

Law of the Azerbaijan Republic

“On Approval of Procedures for Submission of Financial Information by Public Officials”

Milli Mejlis of the Azerbaijan Republic hereby decides:

1. To approve “Procedures for Submission of Financial Information by Public Officials” (attached).
2. This Law to enter into force from the date of its publication.

President of the Azerbaijan Republic

Ilham Aliyev

City of Baku, June 24, 2005

№ 945-IIQ

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Azerbaijan Republic from*

June 24, 2005

Procedures

On submission of financial information by public officials

Article 1. General provisions

These Procedures define the form of the financial information stipulated under Article 5.1 of the Law of the Azerbaijan Republic “On struggle against corruption”, officials responsible for submission of the information, authorities responsible for their collection as well as rules for review of such information.

Article 2. Public officials submitting financial information

2.1. These Rules shall be applicable to public officials stipulated under Articles 2.1.1—2.1.4, 2.1.6 and 2.1.7 of the Law of the Azerbaijan Republic “On struggle against corruption”.

2.2. Submission of information by public officials stipulated under Article 2.1.5 of the Law of the Azerbaijan Republic “On prevention of Corruption” shall be regulated under Elections Code of the Azerbaijan Republic.

Article 3. Authorities collecting financial information

3.1. Following public officials shall submit the financial information to the Commission on Prevention of Corruption (hereinafter referred to as “Commission) of State Service Supervision Council:

President of the Azerbaijan Republic, Chairman of the Milli Mejlis of the Azerbaijan Republic and his deputies, Prime Minister of the Azerbaijan Republic and his deputies, Heads of Apparatus of the President of the Azerbaijan Republic, Milli Mejlis of the Azerbaijan Republic and Constitution Court of the Azerbaijan Republic, Heads of Apparatus of the Supreme Court of the Azerbaijan Republic, head of central executive authorities of the Azerbaijan Republic, their deputies and persons holding equivalent positions, persons holding administrative positions in accordance with Article 11.1.2, persons holding positions of deputy heads and section heads of 2nd category state authorities as per Article 11.1.3, as well as persons holding the positions of heads or equivalent in 5th category state authorities as per Article 11.1.4 of the Law of the Azerbaijan Republic “On State Service”, Chairman of the Supreme Mejlis of the Nakhichevan Autonomous Republic and his deputies, heads of central executive authorities of the Nakhichevan Autonomous Republic and their deputies, local executive authorities, judges in courts of the Azerbaijan Republic, General Prosecutor of the Azerbaijan Republic and his deputies, district and military prosecutors, Human Rights Representatives (Ombudsman), Chairman of the Board of the National Bank of the Azerbaijan Republic, Counting Chamber, Central Elections Commission and their deputies, Chairman of the National Television and Radio Board, General Director of Public Television and Radio Broadcasting Company and his deputies, extraordinary and plenipotentiary ambassadors of the Azerbaijan Republic, permanent representatives in international entities, general consuls, head of state higher education institutions, heads of economic enterprises with state holding control interest, as well as heads of state entities, enterprises, organizations and territorial and specialized executive authorities established by the Commission.

3.2. Members of the Milli Mejlis of the Azerbaijan Republic shall submit their relevant financial information to the authority identified by the Milli Mejlis of the Azerbaijan Republic.

3.3. Members of the Supreme Mejlis of Nakhichevan Autonomous Republic shall submit their relevant financial information to the authority identified by the Supreme Mejlis of the Nakhichevan Autonomous Republic.

3.4. Persons elected to local self-management authorities shall submit their financial information to relevant executive authorities, and persons implementing administrative and supervisory authorities in the local self-management authority shall submit the information to the respective self-management authority.

3.5. Other public officials shall submit their financial information to the relevant financial (accounting) authority determined by heads of their respective state authorities.

Article 4. Financial Information Statement

4.1. Financial information is submitted in the form of statement. Form of statements and rules for their submission shall be established by relevant executive authority with consideration of the recommendations of the Commission.

4.2. Public officials shall develop the statement in writing and shall bear personal responsibility for accuracy and completeness of information provided in the statement.

4.3. Statement cannot be received back upon submission by public officials.

4.4. Authorities receiving the financial information shall submit the documentation verifying the obtaining of the statement.

Article 5. Contents of the statement

5.1. Statement shall contain the information stipulated under Article 5.1 of the Law of the Azerbaijan Republic “On struggle against corruption”.

5.2. The information stipulated under Article 5.1 of the Law of the Azerbaijan Republic “On struggle against corruption” shall also include data on financial information of family members (spouse, parents and children living together) of the public official, thus their property, financial and asset liabilities.

5.3. Public officials shall input all information on their profits and incomes obtained upon the submission of the financial statement into the statement to be submitted following year.

Article 6. Terms of submission of financial information

6.1. Statements are submitted within the period from 1st to 31st of January.

6.2. Public officials shall submit their statements within 30 days of taking the position.

6.3. Public officials who submitted their statement while working on different position, shall not submit new statement.

6.4. Public officials within the period of one year from their dismissal, termination of authority or retirement shall submit the statement within terms stipulated under Article 6.1 of these Rules.

6.5. Public officials, who had delayed without valid reason the submission of the statement, or deliberately submit the statement containing incomplete or false information, shall be brought to account in accordance with legislation of the Azerbaijan Republic.

6.6. Public officials, who within the period of one year from their dismissal, termination of authority or retirement delayed without valid reason the submission of the statement, or deliberately submit the statement containing incomplete or false information, shall be brought to account in accordance with legislation of the Azerbaijan Republic.

Article 7. Control over submission of financial information

7.1. Control over submission of financial information shall be implemented by receiving authority.

7.2. Requirements stipulated under provisions of Article 5.1 of the Law of the Azerbaijan Republic on “Struggle Against Corruption” and these Procedures and liabilities for non-compliance with these requirements shall be communicated in writing to relevant public official within 15 days from the date of start in office.

7.3. Control over submission of financial information by elected officials of state authorities of the Azerbaijan Republic shall be implemented in accordance with provisions of the Elections Code of the Azerbaijan Republic.

Article 8. Review of Financial Information

8.1. Authorities receiving the financial information, in its receiving shall review the correctness of its preparation.

8.2. Authorities receiving the financial information shall implement initial investigation on the information provided in statement. Initial investigation determined the accuracy and completeness of information provided in the statement, as well as comparison of current statement with financial information submitted previously.

8.3. During initial investigation authorities receiving the financial information shall be entitled to request the public official to provide verbal or written clarifications. Clarifications obtained during initial investigation shall be attached to statement.

8.4. Public official shall be entitled to review the results of investigation and provide written clarifications.

8.5. Authorities receiving financial information, in implementation of investigation shall submit the information on findings to relevant authorities for further actions.

Article 9. Preservation of financial information

9.1. Financial information submitted by public official shall be considered as private information.

9.2. Authorities receiving the financial information shall maintain its confidentiality. Specified information may be provided under reasonable enquiries of the Commission, prosecutor office and courts in association with corruption related violations.

9.3. Illegal collection and distribution of financial information provided by public official shall form the basis for criminal liability stipulated under provisions of legislation.

Article 10. Liability for violation of these procedures

Violation of these procedures shall result in criminal, administrative and disciplinary actions stipulated under legislation of the Azerbaijan Republic.

Article 11. Transitional provisions

Public officials shall submit their statements within four months period, upon the approval of the format of statement as per Article 4.1 of these Procedures.

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