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# LEGAL REGULATION IN GENERAL OF THE RULES FOR PREVENTING CONFLICT OF INTERESTS IN THE CZECH REPUBLIC AND ABROAD

INTERNATIONAL CONFERENCE:  
'STRENGTHENING THE FIGHT AGAINST CORRUPTION: CONFLICT OF INTERESTS'

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# INTRODUCTION

The Belgian Federal Commission on Deontology

1. What is a conflict of interest?
2. What is corruption?
3. What is the result of both?
4. What's the result of these infringements in the long term?

## A. REPRESSIVE LEGISLATION

1. Bribery (Article 246 of the Criminal Code): This is corruption in the strictest sense.

### ***Other related bribery/corruption offences:***

2. Embezzlement (Article 240 of the Criminal Code): the withholding of documents or money by a public official.
3. Extortion (Article 243 of the Criminal Code): the collection by a public official of tax or money which is not due.
4. Conflict of interest (Article 245 of the Criminal Code): a public official who engages in an activity or tolerates a situation in order to profit from his or her public office.
5. Confidentiality (Article 458 of the Criminal Code): divulging information which is protected by professional confidentiality.

## B. PREVENTIVE LEGISLATION

1. Law on the control of election expenses, the accounting of political parties, and donations to politicians (Law of 4 July 1989).
2. Declaration of mandates and occupations (including remuneration) at the Court of Audit - public list (Law of 2 May 1995).
3. Declaration of assets by public officials at the Court of Audit – in a sealed envelope (Law of 2 May 1995).
4. The European Directive on whistleblower protection - (EU/2019/1937)
5. The Politically Prominent Persons in the prevention of money laundering (Law of 18 September 2017).
6. In addition there's other special legislation which imposes a prohibition on amalgamation of positions to avoid a conflict of interests (for instance, the organic statute of the directors of the National Bank of Belgium – Law of 22 February 1998).

## C. DO WE NEED MORE LEGAL REMEDIES IN THE FIGHT AGAINST CORRUPTION AND CONFLICT OF INTEREST?

- **Ethics** = philosophical approach to correct conduct.
- **Deontology** = a code of conduct which applies for a certain profession or activity
- **Integrity** = personal conduct according to generally accepted values and standards.

## THE RED ZONE AND THE GREY ZONE

- **Red zone:** Conduct which is prohibited or regulated in laws. This covers preventive and repressive legislation.
- **Grey zone:** Conduct which isn't prohibited in laws and regulations, but is unwanted. Deontology and integrity are important here. The grey zone is less clearly defined than the red zone. It falls outside the criminal code or mandatory rules.

In other words, just because certain conduct isn't prohibited doesn't mean that it's respectable.

## A NUMBER OF PRINCIPLES

1. Division of powers
2. Pursuit of the public interest rather than individual interests
3. Avoidance of conflicts of interest
4. Transparency
5. Careful use of government resources
6. Neutrality amongst officials
7. Exemplary role of public figures

# THE CONDITIONS FOR COMMITMENT TO DEONTOLOGY AND OPERATING WITH INTEGRITY

1. Integrity starts at the top.
2. A deontological framework (not legislation) which clarifies principles.
3. Making sure that there aren't too many deontological frameworks alongside each other. The principles are the same for everyone.
4. Effective training for public officials.
5. An independent advisory or supervisory body.
6. A point for attention for GRECO: powers of sanction in the event of breaches of deontological rules.

## D. CONCLUSION

- There is a tendency to convert ethical principles into legislation and make legal remedies for all possible types of conduct.
- This will stimulate public officials to check to see whether or not their conduct is prohibited without any consideration of personal integrity.
- Apart from the limited legal framework, we need mainly to invest in deontology and personal integrity.
- The fight against corruption will never end.



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