

**Presidencia de la Nacion
Republica Argentina**

NATIONAL OFFICE OF PUBLIC ETHICS

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DECREE LAW 152

Buenos Aires, February 14th , 1997

IN VIEW OF the need to organise systematic and effective action for preventing corruption within the framework of the National Public Administration,

WHEREAS, For this purpose, it is necessary to provide for the creation of a body with the objective of effectively preventing and controlling the centralised and decentralised Public Administration, in all its scope and for all levels of officers, without exempting any category;

The above-mentioned body shall be in charge of adopting the necessary measures for creating a true ethical environment in the Administration, through the strict public officer's compliance with the National Rules of Ethical Procedure to be issued;

Said body's functions shall include a comprehensive and permanent information, prevention, education and advisory campaign regarding potential conflicts of interest in the performance of public functions, and labour and economic conflicts of interest in which public officers could be involved;

The Honourable National Congress has ratified the Interamerican Convention against Corruption, which provides for the creation of governmental bodies for fighting against corruption; Studies and investigations conducted, as well as the conclusions and recommendations of the First Seminar on Public Ethics, organised by the Undersecretariat for the Political Reform of the Ministry of Internal Affairs, with the participation of important specialists in the area, from Argentina and from abroad, are clear and categorical as regards the need for and usefulness of *ad hoc* bodies, specific and exclusive for the matter at hand;

This executive order is issued using the powers under Section 99, paragraph 1, of the National Constitution.

Now, therefore, THE PRESIDENT OF THE ARGENTINE NATION ORDERS AS FOLLOWS:

SECTION 1. The NATIONAL OFFICE OF PUBLIC ETHICS, depending from the OFFICE OF THE PRESIDENT OF THE NATION and reporting directly to the President, is hereby created.

SECTION 2. The NATIONAL OFFICE OF PUBLIC ETHICS shall be headed by 1 (ONE) Director and 1 (ONE) Deputy Director. The above-mentioned officers shall be appointed by the President of the Nation, and shall hold the rank and category of Secretary and Undersecretary, respectively.

SECTION 3. Its scope of application shall comprise all employees and public officers of all agencies in the National Public Administration, both centralised and decentralised, in any of its forms —self-governing agencies, State-owned companies and companies with a majority interest held by the State, mixed companies, Armed Forces and Security Forces, public welfare institutions, banks and official financial institutions, and of any other entity wholly owned by the State or its decentralised agencies, or in which the State or its decentralised agencies may hold a

majority interest or may have a majority participation in the adoption of corporate resolutions, as well as of national commissions and regulatory bodies of public utilities.

SECTION 4. Its missions and functions shall be:

- a) To prepare the National Rules of Procedure for Public Ethics, which shall be subject to the approval of the President of the Nation. Once approved, these rules of procedure shall be binding on all public officers at all levels.
- b) To promote the creation of specific Rules of Procedure for Public Ethics for the various agencies, in case it should be necessary because of their special characteristics.
- c) To create and develop a Program for Supervision and Monitoring of conflicts of interest in the discharge of public duties, through disclosure reports filed and updated on annual basis by all public officers, at all levels, without exceptions to any rank or category.
- d) To create and develop a Program for Supervision and Monitoring of the property and financial status of all Officers in the National Public Administration, based on their disclosure reports, filed and updated on an annual basis or on the occasion of modifications to their property and/or financial status.

For this purpose, the current System for Property and Financial Disclosure Reports and for Justification of Capital Gain, approved by Decree Law No. 494/95, shall be adapted.

- a) To create and develop a Program for Ethical Education and Prevention for all employees and officers within the National Public Administration.
- b) To create and develop a Program for Advice, Training and Assistance to staff concerning doubts and conflicts with specific regulations.
- c) To issue the regulations and conduct standards operationally linked to the provisions of the National Rules of Procedure for Public Ethics.
- d) To implement the participation of non-governmental organisation, business organisations, workers' unions, university, academic and other social and specific organisations in the achievement of consensus for the National Rules of Procedure for Public Ethics.
- e) The heads of each agency shall be responsible for the enforcement of the National Rules of Procedure for Public Ethics. They, in turn, shall have the power to appoint Public Ethics Officials among officers reporting to them. These Officials shall be in charge of the implementation and ties with the NATIONAL OFFICE OF PUBLIC ETHICS.

SECTION 5. Expenses arising from the enforcement of this executive order shall be applied to the specific items corresponding to jurisdiction 20.01 - General Secretariat - Office of the President of the Nation.

SECTION 6. The remaining Branches of the National Government, the Provinces, Municipalities and the Government of the City of Buenos Aires are invited to establish ethical systems similar to this, applicable to public officers and employees acting in their respective jurisdictions.

SECTION 7. Be it notified, published, given to the National Official Registry Office and filed.
DECREE LAW No. 152

MENEM

CARLOS V. CORACH - MINISTER OF INTERNAL AFFAIRS
JORGE ALBERTO RODRIGUEZ - CHIEF OF CABINET OF THE MINISTERS

DECREE LAW 878/9

Buenos Aires, September 1st, 1997

IN VIEW OF

Decree Law 152, of February 14th 1997 and Decree Law 396 of May 7th, 1997; and

WHEREAS,

The first of the above mentioned Executive Orders provides for the creation of the NATIONAL OFFICE OF PUBLIC ETHICS within the scope of the OFFICE OF THE PRESIDENT OF THE NATION, reporting directly to the President of the Nation;

The Decree Law 396/97 changed the designation given to the agency of this agency to "NATIONAL COUNCIL OF PUBLIC ETHICS", as well as its missions and functions; - The original designation "NATIONAL OFFICE OF PUBLIC ETHICS" better suits its executive functions;

It is necessary to restore the appropriate tools for the fulfilment of the aims prescribed by Decree Law 152/97 to this office and provide the same with the instruments that allow the active participation of the different sectors which make up the social spectrum;

It is necessary that the above mentioned agency have a representative Advisory Panel from the intermediate sectors so that the National Rules of Procedure for Public Ethics to be issued is the result of the greatest possible consensus;

In order to attain these purposes, the amendments provided by Decree Law 396/97 should be repealed, restoring the effectiveness of the provisions under Decree Law 152/97; and

This Decree Law is enacted using the powers under section 99, paragraph 1 of the National Constitution

Now, therefore

THE PRESIDENT OF THE ARGENTINE NATION HEREBY ORDERS AS FOLLOWS:

SECTION 1. Decree Law 396 of May 7, 1997 is repealed, restoring the full effectiveness of Decree Law 152 of February 14, 1997.

SECTION 2. The ADVISORY PANEL ON PUBLIC ETHICS is hereby created. This Panel shall

be formed by representatives of the organisations mentioned in paragraph h) Section 4 of Decree Law 152/97, who will be appointed by the Director of Public Ethics, on a gratuitous basis, and for the sole purpose of collaborating in drafting the National Rules of Procedure for Public Ethics and in any other required subject area.

SECTION 3. Be it notified, published, given to the National Official Registry Office and filed.

MENEM

JORGE A. RODRIGUEZ
CARLOS V. CORACH

DECREE LAW 41

Buenos Aires, January 27th, 1999

IN VIEW OF Decree No. 152, of February 14th 1997, and its complementary Decree, No. 878, of September 1st, 1997,

WHEREAS, From the very start of its term of office, the National Government has undertaken the firm commitment of fighting corruption and promoting measures aimed at increasing the degree of openness in the Public Administration; In this regard, the transformations brought about within the framework of the Reform of the State have not only dismantled the structural factors that could benefit corrupt practices, but have simultaneously influenced the renewal of values such as stability, fairness, responsibility and efficiency;

Consistently with the assumed commitment, our country participated actively in the establishment of the Interamerican Convention against Corruption, the first international instrument through which the Governments of America define objectives and assume obligations in the fight against corruption, not only from the political but also from the legal point of view;

The Argentine Republic, through Law No. 24,759, has ratified the above-mentioned Convention.

Said convention recommends, as a preventive measure, that the standards of conduct for the correct, honourable and suitable performance of the public office should be issued;

This is the context for the creation of the NATIONAL OFFICE OF PUBLIC ETHICS, established through Decree No. 152/97, depending from the OFFICE OF THE PRESIDENCY and reporting directly to the President of the Nation. The primary aim of the National Office of Public Ethics is to adopt the necessary measures for creating a true ethical environment in Public Administration;

The NATIONAL OFFICE OF PUBLIC ETHICS, fulfilling its duties and complying with the recommendation issued by the Interamerican Convention against Corruption, has prepared a draft Code of Ethics for Public Office, based on the guiding concept that the aim of public office is the achievement of the common good, and aiming mainly at an ethical education and at the prevention of dysfunctional conducts that could facilitate acts of corruption;

The above-mentioned draft establishes, as General Principles that must guide public officers' conduct, integrity, prudence, fairness, temperance, capacity and responsibility;

From these General Principles there arise Special Principles, based on a concept of the ethics of public office that includes matters not only related to honesty but also to quality of work, work environment and service to citizens;

In defence of the general welfare, it shall also be required that public officers preserve an independent judgement, and avoid being involved in situations that could endanger their impartiality;

Moreover, it is an unavoidable duty of public officers to behave with decency and dignity, and to not use the prerogatives of their office for obtaining personal benefits;

With relation to the above, the Code of Ethics for Public Office includes provisions referring to limitations for accepting benefits or gifts, and to the identification of situations that could bring about impediments arising from official duties;

Furthermore, a new system is established for the submission of property and financial disclosure reports of officers at the decision-making level. Said property and financial disclosure reports shall be public and shall be subject to the verification and monitoring of the NATIONAL OFFICE OF PUBLIC ETHICS;

For preparing the draft, the background of other countries that have incorporated codes of ethics for the public office has been analysed;

Pursuant to the provisions of Decree No. 878/97, the NATIONAL OFFICE OF PUBLIC ETHICS has created the ADVISORY PANEL ON PUBLIC ETHICS, calling representatives of nongovernmental organisations, business, professional and workers' entities, academic institutions and persons with a well-known background;

Based on the submitted proposal, the Advisory Panel has conducted a comprehensive discussion and has drafted a bill for the enactment of a Code of Ethics for Public Office, intended to become an effective instrument in guiding the actions of the Public Administration;

This decree is issued using the powers under Section 99, paragraph I, of the National Constitution. Now, therefore, THE PRESIDENT OF THE ARGENTINE NATION DECREES AS FOLLOWS:

SECTION 1. The CODE OF ETHICS FOR PUBLIC OFFICE, applicable to officers of the NATIONAL EXECUTIVE BRANCH and appearing as Annex to this decree, is hereby approved.

SECTION 2. The NATIONAL OFFICE OF PUBLIC ETHICS is hereby granted the power to approve the necessary instruments for the enforcement of the regulations that provide for the regulations for the submission of the Property and Financial Disclosure Reports, set forth in Chapter IV of the Code of Ethics for Public Office, as well as to establish a schedule for the submission of said Property and Financial Disclosure Reports by applicable officers in each jurisdiction or agency.

SECTION 3. The system for the submission of the property disclosure reports set forth by Decree No. 494, of April 5% 1995, shall remain in force in each jurisdiction or agency until the National

Office of Public Ethics decides the application of the new system for Property and Financial Disclosure Reports, provided for in Chapter IV of the Code of Ethics for Public Office.

SECTION 4. The requirements for justification of capital gain, set forth in Chapter III of Decree No. 494, of April 5th 1995, shall remain in force until the corresponding system substituting it is established, pursuant to a proposal to be submitted by the MINISTRY OF JUSTICE, with the intervention of the ATTORNEY'S OFFICE OF THE NATIONAL TREASURY.

SECTION 5. It is hereby stated that Personnel, Human Resources or equivalent departments shall make the Code of Ethics for Public Office widely known among the staff of the relevant agency.

SECTION 6. Be it notified, published, given to the National Official Registry Office and filed.

DECREE No.41

MENEM

RAUL E. GRANILLO OCAMPO - MINISTER OF JUSTICE

JORGE ALBERTO RODRIGUEZ - CHIEF OF THE CABINET OF MINISTERS

Code of Ethics
CODE OF ETHICS FOR PUBLIC OFFICE

GENERAL TITLE

CHAPTER I

AIM OF PUBLIC OFFICE

SECTION 1. COMMON GOOD. The aim of public office is the common good, as governed by the provisions in the National Constitution, international treaties ratified by the Nation and the rules established for regulating the common good. Public officers have a primary duty of loyalty towards their country, through democratic governmental institutions, that has priority over their ties to persons, political parties or institutions of any nature whatsoever.

CHAPTER II

DEFINITIONS AND SCOPE

SECTION 2. PUBLIC OFFICE. For the purposes of this Code, the term "public office" shall mean all temporary or permanent activities, be they compensated or gratuitous, carried out by a natural person on behalf of the Government or for the service of the Government or its agencies, at any hierarchical level.

SECTION 3. PUBLIC OFFICER. For the purposes of this Code, the term "public officer" shall mean any officer or employee of the Government or its agencies, including those who have been selected, appointed or elected to perform activities or functions on behalf of the Government or for the service of the Government, at all hierarchical levels. For these purposes, the words "officer," "servant," "agent," "official" or "employee" are taken as synonyms.

SECTION 4. SCOPE OF APPLICATION. This Code applies to public officers of all agencies in the National Public Administration, both centralised and decentralised, in any of its forms — self-governing agencies, State-owned companies and companies with a majority interest held by the State, mixed companies, Armed Forces and Security Forces, public welfare institutions, banks and official financial entities, and of any other entity wholly owned by the State or its decentralised agencies, or in which the State or its decentralised agencies may hold a majority interest or may have a majority participation in the adoption of corporate resolutions, as well as of national commissions and regulatory bodies of public utilities.

SECTION 5. CONSTRUCTION. The National Office of Public Ethics is the body authorised to issue rules for construction and clarification of this Code. Written decisions and instructions issued by the National Office of Public Ethics are binding on those who have requested them or to whom they are addressed.

Officers that act in accordance with such decisions or instructions are exempted from ethical responsibility and administrative/disciplinary penalty, except in cases of clear infringement of the law.

SECTION 6. COMMITMENT. Admission to public office implies acknowledging this Code and undertaking to duly comply with it.

SECTION 7. CONSULTATION. In cases in which objective and reasonable uncertainty arises with regard to a specific ethical matter, public officers must consult with the National Office of Public Ethics.

CHAPTER III

GENERAL PRINCIPLES

SECTION 8. INTEGRITY. Public officers must act with uprightness and honesty. They shall strive to serve the best interests of the public and shall not accept any personal benefits or advantages obtained by themselves or through third parties. They are also bound to display honest conduct.

SECTION 9. PRUDENCE. Public officers must act with full awareness of matters that are under their consideration, with the same diligence a good administrator would use with his own assets. The community must be able to regard the performance of public duties with trust. Moreover, officers must avoid actions that could endanger the aim of public office, the State's assets or the image society ought to have of its servants.

SECTION 10. FAIRNESS. Public officers must always be prepared to perform their duties, granting to every person what is fair, both in their relations with the Government and in those with the public, their superiors and subordinates.

SECTION 11. TEMPERANCE. Public officers must perform their duties with respect and moderation, using the prerogatives inherent to their office and the means at their disposal solely for fulfilling their functions and duties. Moreover, they must avoid performing any act that could cast doubt on their honesty or their ability to fulfil the duties inherent to their office.

SECTION 12. CAPACITY. Capacity, understood as technical, legal and moral competence, is an essential condition for access to and holding of public office.

SECTION 13. RESPONSIBILITY. Public officers must make an honest effort to fulfil their duties. The higher the position the public officer occupies, the greater his responsibility is with regard to compliance with the provisions of this Code.

CHAPTER IV

SPECIAL PRINCIPLES

SECTION 14. ABILITY. Anyone that appoints a public officer must duly verify that measures have been taken to confirm his ability. No person shall accept appointment for a position for which he lacks the necessary skills.

SECTION 15. TRAINING. Public officers must receive training in order to improve their performance of the duties of their office, as determined by the rules governing service or as established by the applicable authorities.

SECTION 16. LAWFUL CONDUCT. Public officers must be aware of and comply with the National Constitution and the laws and regulations governing their activity. They must at all times behave in such a way that their conduct, when placed under scrutiny, is beyond reproach.

SECTION 17. EVALUATION. Public officers must evaluate the background, motives and consequences of the functions they are in charge of performing or executing.

SECTION 18. TRUTHFULNESS. Public officers shall be bound to be truthful in the relationships involved in public office, both with individuals and with their superiors and subordinates, as well as to contribute to the disclosure of the truth.

SECTION 19. DISCRETION. Public officers must maintain the confidentiality of facts or information they may be familiar with because of the performance of their duties, without prejudice to the duties and responsibilities that may apply to them pursuant to the rules governing administrative confidentiality.

SECTION 20. TRANSPARENCY. Public officers must act in accordance with society's right to be informed of the Administration's activities.

SECTION 21. PROPERTY AND FINANCIAL DISCLOSURE REPORTS. Public officers must submit to the National Office of Public Ethics a property and financial disclosure report, pursuant to Chapter IV of the Special Title - Property and Financial Disclosure Reports. The National Office of Public Ethics shall be in charge of the supervision and monitoring of the property and financial status of public officers, as well as of regulating the submission of the property and financial disclosure reports.

SECTION 22. OBEDIENCE. Public officers must comply with the orders given to them by the applicable official superior, as long as they have been duly issued and aim at acts of service related to the functions under the officers' responsibility, except in clear cases of impropriety or illegality.

SECTION 23. INDEPENDENT JUDGMENT. Public officers must not get involved in situations, activities or interests that are incompatible with their office. They must refrain from any behaviour that could affect their independent judgement in performing their duties.

SECTION 24. FAIRNESS. The application of fairness criteria to render a more equitable legal solution must never be carried out in contravention of the aims of the law.

SECTION 25. FAIR TREATMENT. Public officers must not perform discriminatory acts in their relationship with the public or with other agents of the Administration. They must treat all persons equally in identical circumstances. Identical circumstances exist when there are no differences that, according to rules in force, must be taken into account to establish precedence. This principle also applies to the relationships officers maintain with their subordinates.

SECTION 26. PROPER PERFORMANCE OF DUTIES. The proper performance of duties involves an officer's personal compliance with this Code, as well as actions addressed at ensuring compliance by the officer's subordinates.

Public officers shall not use their position, authority, influence or apparent influence, to obtain or seek undue benefits or advantages for themselves or others.

Moreover, because of their duties, they must not retaliate or use coercion in any manner whatsoever against officers or other persons, unless said action arises from the strict performance of duties.

SECTION 27. PROPER USE OF THE STATE'S ASSETS. Public officers must protect and preserve the State's assets. They must use the assets assigned to them for the performance of their duties in a reasonable manner, avoiding misuse, waste or squandering.

Moreover, they cannot use them or allow others to use them for personal purposes or purposes other than those for which they have been specifically intended. The activities officers must perform outside of office hours or premises for purposes of government business shall not be considered personal purposes.

SECTION 28. PROPER USE OF WORK HOURS. Public officers must use their work hours responsibly in order to fulfil their duties. They must perform their duties efficiently and effectively, and they must ensure that their subordinates act in the same way. They must not encourage, demand or ask their subordinates to use work hours to carry out activities that are not required for the performance of their duties.

SECTION 29. COOPERATION. In extraordinary situations, public officers must carry out those tasks that, due to their nature or procedure, are not strictly inherent to their office, as long as they are necessary to alleviate, remedy or overcome the difficulties at hand.

SECTION 30. USE OF INFORMATION. Public officers must refrain from disclosing any information that has been identified as classified or secret pursuant to regulations in force. They must not use, for their own benefit, for the benefit of third parties or for purposes other than their duties, any information they are aware of due to the performance of their duties and that is not addressed to the public in general.

SECTION 31. DUTY TO REPORT OFFENSES. Public officers must report to their superior or the corresponding authorities any acts they may be aware of, because of the performance of their duties, which may bring about damages to the State or constitute an offence or an infringement of any of the provisions of this Code.

SECTION 32. DIGNITY AND DECENCY. Public officers must behave with dignity and decency and act with discretion and moderation. They must always be respectful and polite when dealing with the public and other officers.

SECTION 33. HONOR. Public officers accused of committing a public offence must facilitate the investigation and implement the administrative and legal measures that may be necessary to clear up the situation, in order to safeguard their honour and the dignity of their position. They shall be provided access to the free legal advice and representation of the corresponding official legal service.

SECTION 34. TOLERANCE. Faced with criticism from the public and the press, public officers must show a degree of tolerance that is higher than that which can reasonably be expected of an

ordinary citizen.

SECTION 35. GOOD JUDGMENT. In the performance of their duties, public officers must act sensibly and exercise good judgement.

SPECIAL TITLE

CHAPTER I - GIFTS AND BENEFITS

PART ONE: BENEFITS FROM OUTSIDE SOURCES

SECTION 36. PROHIBITED BENEFITS. Public officers shall neither directly nor indirectly solicit, take or accept money, gratuities, benefits, gifts, favours, promises or any other incentives for themselves or others in the following circumstances:

- a) performing, causing to delay the performance of, or failing to perform tasks related to their duties,
- b) exerting influence on any other public officer so as to induce the performance, delay of performance, or non-performance of various tasks related to their duties, or
- c) when the benefits or incentives would not have been offered or given if the recipient had not had that position or duty.

SECTION 37. PRESUMPTIONS. Benefits shall be presumed to be prohibited if they come from individuals or organisations that:

- a) are involved in activities regulated or controlled by the public officer's agency,
- b) are seeking or enjoying benefits from concessions, permits, privileges, or franchises granted by the public officer's agency,
- c) have become or are seeking to become contractors or suppliers for providing goods or rendering services to the National Public Administration,
- d) are seeking official actions or decisions by the public officer's agency, or
- e) have interests that may be substantially affected by the agency's official decision, action, delay or non-performance.

SECTION 38. EXCEPTIONS. The prohibition under Section 36 paragraph c) shall not apply to:

- a) Ceremonial gifts given by governments, international organisations or non-profit organisations, inasmuch as the law or official customary practices permit these benefits.
- b) Travel and lodging expenses paid by governments, educational institutions or non-profit organisations for providing conferences, courses or cultural and/or academic activities, or for participating in these activities, inasmuch as these are not incompatible with

the officer's official duties or prohibited by special rules.

- c) Gifts or benefits whose trivial value, depending on the circumstances, could not reasonably be considered a means of affecting the public officer's good judgement.

The applicable authority shall determine when the benefits received from the situations prescribed in (a) above may be registered and included in the State's property which, depending on its nature, shall be used for different purposes such as health, social welfare, education or shall be included as part of the Historical-Cultural Heritage.

PART TWO: BENEFITS BETWEEN PUBLIC OFFICERS

SECTION 39. PROHIBITED BENEFITS. Public officers shall neither directly nor indirectly give or solicit from any other public officer any gifts, promises or benefits of any kind.

SECTION 40. EXCEPTION. Section 39 shall not apply to gifts of trivial value given because of friendship or personal relationships or on certain special occasions where gifts are normally given.

CHAPTER II. IMPEDIMENTS ARISING FROM OFFICIAL DUTIES.

In order to preserve the independence of judgement and the principle of equality, public officers shall not get involved in personal relationships or situations where their personal, employment, economic or financial interests could conflict with the fulfilment of their official duties and responsibilities.

Public officers shall not conduct, manage, advise, sponsor, represent, render services, whether compensated or not, to individuals who might seek or benefit from the State's concessions, enjoy its privileges or act as its suppliers. Furthermore, public officers shall not get involved in relationships that might imply benefits or obligations with organisations directly monitored by the public officers' agency.

SECTION 42. RECUSAL. Public officers shall recuse themselves from any matter that might pose a conflict of interests.

SECTION 43. NEPOTISM OR FAVORITISM. Public Officers shall not appoint relatives or friends for rendering services within the governmental office under their official responsibility, if the capacity requirement has not been duly met first.

SECTION 44. MULTIPLE POSITIONS. Government officers serving office within the National Public Administration, shall not hold another compensated position within the national, provincial or local government, notwithstanding the exceptions established and regulated by special system.

SECTION 45. SUBMISSION OF PRIOR POSITIONS REPORT. Public officers shall be required to disclose public and private positions and duties held and performed during the year before entering Government service and those they will hold afterwards.

SECTION 46. WAITING PERIOD. While performing their functions and for one (1) year after having left office, public officers must not create or make, or cause to be created or made, for

third parties, administrative jobs or arrangements, whether directly under their official responsibility or not, and they must not enter into agreements with the National Public Administration if the same are in any way related to the position held or that would have been held.

CHAPTER III PENALTIES

SECTION 47. PENALTIES. In case of non-compliance with the provisions set forth in this Code, public officers shall be subject to the penalties prescribed by the Basic Legal System for the Public Office, which was passed by Law 22149, or to any other regulation that may apply because of the office held or duties served, without prejudice to the civil and criminal responsibilities provided by law.

SECTION 48. PROCEDURE. In case of non-compliance with the provisions set forth herein, those responsible for each agency, by administrative initiative or by order of the National Office of Public Ethics, shall initiate the necessary summary proceedings or carry out the necessary actions to determine the responsibilities of each of the officers involved, if applicable, by way of the respective legal counsel.

SECTION 49. RECORDS. Final decisions from summary proceedings for infringements of the provisions hereof shall be reported to the National Office of Public Ethics, which shall keep an updated record of these decisions.

CHAPTER IV - PROPERTY AND FINANCIAL DISCLOSURE REPORTS

PART ONE. THE PROPERTY AND FINANCIAL DISCLOSURE REPORT

SECTION 50. PUBLICITY. Property and Financial Disclosure Reports shall be published and shall be made available to any person so requesting at the National Office of Public Ethics, by submitting a written application stating:

- a) The requester's name, numbers and type of document, occupation and address,
- b) The name and address of the organisation the requester represents, if applicable,
- c) The reason for the request, and
- d) The requester's acknowledgement his agreement to the restrictions on the obtainment and use of the contents of said Property and Financial Disclosure Report.

The National Office of Public Ethics may have the requirements for the submission of the Property and Financial Disclosure Report published in the Official Gazette by the responsible agents. This information may be also published in a home page on the Internet.

SECTION 51. RESTRICTIONS. The information supplied by the Property and Financial Disclosure Report shall not be used for:

- a) illegal purposes,
- b) profit, speculation, or exclusively commercial purposes, c) determining an individual's credit rating, or
- c) directly or indirectly obtaining money or other benefits for political purposes.

SECTION 52. REPORT TO THE PUBLIC OFFICER. The National Office of Public Ethics shall inform the reporting public officer that information regarding the officer's report has been given and shall indicate the information requested by the requester.

PART TWO. PERSONS REQUIRED TO FILE THE REPORT.

SECTION 53. PUBLIC OFFICERS AFFECTED.

The Property and Financial Disclosure Report shall be submitted by the following Public Officers:

- a) President and Vice-president of the Nation,
- b) Head of the Cabinet of Ministers, Ministers, Secretaries to the President's Office, Secretaries and Deputy Secretaries,
- c) Chief directors of decentralised agencies, regardless of the legal nature of those agencies, that are subject to the provisions of Section 4,
- d) Federal interveners and other officers holding the rank of Director, any other equivalent office or higher,
- e) Public officers holding the rank of Director, Manager, equivalent offices or higher, either permanently or temporarily, and other officers serving executive duties at all levels of the National Public Administration, either centralised or decentralised, and that are subject to the provisions under Section FOUR,
- f) Public Officers representing the National State before interjurisdictional and international organisations,
- g) Public Officers holding ranks A B and C in the permanent active body of the National Foreign Service, political Ambassadors and public officers of other National Public Administration agencies serving duties abroad,
- h) Heads of the Executive Units of projects totally or partially financed by international credit organisations and program co-ordinators,
- i) Active personnel of the Armed Forces, Federal Police, National Border Patrol, Coastguard Service and the Federal Penitentiary Service, holding the rank of superior officer or the equivalent,
- j) Public officers of the Federal Revenues Administration and of the National

Migrations Bureau holding the rank of Department Heads, equivalent positions or higher and those performing supervisory duties,

- k) Trustees or liquidators of agencies managed by the National State,
- l) Presidents, Deans, and Secretaries of National Universities and Colleges,
- m) Members of competent administrative agencies,
- n) Cabinet Advisors, and
- o) Public officers who are involved in the administration of public funds or the administration of public or private property by order of the National Public Administration, public officers who participate in awarding committees during bidding processes or are responsible for the procurement or receipt of goods or for granting permits or authorisations.

SECTION 54 - CONTENTS. The Property and Financial Disclosure Report shall include a detailed and complete list of the properties, credits, liabilities and income of the Reporting Public Officers, and those of their spouses and dependent children, providing special mention of the following:

- a) Real property, either in the country or abroad, refurbishments made, providing the fiscal value, date of acquisition and source of the funds,
- b) Personal property subject to registration, either in the country or abroad,
- c) Other personal property such as equipment, instruments, jewelry, works of art and other personal property such as livestock if the individual value amounts to five thousand pesos (\$5,000) or above, or if the total value amounts to twenty thousand (\$20,000),
- d) Securities, stocks and bonds, whether listed or unlisted; interests in personal undertakings or companies, indicating the value, date of acquisition and source of funds,
- e) Investments in any domestic or foreign Bank or other financial institution,
- f) Mortgage, pledge or common liabilities or credits,
- g) Cash, either local or foreign currency,
- h) Duties performed as trustee, agent, manager or consultant to any kind of corporation or organisation, whether they are profit or non-profit organisations,
- i) Source, type and amount of the income and expenses derived from working for an employer, free-lance work rendering services for third parties or from the performance of other independent activities or duties, and
- j) Income from rents and pension funds.

SECTION 55. WHEN TO FILE AND SCOPE OF THE FILING. The Public officer subject to the provisions hereto shall file two identical copies of the Property and Financial Disclosure Report, in sealed envelopes with the office of personnel, administration or human resources of the applicable agency, within TEN (10) days after taking office or after being notified of his appointment, promotion, or assignment of new duties, as well as upon termination of his office.

The National Office of Public Ethics may extend the deadline for the submission of the Property and Financial Disclosure Report when reasonable grounds exist that justify that action, but the term shall not be longer than THIRTY (30) days.

SECTION 56. UPDATE. Property and financial Disclosure Reports shall be updated annually on the dates determined by the National Office of Public Ethics for each relevant agency.

SECTION 57. TERMS AND CONDITIONS. The National Office of Public Ethics shall be responsible for informing the reporting officers of the terms and conditions for the compliance with the submission of the Property and Financial Disclosure Report, as well as its scope, when so requested.

SECTION 58. TEMPORARY RECEIPT. Each agency's office of personnel, administration or human resources shall give the public officer or filer a temporary receipt when the Property and Financial Disclosure Report is effectively filed.

Likewise, the agency shall be responsible for keeping a record of those public officers that are required to file the report, and such record shall state whether they have met this requirement.

SECTION 59. DELIVERY TERM. One copy of the Property and Financial Disclosure Report filed by the Public Officer shall be sent to the National Office of Public Ethics by the relevant agency, in a sealed envelope, within FIVE (5) days after the deadline for submission. The other copy shall be sent to the General Notary Public Office of the National Government, where it will kept and safeguarded pursuant to the provisions of Law 21890.

SECTION 60. PROOF OF FILING. After the expiration of the notification term provided for in the next section, the relevant agencies shall send the Property and Financial Disclosure Reports to the National Office of Public Ethics, along with a detailed list indicating the public officers who have filed the report and those who have not.

SECTION 61. NOTIFICATION. If, upon the expiration of the term, the Property and Financial Disclosure Report has not been submitted, then the relevant office of personnel, administration or human resources shall give notice of non-compliance to the public officer and inform him that the submission must be made within the next FIVE (5) days. The National Office of Public Ethics shall be given notice thereof.

Upon the expiration of the term described above, the failure to submit the Property and Financial Disclosure Report will be considered a serious offence, according to the provisions of the relevant regulations.

The National Office of Public Ethics shall notify the public officer's non-compliance to the highest authority the officer reports to, in order to provide for the prosecution of summary proceedings

by way of the Attorney's Office of the National Treasury or the applicable authority.

SECTION 62. OPENING THE ENVELOPE AND FINAL RECEIPT. The National Office of Public Ethics shall open the envelope and verify that the Property and Financial Disclosure Report has been duly prepared and completed. If so, then the Office shall issue the final receipt. If any errors or omissions are found, then the filing officer shall be requested to correct the error or omission within five (5) days. Non-compliance by the filing officer shall be considered a serious offence.

The final receipt issued by the National Office of Public Ethics shall be sent to the Public Officers through the office of personnel, administration or human resources of the relevant agency.

SECTION 63. SCOPE OF THE FINAL RECEIPT. The receipt issued by the National Office of Public Ethics shall not be construed as a decision on the information contained in the Report.

SECTION 64. VERIFICATION AND MONITORING. The National Office of Public Ethics shall carry out all necessary verification procedures and request that the filing officer make any clarifications it deems relevant.

In this case, the filing officer shall be granted a term of no more than FIVE (5) DAYS in which to provide the requested explanations or clarifications

If the clarifications turn to be unsatisfactory or insufficient or if verification discloses irregularities, then the National Office of Ethics, having rendered the relevant decision, shall refer the proceedings to the highest authority the public officer reports to, and this authority shall provide for the prosecution of the relevant summary proceedings by way of the Attorney's Office of the National Treasury or the applicable authority. When the final decision is made, it shall be reported to the National Office of Public Ethics.

If the incumbents are authorities subject to the impeachment process as provided by Sections 53 and 60 of the National Constitution, then the National Office of Public Ethics shall give notice of the facts to the National Executive Branch and to the Honourable House of Representatives of the National Congress.

SECTION 65. TERM OF CUSTODY. Property and Financial Disclosure Reports shall remain on file with the General Notary Public Office of the National Government and the National Office of Public Ethics for TEN (10) years after the officer leaves public office or for the term required by the applicable administrative or legal proceedings.

SECTION 66. REQUIREMENT OF REPORTING. The National Office of Public Ethics or the General Notary Public Office of the National Government shall not provide the original Property and Financial Disclosure Report or the sealed envelope containing said report, except as provided by the National Law or in the following cases:

- a) When administrative summary proceedings have been initiated and at the request of the Attorney's Office of the National Treasury,
- b) At the request of the National General Trustee within the scope of the provisions set forth in Law 24156,

- c) At the request of the National Attorney General within the scope of his competence, or d) At the request of the Judge having jurisdiction over the case.

In any and all of these cases, the Property and Financial Disclosure Report or the envelope containing it, depending on the agency, shall be given against receipt thereof.

SUPPLEMENTAL PROVISIONS

SECTION 67. VALIDITY OF ALL REGULATIONS. The provisions hereto shall not bar the application of other regulations currently in force.

SECTION 68. TERMS. For the purpose of the calculation of the terms provided herein, the word "days" shall only refer to working days.