

## **DETECTING CONFLICT OF INTEREST IN PUBLIC ADMINISTRATION**

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**Resume:** The paper deals with the detecting of conflicts of interest by people holding public posts in public administration. The procedure of submitting the signal, the carrying out of the inspection, the judgment on the case as well as the actions and measures taken have also been discussed.

**Резюме:** Статията разглежда, установяването на конфликт на интереси от лица заемащи публични длъжности в публичната администрация. Реда за подаване на сигнала, извършването на проверката, произнасянето по проблема, както и предприемането на конкретни мерки и действия.

**Key words:** conflict of interest, detecting conflicts of interest, corruption, warning, inspection

**Ключови думи:** конфликт на интереси, установяване на конфликт, корупция, сигнал, проверка.

The procedure for detecting conflict of interest in public administration starts after a warning has been received or instructions given by officials at Selection and Appointment Departments.

Anyone who holds a public post can make a request for detecting conflict of interest. Anyone who possesses information that a person holding a public post has violated the Law on Preventing and Detecting Conflict of Interest can submit a warning against the existence of conflict of interest.

The warning or request for detecting conflict of interest must be submitted to the Selection and Appointment Departments or to the respective commissions. Both the warning and the request must be submitted in written form and then filed.

Detecting conflict of interests in public administration is the result of a thorough inspection. Making the necessary inquiries for detecting conflict of interests is followed by a hearing of the person holding a public post and after evidence relevant to the case has been collected. The body carrying out the investigation can demand the provision of additional information and documents from the person under investigation. The body carrying out the investigation can demand information from the State and Local Governments, the Law Authorities and other institutions. The authorities and institutions must submit the required information within 14 days from the date of filing of the request.

The investigation for detecting conflict of interests closes with a written report within 2 months from the date of the filing of the inquiry.

For a person holding a public post under article 25, paragraph 2, section 1/95, the presence of conflict of interest is determined by the Supreme Administrative Law.

When the inspection finds out there is a violation of this law, the president of the respective commission in the National Assembly within 3 days from the date of submission of the report must approach the Supreme Court with requisition for detecting conflict of interests.

The court then hears the case in essence and passes judgment on the case which determines conflict of interest, administers punishment and passes a judgment under article 33, paragraphs 2 3 /95/ or rules a judgment that there is no conflict of interest.

The judgment of the court is subject to appeal in front of the courts of cassation under Administrative Procedural Code.

Apart from the cases under article 27, the presence or absence of conflicts of interests is determined with a motivated decision, in virtue of the report as in article 26, paragraph 4 by:

- the respective City Councils – for a person under article 25, paragraph 2, section 3
- Supreme Court of Law - under article 25, paragraph , section 4
- Selection and Appointment Department – for a person under article 25, paragraph 2

The interested parties can litigate the judgment by virtue of which conflicts of interest have been determined within 7days from the date of pronouncement under the Administrative Procedural code.

When the commission determines there is evidence for committed crime the papers are immediately forwarded to the prosecutor's office.

Bulgarian jurisdiction provides protection for the person who has submitted a warning for the detecting of conflict of interests.

A person who has submitted a warning for a case of conflict of interests cannot be persecuted for it.

The people appointed for the investigation of the warning must:

- not disclose the identity of the person who has submitted the warning;
- not announce the facts and data they have come across in the process of investigation;
- keep the written documents from unallowed access of third parties:

The people responsible for investigating the warning suggest respective measures for the protection of the dignity of the person who has filed the warning, including measures for prevention of possible mental cruelty or physical torment.

A person who has been fired or subjected to harassment, mental cruelty or physical torment following their filing a request for detecting conflict of interest, has the right to compensations for damage for material and non material damages through the court.

The detecting of conflict of interest in public administration is a long and undoubtedly complex process.

The successful administration of the Law on Preventing and Detecting Conflict of Interest will lead to bringing the conflict of interest in public administration under control and will have a positive effect on fighting corruption and corruption schemes and their manifestations in administration based on such conflicts.

**Literature used:**

1. Law on Preventing and Detecting Conflict of Interests State Gazette, issue 94 from 31.10.2008;
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3. Indicators of conflict of interests, Ministry of state Administration and Administrative Reform, Sofia,2008