

The Law of the Azerbaijan Republic

On the Prevention of Conflicts of Interest in the Activities of Public Officials

The purpose of this Law is to prevent conflicts of interest during the performance of official duties by public officials. The purpose of preventing conflicts of interest is to ensure that public officials act effectively, fairly, with integrity, impartially, and in a manner that corresponds to the public needs, and which raises society's confidence in public officials.

Chapter 1. General Provisions

Article 1. Main definitions

1.1. The definitions as used in this Law:

1.1.1. "Public official" – persons listed in Articles 2.1.1 – 2.1.4, 2.1.6 – 2.1.7 of the Law of Azerbaijan Republic "On Combating Corruption". The provisions of this Law shall not apply to the members of Milli Majlis of the Republic of Azerbaijan¹, members of Ali Mejlis of Nakhichevan Autonomous Republic², judges of the courts of the Republic of Azerbaijan and the employees of the Prosecutor's office. Prevention of conflicts of interest in the activities of these public officials shall be regulated by special laws taking into account the provisions of this Law.

1.1.2. "State institution" - state bodies, state enterprises, companies and organizations; and any other institutions that are financed by state budget.

1.1.3. "Close relative" - public official's wife (husband), parents, grandparents, children, including adopted children, siblings, stepbrothers and stepsisters, grandchildren, nieces and nephews, in-laws, uncles, aunts, as well as the spouse's parents, siblings, stepbrothers, and stepsisters.

1.1.4. "Superior public official" - public official having the authority to supervise the work of public official, or to direct or make recommendations regarding his decision-making.

1.1.5 "Interested persons (hereinafter "interested person")" are the following:

1.1.5.1 the public official's close relative;

1.1.5.2 a person who owns 25% or more of the shares of a legal person or an (economic entity) in which the public official also owns 25% or more of the shares; or who owns 25% or more of the shares of a legal person or economic entity in which the public official holds a managerial or supervisory position.

Another option:

¹ Parliament of the Republic of Azerbaijan

² Parliament of Nakhichevan Autonomous Republic

A person who owns a relevant share in a legal person in which the public official has a relevant share; or a person who owns relevant shares of a legal person in which the public official holds a managerial or supervisory position;

A relevant share (or relevant part of shares) – is a minimum share determined by a relevant executive body depending on the organizational-legal form of a legal person.

1.1.5.3. legal person or an economic entity in which public official or his/her close relative exercise managerial or supervisory functions.

1.1.5.4. legal person or an economic entity in which a public official or his/her close relative owns 25% or more of the shares (another option – relevant part of the shares);

1.1.5.5. a natural person, legal person, or economic entity which owes the public official or his/her spouse, children, or adopted children a financial or a civil law obligation in the amount of two thousand nominal financial units³ or more.

1.1.5.6. a natural person, legal person, or economic entity to whom the public official or his/her spouse, children, or adopted children owe a financial or a civil law obligation in the amount of two thousand nominal financial units or more.

1.1.5.7. a person to whom are transferred managerial and supervisory functions shown in the article 9 of this Law.

1.1.6. “Conflict of interest” -- is a situation which concerns public official or his/her family members or is a situation in which public official has private interest which is such as to influence or appear to influence objective and impartial performance of his/her official duties.

1.1.7. “Private interest” – advantages, privileges, material, and other benefits for the public official or the interested person. It includes also any liability, whether financial or civil, relating thereto.

1.1.8. Related laws –Law on “Code of Ethics and Conduct of Civil Servants” of the Republic of Azerbaijan and articles 7-13 of the Law “On Combating Corruption” of the Republic of Azerbaijan.

1.2. Definitions of this Law apply exclusively to the relationships regulated by this Law.

Article 2. The Legislation on the prevention of conflicts of interest in the activities of public officials

The legislation on the prevention of conflicts of interest includes the Constitution of the Republic of Azerbaijan; international agreements to which the Republic of Azerbaijan is a party; this Law; and all other relevant legislative acts.

Article 3. The Scope of application of this Law

This Law shall apply to all public officials within the territory of the Azerbaijan Republic while taking into account the limitations put in the article 1.1.1 of this Law.

³ 1.1 manat ~ 1Euro

This law also applies to all public officials outside of the territory of the Azerbaijan Republic, pursuant to the international agreements to which Azerbaijan is a party.

Chapter II. Restrictions imposed on public officials

Article 4. Use of official powers for private interests

4.1 No public official shall use his/her official powers for the benefit of his/her private interests, and shall not permit interested persons to influence the implementation of his/her official duties.

4.2 No public official shall engage any activity, incompatible with his/her official duties and own shares including common property shares in a legal person, which may impair objective and impartial performance of his/her duties.

Article 5. Restrictions on activities that may result in conflicts of interest

5.1 While exercising his/her official duties, no public official shall participate in drafting or adopting any normative legal acts or acts of normative character, decisions, contracts and perform inspectorial or supervisory duties on the issues concerning his/her private interests, or take any other action (inaction) which creates conflicts of interest.

5.2 No public official, for the benefit of his private interests, shall use his/her status, duties, powers, or the status of his/her state institution or municipal body in order to influence another public official in the preparation or adoption of any normative legal acts or acts of normative character or performance of any action (inaction).

5.3 No public official, who was previously a member of managerial or supervisory body of a business entity, after ceasing his/her labor and civil-legal relationships with this entity shall, for a period of two years, adopt any normative legal acts or acts of normative character or decisions regarding such business entity. This does not include persons holding elected positions.

5.4 Public official who is member of a board, in cases where issues examined by this board affect his/her private interests shall inform this body and ask the latter to be authorized to refrain from participating in the examination of these issues.

Article 6. Restrictions on representing natural and legal persons

6.1. No public official shall represent a state institution or a municipal body in the matters related to his/her private interests.

6.2 No public official shall be a council, expert or attorney or agent in any form of a third person in matters involving the state institution or municipal body where he/she serves.

Article 7. Restrictions on public officials holding additional positions

7.1 No public official shall engage any activity during the work time, which is inconsistent with the proper discharge of his/ her official duties.

7.2 Public official may exercise scientific and creative activity and may exercise pedagogical activity with the permission of the head of the state institution served by the public official and exercise other activity not creating conflicts of interest.

Article 8. Restrictions on accepting additional payments

8.1. With the exception of his/her state salary and other lawful payments, no public official shall request, demand, or accept any other advantages, privileges, material, and other benefits in exchange of performing or not performing his/her official duties.

8.2. No public official who represents state institution or municipal body in the managerial and control organs of economic entities shall:

8.2.1. acquire directly or indirectly privileges, advantages, material and other benefits not related to the performance of his/her official duties;

8.2.2 purchase assets, share in the charter capital and the property of the entity which he/she represents;

8.2.3. hold other positions in the economic entity where he/she serves as representative.

8.3. The requirements of the articles 8.2.2 and 8.2.3 of this Law shall apply to the public official during two years after termination of his/her employment as representative.

Article 9: Management of interest in entrepreneurship (business) entity

9.1. Within one month after appointment or election into his/her position, public official shall transfer his/her managerial or supervisory functions arising from his property share in the entrepreneurship (business) entity to a different legal or natural person. The person receiving such functions cannot be the person indicated in articles 1.1.5.1 to 1.1.5.6 of this Law. The person to whom such managerial or supervisory functions are transferred operate in the entrepreneurship entity in accordance with the legislation in their own name and on behalf of public official until the end of his/her duties.

9.2. Within 10 days after transferring managerial or supervisory functions, public official inform the body envisaged in the Article 18.1.2 of this Law about the legal or natural person to whom these rights were transferred. The information shall include the proofs of the transfer.

Article 10: Restrictions on the receipt of gifts

10.1. No public official shall request or accept for himself/herself or other persons any gift which may influence or appear to influence the objectivity and impartiality with which he/she carries out his/her service duties, or may be or

appear to be reward relating to his/her duties. This does not include minor gifts and use of conventional hospitality.

10.2. Public officials may not solicit or accept multiple gifts from one or more natural persons, legal persons, or economic entities during any twelve month period where the aggregate value of the gifts exceeds fifty nominal financial units.

10.3. Public officials may accept aid for themselves or on behalf of interested persons for medical emergencies or natural disasters.

10.4. In cases where the public official can not determine whether the acceptance of a gift violates this article, he/she must seek guidance from either his/her superior public official or the relevant state body. However, the public official is solely responsible for any liability that may arise from any subsequent acceptance of such a gift.

Article 11. Restrictions on business and financial relationships

11.1 No public official shall request or accept any advantage, privilege, material and other benefits from any natural person, legal person or economic entity in exchange for recruitment or influencing the recruitment of any individual to state institution or municipal body.

11.2 No superior public official shall request or accept any advantage, privilege, material and other benefits from any natural person, legal person or economic entity in exchange for promoting a public official; or for changing his/her powers and duties; or for increasing his/her salary or other lawful payments.

11.3 No superior public official shall enter into business or financial relationships with another public official or that public official's interested person.

11.4 This Article shall apply to public official during two years after termination of his/her employment in the state institution or municipal body.

Article 12. Restrictions on aids to state institutions or municipal bodies

12.1. No public official shall demand or compel natural persons, legal persons or other economic entities to give gifts, donations, financial or technical assistance, or any other form of aid to meet the needs of state institutions or municipal bodies.

12.2. To meet the needs of state institutions and municipal bodies, to raise the qualifications of employees, to improve their working environment and technical equipment, and for any other lawful purpose, state institutions and municipal bodies may receive gifts, donations, financial or technical assistance, or any other form of aid from natural persons, legal persons, or economic entities provided that the acceptance of the grant would not create a conflict of interest. State institutions and municipal bodies shall use this aid for the stated purpose of this aid.

12.3. State institutions, municipal bodies, and public officials shall not give any special preferences, benefits, or privileges to natural persons, legal persons, or economic entities who have given gifts, donations, financial or technical assistance, or any other form of aid to state institutions or municipal bodies.

12.4. No public official shall participate in donations or in collection of other material or technical assistance for the benefit of third persons except for the purposes of humanitarian and charity aids.

Article 13. Restrictions on participation in state and municipal procurements as well as sales of state and municipal property

13.1 No public official or his/her interested persons shall be party to a contract for the procurement of goods, works or services with the state institution or municipal body served by the public official.

Another option:

No public official shall be party to a contract for the procurement of goods, works, or services with the state institution or municipal body where he/she serves.

Interested persons of the heads of state institution and municipal bodies as well as interested persons of public officials possessing organizational-ordering or administrative-economic functions connected with the purchase of goods, works or services for these bodies shall not participate as a party to a contract for the purchase of goods, works and services for the state institution or municipal body where the public official serves.

13.2. Including their family members, heads of state institution and municipal bodies and other public officials exercising organizational-ordering and administrative-economic functions in these bodies shall not have a share of more than five percent (including a share of more than five percent in its debts) in a legal person involved in the contract of purchase of goods, works and services for these bodies and may not have managerial and supervisory functions in that legal person.

13.3. No public official shall take part in the negotiating, drafting, or signing of any contract, or any other activity involving a state or municipal procurement, if such participation creates conflicts of interest.

13.4. No public official shall take part in the sale or privatization of state or municipal assets or the grant of state or municipal credits, if such participation creates conflicts of interest.

13.5. If a public official negotiated, drafted, or signed a contract, or performed any other activity involving procurement, he/she shall not enter into a financial or employment relationship with the natural person, legal person, or economic entity that was a party to the contract during the period he/she was a public official. This restriction shall apply to the public official for a period of two years after termination of his/her employment in the state institution or municipal body.

Article 14. Restrictions on the use of the resources of state institutions and municipal bodies

14.1 No public official shall use the financial resources, computers, communication systems, transportation means, official stationery, material and technical equipment, and other types of property and resources of the state institution or municipal body where he/she serves for his private interests or for the purposes not connected to the execution of his official duties.

14.2 No superior public official shall request or compel another public official or his/her interested person to perform any activities if this affects the superior public official's private interests.

14.3 No public official shall be engaged in an advertisement activity for his/her private interests using his/her position at the state institution or a municipal body.

Article 15. Restrictions on political activities

No superior public official shall request or compel another public official or the public official's interested person to engage in any activities, including, but not limited to, making any financial contributions or other types of gifts to support a political party, a block of political parties, other non-governmental organizations, or an individual's campaign for elective office.

Article 16. Restrictions after ceasing the service duties in state institution or municipal body

16.1. After termination his/her employment at state institution or municipal body public official shall not take any action (inaction) to use opportunities from his/her previous position to gain any unlawful advantage.

16.2 If public official's duties include exercise of discretionary powers, he/she shall not discuss and negotiate any financial or employment relationship, or be involved in financial relationships with any natural person, legal person, or other economic entity if he/she used such powers with regard to these persons.

16.3 No former public official shall, within a period of two years after the termination of his or her employment with a state institution or municipal body, act as a lawyer, lobbyist, or any other representative for any natural person, legal person, or other economic entity in any matter before the state institution or municipal body that the former public official previously served.

16.4. If a public official worked on a contract, project, work or assignment during the performance of his/her official duties, he/she shall not work on such contract, project, work, or assignment after termination of his/her employment with the state institution or municipal body.

16.5. No public official shall allow proposals of other employment influence impartial and objective performance of his/her duties.

16.6. In cases where proposals of other employment may create conflicts of interest, public official must inform the head of the state institution or municipal body.

Article 17. Restriction on the use of information

No public official shall use the information which is not available to the public, obtained as a result of the official duties, for the purposes beyond his/her official duties or for his/her or third persons' benefit. This restriction applies during the whole period of restriction on information after the termination of employment.

Chapter III. Enforcement of this Law

Article 18. Control over the enforcement of this Law.

18.1 Control over the enforcement of this Law is implemented by:

18.1.1 Heads of state institutions and municipal bodies in service order, superior institution – on the basis of subordination;

18.1.2 Respective state institution, (hereinafter “Enforcement Agency”) – according to the rules provided by this Law.

Possible options for the Enforcement Agency.

Option 1: Commission on Combating Corruption under the State Council on Management of the Civil Service.

Option 2: Newly formed independent entity

Option 3: A respective executive body (for instance Commission on the issues of civil service under the President of the Republic of Azerbaijan)

Article 19. Control by the head of state institution and municipal body

19.1. Public official bears personal responsibility for prevention or avoiding conflicts of interest while executing his/her duties. If any of the issues examined by a public official create conflicts of interest, he/she must immediately inform direct superior management or relevant state institution, cease his participation in the solution of such matters, and must take other necessary measures to prevent or eliminate the conflict of interest.

19.2. If head of a state institution or a municipal body discovers a conflict of interest in his/her subordination, he/she must take immediate steps in order to eliminate the conflict of interest, including through delegation fully or partially of a subordinate official's authority to another official. If delegation of such relevant authority to another official is impossible, their implementation is determined by the superior official or in a collegial order.

19.3. Public official may not incite another public official to violate this Law or assist or exercise any other influence over him/her. If faced with pressure over the implementation of his/her duties or with other unlawful influences public official must immediately inform a superior public official or the Enforcement Agency.

19.4. If while being appointed or elected to a position, and implementing after that his/her duties there is a conflict of interest between his/her official duties and private interests public official must inform a superior public official or Enforcement Agency.

19.5. Public officials shall sign a document in which they acknowledge that they became familiar with this and related Laws and that they will comply with these acts. This document is added to their personal files kept in the state institutions or municipal bodies where they are employed.

19.6. The heads of the state institutions and the municipal bodies are responsible for enforcing this Law and all related ethics laws, where applicable and for ensuring that their subordinates comply with these laws. They shall also comply with any directions given to them by the Enforcement Agency in enforcing these laws.

19.7. By 31 January of each year heads of state institutions and municipal bodies present plans over the enforcement of this Law to the Enforcement Agency. These plans shall be implemented upon confirmation of the Enforcement Agency. While confirming the plans the Enforcement Agency must provide a single implementation mechanism of this Law in all state institutions and municipal bodies. The form of the plans is determined by the Enforcement Agency.

Article 20. Control by the Enforcement Agency

20.1. Enforcement Agency has authority over all the public officials indicated in article 1.1 of this Law.

20.2. Enforcement Agency shall cooperate with the heads of state institutions and municipal bodies and for this purpose give relevant instructions for the implementation of this Law.

Article 21. Functions of the Enforcement Agency

21.1. For the implementation of this Law the Enforcement Agency shall:

21.1.1. give opinions (explanations) over the implementation of this and related laws in order to prevent and eliminate the conflicts of interest;

21.1.2. conduct investigations over the breach of this and related laws;

21.1.3. conduct hearings over the breach of this and related laws;

21.1.4. take actions to educate public officials and the public on the provisions of this and related laws, for this purpose implement various educational measures and assist state institutions and municipal bodies to conduct such measures;

21.1.5. provide proposals over the prevention and elimination of the conflicts of interest;

21.1.6. review received applications (appeals, complaints and information) and take respective measures according to the legislation;

21.1.7. implement other functions provided for by the legislation;

21.2. Opinion, investigation and hearing functions of the Enforcement Agency are conducted by separate and independent entities and persons.

21.3. The head of the Enforcement Agency for enforcing this Law shall appoint his agent to one or several state institutions and municipal bodies. The local enforcement agents shall be paid employees of the Enforcement Agency.

Article 22. Opinions (explanations) on prevention and elimination of conflicts of interest

22.1. The Enforcement Agency shall give relevant instructions on observance of the requirements of this Law to public officials to avoid conflicts of interest. These instructions shall be considered confidential if the Law does not provide otherwise.

22.2. The Enforcement Agency shall give its opinions (explanations) over the provisions of this Law. The opinions (explanations) of the Enforcement Agency shall be given on the basis of inquiry of a public official or its superior official and shall be referred only to such persons. The inquiry shall be given in the form defined by the Enforcement Agency and shall be signed by the person providing the inquiry. The Enforcement Agency shall give its explanations (opinions) in accordance with the facts shown in the inquiry or the facts introduced in written form after receiving the inquiry.

22.3. Opinions (explanations) shall be given only in connection with future activities or actions of officials. Public official cannot be held responsible for acting in accordance with the comment, excluding the cases when essential facts are elaborately hidden or distorted in the inquiry introduced for the opinions (explanations). The Enforcement Agency may make changes into given opinions (explanations) by informing the relevant official. Such changed opinions (explanations) shall be referred to the future activities and actions of the public official.

22.4. Inquiry and opinions (explanations) based on the inquiry shall be considered confidential. The Enforcement Agency may publish fully or partially the opinions (explanations) with the condition of not disclosing the identity of a public official and relevant third person.

22.5. Public official or his/her superior public official may ask the Enforcement Agency to investigate conflicts of interest in the former and future activities of that official and make relevant decision. Such appeals shall be investigated according to the rules on reviewing applications by the Enforcement Agency.

Article 23. Applications on conflicts of interest.

23.1. The Enforcement Agency shall accept applications (appeals, complaints and information) over the alleged violation of this Law. Applications can be accepted in written form by post or by other electron communication means or by direct delivery.

23.2. The Enforcement Agency shall undertake one of the following measures within 10 days after receipt of the application:

23.2.1. dismiss the application if it is not grounded or if no further action is required.

23.2.2. refer the application to the relevant state institution or municipal body if the application alleging violation this Law and related laws deems to be minor or if related disciplinary charges are pending against the public official.

23.2.3. refer the application to investigation, if it is grounded, in order to determine what action is appropriate;

23.2.4. make an initial determination that there is probable cause to believe that a public servant has violated this Law or related laws.

23.3. Enforcement Agency may receive anonymous applications. Such applications may only be used to evaluate a general situation on the conflicts of interest.

23.4. Every public official shall have the obligation to report, directly, and without undue delay, to the direct superior public official or to the Enforcement Agency any information concerning conduct which he or she knows or should reasonably know to involve a violation of this Law and related laws. The intentional failure of a public official to make this required report shall constitute cause for disciplinary penalty.

23.5. State institution or municipal body which receives a complaint over a violation of this Law or related laws or reveals such a violation which is not within its discretion shall submit this information to the Enforcement Agency. Information received in this manner is investigated in the same manner as the complaints presented directly to it.

23.6. The Enforcement Agency shall defend all public officials who lodge complaints with, provide information to, or cooperate with the Enforcement Agency under this Law against any job-related retaliation by their state institutions, municipal bodies, and superior public officials. The Enforcement Agency shall give recommendations to management of state institution, municipal body or superior public official to take any action to protect such public officials, and reverse any act of retaliation against them.

Article 24. Investigation Procedures

24.1. A special unit shall be established within the Enforcement Agency for conducting investigations related to the breach of this and related laws.

24.2. The basis for starting the investigation by the Enforcement Agency shall be applications received by the Enforcement Agency or information from mass media or disclosure of this information by the Agency itself.

24.3. While conducting investigation the Enforcement Agency may receive explanations from relevant persons, and in accordance with the legislation may require information from the banks and other credit organizations, telecommunications entities and other natural and legal persons and economic entities. State institutions and municipal bodies shall present documents and information required by the Enforcement Agency relating to the investigations.

24.4. Declarations submitted in accordance with the law on "Rules on presenting information of financial character by the public officials" shall be submitted to the Enforcement Agency by its request with the purpose of determining the breach of this and related laws.

24.5. The Enforcement Agency may require any public official, natural person or legal person, or other economic entity to answer questions concerning any matter relating to the investigation regarding the enforcement of this Law and the related laws.

24.6. Public officials shall cooperate with the Enforcement Agency. Public official who hinders, interferes with, or obstructs an investigation conducted by the Enforcement shall be subjected to liability determined by law.

24.7. In cases provided for in article 23.2.4 and based on investigation that there is a probable cause to believe that the public official has violated a provision of this Law or related laws, the Enforcement Agency shall notify the public official of its determination in writing. The notice shall contain a statement of the facts upon which the Enforcement Agency relied for its determination and a statement of the provisions of this Law and related laws allegedly violated. The notice shall also indicate procedural rules of the Enforcement Agency. Public official shall have 15 days to respond, either orally or in writing, and shall have the right to be represented by counsel.

24.8. Within 15 days after the receipt of the public official's response, the Enforcement Agency shall:

24.8.1. dismiss the matter and inform the public official in writing of its decision, if determines that there is no probable cause to believe that a violation has occurred of this Law or related laws; or

24.8.2. start a hearing on public official, if after the consideration of the response by the public official, the Enforcement Agency determines there remains probable cause to believe that a violation of the provisions of this Law or related laws has occurred.

24.9. The Enforcement Agency shall compile a confidential report based upon the investigation facts and adds explanations obtained from the public official over the course of the investigation into the report.

24.10. If elements of criminal or administrative violations are discovered in the course of investigation, the Enforcement Agency shall submit a report to a relevant law enforcement body.

Article 25. Hearings

25.1. A special unit shall be established within the Enforcement Agency responsible for conducting hearings of alleged violations of this Law and related laws.

25.2. The Enforcement Agency shall adopt rules of procedure for hearings on alleged violations of this Law and related laws. These rules of procedure shall contain at least the following rights of public officials:

25.2.1. To study the materials of the hearings;

25.2.2. To be represented by representative of a personal choice and to have a right to defense;

25.2.3. To be informed about the date, time and the place of the hearings;

25.2.4. To protest to the person conducting hearings if there are sufficient grounds as to the impartiality and objectivity of the hearing officer;

25.2.5. To participate in the hearings, present explanations, petitions and documents;

25.2.6. To obtain a copy of the hearings' decision;

25.3. All hearings shall be conducted by hearing officers who shall be lawyers with five years of experience.

25.4. All hearings shall be open to the public, and a record of each hearing shall be made.

Another option: *Hearings of the board shall not be public unless requested by the public official. The order and the findings and conclusions shall be made public.*

25.5. The Enforcement Agency and the defendant-public officials shall have all the rights for the parties of a criminal process provided by the criminal procedural legislation of Azerbaijan Republic, including the right to present witnesses and other evidence; the right to review the evidence presented against them; the right to cross-examine the witnesses against them; and the right to appeal any decisions against them.

25.6. During the hearings facts confirming the violation of this or related laws are presented and defended by the investigative unit.

25.7. If public official has not been informed about the date of the hearing in an appropriate way or if he/she had a valid reason to miss the hearing, the review of the case shall be adjourned. If the public official has been informed about the date of the hearing and got familiarized with the materials and has not had a valid reason to miss the hearing, the Enforcement Agency shall hear the case without his presence. The official record shall be made about refusal to get familiarized with the documents or attend the session.

25.8. If the Enforcement Agency determines, after the hearing, that the defendant-public official has violated the provisions of this Law or related laws, it shall submit a written Report to the head of the state institution or municipal body served by the public official. The Report shall include a description of all of the evidence heard at the hearing, and a recommendation for the disposition of the case, including dismissal of the case or an appropriate disciplinary penalty. In the event that the defendant - public official was appointed by the President of the Republic of Azerbaijan or the Prime Minister of the Republic of Azerbaijan, this Report shall be submitted to the President or Prime Minister.

25.9. The President of Azerbaijan Republic, the Prime Minister of Azerbaijan Republic, the head of the state institution or municipal body, may either accept or reject the Report submitted by the hearing officer.

25.10. The head of state institution and municipal body shall justify its decision on rejection of the report and in writing shall inform the Enforcement Agency.

Article 26. Report of the Enforcement Agency

26.1. Enforcement Agency shall draft an annual report on its activity and submit it to the President of the Republic of Azerbaijan.

26.2. The report of the Enforcement Agency shall include opinions, explanations and recommendations on prevention and elimination of conflicts of interest as well as information on its activities, awareness raising campaigns, investigations, hearings, statistic information, status of incoming complaints, information about other cases connected with implementation of law without disclosing confidentiality of private life of persons.

Article 27. The Responsibility for the violation of the Law

If a public official's violation of the provisions of this Law creates civil-legal, administrative or criminal, liability, responsibility for that shall be imposed on him or her, as prescribed by relevant legislation of Azerbaijan Republic. If the violation of the provisions of this Law does not create administrative or criminal responsibility such violation is subject to disciplinary liability provided for by the legislation.

Article 28. Confiscation of unlawfully obtained property and compensation of unlawfully obtained privileges or advantages

28.1 The property unlawfully obtained by officials and former officials as well as the costs of unlawfully obtained by them privileges or advantages shall be voluntarily compensated to the benefit of the State. In cases, where officials and former officials refuse to return the unlawfully obtained property or to compensate it as well as the costs of the unlawfully obtained privileges or advantages, the unlawfully obtained property or its costs and the costs of the unlawfully obtained privileges or advantages shall be compensated to the benefit of the State by a court decision on the basis of a lawsuit brought in by the State institutions or municipal bodies concerned.

28.2 Pending judicial examination, measures may be taken by a court against the property of the respondent as provided for in the Civil Procedure Code of the Republic of Azerbaijan .

Article 29. Nullification of acts adopted in violation of the Law

Acts adopted in violation of the law may be revoked by state institutions, municipal bodies or by court pursuant to requests made by representatives of respective state institutions, municipal bodies and other persons.

Article 30. Transitional Provisions

After confirmation of the plans envisaged in the article 19.7 of this Law state institutions and municipal bodies must present these plans within four months.

Article 31. Effective date of this Law

This Law shall be effective on the date of its publication.