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Anti-corruption Act

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Amended by the following acts

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26.10.2017	RT I, 17.11.2017, 2	27.11.2017
23.01.2019	RT I, 05.02.2019, 2	15.02.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
17.06.2020	RT I, 10.07.2020, 1	20.07.2020
06.04.2021	RT I, 13.04.2021, 3	23.04.2021
20.06.2023	RT I, 06.07.2023, 6	01.01.2024

Chapter 1 General Provisions

§ 1. Scope of regulation and purpose of Act

(1) This Act provides the legal bases for the prevention of corruption upon performance of public duties and liability for any violation of the obligations established. This Act regulates the prevention of corruption and liability outside the performance of public duties only if explicitly provided.

(2) The purpose of this Act is to ensure honest and impartial performance of public duties.

(3) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 2. Officials and official positions

(1) For the purposes of this Act, an official is a natural person who holds an official position for the performance of public duties regardless of whether he or she performs the duties imposed on him or her permanently or temporarily, for a charge or without charge, while in service or engaged in a liberal profession or under a contract, by election or appointment.

(2) An official position means the rights and obligations arising from the legislation, transactions or work organisation of an agency upon performance of public duties:

1) to make a decision, including to participate in the making thereof or substantive directing thereof. A decision is the decision making directed at the creation, alteration or extinguishment of the rights and obligation of other persons, including agencies performing public duties, which regulates individual cases or an unlimited number of cases, including legislative acts, administrative acts within the meaning of the Administrative Procedure Act, judicial decisions, and internal legal instruments of an agency;

2) to perform an act, including to participate in it or substantive directing thereof. An act is an activity which causes legal and unavoidable factual consequences to other persons, including agencies performing public duties, and which is not the making of a decision. An act may also mean performing of any other procedural acts, omissions or delays.

(3) An obligation to make a disposition is not deemed to be the competence to make decisions in the case the person has no right to determine the circumstances of the transaction. An obligation to perform an act is not deemed to be the competence to perform acts in the case the person has no right to determine the circumstances affecting the consequences of the act.

§ 3. Obligations of officials and agencies performing public duties

(1) An official is prohibited from:

- 1) demanding, intermediating and receiving income derived from corrupt practices;
- 2) corrupt use of official position;
- 3) corrupt use of public resources;
- 4) corrupt use of influence;
- 5) corrupt use of inside information.

(2) In the cases and on the terms and conditions provided by law, an official shall:

- 1) comply with restrictions on activities and procedural restrictions;
- 2) disclose his or interests in a declaration of interests (hereinafter *declaration*).

(3) State or local government agencies, legal persons in public law, foundations established by them and public undertakings within the meaning of the Competition Act shall ensure with respect to the officials performing public duties on their behalf, upon their request or under their supervision:

- 1) awareness in the field of the prevention of corruption;
- 2) supervision over performance of the obligations.

(4) Agencies of state or local government authorities must ensure that no officials who have a punishment for an intentionally committed criminal offence relating to abuse of professional or official status or violation of official duties, and fraudulent conduct, abuse of trust, giving or mediating a bribe, influence peddling, criminal offence against public trust or an economic offence perform public functions in public service or under a contract on their behalf, upon their request or under their supervision.

[RT I, 05.02.2019, 2 - entry into force 15.02.2019]

§ 4. Income derived from corrupt practices

(1) Income derived from corrupt practices is the proprietary or other benefits offered to the official or any third person due to his or her official duties or demanded by the official, and benefits received by violation of the obligations of the official. Benefits, which cannot be associated with official duties or which are unambiguously understood as common courtesy, shall not be deemed to be corruptive.

(2) An official shall immediately give notification to his or her agency or the person or body who has the right to appoint him or her of accepting benefits which can be associated with official duties. An official shall refuse to accept a benefit defined as income derived from corrupt practices or, if this is impossible, deliver the benefit immediately to his or her agency or the person or body who has the right to appoint him or her. If delivery of the benefit is impossible, the official shall pay the market value of the benefit instead of this. The delivered benefit or the value thereof in money shall be transferred into state ownership or returned, if so provided by law.

§ 5. Corrupt use of official position, public resources, influence and inside information

(1) Corrupt use of official position is the making of a decision or performing of an act in the competence of an official by such official in violation of his or her official duties in the interests of the official or any third persons, participation therein or substantive directing thereof, if this brings about unequal or unjustified advantages for the official or the third person from the point of view of public interest.

(2) Corrupt use of public resources is the use of material and other resources intended for the performance of public duties by such official in violation of his or her official duties in the interests of such official or any third persons, if this brings about unequal or unjustified advantages for the official or the third person from the point of view of public interest.

(3) Corrupt use of influence means the use by an official his or her actual or presumed influence in violation of his or her official duties with the objective of achieving commission of an act by another person or omission thereof in the interests of such official or any third person, if this brings about unequal or unjustified advantages for the official or the third person from the point of view of public interest.

(4) Corrupt use of insider information means the use by an official, in violation of his or her official duties, of undisclosed information which became known to the official in the course of exercise of public authority, which has or would probably have a significant effect on the rights any third person, in the interests of such official or the third person, if this brings about unequal or unjustified advantages for the official or the third person from the point of view of public interest.

§ 6. Notification of public or private sector incidents of corruption

[RT I, 24.03.2016, 2 – entry into force 01.05.2016]

(1) An official is not permitted to conceal violations of the prohibitions specified in subsection 1 of § 3 of this Act or any other incidents of corruption known to the official.

(2) If agencies performing public duties, their officials, persons exercising supervision over agencies, persons controlling declarations or bodies conducting proceedings concerning an offence are notified of an incident of corruption, the confidentiality of the fact of notification shall be ensured. Information about the fact of notification may be disclosed only with the written consent of the notifier. If the notifier is involved as a witness in the proceedings concerning the offence, the provisions of proceedings concerning the offence apply to incidents of corruption without violating the confidentiality of the fact of notification.

(3) If the notifier knowingly communicates incorrect information, the confidentiality of the fact of notification shall not be ensured.

(4) Courts shall apply shared burden of proof for the protection of the person having notified of an incident of corruption. A person having recourse to a court shall state in his or her application the facts based on which it may be presumed that he or she has been subject to unequal treatment. If the person against whom the application was filed does not prove otherwise, it is presumed that unequal treatment was caused by notification of an incident of corruption.

(5) The principles provided for in subsections 2 to 4 of this section also apply in the case an official or another person has given notification of an incident of corruption in public or private sector.
[RT I, 24.03.2016, 2 – entry into force 01.05.2016]

§ 7. Connected persons

(1) For the purposes of this Act, each of the following is a connected person:

1) official's spouse, registered partner, grandparent, official's or their spouse's or registered partner's parent and descendant of official's parent, including official's child and grandchild. For the purposes of this Act, a parent is also deemed to include an adoptive parent, parent's spouse or registered partner and foster parent, and a relative in descending line is also deemed to include an adopted child and spouse's or registered partner's child;
[RT I, 06.07.2023, 6 – entry into force 01.01.2024]

2) legal person in which at least 1/10 of the holding or the right to acquire a holding belongs to an official or a person connected to him or her;

3) legal person in which the official or any person specified in clause 1 or 4 of this subsection is a member of the management or controlling bodies for the purposes of the Income Tax Act;

4) person who has a shared household with an official, and any other person whose position or activities have a significant and direct impact on the official outside his or her official position or whom the position or activities of an official outside his or her official position significantly and directly influence or who is subordinate to the orders issued by an official outside his or her official position or who acts in the interests or on account of an official.

(2) A legal person is not deemed to be a connected person if the connection of the official and the legal person arises exclusively from the official duties of the official. The competence of representation of a state or local government agency or a legal person in public law the management or controlling bodies thereof is deemed to be an official duty for the purposes of this Act.

(3) An official shall have no obligation concerning the interest of connected persons arising from this Act, if he or she does not or need not know the connection or interest of a connected person specified in subsection 1 of this section.

§ 8. Co-ordination of anti-corruption activities

The Ministry of Justice is the person co-ordinating anti-corruption activities.

§ 9. Select anti-corruption committee of Riigikogu

(1) The select anti-corruption committee of Riigikogu (hereinafter *select committee*) shall exercise parliamentary supervision over the implementation of anti-corruption measures, discuss at its own initiative potential incidents of corruption involving officials specified in subsection 1 of § 13 of this Act and assess these, exercise supervision over compliance with the restrictions on activities of the members of the *Riigikogu*, verify within the limits of its competence the declarations of interests, inform the *Riigikogu* and the public of the results of anti-corruption activities in its competence and perform other duties provided by law.

(2) In order to perform its functions, the select committee has the right to summon persons and require documents and information for examination.

(3) If elements of an offence become evident, the select committee shall forward the materials to an investigative body or body conducting extra-judicial misdemeanour proceedings.

(4) The select committee shall submit an overview of the activities of the committee and the results thereof to the *Riigikoguat* least once a year.

Chapter 2

Restrictions on Activities and Procedural Restrictions

§ 10. Bases for restriction of activities

(1) An official shall have the right engage outside his or her official duties in any other activities (hereinafter *ancillary activity*) outside his or her official duties, if this is not prohibited by law and the procedural restrictions are complied with.

(2) Ancillary activities of certain officials may be restricted by law.

§ 11. Procedural restrictions

(1) An official is prohibited from performing an act or making a decision, if at least one of the following circumstances exists:

[RT I, 05.02.2019, 2 - entry into force 15.02.2019]

- 1) the decision is made or the act is performed with respect to the official or a person connected to him or her;
- 2) the official is aware of an economic or other interest of that official or a person connected to him or her and which may have an impact on the act or decision;
- 3) the official is aware of a risk of corruption.

(2) In the case specified in subsection 1 of this section, an official is prohibited from assigning the task of performing the act or making the decision instead of the official to his or her subordinates. An official shall immediately inform his or her immediate superior or the person or body who has the right to appoint the official of the circumstances specified in subsection 1 of this section and the latter shall perform the act or make the decision or assign this task to another official.

(2¹) If an act or decision cannot be made by the immediate superior of the official competent to make the joint acts or decisions or a person or body who has the right to appoint the official or the replacement of the official is impossible, the official shall immediately inform other persons with the duty to make joint acts or decisions of the circumstances specified in subsection 1 of this section. The quorum required for making a joint act or decision is thereby smaller, unless the law prescribes another procedure for removal.

[RT I, 24.03.2016, 2 – entry into force 01.05.2016]

(3) Procedural restrictions shall not be applied:

- 1) to adoption of legislative acts and participation in the adoption or preparation thereof. The budget of state and local governments shall be deemed to be a legislative act;
- 2) where a trustee in bankruptcy conducting bankruptcy proceedings, to the use of the services of the office through which he or she operates;
- 3) if necessity and in the case of acts which cannot be postponed, upon threat of major damage;
- 4) if replacement of the official is impossible due to lack of persons who comply with the requirements set for the substitute. A notice shall be immediately and permanently published on the web site of the agency performing public duties concerning non-application of the restrictions on activities based on the provisions of this clause;
- 5) in the case of acts or decisions by which an agency performing public duties ensures the organisation of its work, except for service-related decisions. A notice shall be immediately and permanently published on the web site of the agency concerning the non-application of the restrictions on activities based on the provisions of this clause;
- 6) if there is no risk of corruption upon routine making of a decision or performing of an act, including if an official makes a disposition or performs an act without having an opportunity to determine the circumstances thereof;
- 7) in rural municipality or city agencies, if the application of procedural restrictions would be unreasonable from the point of view of public interest, taking account of the specific character of the local government unit. A notice shall be immediately and permanently published on the web site of the rural municipality or the city concerning non-application of the procedural restrictions based on the provisions of this clause;
- 8) in the case of elections inside bodies.

(4) The bases for and procedure of removal of an official provided by other Acts shall also apply to the restrictions on activities.

(5) An agency performing official duties shall ensure upon organisation of its work that officials would not be required to make a decision or perform an act with respect to such official or a person connected to him or her. If the agency fails to comply with this requirement, this shall not release officials from the obligation to comply with the procedural restrictions.

Chapter 3

Disclosure of Interests of Officials

§ 12. Requirement to disclose interests

(1) An obliged official (hereinafter *declarant*) shall declare in a declaration information concerning his or her property and other circumstances with the aim of perceiving interests that may potentially have an impact on the performance of the official duties of the declarant and make these verifiable.

(2) A declaration shall be submitted within four months from assuming an office or from arise of the obligation to submit a declaration and thereafter by 31 May each year. If a declarant assumes a new office, the declarant shall not submit more than one declaration during a calendar year. For the purposes of this Chapter, an office is a position resulting in an obligation to submit declarations.

(3) The obligation to submit declarations shall terminate when a declarant submits a declaration in a calendar year following the year when he or she leaves the office.

(4) Failure to submit a declaration by the due date without a good reason, concealment of information significant for assessment of risks of corruption and submission of false information in the declaration is prohibited. Illness of an official or other circumstances independent of such official which prevent him or her from submitting the declaration by the due date are deemed to be good reasons. The declaration shall be submitted without delay when the hindering circumstances cease to exist.

§ 13. Submission and administration of declarations

(1) A declaration shall be submitted by:

1) the President of the Republic, members of the , members of the Government of the Republic, judges, Auditor General, Legal Chancellor, members of the managing body of , Director of the Office of the President of the Republic, Secretary General of the , and persons who perform advisory functions for members of the Government of the Republic until termination of their authority as a member of the Government of the Republic; heads of government agencies, Secretaries General and Deputy Secretaries Generals of Ministries, director of the Government Office;

[RT I, 13.04.2021, 3 – entry into force 23.04.2021]

2) members of local government councils, members of rural municipality or city governments, rural municipality or city district elders, managers of rural municipality or city agencies;

3) court officials, if the chairman of the court establishes such obligation;

4) officials of the Chancellery of the *Riigikogu*, if the director of the Chancellery of the *Riigikogu* establishes such obligation;

5) officials of the Office of the President of the Republic, if the Director of the Office of the President of the Republic establishes such obligation;

6) officials of the State Audit Office, if the Auditor General establishes such obligation;

7) officials of the Office of the Chancellor of Justice, if the Legal Chancellor establishes such obligation;

8) officials of *Eesti Pank*, if the president of *Eesti Pank* establishes such obligation;

9) officials of government agencies, if heads of government agencies or secretaries general of ministries establish such obligation. This obligation shall not be established for officials of security authorities and officials of structural units of other government agencies if the membership of the structural unit is a state secret. The heads of security authorities or other government agencies in the case of which the membership of their structural units is a state secret may require submission of the information required to be submitted in a declaration as an internal audit measure of the agency;

10) officials of agencies administered by government agencies or agencies representing the state belonging to the area of government of another government agency, if the head of the government agency administering the agency or exercising supervision over the agency or Secretary General of Ministry establish such obligation;

11) officials of rural municipalities or cities, if local government council thereof establishes such obligation;

12) officials of legal persons in public law, if the minister exercising supervision over the legal person in public law or the supervisory board or comparable bodies of the legal persons in public law establish such obligation;

13) members of the management bodies of public undertakings for the purposes of the Competition Act, if such obligation is established by the minister exercising dominant influence of the state in the undertaking, the local government council if the local government has dominant influence on the undertaking or the supervisory board or comparable body of a legal person in public law if the legal person in public law has dominant influence over the undertaking;

14) members of management bodies of foundations established by the state, local governments or a legal persons in public law, if such obligation is established by the minister exercising the rights of the state, local government council or the supervisory board or comparable bodies of the legal persons in public law;

15) persons to whom the competence of making the decision or performing the act in the case of performance of public duties has been delegated by law or an administrative contract, if such obligation is established by the minister exercising supervision over the person, local government council or the supervisory board or comparable bodies of the legal persons in public law.

(2) A declarant shall submit the declaration of interests to the register of declarations (hereinafter *register*).

(3) The right specified in clauses 3 to 15 of subsection 1 of this section to establish the obligation to submit a declaration exists only in the case an official has the competence to dispose of public resources or conduct proceedings concerning an offence or administrative proceedings and there are no measures that are more efficient for prevention of the risk of corruption. The obligation has no retroactive effect.

(4) The Government of the Republic shall establish a register by a regulation for enabling electronic submission, maintenance, administration, verification and publication of declarants' declarations and the statutes of the register.

(4¹) The objective of establishment of the register and maintenance thereof is the processing of the data of officials obligated to it pursuant to the Anti-corruption Act in order to enable perception of interests which may affect performance of their duties.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

(4²) The controller of the register is the Ministry of Justice.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

(5) The statutes of the register designates the competent authorities which submit the information to the register concerning declarants within one month from commencement of the declarants' obligation to submit declarations and inform the register immediately of cancellation of the declarants' obligation to submit declarations and of the declarants leaving the office. If the declarant specified in clauses 3 to 15 of subsection 1 of this section submits a declaration to the register, the person having established the obligation shall have the rights and obligations of the competent authority.

(6) The registrar has the right to obtain information from the state database about the declarants and the information declared by them for the application of this Act.

§ 14. Content of declaration

(1) A declaration shall contain information as at the day of declaring about the following assets of the declarants:

1) immovable property ownership and limited real rights established over the immovable property entered in land register in favour of the person. The location and intended purpose of the immovable property and the type of the right shall be set out in the declaration;

2) vehicles entered in the state register. The type of the vehicle, its make and year of initial registration shall be set out in the declaration;

3) securities for the purposes of the Securities Market Act, with the exception of funded pension units, holdings in companies and such holdings in companies in which at least 1/10 of the holding belongs to a company connected to the official. The name of each issuer, the type and number of the securities shall be set out in the declaration concerning securities, and the name of the company and nominal value of the holding concerning holdings in companies;

[RT I, 24.03.2016, 2 – entry into force 01.05.2016]

4) proprietary claims against other persons, with the exception of credit institutions, which value exceeds four times the minimum monthly wages established by the Government of the Republic pursuant to the Employment Contracts Act; claims against one person shall be added. The value of the claims, names of debtors and the basis of the claims shall be set out in the declaration;

5) proprietary obligations to other persons, which value exceeds four times the minimum monthly wages established by the Government of the Republic pursuant to the Employment Contracts Act; obligations to one person shall be added. The value of the obligations, names of creditors and the basis of the obligations shall be set out in the declaration.

(2) A declaration shall contain information concerning any proprietary and other benefits received by the declarant during the calendar year preceding the submission of the declaration that may potentially have an impact on the performance of the official duties of the declarant and the value of which exceeds the salaries of high-ranking state public servants applicable during the preceding year by a factor of 1.0. Benefits received from persons specified in clause 3 of subsection 6 of this section and the place of work of the declarant shall not be declared. The persons who grant the benefits and the value thereof shall be set out in the declaration.

[RT I, 24.03.2016, 2 – entry into force 01.05.2016]

(3) The declaration shall contain information concerning the income received by the declarant during the calendar year preceding the submission of the declaration and declarable in the income tax return and dividend income paid to the declarant during the same period in Estonia and abroad.

[RT I, 24.03.2016, 2 – entry into force 01.05.2016]

(4) A declaration shall contain the information specified in subsection 1 of this section concerning the immovable property and vehicles entered in the state register which were in the possession of the declarant in total for at least six months during the previous year. The declaration shall not set out the information concerning any immovable property and vehicles entered in the state register which were transferred into the possession of the declarant by his or her employer.

(5) The provisions of subsections 1 and 4 of this section shall also apply to accounts with credit institutions located in foreign states and holdings in companies and plots of land, construction works and vehicles located in foreign states.

(6) A declaration shall set out:

- 1) the name and information concerning the official title of the declarant;
- 2) the personal identification code and residential address of the declarant;
- 3) the name and personal identification code or date of birth of the person married to or in registered partnership with the declarant and of parents and relatives of the declarant in descending line and of a person who has a shared household with the declarant, and their relationship with the declarant.

[RT I, 06.07.2023, 6 – entry into force 01.01.2024]

(7) A declaration shall set out the following information:

- 1) concerning the ancillary activities which the declarant has engaged in during the calendar year preceding the submission of the declaration outside his or her official duties based on a contract of employment or contract for provision of services or in an elected or appointed office, as an undertaking or a general partner in a general or limited partnership or a member of the management or controlling body of a legal person and any other ancillary activities, if this involves receipt of income;

[RT I, 24.03.2016, 2 – entry into force 01.05.2016]

- 2) concerning other circumstances, which to the declarant's knowledge may bring about breach of official duties, preclude the declarant's impartiality and objectivity or bring about the risk of corruption, provided that the collection of such information shall not violate the rights of the declarant.

(8) Things, rights and obligations in joint ownership are declared, setting out, if possible, the share of the official in the joint ownership. If an official has entered into a marital property contract or registered partnership contract, the data for the identification thereof are added to the declaration.

[RT I, 06.07.2023, 6 – entry into force 01.01.2024]

§ 15. Verification of declaration

(1) A select committee or an official authorised by it shall have:

- 1) an exclusive right to verify the declarations of the declarants specified in clause 1 of subsection 1 of § 13 of this Act;
- 2) a right to verify all the declarations submitted to the register.

(2) A committee formed by a local government council has the right to verify:

- 1) declarations of the declarants specified in clauses 2 and 11 of subsection 1 of § 13 of this Act;
- 2) declarations of the declarants specified in clauses 13 to 15 of subsection 1 of § 13 of this Act, if the local government has dominant influence over the undertaking in public law, is a founder of a foundation or a delegated public duties supervisory authority.

(3) The person establishing the obligation to submit declarations or an official authorised by it shall have the right to verify the declarations of the declarants specified in clauses 3 to 12 of subsection 1 of § 13 of this Act.

(4) Ministers or officials authorised by the minister shall have the right to verify:

- 1) declarations of the declarants specified in clause 12 of subsection 1 of § 13 of this Act upon exercise of supervision over legal persons in public law;
- 2) declarations of the declarants specified in clause 13 of subsection 1 of § 13 of this Act upon exercise of dominant influence of the state in a public undertaking;
- 3) declarations of the declarants specified in clause 14 of subsection 1 of § 13 of this Act upon exercise of the rights of founders of foundations;
- 4) declarations of the declarants specified in clause 15 of subsection 1 of § 13 of this Act upon acting as a delegated public duties supervisory authority.

(5) The supervisory board of a legal person in public law, a comparable body or an official authorised by it has the right to verify the declarations of the declarants specified in clauses 13 to 15 of subsection 1 of § 13 of this Act if the legal person in public law has dominant influence on the public undertaking, is a founder of a foundation or a delegated public duties supervisory authority.

(6) The person exercising supervision specified in subsections 1 to 5 of this section has the right:

- 1) to request explanations from declarants and any third persons concerning the contents of the declarations and disregard of the date for submission of the declaration or reasons for failure to submit the declaration;
- 2) to make inquiries to and receive information concerning declarants from credit institutions and the databases of the state and local governments to the extent necessary for verification of declarations.

(7) The person carrying out the verifications specified in subsections 1 to 5 of this section shall:

- 1) record in the minutes the verification acts specified in subsection 6 of this section and inform the declarant and the registrar of verification of declarations and the verification acts specified in subsection 6 of this section;

2) forward the declaration verification materials to the Prosecutor's Office or the body conducting extra-judicial proceedings, if offence is suspected as a result of verification of the declaration of an official.

(8) The person carrying out the verifications specified in subsections 1 to 5 of this section has the right to obtain information from the registrar concerning the submission of the declarations verified by it and the verification thereof. The Ministry of Justice has the right to obtain information from the registrar concerning the submission and verification of declarations for the performance of the function specified in § 8 of this Act.

§ 16. Access to declarations and their depositing period

(1) The declarations of the declarants specified in subsection 1 of § 13 of this Act shall be disclosed pursuant to the procedure provided for in the statutes of the register. In order to access the information of the declarations, persons shall identify themselves by digital identity cards. A declarant has the right to obtain information from the register about who accessed his or her declaration.

(1¹) A declaration of a head of security authorities shall not be disclosed.
[RT I, 13.04.2021, 3 – entry into force 23.04.2021]

(2) A declaration is disclosed for a term of three years. A declaration is not disclosed and access to an already disclosed declaration is terminated, if a competent authority informs the register of cancellation of the obligation of the declarant to submit declarations or if the declarant is dead according to the data in the population register.

(3) The following information is intended only for internal use:

1) the data specified in clauses 2 and 3 of subsection 6 of § 14 of this Act in disclosed declarations and such data of a marital property contract or registered partnership contract, which are not entered in the register card of the marital property register;

[RT I, 06.07.2023, 6 – entry into force 01.01.2024]

2) declarations, which disclosure term has expired;

3) declarations not subject to disclosure.

[RT I, 13.04.2021, 3 – entry into force 23.04.2021]

(4) The following persons have to right to access the information contained in the declarations:

1) declarants;

2) persons carrying out verifications;

3) heads of agencies performing public functions on behalf, upon request or under supervision of which a declarant performs the obligations of an official or which allocate the public resources required for the operation of the declarant, or officials authorised them;

4) credit institutions and financial institutions and notaries for compliance with the obligations arising from the Money Laundering and Terrorist Financing Prevention Act.

[RT I, 10.07.2020, 1 – entry into force 20.07.2020]

(5) Declarations are maintained for a period of seven years as of the submission of the declaration. Thereafter the declarations are destroyed pursuant to the procedure provided for in the statutes of the register.

Chapter 4 Liability

§ 17. Corrupt use of official position, public resources, influence or inside information

Corrupt use of official position, public resources, influence or inside information by an official for the purpose of personal gain
is punishable by a fine of up to 300 fine units.

§ 18. Violation of requirement relating to notification of receipt of income derived from corrupt practices and transfer thereof

Violation of the requirement by an official to give notification of income derived from corrupt practices by him or her to the agency performing public duties or the person or body who has the right to appoint him or her, or the obligation to transfer the income derived from corrupt practices
is punishable by a fine of up to 200 fine units.

§ 19. Violation of procedural restrictions

Knowing violation by an official of a procedural restriction or the terms and conditions of a procedural restriction
is punishable by a fine of up to 200 fine units.

§ 20. Presentation of knowingly false information in declaration

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 21. Proceedings

(1) [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(2) Extra-judicial proceedings concerning the misdemeanours specified in §§ 17 to 19 of this Act shall be conducted by a police authority. If a misdemeanour specified in §§ 17 to 19 of this Act is established by the Estonian Internal Security Service in the course of offence proceedings, the extra-judicial misdemeanour proceedings shall be conducted by the Estonian Internal Security Service.
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(3) Misdemeanours specified in §§ 17 and 18 of this Act shall be heard by a county court.

(4) A court may confiscate that which was received unlawfully in the case of a misdemeanour specified in §§ 17 and 18 of this Act pursuant to the provisions of § 83¹ of the Penal Code.

Chapter 5 Closing provisions

§ 22. Transitional provisions

(1) The provisions of §§ 7 to 15, 16 and 18 of the Anti-Corruption Act in force before the entry into force of this Act (RT I 1999, 16, 276) shall apply to declaration of economic interests of officials in 2013.

(2) Declarations of economic interests deposited in the office of the depositary of declarations on 1 January 2014 shall be deposited for five years as of the submission thereof, thereafter the declarations are destroyed. The declarations of economic interests transferred to the archives before the entry into force of this Act shall be assessed pursuant to the procedure provided by the Archives Act and thereafter the declarations are destroyed or granted archival value.

(3) Officials who resign from their office before 1 January 2014 and who have an obligation pursuant to the Anti-Corruption Act in force before the entry into force of this Act to submit declarations after their resignation from their office, shall not submit more than one declaration after their resignation.

(4) The register of declarations of interests specified in subsection 2 of § 13 of this Act shall be introduced on 1 January 2014.

(5) Declarants who are in office on 1 January 2014 submit their first declarations pursuant to this Act by 31 May 2014.

§ 23.–§ 38.[Omitted from this text.]

§ 39. Entry into force of Act

(1) This Act enters into force on 1 April 2013.

(2) Subsection 4 of § 13 and §§ 33 and 34 of this Act enter into force on 1 January 2014.