recommended under Section 3.2.2 of this report.

Note

[1] This includes several stages starting with (1) the assessment of the level of language culture by means of a written test of 30 closed questions. A candidate who has answered 15 of them correctly is considered to have passed the test (50% of the test). The (2) level of general competence is assessed to establish the basic knowledge of normative and secondary legislation. The results of the tests are recorded in reports. The selection board prepares three different versions of a closed question test with one possible correct answer. The answers to each candidate's test questions are to be verified by the members of the selection board and authenticated by the signature of one of them. The results of both levels are published on the website of the CACIAF.

3 Enhancing the impact of the Code of Ethics

This chapter provides recommendations on how the CACIAF could improve the Code of Ethics and its implementation. It discusses the role and impact of assigning an ethics advisor, as well as the introduction of integrity trainings to raise awareness and develop relevant skills. There is a need to update the organisational integrity framework within the Code of Ethics. In particular, the CACIAF could strengthen the rules to better protect internal whistleblowers, adopt a detailed gift policy, and introduce regulation on lobbying at organisatinal level to contribute to its responsiveness to integrity concerns within the CACIAF and further enforce citizens' trust in the organisation.

3.1. The Code of Ethics of the CACIAF

The CACIAF adopted its Code of Ethics in 2018. A working group of employees (set up by an order of the Chairman of the CACIAF) developed the document. The CACIAF's Legal and Information Services Directorate (ALIS) is responsible for the implementation of the ethical measures. The Code of Ethics is published on the internal portal for employees as well as the official website of the CACIAF.

On the national level the Code of Conduct for Public Administration Employees covers the ethical aspects of professional conduct of all public servants in Bulgaria. The CACIAF's Code of Ethics is aligned with the national regulation and elaborates its provisions considering its own mission and operation.

3.2. Strengthening the role and impact of the Code of Ethics

3.2.1. The CACIAF could assign an integrity advisor to promote open organisational culture and the implementation of the Code of Ethics

Considering that there are many different units with different responsibilities on organisational integrity, each stakeholder should have a common understanding of the Code of Ethics. The Code of Ethics and its related ordinances assign competences and responsibilities to various units of the CACIAF. Among others, the Human Resource Department, the Inspectorate, the Anti-Corruption Directorate (due to its specific standing and regulations), as well as the Public Relations Department all have roles in the implementation of its provisions. Currently, there is no central unit or designated personnel to co-ordinate the organisational integrity policy, register the related questions, requests or reports, advise officials and draw lessons for further development.

According to the information received during the fact-finding interviews officials can turn to their appointing authority, the Chair of the Commission if they cannot or do not want to seek ethical counselling from their managers. There are both advantages and disadvantages to this solution. The leadership of the organisation has the highest authority to intervene and provide the necessary information, but in most cases, it does not have the capacity to reflect on all questions that arise in everyday practice, especially on short notice. In practice most dilemmas might be addressed, without the direct involvement of the highest level of the organisational hierarchy, if the officials can access adequate guidance quickly and easily.

Although integrity is ultimately the responsibility of all officials working at the CACIAF, a dedicated integrity unit or personnel could support shaping integrity and enhance the effective implementation of the Code of Ethics. A visible place for integrity management in the organisational structure increases the scope of coordination between integrity management instruments and, therefore, allows synergies between instruments. The explicit designation of this coordination function to a person, group or organisational unit will significantly increase the possibility of promoting an open culture of organisational integrity by producing said coordination (Box 3.1).

Box 3.1. Open culture of organisational integrity

Following the OECD Recommendation on Public Integrity, an open culture of organisational integrity:

- invests in integrity leadership to demonstrate a public sector organisation's commitment to integrity;
- promotes a merit-based, professional, public sector dedicated to public-service values and good governance;
- provides sufficient information, training, guidance and timely advice for public officials to apply public integrity standards in the workplace;
- supports an open organisational culture within the public sector responsive to integrity concerns and where ethical dilemmas, public integrity concerns, and errors can be discussed freely;
- applies an internal control and risk management framework to safeguard integrity.

Source: (OECD, 2021[19])

A clear location of integrity management in the organisational structure also allows a true accumulation of expertise and provides its own identity. Therefore, the competencies and responsibilities should be separated from any functions related to auditing or enforcement to clarify institutional responsibilities and to allow a clear focus on prevention and the promotion of open cultures of integrity. In order to succeed and gain credibility, the commitment of both the leadership and the senior management, needs to be reflected in dedicating sufficient human and financial resources to effectively implement the CACIAF's integrity framework beyond a check-the-box approach (Box 3.2).

Box 3.2. Integrity advisors in the OECD countries

Poland

An example of designating dedicated integrity units, officers or advisors within public bodies can be found in Poland, where integrity advisors may be appointed in ministries and other government administration offices. Their role is to provide advice on solving ethical dilemmas and to support public officials in understanding the rules and ethical principles of the civil service. In addition, integrity advisors support leadership in disseminating knowledge about principles and promoting a culture of integrity in the office.

France

In France, the Law on Ethics and the Rights and Obligations of Civil Servants, adopted in April 2016, and its application Decree published in April 2017, created the right for every public official to have access to integrity advice, and provided for the appointment of designated ethics officers (référent déontologue) in every public organisation. The ethics officers have the mission to advise civil servants on questions they may have regarding their integrity obligations in the course of their duties.

Source: (OECD, 2020[11])

The key tasks of an integrity advisor are providing advice on content upon request; providing integrity advice about what is acceptable in specific circumstances; and preparing guidance on what the organisation's guidelines should be on key integrity issues. Setting out easily accessible channels and

clear procedures for contacting the advisor unit or personnel can help facilitate access, especially since the employees of the CACIAF are stationed in various geographical areas of Bulgaria. In **Australia**, the Ethics Advisory Service within the Australian Public Service Commission is made available to all public service employees. The website clearly indicates how employees can access the service, with options including e-mail and phone, and sets service delivery standards and privacy standards. The website also details what employees can and cannot expect in terms of advice from the Ethics Advisory Service (Australian Public Service Commission, 2021[20]).

Specific attention should be given to respecting confidentiality of the exchanges and the effectiveness of their resolution. The integrity advisor should report directly to the highest authority within the CACIAF, which exercises a technical supervision of its activities. Furthermore, as in **France**, to enhance the effectiveness of the integrity advisors' work, it would be useful to guarantee its access to all relevant information regarding the public sector entity's activities (and consequently, their associated risks) and its capacity to have a real influence on the other departments (OECD, 2021[19]).

The assigned integrity advisors could implement communication strategies to ensure that all employees of the CACIAF are adequately informed of the integrity policies in place. They could design tailor-made training sessions or awareness-raising actions in the specific context of the directorates of the CACIAF. To assist the comprehensive implementation of the organisational integrity framework integrity advisor may lay out an annual plan. In **Mexico**, ethics committees, established to strengthen the culture of governmental integrity within public bodies, prepare and present an Annual Work Program during the first quarter of each year and submit an Annual Report of Activities about the accomplishments of the previous year each January. As mentioned in the previous chapter, the integrity advisor could also supervise and monitor the implementation of the integrity check procedures.

To sum up, as a dedicated unit or personnel, such as an integrity advisor would be able to address several challenges and current weaknesses and significantly enhance the CACIAF's capacities to deliver its mandate and functions. The anchoring of the integrity management system in the organisation also guarantees the continuity of integrity policies. In practice, it is common that, even when integrity management draws attention and enthusiasm when launched for the first time, this tends to decrease after some time. Holding a person or entity accountable for long-term integrity management and asking them to report on their progress will significantly reduce this risk.

3.2.2. The CACIAF could introduce trainings to raise awareness and develop skills for public integrity

Article 55(2) of the Code of Ethics stipulates that each employee of the CACIAF has to certify its familiarity with the Code by completing and signing a standard declaration. While this formal requirement aims to raise awareness on the organisational integrity measures, there is no further specific training provided on the Code of Ethics for newly recruited officials. With regard to the training of the staff, the Code underlines the responsibility of the managers who are expected to ensure the necessary conditions for further training or retraining of their employees (Art. 31).

As outlined beforehand, the trainings for professional and official development of the staff of the CACIAF are conducted by the Institute of Public Administration upon law. The CACIAF's Human Resources Department summarises the requests from the units for trainings and submits them to the IPA. It also monitors the training deadlines and prepares orders for employees to participate in trainings. The CACIAF does not organise or conduct trainings.

While in 2018, the year of the CACIAF's establishment, 28 trainings (a total of 79 trained employees) were organised on integrity, in 2019 and 2020 only one respectively (with the participation of 16 employees), while in 2021 altogether three with the involvement of altogether 291 employees. Training on ethics specifically was provided in 2018 and 2021.

The EPAC's Anti-Corruption Authority Standards underline that for an authority it is imperative to attract highly qualified individuals exhibiting the necessary skills, experience and behavior. Staff members require high levels of personal integrity and resilience as well as the ability to maintain trust and confidence (European Partners Against Corruption, 2011[21]). The OECD *Recommendation on Public Integrity* calls on adherents to "provide sufficient information, training, guidance and timely advice for public officials to apply public integrity standards in the workplace, in particular through:

- Providing public officials throughout their careers with clear and up-to-date information about the organisation's policies, rules and administrative procedures relevant to maintaining high standards of public integrity.
- Offering induction and on-the-job integrity training to public officials throughout their careers in order to raise awareness and develop essential skills for the analysis of ethical dilemmas, and to make public integrity standards applicable and meaningful in their own personal contexts.
- Providing easily accessible formal and informal guidance and consultation mechanisms to help public officials apply public integrity standards in their daily work as well as to manage conflict-of-interest situations" (OECD, 2017[1]).
- Building knowledge and skills on ethics and anti-corruption is an essential element of a strategic approach for public integrity. To be effective, the timing, content and delivery methods, and target audiences need to be considered. Integrity training should also be interesting and engaging, with different methods used to reach learners (Table 3.1).

Table 3.1. Main training methods for integrity

Method	Approach	Description
Lecture	Rules-based	Public officials are offered lecture-format courses on integrity standards, rules and administrative procedures to reinforce their understanding of ethical concepts and principles of public service. Trainers are mainly the ones intervening.
E-learning module / online course or massive open online course	Rules-based	Public officials are offered online courses or modules through an online platform or website on ethical standards, rules and administrative procedures to reinforce their understanding of ethical concepts and principles of public service. Trainers are mainly the ones intervening.
Coaching and mentoring	Combined	Through peer feedback and discussions, junior public officials are given the opportunity to partner with a senior manager with proven ethical conduct, motivating ethical behaviour and helping to develop ethical awareness to foresee and resolve dilemmas.
Ethical dilemma case studies and discussions	Combined	Based on a described situation or scenario or on non-didactic support such as a video, public officials are encouraged to identify integrity and ethical issues and discuss how to address and avoid them. The trainer acts as a facilitator with the trainees, sharing views and discussing the dilemmas.
Simulation game, role-playing and scenario	Values-based	Public officials are given a scenario, an issue to deal with or a specific function and they are asked to perform it as if they were in a real case situation. The trainer acts as a facilitator only and trainees do most of the work, acting in an inductive way.

Source: (OECD, 2020[11])

For many OECD countries, newly recruited public officials are a key audience for integrity education, therefore, for instance, Canada, the United States, Lithuania and the Republic of Türkiye have made such trainings mandatory (OECD, 2020[11]). Induction trainings serve as the first opportunity to set the tone for integrity standards upon entry into the public service. Basic core components of these induction integrity courses include the concepts of values and ethics, but also managing and preventing conflict of interest, ethical dilemmas and accountability issues in the workplace (Box 3.3).

> **Box 3.3. Integrity training of public officials**
>
> **Chile**
>
> The Civil Service of Chile (Servicio Civil de Chile) annually designs and implements a Programme of Support and Development for Senior Public Management (*Programa de Acompañamiento y Desarrollo para la Alta Dirección Pública*), which incorporates induction, training and support activities.
>
> In the induction stage, a conference is held with recently appointed senior public managers. Several institutions participate in this conference, including the Comptroller General of the Republic (Contraloría General de la República) covering the topic of integrity and public ethics for senior management.
>
> Within training activities, a cycle of webinars is held annually. Webinars include the topic of integrity and public ethics, addressed by different actors related to the topic and experts of the field.
>
> **Austria**
>
> In addition to the written learning material "Code of Conduct, Federal Ministry of the Interior" and the shorter version "Code of Conduct to go", the Federal Bureau of Anti-Corruption (BAK) offers an e-learning module, including learning content about the rule of law, acceptance of gifts, official secrets, general obligations of conduct, social media, bias, secondary employment, as well as about „Correct handling of mistakes" and „Our principles for dealing with each other".
>
> This e-learning course is a component of the Federal Ministry of the Interior's training passport, takes about 20 minutes and is intended to ensure training in this field for the entire staff of the ministry. A mix of theory and case examples enables users to quickly refresh their knowledge of the code of conduct.
>
> Source: Information provided by the Government of Chile; Federal Bureau of Anti-Corruption of Austria (2019) Annual Report 2018, https://www.bak.gv.at/en/Downloads/files/Annual_Reports/Jahresbericht_2018_Englisch_WEB.pdf (accessed on 23 September 2022)

The CACIAF could consider increasing the participation at integrity trainings provided by the IPA, especially for newly recruited officials. Furthermore, it could also develop regular trainings for its employees tailored to their responsibilities and experiences gained throughout their careers. For newly appointed managers and public officials who operate in positions exposed to higher risks of corruption, training programmes could be accommodated to their specific needs.

Making sufficient information available for officials is also key to raising awareness and understanding of integrity policies, standards, rules and administrative procedures. For instance, materials that provide ethical guidance, case descriptions and examples of what circumstances and relationships can lead to conflict of interest could be helpful to comply with integrity standards. In **Colombia**, the Administrative Department of the Public Service (*Departamento Administrativo de la Función Pública*, DAFP) has created a dedicated section on its website covering conflicts of interest. It provides information, guides, concepts, and tools to understand what conflicts of interest are, why they should be identified and declared, as well as the importance of preventive conflict management.

3.2.3. The CACIAF could facilitate regular exchange on experiences and open up the revision process of the Code of Ethics for all employees and relevant stakeholders

The CACIAF's Code of Ethics reiterates that the code is "an open document subject to continuous development and enrichment" (Art. 56(1)). As it has been signalled during the fact-finding interviews, providing more feedback and information about the implementation of the Code of Ethics, and facilitating

more frequent exchange on experiences could make it a living document and a more effective tool to help employees navigate ethical decisions they may face.

The CACIAF has also shared that the Code of Ethics is subject to regular updates in order to comply with the provisions of the National Code of Conduct. To reinforce the openness of the Code the CACIAF could invite all its employees to the next round of revision and drafting process. A broad consultation could help to involve all officials and relevant stakeholders in the process; understand their experiences, dilemmas and constraints, potential misunderstandings and demands; and ensure higher acceptability and implementation of the rules (Box 3.4).

Box 3.4. Revising ethics codes in the OECD member countries

Revision of the Australian Public Service (APS) values

In the past, the Australian Public Service Commission used a statement of values expressed as a list of 15 rules. In 2010, the Advisory Group on Reform of Australian Government Administration released its report "Ahead of the Game", which recognised the relevance of a robust values framework and a values-based leadership in driving performance. The report recommended that the APS values could be revised, tightened, and made more memorable. The values were updated to follow the acronym "I CARE": Impartial; Committed to service; Accountable; Respectful; Ethical.

The Colombian Integrity Code

In 2016, the Colombian Administrative Department of Public Administration initiated a process to define a General Integrity Code. Through a participatory exercise involving more than 25 000 public servants through different mechanisms, five core values were selected: Honesty; Respect; Commitment; Diligence; Justice. In addition, each public entity has the possibility to integrate up to two additional values or principles to respond to organisational, regional and/or sectorial specificities.

Consultation on the Code of Ethics of the Garda Síochána in Ireland

In 2016 the Policing Authority carried out two rounds of consultations as part of the preparation of the Code of Ethics for the Garda Síochána, the national police service of the Republic of Ireland. In the first round of consultations the Authority invited initial views. Ideas and comments were received from a wide range of contributors, including those who work in the Garda Síochána, members of the public, and statutory and civil society organisations. The Authority considered all submissions received, and then conducted further research to develop a draft Code of Ethics, which was published on the Authority website for further public consultation.

In conjunction with the second round of the consultation, a consultation event was held to discuss and gather feedback in relation to the draft. 90 people participated in the event including members of the public, Joint Policing Committee representatives, civil society groups, state agencies, representative associations and Garda members including Garda management. The Code of Ethics was published in 2017.

Source: Australian Public Service Commission, https://www.apsc.gov.au/working-aps/aps-employees-and-managers/aps-values; Administrative Department of the Public Service / Departamento Administrativo de la Función Pública (DAFP), Colombia, https://www.funcionpublica.gov.co/web/eva/codigo-integridad; Policing Authority of Ireland (2017) Code of Ethics Consultation. https://www.policingauthority.ie/en/about-us/consultations-detail/code-of-ethics-consultation (accessed on 22 June 2022)

3.3. Updating the organisational integrity framework of the CACIAF

3.3.1. The CACIAF could strengthen its rules to better protect internal whistleblowers and consider appointing the integrity advisor as an organisational contact point

The OECD *Recommendation on Public Integrity* calls on adherents to support an open organisational culture within the public sector response to integrity concerns, in particular by providing alternative channels for reporting suspected violations of integrity standards, including where appropriate the possibility of confidentially reporting to a body with the mandate and capacity to conduct an independent investigation (OECD, 2017[1]).

The legal framework in Bulgaria provides for the possibility of whistleblowing reports in various laws and standards, including the Constitution of the Republic of Bulgaria, the Administrative Procedure Code, the Anti-Corruption Law, and the National Code of Conduct for State Employees. The Anti-Corruption Law provides that any person having data concerning corruption, or conflict of interest about a person holding senior public position, may submit a report to the CACIAF. The CACIAF applies special rules for the receipt and consideration of reports for corruption or conflict of interest and for protection of whistle-blowers (CACIAF, 2021[22]). A template, an electronic report form and internal rules for handling reports and protecting whistle-blowers are published on its website. Nevertheless, the detailed regulation and tools are designed for and apply to reports received from external sources outside the body of the CACIAF and the investigation thereof.

Beyond the relevant legal framework (Box 3.5) the National Code of Conduct for State Employees and the CACIAF's Code of Ethics cover whistleblowing within the CACIAF. The CACIAF's Code of Ethics stipulates that if an employee considers an order unlawful, they are required to report their views in writing to the superior manager (CACIAF's Code of Ethics, Art. 7(4)). The National Code of Conduct covers a wider scope of potential violations, and requires reporting about any administrative weaknesses, omissions and misconduct which, in the officials' opinion, give rise to corruption, fraud and irregularities (Art. 7). Staff members may not be penalised for having reported a breach of professional ethics, unless such an act proves to be vexatious or unfounded (National Code of Conduct, Art. 22 and the CACIAF's Code of Ethics, Art. 21).

While the CACIAF's Code of Ethics (applied together with the National Code of Conduct) lays down some of the foundations of an internal whistleblowing system, the organisational regulation is fragmented, and gaps exist as to confidentiality and protection measures. According to the CACIAF, no staff have made internal reported on breaches of law or integrity within the CACIAF since the organisation was established in 2018 suggesting this tool may be underutilised.

Box 3.5. The legal framework for whistleblowing in Bulgaria

Constitution of the Republic of Bulgaria

The Constitution of the Republic of Bulgaria (Art. 45) stipulates that "citizens have the right to lodge complaints, submit proposals and petition State institutions".

Administrative Procedure Code

The Administrative Procedure Code specifies that the breaches and misconduct may only be reported to the competent administrative body, e.g., the body that is directly responsible for the management and supervision of the authorities and officials whose unlawful or inappropriate actions or omissions have been reported. The Administrative Procedure Code also regulates that reports may be submitted to administrative bodies, as well as to other bodies performing public law functions for abuses of power and corruption, mismanagement of state or municipal property or other illegal or inappropriate acts or omissions of administrative bodies and officials in the respective administrations affecting state or public interests, rights or legal interests of others. In practice, citizens can report irregularities and misconduct to any public institution, including regulatory and other bodies with control functions, local government bodies, the ombudsman, and specialist agencies such as the State Agency for National Security and the Anti-Corruption Commission, the inspection services of various ministries and the Council of Ministers, etc. Furthermore, under the Administrative Procedure Code, it is stipulated that no proceedings shall be instituted on the basis of anonymous proposals or reports and that no one may be prosecuted solely for submitting a proposal or report. The identity of the whistle-blower should be kept confidential if they are reporting on conflicts of interest cases.

Anti-Corruption Law

According to the Anti-Corruption Law any person having data concerning corruption, or conflict of interests about a person holding senior public position, may submit a report to the CACIAF. In specific cases, a report may be considered a publication to the mass media, if it meets requirements under Art. 48 of the Law. In case a report is not under the CACIAF's competence, it is re-sent immediately to the relevant bodies. However, anonymous reports are not examined and/or resent on competence. In detail, they should contain information such as full name, Unified Civil Number, address, telephone number, e-mail address of the sender; the name of the person, against whom the report is sent and the senior public position held by him; concrete data about the stated violation; reference to documents providing additional information; date of submission of the report; and signature of the person submitting the report. Reports against a judge, prosecutor, or investigator, containing data about acts which harm the prestige of the judiciary are to be send for check to the Inspectorate under the Supreme Judicial Council. Also, Article 51 of the Law stipulates that a person who has been dismissed, persecuted or in respect of whom action has been taken leading to mental or physical harassment for submitting a report shall be entitled to compensation for the pecuniary and non-pecuniary damage suffered by him in court.

National Code of Conduct for State Employees

The National Code of Conduct for State Employees (Art.22) ensures that Civil servants cannot be sanctioned for having reported a case of breach of this Code. Additionally, there is an obligation from the members and staff of the CACIAF to protect the anonymity of the persons who have submitted reports of corruption or conflict of interest, nor disclose related facts and data (Anti-Corruption Law, Art. 49).

Source: (OECD, 2022[18])

In line with the EU Directive on Whistleblowing (which all EU Member States including Bulgaria have to transpose in their legal system (Box 3.6)) and the OECD *Recommendation on Public Integrity* (OECD, 2017[1]), the following features are essential components of effective whistle-blower protection policies:

- clear reporting channels;
- prohibition of formal and informal work-related sanctions;
- clear types of protection guaranteed;
- effective reviews and investigation of complaints;
- awareness-raising measures.

Clearly defining channels of disclosure could help to facilitate reporting, as otherwise whistle-blowers may lack confidence in the system or may not be comfortable coming forward. Offering access to both internal and external channels create an enabling environment for reporting (OECD, 2020[11]).

Box 3.6. The EU Directive on whistleblowing

The EU Directive on whistleblowing sets the common minimum standards for the protection of whistle-blowers. The Directive expands the definition of whistle-blower to include not just employees, but individuals who report wrongdoing encountered in a work-related context.

The Directive establishes the obligations to create internal and external reporting channels, to follow up on reports and keep the whistle-blower informed, as well as it allows the public disclosure of the wrongdoing in the event of not receiving a response from the reporting channels.

It prohibits retaliation against whistle-blowers and individuals who assist whistle-blowers, protecting their identities in most circumstances, with clear and limited exceptions to confidentiality and an advance notice to the whistle-blower when his or her identity needs to be disclosed. Member States can decide whether legal entities in the private or public sector and competent authorities are required to accept and follow up on anonymous reports. However, persons who reported or publicly disclosed information on breaches anonymously, but who are subsequently identified and suffer retaliation, shall nonetheless qualify for the protection.

A separate section is dedicated to protecting the reporting person against retaliation, including protection against dismissal and demotion by the employer. The Directive also includes applicable penalties for persons who hinder or attempt to hinder reporting, retaliate against the reporting person and breach the duty of maintaining the confidentiality of the whistle-blowers' identity.

Source: (European Union, 2019[23])

In cases when the superior manager might be involved in the unlawful or unethical deeds, officials could turn to the designated integrity advisors for guidance and protection. For example, in the **Netherlands**, pursuant to the Whistle-blowers Authority Act (2016), reporting follows a tiered approach. At the organisation level, the rationale is that every organisation should have an opportunity to resolve abuses themselves first. Whistle-blowers must be provided one of three avenues to report alleged wrongdoings and misconduct: first, to their manager or higher superior; secondly, to a specific reporting centre established within the organisation; and thirdly, to a confidential counsellor. In French public organisations the ethics officers also act as a whistleblowing focal point (OECD, 2020[11]).

When a whistle-blower has experienced reprisal after disclosing misconduct, providing clarity on the organisational measures and remedies available can further reassure potential whistle-blowers to come forward. These can range from return to employment after unfair termination, job transfers or

compensation, to damages if there was harm that cannot be remedied by injunctions, such as difficulty in or the impossibility of finding a new job (OECD, 2016[24]) (OECD, 2020[11]).

The comprehensive review and reform of the organisational whistleblowing system of the CACIAF would also reinforce Bulgaria's National Recovery and Resilience Plan which lays out amendments to the national regulatory framework of whistleblowing to strengthen protection and support for whistle-blowers (Government of Bulgaria, 2022[25]). The Recovery and Resilience Plan lays particular emphasis on providing feedback and publicity of the investigations of report suspected violations. The adoption of measures that aim to increase the openness about the results of such investigations within the CACIAF could contribute to its responsiveness to integrity concerns within the organisation, as well as the further development of citizens' trust in the organisation.

3.3.2. The CACIAF could adopt a detailed gift policy and provide related information from the beginning of employment

In line with the restrictions imposed by the National Code of Conduct (Box 3.7) the CACIAF's Code of Ethics introduces a general ban for its employees on seeking or receiving gifts other than protocol ones. Neither can they ask for services, nor for other benefits which may affect the performance of their duties, decisions, impair the professional approach or can be regarded as a prize for their duties. All gifts are to be handed over to the CACIAF's Public Relations Unit and advertised in a public register (Art. 4(2)).

Box 3.7. The regulation of accepting gifts and benefits in the Code of Conduct of State Employees of Bulgaria

- Employees shall not allow them to be economically or otherwise dependent and to seek and accept gifts, services, money, benefits or any other benefits which may affect the performance of their duties.

- Staff members may not accept any gifts or benefits for the performance of work entering their duties, nor may they engage in any activity beyond their competence.

- Staff members shall not accept any advantage or promise of advantage in order to influence the decision of other officials in the performance of their duties.

- Staff members shall not mediate obtaining an advantage from another person in order to carry out or not carry out any act in the service.

Source: (Government of Bulgaria, 2020[26])

While the Code of Ethics provides straightforward measures regarding gifts and asking for benefits, its wording does not regulate with similar clarity how the employees should proceed when they are offered gift-like hospitality invitations to entertainment, luncheons, sponsored events, or trips by third parties (Box 3.8).

> ### Box 3.8. Typology of gifts of entertainment
>
> The Gift and Entertainment Policy of the U.S. Department of Justice enlists several types of entertainment gifts, outlines possible concerns of ethics, and advises public officials on how to address the related problems.
>
> **Tickets to events**
>
> Before accepting any gift, an executive branch employee should consider whether acceptance of the gift would lead a reasonable person with knowledge of the relevant facts to question his or her integrity or impartiality, and should consider declining such a gift, even if it is otherwise permissible. The market value of a ticket entitling a ticket holder to food, refreshments, entertainment, or other benefit is deemed to be the face value of the ticket. Ethics issues may also arise when an employee is given the opportunity to purchase a ticket at face value and the street value of the ticket exceeds its face value, if: (1) the general public does not have a similar opportunity; and (2) the opportunity is provided by a prohibited source or because of the employee's official position. In this circumstance, the gift is not only the ticket itself, but may also be the opportunity to buy the ticket at all and at face value.
>
> **Conferences and other events**
>
> When an employee is participating in his official capacity as a speaker or panel member at a conference or other event, he may accept an offer of free attendance, including a meal or refreshments, on the day of his presentation.
>
> **Widely attended gatherings**
>
> When it is determined that an employee's attendance at all or an appropriate part of an event is in the interest of the Department because it will further agency programmes and operations, an employee may accept an unsolicited gift of free attendance from the sponsor of the event if the event is found to be a widely attended gathering. A gathering is widely attended if a large number of people with mutual interests are expected to attend, and the event is open to members from throughout a given industry or profession. An event should also present an opportunity to exchange ideas and views among invited persons.
>
> **Social invitations from persons other than prohibited sources**
>
> An employee may accept unsolicited food, refreshments and entertainment, not including travel and lodging, for the employee and other guest, such as spouse, at a social event attended by several people where the invitation is from someone who is not a prohibited source, no fee is charged to anyone in attendance, and, if the sponsor of the event or person offering the invitation is not a person, the employee receives a written determination from the agency designee that his or her attendance will not cause a reasonable person with knowledge of the relevant facts to question the employee's integrity or impartiality.
>
> Source: U.S. Department of Justice (2021) Gift and Entertainment Policy. https://www.justice.gov/jmd/gifts-and-entertainment (accessed on 22 June 2022)

To provide more detailed guidance for the officials the CACIAF could elaborate the rules on gift-like benefits and participation at events in the Code of Ethics (Box 3.9). Practical trainings could help the officials to identify undue influence, especially in cases when the distinction between bribes, hospitality and gifts gets blurred, for example, where the giver of the hospitality does not attend and act as host. Gift-like benefits could also be registered the same way gifts are registered.

> ### Box 3.9. The Dutch Code of Conduct on Integrity has guidelines on accepting gifts and benefits
>
> In relation to specific gifts, the Netherlands' Code of Conduct on Integrity in the Central Public Administration notes that public officials may receive invitations (excursions, trips, dinners and invitations to events) from third parties and encourages government officials to discuss these invitations in advance with their manager. As an example, the Code cites "attending a sports event in the VIP lounge at the invitation of an external business relation" as a sensitive issue.
>
> The Code of Conduct also recognises that it may be useful and desirable for civil servants to be invited for their expertise as a speaker or member of an expert panel, in commercially organised conferences and symposiums, for example, if the activity is important for developing, explaining or disseminating policies. However, the Code also includes principles for accepting requests for speaking at conferences. Public officials must discuss this in advance with their manager, who then determines whether the invitation can be accepted. The public official should not receive any financial compensation.
>
> The final decision lies with management; here too, transparency and openness are necessary to make a detailed assessment.
>
> Source: Netherlands Code of Conduct for Integrity in the Central Public Administration,
> https://www.government.nl/documents/decrees/2017/02/10/code-of-conduct-for-integrity-in-the-central-public-administration-2016.
> (accessed on 22 June 2022)

Employees of the CACIAF receive information on the rules related to receiving gifts when they travel on a mission. The CACIAF could also ensure detailed information on the relevant guidelines when the employee begins its career at the CACIAF as such dilemmas can occur at any stage and point of time of time.

3.3.3. The CACIAF could introduce regulation on lobbying at the entity-level to ensure transparency and build public trust in the Commission's impartiality

Currently, Bulgaria does not have any comprehensive legal framework regulating lobbying activities nor any definition of lobbyist and lobbying activities. While the CACIAF's Code of Ethics (in line with the provisions of the National Code of Conduct) lays down fundamental principles including impartiality, responsiveness, and equal treatment upon which the officials should interact with citizens (Chapter Three, Section I), it does not provide guidance on lobbying.

The OECD *Recommendation on Principles for Transparency and Integrity in Lobbying* underlines the need for an adequate degree of transparency to ensure that public officials, citizens, and businesses can obtain sufficient information on lobbying activities. Thus, lobbying should be "considered more broadly and inclusively to provide a level playing field for interest groups, whether business or not-for-profit entities, which aim to influence public decisions" (OECD, 2010[27]).

In several OECD countries transparency measures have been introduced at the organisational level to address the risks organisations face in interacting with specific interests (Box 3.10).

Box 3.10. Lobbying transparency measures at the organisational level

Spain's National Markets and Competition Commission has set up its own Register of Lobbyists

In Spain, the National Markets and Competition Commission has adopted its own "Resolution to create the Register of Interest Groups", considering that its relationship with special interests must be transparent, supported by control mechanisms, and allow citizens to know how far interest groups have influenced the commission's decisions. Registration is on a voluntary basis and accompanied by rules of conduct for interest groups. The register is complemented by the publication of meetings that its directors and members of the commission's Council have with interest groups.

Latvian public bodies' internal and external disclosure of meetings with lobbyists

The Latvian Ministry of Environmental Protection and Regional Development and several other agencies publish basic information on contacts with lobbyists online, based on an internal code of ethics, which includes a dedicated section on "rules of ethical conduct in communication with lobbyists".

Employees of public administration bodies disclose their meetings with lobbyists to their superior. The employee shall inform the direct manager or the head of the institution regarding the expected meeting with the lobbyist, as well as disclose the information received from the lobbyist, including what interests they represent, what proposals were expressed, and in what way they have been considered.

Italy's Anti-Corruption Authority publishes its meeting with external stakeholders

In Italy, the Anti-Corruption Authority publishes weekly agendas of meetings between key decision makers of the authority (the president, members of the authority's Council, secretary-general and senior managers) with external stakeholders. Agendas are published online and contain information on the purpose of the meetings, the date and time, the names of persons present at the meeting, the topics of discussion, as well as any document transmitted. Agendas are published on the authority's website under a "Transparent Administration" section.

The Australian Government Register of Lobbyists

The Australian Lobbying Code of Conduct promotes trust in the integrity of public bodies and ensures that contact between lobbyists and government representatives is conducted in accordance with public expectations of transparency, integrity and honesty. The Code requires that any person who acts on behalf of a third-party client for the purpose of lobbying Australian Government representatives must be registered on the publicly available Australian Government Register of Lobbyists and comply with the requirements of the Code. The Code defines lobbying activities as communications with a government representative in an effort to influence government decision making, including the making or amendment of legislation, the development or amendment of a government policy or program, the awarding of a government contract or grant or the allocation of funding. Under the Code, Australian Government representatives must only meet with third-party lobbyists who are registered and must report any breaches of the Code by a lobbyist to the Attorney-General's Department.

Source: OECD 2020 Survey on Lobbying; Latvia: List of lobbyists
(https://www.varam.gov.lv/sites/varam/files/content/files/etikas_kodekss_2020_final.pdf), Code of Ethics (https://www.varam.gov.lv/lv/par-lobetaju-sniedzamie-dati) and Cabinet Regulation No. 1 "Values of State Administration and Fundamental Principles of Ethics" (Chapter 3 "Open Communication with Lobbyists", Article 7); Information provided by the Government Australia,
https://www.ag.gov.au/integrity/australian-government-register-lobbyists

Regulating lobbying at the national level has been included as one of the measures of the Recovery and Resilience Plan adopted by Bulgaria (Government of Bulgaria, 2022[25]). The development of a tailored lobbying policy at the organisational level could focus on the CACIAF's specific role and responsibilities, further foster a culture of integrity and openness within its operation and provide clear guidance for the employees. The organisational regulation on lobbying could introduce a set of measures to ensure that lobbying is a useful tool for the CACIAF.

First, it could include clear definitions on a lobbyist and lobbying activities with regard to the tasks and competences of the CACIAF. The definitions should be tailored to the specific context of the organisation and sufficiently robust, comprehensive, and explicit to avoid misinterpretation and to prevent loopholes. This includes clarifying: (i) who is considered as a lobbyist; (ii) what type of activities are considered as lobbying; (iii) the types of decisions of the CACIAF that are targeted by lobbying; and (iv) the categories of public officials within the CACIAF that are targeted by lobbying. In particular, it is critical to ensure that the definition of lobbying activities is considered broadly and inclusively to provide a level playing field for interest groups, whether business or not-for-profit entities, which aim to influence public decision-making process of the CACIAF.

Second, the regulation should also enhance transparency in lobbying activities. A critical element for enhancing transparency in public decision making are mechanisms through which public officials, business and society can obtain sufficient information regarding who has had access and on what issues (OECD, 2010[27]). Such mechanisms should ensure that sufficient, pertinent information on key aspects of lobbying activities is disclosed in a timely manner, with the ultimate aim of enabling public scrutiny (OECD, 2010[27]). In particular, disclosed information could include which decisions, proposals, programmes or other decisions of the CACIAF were targeted by lobbyists.

Third, the regulation should ensure effective implementation, compliance and review. To that end, oversight mechanisms are an essential feature to ensure an effective lobbying regulation. Tools include providing a convenient online registration and report-filing system, raising awareness of the regulations, verifying disclosures on lobbying (including delays, accuracy and completeness of the information disclosed, unregistered activities), sending formal notices to lobbyists to advise of potential breaches, requesting modifications of the information declared and applying visible and proportional sanctions (OECD, 2021[28]).

In addition to enhancing the transparency of the policy-making process, the strength and effectiveness of the process also rests on the integrity of both public officials and those who try to influence them. To foster a culture of integrity in public organisations and decision making, the OECD Recommendation indicates that countries should provide standards to give public officials clear directions on how they are permitted to engage with lobbyists. Integrity standards and ethical obligations on lobbying can thus be included in the Code of Ethics. Similarly, to ensure integrity in the policy-making process, lobbyists (whether in-house or as part of a lobbying association) require clear standards and guidelines that clarify the expected rules and behaviour for engaging with public officials.

Ensuring integrity in lobbying also involves establishing standards for public officials leaving office to prevent conflict of interest when seeking a new position, inhibit the misuse of "confidential information" and avoid post-public service "switching sides" in specific processes in which former public officials were substantially involved. Time limits, or "cooling off" periods, are a useful tool to restrict post-public employment lobbying, "switching sides", and use of insider information. The Anti-corruption Law stipulates that the employees of the CACIAF shall sign a declaration that they are not to disclose any information, become known to then during the fulfilment of their duties and after their discharge from office (Art.19(2)). Furthermore, senior public officials are not entitled to use any information received while performing their duties for a year after leaving their positions (unless another law provides otherwise). Acting as a consultant to third parties is only forbidden for the period of the appointment (Art. 60 and 61). When considering the length of cooling-off periods, core factors to take into account include whether the time lengths are fair,

proportionate and reasonable considering the seriousness of the potential offence (OECD, 2014[29]). Thus, the CACIAF could consider adopting more tailored "cooling off" regulations that better reflect the scope of competences and responsibilities of its employees.

When developing the national regulation envisioned in the Recovery and Resilience Plan, the Bulgarian government and public sector could build on these provisions established by the CACIAF to develop a more robust and comprehensive lobbying regulation at the national level.

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Reforming Integrity Checks and Code of Ethics in Bulgaria

RECOMMENDATIONS FOR THE ANTI-CORRUPTION COMMISSION

Anti-corruption agencies must mainstream integrity policies and procedures to safeguard their activities, achieve their objectives and build public trust in their functions. This report provides concrete recommendations for strengthening Bulgaria's Anti-Corruption Commission's Code of Ethics and its system for undertaking integrity checks of staff. Both these issues are key to creating a culture of integrity within the organisation. The report is part of an EU-funded project under the Technical Support Instrument Regulation and highlights relevant good practices from OECD member countries and provides tailored recommendations in Bulgaria's context.