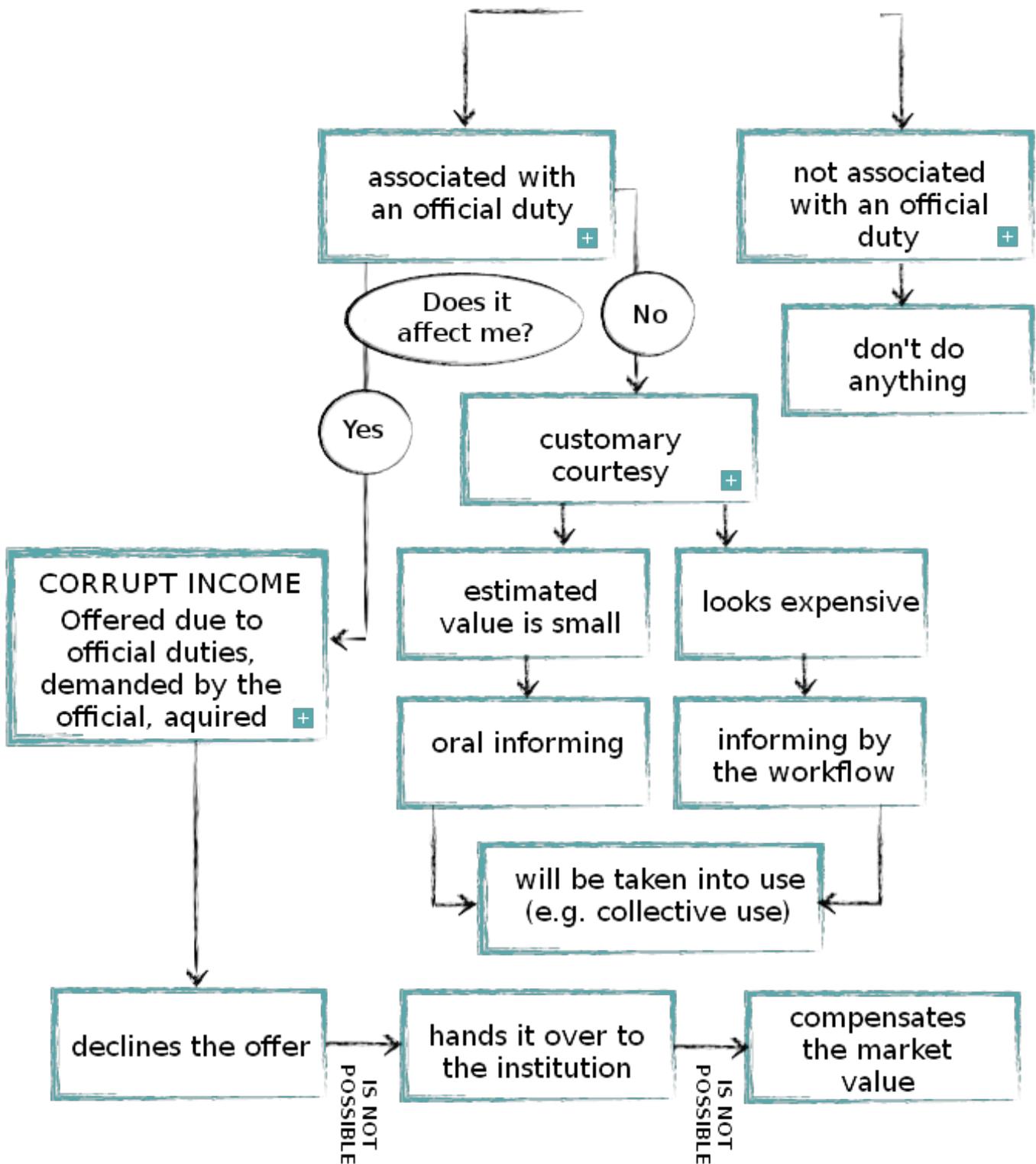
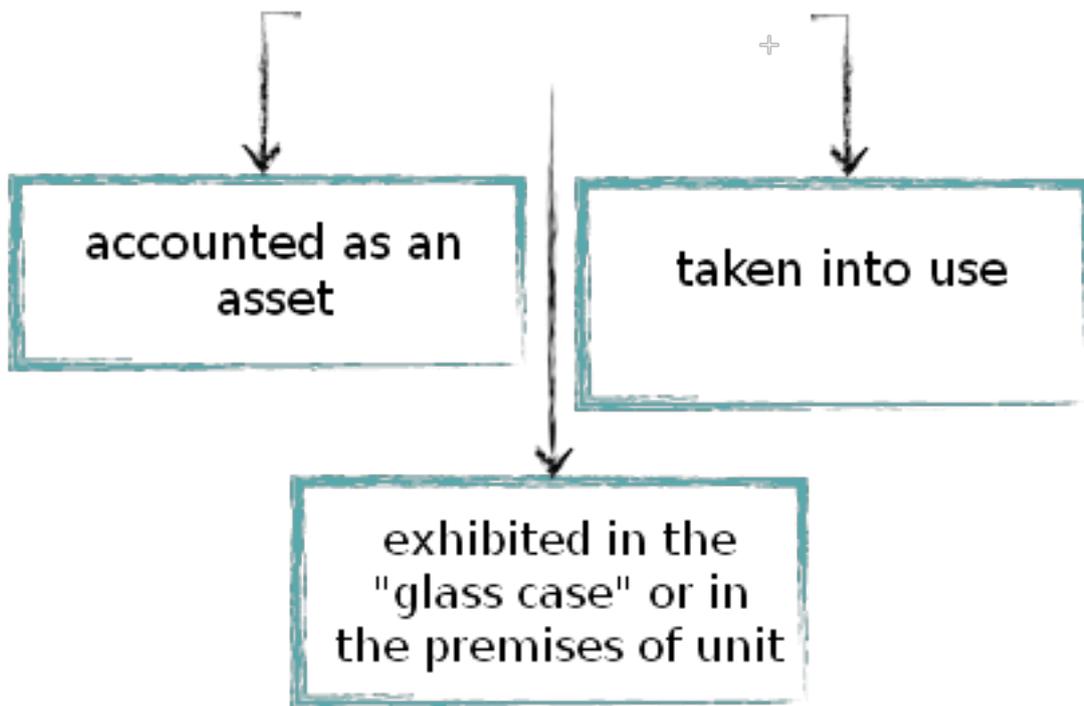


08.03.2019

## Gifts







### Directed at the institution

When making or receiving concessions it is important that the parties understand whether the beneficiary is an institution or an individual, in other words to understand if the concession is made to the institution or an official.

Concessions directed at the institution can be treated in cases as such:

1. Concessions directly for the institution. For example these include gifts made by foreign delegations or received on official visits (for example decorative plate, wine, book, miniature sculpture).
2. Institution has sent an official to perform their duties (for example training, conference) and/or payed for all the expenses. For example these include all the benefits included in the cost of the training package, such as a coffee break, lunch, a bag for the documents, fleece, boat ticket, visiting the object within the framework of the event.

Concessions directed at the institution must be handled as such:

1. Concessions accounted are the concessions that meet the conditions of an accounted asset. There are specific legal norms regulating the use and inventory of the assets/property in the Ministry of Justice. According to these, assets are accounted as fixed assets for in the value from 2000 Euros and as off-balance sheet assets (as minor) from 320 Euros. For example, a laptop given as a gift to all of the training participants will be accounted in the institution. The items (books) donated to the institution will be accounted in the library, regardless of its price. The institution will decide who will be using the invoiced asset.
2. In the case where concession does not have to be accounted, but it is a matter of use (for example a pen, a calendar, a mug, an umbrella, a map, a free training, food, drinks, flowers), it will be used or consumed communally if it is not already consumed at the reception (for example, lunch or dinner, box of chocolates).
3. In the case where the concession received is not used, it will be displayed in the showcase or in the rooms of the unit.



In the second and third cases, there is no need to inform on the received concession.

Taken into use in the institution (for example pens, calendars, folders, mugs, umbrellas) or consumed communally (for example food, drinks, bouquet of flowers)

### **Directed at the official**

It follows from the principles of ethical performance of public duties of ethical that an official must decline the concession if this concession can be interpreted as an affect to the official, even if the concession is not legally defined as corrupt income.

According to the KVS the following are not considered to be corrupt incomes:

1. A concession that is not associated with an official duty.
2. A concession that is unambiguously customary courtesy.

### **Associated with an official duty**

The official must decline any concessions that can be interpreted as an influence to the official.

A concession that is not associated with the official duty is not considered to be corrupt; a concession that is unambiguously a customary courtesy, if there is no initiative by the official on receiving the concession.

If the concession is associated with the execution of official duties but is not defined as corrupt income, the institution must be notified of the concession. The name of the concession and the name of the person who handed the concession must be notified. For example, in the Ministry of Justice, oral notification is sufficient if the estimated value of the concession received is low (for example, and estimated cost of up to 100 euros). The concessions that seem expensive are to be reported through the workflow. The concessions obtained are taken into use or consumed communally.

### **Not associated with an official duty**

Concessions that are not associated with the official duty include family and friends' gifts. Also, gifts (for example, for birthday or quitting gifts) from colleagues also count as concessions not associated with an official duty. In the receipt of such a concession the official does not have to do anything.

### **Corrupt income Offered due to official duties, demanded by the official, acquired by violating official duties**

A corrupt income must be defined as a concession that is offered to an official due to their official duties or demanded by an official, as well as a concession obtained by breaking the duty of an official. If corrupt income is associated with a professional counterservice, it is a bribe that is punishable under the Penal Code.

If a concession offered can be defined as a corrupt income, an official must do one of the following actions in the order shown:

1. Decline the concession, moreover, the official must, if possible, return the concession sent to them (for example, a concession left for the official at the reception);
2. If, as described in the previous paragraph, is not possible (for example, the offerer is not identifiable, the cost to return the concession would be excessively costly, to return the



concession is physically impossible, the refusal or returning the concession would have a serious negative impact on the professional relations), the official must hand the concession over to the institution;

3. If, as described in the previous paragraphs, is not possible, an official must pay institution the market value of the concession. The respective amount is received in state revenues.

Violation of the notification of the received corrupt income duty or violation of the corrupt income transfer duty is punishable as offence on the basis of KVS.

### **Customary courtesy**

Customary courtesy is a concession that is widespread in practice; which can not be interpreted as an influence and the initiative comes entirely from the offerer.

In order to evaluate whether or not it is a customary courtesy or not, an official should ask themselves if the offering of such a concession and the receiving by an official in the respective position would be considered customary and polite by an observer. Customary courtesy can, for example, be a souvenir for the performer at a conference or training; Christmas gifts from the institution's partners (for example, a mug, a scarf, a tie, a box of chocolates, a photo)

**Allikas URL:** <https://www.korruptsioon.ee/en/conflict-interests/gifts>