

## Annex

To facilitate the provision of information on good practices and challenges with respect to the establishment of effective financial disclosure systems for appropriate public officials (inter alia information on legislation, policies, practices and institutions on establishing and maintaining effective financial disclosure systems for appropriate public officials, including measures as may be necessary to permit their competent authorities to share that information with the competent authorities in other States parties) the Secretariat has prepared the following questionnaire as a guide that States parties may wish to use.

The Secretariat also wishes to draw the attention of the Government to the note entitled “Asset and interest disclosure systems (article 8, paragraph 5, of the United Nations Convention against Corruption)” contained in document [CAC/CQSP/WG.4/2018/3](#) that could be used as background material for the completion of the questionnaire.

### Contact information

#### 1. Basic information

1.1. Does your country have a financial disclosure system(s) for appropriate public officials in line with articles 8, paragraph 5 and 52, paragraphs 5 and 6 of the Convention? **YES/NO**

Yes, it is currently a separate structure, the High Inspectorate for Declaration and Control of Assets and Conflict of Interest. (HIDCACI)

**If YES,**

a. Please provide a broad overview of your country’s financial disclosure system(s) for public officials and list the relevant national legislation.

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

b. If your country has, in addition, ad hoc financial disclosure requirements, please provide a broad overview, including applicable categories of officials, sectors/activities, etc.

c. What is the objective(s) of your country's financial disclosure system(s) (please select all that apply)?

- d. Detection of illicit enrichment
- e. Prevention of conflicts of interest
- f. All of the above (combined system)
- g. Other, please describe:

**If NO,**

a. Please describe (cite and summarize) the alternative measures put in place to ensure full compliance with article 8, paragraph 5 and article 52, paragraphs 5 and 6 of the Convention or is planning to take, together with the envisaged time frame, if any.

1.2. Has your country criminalized “illicit enrichment” as foreseen under article 20 of the Convention?

**YES/NO**

- The President of the Republic, Members of Parliament, Prime Minister, Ministers and Deputy Ministers,
- Judge of the Constitutional Court, Chairman of the Supreme State Audit, General Prosecutor, Ombudsman, member of the Central Election Commission, member of the High Judicial Council, member of the High Prosecutorial Council, High Inspector of Justice and inspectors of the High Inspectorate of Justice, the General Inspector of the High Inspectorate of Declaration and Control of Assets and Conflict of Interest;
- High-level and middle management officials, according to the legislation in force for civil servants, with the exception of local self-government bodies;
- Prefects, mayors of district councils and mayors;
- Directors of the Directorates and Commanders of the Armed Forces in the Ministry of Defense and in the State Information Service;
- Prosecutors, judges, the General Director of the State Judicial Enforcement Service and heads of enforcement offices within the jurisdiction of each first-level judicial district
- Leaders of independent public institutions and members of regulatory bodies;
- The Director and Deputy Director of the State Police, the general directors of the State Police, the directors of the directorates in the General Directorate of the State Police, the directors of the local directorates of the State Police, the head and judicial police officers of the National Bureau of Investigation, civil judicial officers in the special courts against corruption and organized crime and the administrative staff of the Special Prosecutor's Office;
- The General Director, the deputy general directors, the directors of the directorates in the center and districts in the General Directorate of Taxes, in the General Directorate of Customs and in the General Directorate of Prevention of Money Laundering;
- Leaders of all levels of property restitution and compensation structures, privatization and property registration,
- Officials, who are elected and appointed by the Assembly, the President of the Republic, the Prime Minister, ministers or persons equal to them;
- The governor of the Bank of Albania, the deputy governor and the members of its Supervisory Council.
- Heads of public institutions under the central institutions at the district level;
- Administrators of joint-stock companies with over 50 percent state capital participation and with more than 50 employees

If **YES**, please explain.

## 2. Targeted officials

2.1. Please list the categories of officials required to file a financial disclosure. Please select all that apply and provide the range of targeted officials in each relevant category.

- Public officials, including representatives from all branches and agencies of government
  - Members of the legislative branch, please list:
  - Members of the judiciary and prosecution, please list:
  - Members of the executive branch, including armed forces and agencies subordinate to a minister, please list:

- Officials of independent government bodies (e.g., *standalone boards, commissions and agencies that fall outside the executive, legislative and judicial branches of government*'), please list:
- Officials at the supranational (high-level) bodies (e.g., *representatives of the country in regional and global organizations/bodies*), please list:
- Officials at subnational levels of government (e.g., *officials at the level of local government, provinces and municipalities*), please list:
- Political party officials, please list:
- Representatives of publicly owned (fully and partially) enterprises, please list:
- Representatives of private entities, professional associations, foundations and similar bodies performing public functions and services of public interest, please list:
- Other, please list:

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

2.2. What factor(s) shaped the decision on the targeted categories of officials? Please select all that apply.

- Objective of the system
- Hierarchical level and position of officials
- Corruption risk level of sectors and functions
- Resources and capacity to manage and verify disclosure
- Other.

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

2.2.1. Please elaborate on your response above.

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

2.3. Does any authority have the power to request any official who would usually fall outside the disclosure system to file financial disclosure (e.g., *designate those in high-risk categories, those under investigation for corruption offences, etc.* **YES/NO**)

Currently, it is a separate structure, the High Inspectorate for Declaration and Control of Assets and Conflict of Interest. (HIDCACI)

If **YES**, please list the authority(ies), and explain the applicable criteria and procedures.

2.4. How does your country create and update the list of filers?

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

2.5. Please provide the approximate number of filers.

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

### 3. Frequency of disclosure

3.1. When and how often are targeted officials required to file/submit financial disclosures? Please select all that apply.

- Upon entering office
- Upon leaving office
- Annually
- Biennially (once every two years) (State Police)
- Once every three years
- Some categories of officials are more frequently required to declare than the others
- Other, please describe.

3.2. Does the competent authority have the power to request targeted officials (filers) to submit ad hoc financial disclosures between the official submission periods? **YES/NO**

**If YES**, please explain.

3.3. Are the targeted officials required to update/amend their financial disclosures between submission periods? **YES/NO**

**If YES**, please provide the ground for updating/amending submitted disclosures and the relevant time frame.

**In cases of unclear statements.**

#### 4. Competent authority and disclosure process

4.1. Which authority/entity is responsible for collecting and maintaining financial disclosures? Please select all that apply.

- Central competent authority
- Entities employing the targeted officials
- Other authorities depending on the categories/levels of officials (election Commissions, supreme courts, parliamentary committees, etc.). Please list:

**The competent authority is the High Inspectorate of Declaration and Control of Assets and Conflict of Interest. (HIDCACI)**

4.2. How are the financial disclosures submitted?

- Centralized submission directly to the central competent authority via:
  - Electronic (online) submission system
  - Submission using the paper submission
- Delegated submission using paper submission (e.g., to individual bodies, which store them and transmit them to the competent authority)
- Delegated submission using both paper and electronic (online) submission (*paper declarations are submitted to individual bodies while the electronic copies are submitted to a centralized online system of the competent authority*)
- Other.

- .2.1. Please elaborate on your response above and describe the processes and methods of submitting the disclosures.

**The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.**

4.3. If electronic submission is possible, please describe the online tools and platforms available for submitting financial disclosures.

**In the official website of the High Inspectorate for the Declaration and Control of Assets and Conflict of Interests, there is also an electronic asset declaration system.**

4.4. Please describe the measures implemented to ensure compliance and appropriate quality of information when completing and submitting the financial disclosure (e.g., disseminating information materials, training, awareness raising, etc.).

The question is not clear.

## 5. Scope of disclosures

5.1. Please list the assets and interests included in the financial disclosure forms, including categories of assets and other financial interests. Please also refer to the list below.

- Immovable and movable assets
  - their value and source
  - those (assets) held in the name of others
- Income
  - their source
- Securities
- Investments
- Savings
- Bank accounts
  - Any other business relationships with financial institutions
- Liabilities / loans / mortgage
- Cash
- Gifts
- Livestock
- Ownership interests (*shareholdings*) in companies and other legal entities and arrangements
- Business / outside activities (*business interests and financial connections*)
- License(s) (*to carry out commercial activities*)
- Usufruct rights (to use and benefit from an asset owned by others)
- Information on all legal persons linked to the official in any way, individual economic activity, membership and position in undertakings, establishments, associations or foundations

1.2. Is the requirement to disclose an asset dependent on its value (*e.g., assets below a certain threshold do not need to be declared*)? Please explain.

Activities that are covered by expenses under 3000 leke, do not need to be declared.

1.3. Does the information mentioned in question 5.1 include assets and relevant financial interests located both in and outside the country? **YES/NO**

1.3.1. **If YES**, does it require the disclosure of an interest in or a signature or other authority over a financial account in a foreign country (please see article 52, paragraph 6, of the Convention)?

1.4. Does your country's financial disclosure system include a declaration of beneficial ownership (of legal entities and arrangements, including nominee arrangements and trusts)?<sup>1</sup> **YES/NO**

Please explain.

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<sup>1</sup> On beneficial ownership, please refer to the conference room paper prepared by the secretariat entitled "Good practices and challenges with respect to beneficial ownership and how it can foster and enhance the effective recovery and return of proceeds of crime" ([CAC/COSP/WG.2/2Q22/CRP.1](#)).

1.4.1. Are the targeted officials required to declare assets and interests held, managed or controlled through such legal entities and arrangements? **YES/NO**

**If YES**, please explain.

1.5. Are targeted officials also required to submit information for their family members? **YES/NO**

**If YES**,

a. Please describe the scope of the family members (spouse(s), registered/non-registered partner(s), children (minor, financially dependent, within the same household, age limits, etc.).

• Family members under the age of 18 are part of the official declaration

• Family members over 18 years of age are declared as persons related to the official declaration.

b. Please describe the type of information that must be submitted for family members. Is it the same as of the public official?

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

1.6. Does the financial disclosure system cover individuals other than the family members of the filers? **YES partially /NO**

**If YES**, please list the applicable individuals and the type of information that needs to be submitted.

1.7. For subsequent regular financial disclosures, what is the extent of information included in such financial disclosures?

Information required in the disclosure includes only changes in the equity of the filer since the last disclosure

A complete new disclosure (i.e., a net worth statement)

Other, please describe:

1.8. Does your country's financial disclosure regime require declaring expenditures? **YES/NO**

**If YES**, please provide an overview of the relevant features.

The declaration is made for expenses over 3000 lek (ALL).

## 6. Access to disclosed information

6.1. Is the information on financial disclosure publicly available? **YES/YES IN PART/NO**

**If YES OR YES IN PART**

a. Please describe the measures in place to ensure public access to financial disclosure information (e.g., proactive publication on a central online platform and/or on relevant authorities' websites, ad hoc disclosure in a paper form upon request, etc.)

b. If not all disclosures are publicly available, please list the categories of targeted officials whose disclosures are accessible and/or remain confidential.

c. If only part of the financial disclosure information is available, please list the type of information that is publicly available.

d. Does accessing financial disclosure information entail any costs?

e. Does the publication of financial disclosure provide features to search information by different

types of information, e.g., legally and beneficially held entities' names and business addresses, types of assets and interests? Please explain.

- f. Do the means of enabling public access allow for a comparison of the targeted officials' assets and interests over a specific period?
- g. Are any measures in place to protect the personal information of the targeted officials and their family members, when applicable? Please explain.
- h. Please provide the link(s) to the online platform/resource where financial disclosure information is available to the public, if applicable.

**The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.**

6.2. Do the relevant competent national authorities (law enforcement, FIL), tax and customs authorities, etc.) have access to the financial disclosures? **YES/YES IN PART/NO**

**If YES or YES IN PART**, please explain how such access is granted, including the list of competent national authorities that can access or request access.

## **7. Verification of financial disclosure information**

7.1. Is the information disclosed verified? **YES/NO**

**If YES**, please describe the procedures and practices in place to verify the content of financial disclosures, including:

**The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.**

- a. Competent authority that conducts the verification (centralized and/or delegated)
- b. Frequency (regularity) of verifications (ad hoc and/or systematic and routine)
- c. Extent of verification (verification of completeness, compliance with disclosure requirements and/or the analysis of the content of the disclosures)
- d. Verification processes and methodologies (e.g., manual examination, electronic checks undertaken against other databases or relevant information, etc.)

7.2. How does your country determine which disclosures to verify?

- Annual verification plan(s)
- Periodic mandatory verification of specific categories of officials
- Random sampling of declarations
- Media reports and/or complaints from the public
- Requests from law enforcement / investigative units
- Other, please describe:

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7.3. If applicable, does the electronic financial disclosure mechanism(s) allow for automated verification (cross-checking) of information across various registers and databases held by the public and private entities, such as registries of various assets, company registers, HR, tax and real estate data, etc.? **YES/NO**

**If YES**, please explain.

7.4. Do the competent authorities have timely and direct access to databases and information necessary to verify information in the financial disclosure? **YES/NO**

Please explain.

7.5. Do competent authorities have access to the information held by financial institutions, including bank account records? **YES/NO**

Please explain.

7.6. Please provide the overall verification rate of financial disclosures in percentages for each applicable verification method.

**The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.**

## **8. Sanctions**

8.1. Please provide an overview of sanctions for non-compliance with financial disclosure requirements, including the sanctionable conducts, type of sanctions, forms of sanctions (administrative/criminal) and targeted officials.

**Sanctions include fines or criminal charges.**

8.2. Is there any applicable statute of limitations? **YES/NO**

Please explain.

8.3. Please describe the powers available to the competent authority (responsible for verification of disclosures) to impose and enforce the sanctions described above.

**The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.**

## **9. International cooperation and asset recovery**

9.1. Does your country (proactively or at the request of another State party) share financial disclosure information with foreign States? **YES/NO**

**If YES**, please describe the channels and mechanisms for cooperation.

9.2. Does your country cooperate and execute requests received from foreign authorities to assist them in the verification of information in their financial disclosures? **YES/NO**

**If YES**, please explain, including the channels used.

9.3. If applicable, please provide the contact details of the authority responsible for the above types of international cooperation (for exchanging financial disclosure information).

**The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.**

## **10. Good practices**

10.1. Please provide examples of any good practices in connection with your country's financial disclosure regime that facilitated the recovery and return of proceeds of crime.

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

10.2. Do you have any case studies or examples where the financial disclosure regime has enabled or facilitated the recovery and return of proceeds of crime in (or for) your country?

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

10.3. Please provide examples of good practices concerning the operation of your country's financial disclosure system, including policies and measures adopted to enhance compliance with financial disclosure requirements.

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

## 11. Challenges

11.1. What were the main challenges faced by your country when introducing the financial disclosure system(s)?

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

11.2. In your opinion, what are the main challenges faced by competent authorities of your country to verify financial disclosures, including accessing information regarding assets and financial interests located abroad?

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

11.3. What are the main challenges faced by your country when imposing and enforcing sanctions for non-compliance?

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

## 12. Follow-up to the special session of the general assembly against corruption

12.1. Please describe any other measures, if any, that your country may have taken to implement paragraph 7<sup>2</sup> of the political declaration adopted by the General Assembly at its special session against corruption held in June 2021.

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

## 13. Other

13.1. Please provide any other information you consider relevant to your country's legal framework and practices in connection with establishing an effective financial disclosure system that is not highlighted in the questions above.

The High Inspectorate for Declaration and Control of Assets and Conflict of Interest can give a clearer explanation.

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<sup>2</sup> 7. We will strengthen our efforts to prevent, identify and manage conflicts of interest, including by assessing and mitigating corruption risks and through effective and transparent financial disclosure systems, with information disclosed by appropriate public officials made available as widely as possible, and we will use innovative and digital technology in this field, with due regard for data protection and privacy rights.