

REGULATION ON THE ADOPTION OF WHISTLEBLOWER'S AND OMBUDSMAN'S FUNCTIONS OF THE CUSTOMS SERVICE

The present regulation creates a set of rules for the Internal Affairs Sector (SPO) aimed at implementing a complaints collection procedure and recent legislation pertaining to the fight against corruption. This regulation defines the procedures which the SPO will follow in cases when the SPO receives a complaint related to corruption or other disciplinary problems in the Customs Agency.

Chapter I. GENERAL PROVISIONS RELATED TO SPO.....	4
Article 1: Objectives of the Regulation	4
Article 2: Definitions	4
Article 3: Competencies of the SPO	4
Article 4: Organisation of the SPO	5
Article 5: SPO's Delegated Authority over Customs Officials	6
Article 6: Managerial Responsibility for Misconduct (Respondeat Superior).....	7
CHAPTER II: PROCEDURES FOR HANDLING COMPLAINTS MADE TO THE SPO	8
Article 7: Types of complaints.....	8
Article 8: Information contained in complaints	9
Article 9: Case Allocation Procedure	10
Article 10: Complaint Termination Deadline	10
Article 11: Director's Liability for Inability to Deal with Complaint Volume.....	12
Article 12: Informing the Accused of Complaint	12
Article 13: Procedures for Dealing with Face-to-Face Interviews.....	13
Article 14: Recommended courses of action	14
Section 15: Internal Misconduct Audit.....	14
Article 16: Quality Control of Complaint Resolution.....	15
Chapter 17: Data Protection, Retention Practices of the SPO and Freedom of Information ...	15
Chapter 18: Incentives for Compliance	17
CHAPTER III: PROCEDURES TO FOLLOW IN CASES OF POTENTIAL CONFLICT OF INTEREST	18
Chapter 19: SPO obligation to enforce Conflict of Interests Law	18
Chapter 20: Obligations and Rights Given to the SPO under Conflict of Interests Law.....	19
Chapter 21: Recording and Auditing the Register of Interests	20
Chapter 22: SPO Obligations related to Gift-Giving.....	21
Article 23: SPO Obligations to Post-Employment Monitoring.....	21
Article 24: SPO Handling of Service File Warnings.....	22
Article 25: Mitigation, Rectification and the Duty to Assist	22
CHAPTER IV: IMPLEMENTING THE LAW ON OMBUDSMAN AND THE ANTI- CORRUPTION LAW	23
Article 26. Relations with Ombudsman.....	23
Article 27: Whistleblower Immunity and Witness Indemnification	24
Article 28: Asset Declaration.....	24
Article 29: Complaints about Customs Agency's Discretion Made to State Commission.....	25
CHAPTER V: TRAINING AND PUBLIC AWARENESS	25
Article 30: Minimum Training and Accreditation Standards for SPO Staff.....	25
Article 31: Public Awareness about the Present Regulation.....	26
CHAPTER VI: TRANSITORY PROVISIONS	27
Article 32: Consultation.....	27
Article 33: Conflict of Laws and Dispute Resolution.....	27
Article 34: Execution	27

This regulation has been drafted thanks to the EU taxpayer and elaborated by a public academic. The text of the regulation, therefore, may only be used for not-for-profit, public policy purposes.

THIS REGULATION IS ONLY AVAILABLE TO ACADEMIC RESEARCHERS (PARTICULARLY IN NEW INSTITUTIONAL ECONOMICS), GOVERNMENT OFFICIALS OR MEMBERS OF INTERNATIONAL ORGANISATIONS WORKING ON ESTABLISHING ETHICS OR INTERNAL OMBUDSMAN OFFICES ON A PRO-BONO BASIS.

EMPLOYEES OF CONSULTING FIRMS, BILATERAL AID AGENCIES AND CHARITIES AND NGOS MAY NOT RECEIVE A COPY (DUE TO THE ACCURAL OF PERSONAL BENEFITS TO PARTICULAR INDIVIDUALS).

If you fall into the former category, please contact me (bryane.michael@linacre.ox.ac.uk) for a copy of the model regulation.