

NEW CHALLENGES IN THE ASSET AND INTEREST DISCLOSURE SYSTEM OF ARGENTINA

Asset Declarations: Objectives

Asset Declaration System satisfies:

✓ Preventive purposes

- Allows for preventing, detecting and managing actual, potential and apparent conflicts of interest
- Generates efficient incentives for the prevention of irregular behavior of public servants (increase the costs of corruption)

✓ Investigative purposes

- Cases of illicit enrichment
- Cases of incompatibilities and conflicts of interest



Comprehensive Approach

- Promote substantial improvements in the current application
- Consider the need to manage “apparent conflicts of interest”
- Contribute greater effectiveness to the regime: Regulatory reform



WHY DO WE NEED TO REFORM THE SYSTEM AND WHERE ARE WE HEADING TOWARDS?

CURRENT SYSTEM	DEVELOPING SYSTEM
Multiplicity of actors that are not integrated by the system	Greater integration of the different actors (HR / SO / OA) Improvement in data interoperability
Combination of paper and electronic formats Vulnerability of information	Elimination of paper format and information encryption
Information on patrimonial control \neq tax information	Decision and administration on the data structure. System with its own intelligence Information to detect conflicts of interest IMPROVED CONTROL
Presentation schedule OA \neq AFIP	Differentiated presentations (initial, annual, closing)
No guidance on the system by the governing body	Possibility of developing statistics, own reports, improve system enforcement



Usufructos

Complete la información correspondiente a los usufructos de los que goza así como las garantías reales o personales, otorgadas o recibidas así como los poderes de administración, disposición o disposición y administración, otorgados o recibidos. Dicha información deberá ser provista a la fecha que corresponda según el tipo de declaración jurada de la que se trate. En el caso de las declaraciones juradas anuales, al 31 de Diciembre de cada año; iniciales, a la fecha de inicio de funciones; baja, a la fecha de cese de funciones.

Usufructo ✖

Tipo de usufructo *

Usufructo

Tipo de persona *

Persona jurídica

CUIT*

23-23606809-9

Razón Social *

EL DOBLE CLICK S.A.

Solo letras

Descripción *

Automóvil Audi A6

Pais *

Argentina

Need to manage apparent conflicts of interest

What regulates Decree 202/2017?

It obliges any person who participates in a public procurement process or granting a license, permit, authorization, or real right over a property in the public or private domain of the State, to submit an interest declaration.

Objectives:

- ✓ Avoid the configuration of possible conflicts of real interests;
- ✓ Manage potential or apparent conflicts of interest that affect the trust of citizens in institutions;
- ✓ Provide greater transparency and control to the procedures in which it is applied;



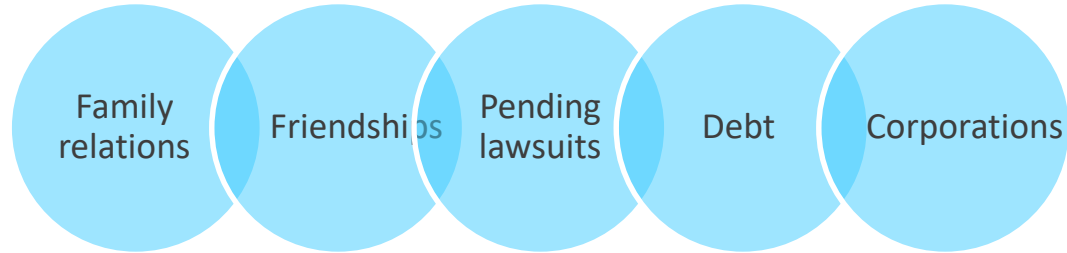


Who declares?

Individuals offering or requesting

Legal persons offering or requesting

Which ties must be declared?



With regards to whom?

- ✓ President
- ✓ Vicepresident
- ✓ Ministers Chief of Cabinet
- ✓ Ministers and authorities of equal hierarchy in the Executive Branch
- ✓ Any official of lower rank to minister that has **competence or capacity to decide** on the hiring or act that interests the declarant

In case ties are declared



The agency in charge of the procedure is obliged to

- Communicate to the OA and the National Auditing Office (SIGEN);
- Publish everything in the file online;
- Adopt at least one of the transparency and control mechanisms provided for in the decree;
- When dealing with a direct contracting process, the offer may be declared inadmissible, except in cases of specialty, exclusivity, security or national defense.

Additional transparency mechanisms

Celebration of the Integrity Pact

Participation of social witness

Special oversight bodies of control organisms

Conducting a public hearing

Publications in the Anti-Corruption Office website

Organismo o Entidad	Año	Caratula del expediente	Vínculo	Tipo de proceso
ANAC	2016	Solicitud de llamado a Audiencia Pública (ANC 43567/2016)	Parentesco (inc. a del artículo 1 del Decreto N° 202/17) Persona Declarante: Avian Líneas Aéreas S.A., respecto de socios de Macair Jet S.A. (hoy AVIAN)	Concesión de servicios aéreos Informa la adopción de un mecanismo extra de transparencia: SI (Audiencia pública)
AABE	2016	Subasta pública N° 17/2017 para la venta del inmueble sito en Godoy Cruz 2043/2049 de la Ciudad Autónoma de Buenos Aires	Parentesco (inc. a del artículo 1 del Decreto N° 202/17) Persona Declarante: Martín Mariano Asconape	Subasta Pública Informa la adopción de un mecanismo extra de transparencia: NO
Ministerio de Agroindustria	2017	Adquisición del Insecticida Spinosad 0,0024 g/100cc, en el marco del Programa de Control y Erradicación de la Mosca de los Frutos (PROCEM) (EX-2017-013685289-APN-DCYC#MA)	Parentesco (inc. a del artículo 1 del Decreto N° 202/17) Persona Declarante: Dow Agrosciences Argentina S.R.L., respecto de su representante legal	Contratación directa por exclusividad Informa la adopción de un mecanismo extra de transparencia: SI (la obligación devino abstracta porque se declaró fracasado el procedimiento)
Ministerio de Agroindustria	2017	Adquisición de insecticidas para el control de Lobesia Botrana (EX-2017-16025851-APN-DCYC#MA y EX-2017-10765439-APN-DDYME#MA)	Parentesco (inc. a del artículo 1 del Decreto N° 202/17) Persona Declarante: Dow Agrosciences Argentina S.R.L., respecto de su representante legal	Licitación Pública Informa la adopción de un mecanismo extra de transparencia: SI (Pacto de Integridad)

Reform to the Public Ethics Law

MEASURES TO PROMOTE THE PRESENTATION OF THE DECLARATIONS AND SANCTION THE NON-COMPLIANTS

Publication of the non-compliants list

Prohibition of exercising in public office if declarations are pending

Suspension of 20% of their salary

Implementation of administrative measures by omission or falsification by the Application Authority

Reform to the Public Ethics Law

PUBLICATION OF THE DECLARED INFORMATION

Rule

Publication of the information of the official, of his/her spouse or partner and of his/her under-age children, incapacitated or with restricted capacity to his/her position. Free access to the website that is enabled for that purpose.

Exception

- ✓ Accurate identification of declared assets;
- ✓ Information referring to third parties different from the official
- ✓ It can only be consulted in the framework of a control procedure or at the request of a judicial authority.

Reform to the Public Ethics Law

OTHER MODIFICATIONS

Single and electronic
form

Mandatory annual
control

Access to the asset
declaration
information

Extension of the
obligation to submit
asset declarations

Separation of the
tax return

Thank you!

Contact:



anticorrupcion@anticorrupcion.gob.ar



<https://www.argentina.gob.ar/anticorrupcion>



[/OficinaAnticorrupcion/](#)



[@OA_Argentina](#)