

Integrity in Slovenian Customs

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Activities in Slovenian Customs

1. Evaluation of the situation and recommendations for improvements
2. Code of Ethics in Slovenian Customs
3. How we confront most frequent unethical behavior in Slovenian Customs
4. Disciplinary procedures

Evaluation of the current situation

Activities:

- 1. Recognizing exposed spheres of activities in the customs service**
- 2. Assessment of existent prevention mechanisms**
- 3. Finishing phase with improvement recommendations**

ASSESSMENT OF THE CURRENT SITUATION

- **ASSESSMENT OF INTERNAL RULES**
- **QUESTIONNAIRES**
- **INTERVIEWS**
- **ASSESSMENT OF EXPOSURE TO CORRUPTION**

Preparation of the critical / exposed work post catalogue

- Border posts
- Control system, inspections
- Recovery procedures
- Forced recovery
- Issuing permits
- Public procurement
- Employment procedures

Assessment of the current situation according to results of questionnaires and interviews

- Percentage of returned questionnaires – around 40%
- Mostly exposed activities (VAT return procedure, control of cash transfer, customs clearance control)
- The most exposed activities are also the most regulated
- The most exposed work posts or positions (managers, inspectors, customs officers)

More evaluation

- Opinion on amount of corruption in CARS:
 1. 41% - not much
 2. 11% - medium sized
 3. 3% - a lot
- Attempts of corruption:
 1. 27 % yes
 2. 61 % never
- Reporting corruptive activities of co-worker to superior
 1. 25% yes
 2. 1/6 no (high level of collegiality)

Conclusions from questionnaires

- The most exposed activities are also the most regulated
- There were no new exposed activities recognized from evaluation
- Number of known attempts of corruption is much lower than the amount of corruption in Slovenian Customs according to peoples opinion
- Financial situation has an important impact on corruption
- Paying someone a drink is not an attempt of bribery according to general opinion

Conclusions from interviews

- 5-10% of all employees
- More attention to HRM (selection for exposed work posts)
- Improvement of the financial situation (better salaries)

Suggested improvements

- **constant monitoring of work**
- **Supplement the system of internal controls**
- **more consultation and meetings**
- **more feedback and internal information**
- **constant reminding, that these acts are not worth the risk of loosing employment**
- **use every opportunity to remind the employees that corruption is immoral, not legal and for a decent civil servant humiliating**

Suggested improvements (HRM)

Selection:

1. Define standard measures for exposed work posts
2. Define required competencies for exposed work posts
3. Checking references
4. Training

Code of Ethics in Slovenian Customs

1. **When: 29. June 2000**
2. **Who: General Director of the CA RS and Customs Trade Union**
3. **International legal basis:**
 - Arrusha declaration
 - Customs Blueprints
 - OECD recommendations
4. **Slovenian legal basis:**
 - Constitution of the RS
 - Civil Servants Act
 - Customs Service Act



COMPLIANCE WITH THE CODE OF ETHICS AND THE ETHICAL ARBITRATION COURT

- *The Customs Service employees are morally obliged to comply with the Code of Ethics* (The ethics obligations are intended to provide the basis for codes of conduct for CO and are not of themselves legally enforceable.)
- Arbitration Court of Ethics



Code of Ethics for Civil Servants

CIVIL SERVANTS ACT

(Principle of honourable conduct)

In the performance of public tasks, civil servants shall **act honourably and in line with the rules of professional ethics.**

→ **Code of Ethics for Civil Servants**

How to confront unethical behaviour?

- More and stronger rules
- More codes
- More transparency
- More training
- More control
- Tighter management of information
- Better individual performance monitoring
- Effective “punishment”



Most frequent unethical behaviour

- **Corruption, bribery**
- **Nepotism**
- **Fraud and theft**
- **Violation of confidentiality, loyalty**
- **Conflicts of interest
(other employments, memberships...)**
- **Gift taking and taking benefits**
- **Harassment, impoliteness, unfair behaviour, discrimination**



How to minimize or prevent corruption, fraud and theft?

- 1. Quick detection - system of internal controls in Slovenian Customs in three levels:**
 - **Internal controls in Customs Directorates**
 - **GCD supervision**
 - **Internal Audit**
- 2. Good investigation**
- 3. Successful criminal procedures**
- 4. Successful procedures for termination of the employment contract**

Performance of other activities and the conflict of interest

Officials may not perform other activities:

1. if the performance of **activity might affect the impartiality** of the performance of work;
2. if the performance of activity might result in **the abuse of data** accessible at the performance of the tasks at work, that are not accessible to the public;

Conflict of interest - duties of notification

For all activities but:

- **activities relating to scientific and educational work,**
- **work in organisations in the field of culture, art, sport, humanitarian activities and other similar associations**
- **work in the area of journalism,**
- **membership and activities in political parties.**

Neotism ?

Not a big problem in Slovenian Customs

- Very transparent employment system in accordance to Civil Servants Act :

Officials must be selected on the basis of **open competition**

In the open competition proceedings, candidates must be **treated equally**; the selection must be made on the basis of **best-demonstrated professional qualifications**.

Violation of confidentiality?

- Security of information (possibility to find out who accessed particular information in the Information system of CARS)
- Special system for confidential and secret information/data (checkup)

Gift taking – restrictions and duties in respect of the acceptance of gifts in the Civil Service Act

Civil servants performing public tasks may not accept gifts relating to their work, with the exception of protocol and occasional gifts of lower value

- **not exceeding the value of 60 EUR, or gifts received from the same person not exceeding the total value of 120 EUR in a given year**
- **gifts given during visits... protocol gifts**

2. The prohibition and the restriction also apply to the wives of civil servants, to persons living with
3. Data on the accepted gifts, their value, the donors and other circumstances are entered in a list of gifts. Civil servants accepting the gifts are obliged to report the data subject to entry.

Harassment, impoliteness, unfair behaviour, discrimination ???

Rules on adjustment of complaints by the customs service

- Every person who believes his human rights have been breached by the customs officer
- File a complaint to the General Customs Directorate
- Write a complaint in the “book of complaints”

Commission in GCD

- Consists of one member from GCD, one from Ministry of Finance and one from Trade Union
- Usually have a session, performs interviews with all the involved: ...
....clients, customs officer, police, other witnesses
- Collect other evidence (video...)

Procedures in GCD in last two years

- 1. 14 cases - different complaints:**
 - impoliteness
 - long waiting period
 - abuse of alcohol
 - arrogance
 - vengeance (because she made an observation)

Civil Servants Act - Performance of work

Civil servants must perform their work in conformity with:

- regulations
- collective labour agreement
- the contract of employment
- general acts of the body
- the code of ethics.



Serious disciplinary violations

1. acts committed at work or related to work, **amounting to a criminal offence** prosecuted out of official duty;
2. **unlawful conduct** in performance of work;
3. **unlawful disposal of public funds**, or disposal of public funds contrary to their intended usage;
4. **exceeding, ignoring or other abuse of rights, obligations** and responsibilities arising out of employment relationship;
5. **violation of the principle of impartiality** and political neutrality;
6. **violation of the rights** of civil servants;
7. violation of the principle of the **protection of secret** information;

Serious disciplinary violations

8. violation of duties and restrictions related to the **acceptance of gifts**;
9. grossly improper, violent or insulting **behaviour towards clients** or co-employees in the performance of work;
11. **violation of working obligations**, causing **serious consequences for clients** or for the service of the body;
12. violation of prohibitions relating to the **restrictions on the performance of other activities** and functions, and violation of the duty of notification on the conflict of interest

Disciplinary measures for minor disciplinary violations

1. an admonition;
2. a fine, not exceeding 15 % of full-time salary



Disciplinary measures for serious disciplinary violations

- 1. a fine, that may amount up to 20 - 30 % of full-time salary, received in the month in which the serious violation was committed;**
- 2. dismissal from position;**
- 3. dismissal from title and appointment to a title one grade lower;**
- 4. cancellation of the contract of employment.**

Temporary suspension from work

- **civil servants against whom disciplinary proceedings for serious violations**
- **until the end of disciplinary proceedings**
- **receive 60 per cent of full-time salary**



Employment Relationship Act

The employer may **extraordinarily terminate** the worker's employment contract, if the worker:

- violates the contractual or any other obligation arising from employment relationship and the **violation has all characteristics of a criminal offence,**
- if due to **serving a prison sentence** he must be absent from work for **longer than six months**

ALL THE PROCEDURES MUST BE QUICK AND EFFICIENT (3 cases in the last 2 years)

Training

1. **BASIC INTRODUCTORY TRAINING (for all newcomers)**
 - Customs service, business strategy, organization of customs service, customs powers
 - **Ethics in customs**
 - European Union, bodies
 - Administrative operation
2. **PROFESSIONAL/SPECIALISED TRAINING**
3. **ADDITIONAL TRAINING**