



Oficina Anticorrupción
Ministerio de Justicia y Derechos Humanos
Presidencia de la Nación

Conflicts of Interest in Argentina

G20 Anticorruption Working Group
Buenos Aires, February 28th



Argentina must have an active policy of conflicts of interest in order to:

➔ **Prevent them**

- Presentation, analysis and control of assets disclosure statement
- Timely response of inquiries from the public official
- Analysis of officials backgrounds and preventive recommendations
- Gifts registration

➔ **Detect them**

- Processing of ex officio actions (based on information provided by the media or declaration analysis) by consultation or complaint

➔ **Operate on its consequences**

- Nullity of acts or contracts in conflict of interests
- Sanction and patrimonial responsibility of officials in conflict of interest



Conflicts of interests are objective situations



It doesn't matter the official's intention to obtain a personal benefit.

If the situation is configured, the official must renounce his activity in conflict as a condition to assume or continue in his position
Conflicts of interest are not crimes

These are situations whose detection helps to prevent crimes such as: incompatible negotiations or traffic of influence



Law 25.188 – Conflicts of interests – Two main conditions

When an official exercising an activity in the private sphere and having - as an agent of the State - powers over it.

Law 25.188, art. 13 inc. a)

When the official is a supplier by himself or by third parties of the agency of the State where he performs his duties.

Law 25.188, art. 13 inc. b)



Ley 25.188 - Conflicto de intereses

“Actual” Conflicts of Interests



Give up activities /
abstention duty

“Potential” Conflicts of Interests



Abstention duty

“Apparents” Conflicts of Interests



Additional measures
of transparency and
citizen participation



Conflicts of Interests Management – Good practices

Preventive instructions for agents:

- ➔ **Intervention and report in the designation of high authorities**
- ➔ **Analysis of the situation of the public official in high risk of conflicts of interest**



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Managing conflicts of interest – Good Practices

Conflicts of interest Simulator



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Simulador de Conflicto de Intereses

Si sos funcionario público, vas a serlo o lo fuiste, podés usar esta herramienta para saber si te encontrarás ante un conflicto de intereses. El resultado que obtengas en el simulador estará basado en la normativa utilizada en casos ya resueltos por la Oficina Anticorrupción.

Tené en cuenta que el Simulador de Conflictos de Intereses no agota la multiplicidad de situaciones que podrían ocurrir en la vida real. Si luego de utilizarlo considerás que algún factor relevante de tu caso no fue contemplado, comunicate con la Oficina Anticorrupción.

[IR AL SIMULADOR DE CONFLICTO DE INTERESES](#)



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Managing conflicts of interest – Good Practices

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Simulador de Conflicto de Intereses

Para comenzar, seleccioná la circunstancia inicial de tu consulta

Soy funcionario público

Voy a ser funcionario público

Fui funcionario público



Managing conflicts of interest – Good Practices Decree 202/17

- ➔ Total of declaration of interest submitted by legal entities at the national procurement office: 11.260
- ➔ Total of declaration of interest submitted by natural person at the national procurement office: 7.751

This information was updated to January 2018 and was provided by the National Procurement Office (Oficina Nacional de Contrataciones- ONC)



Reports of the existence of Relationships Pursuant to the terms of Decree 202/17

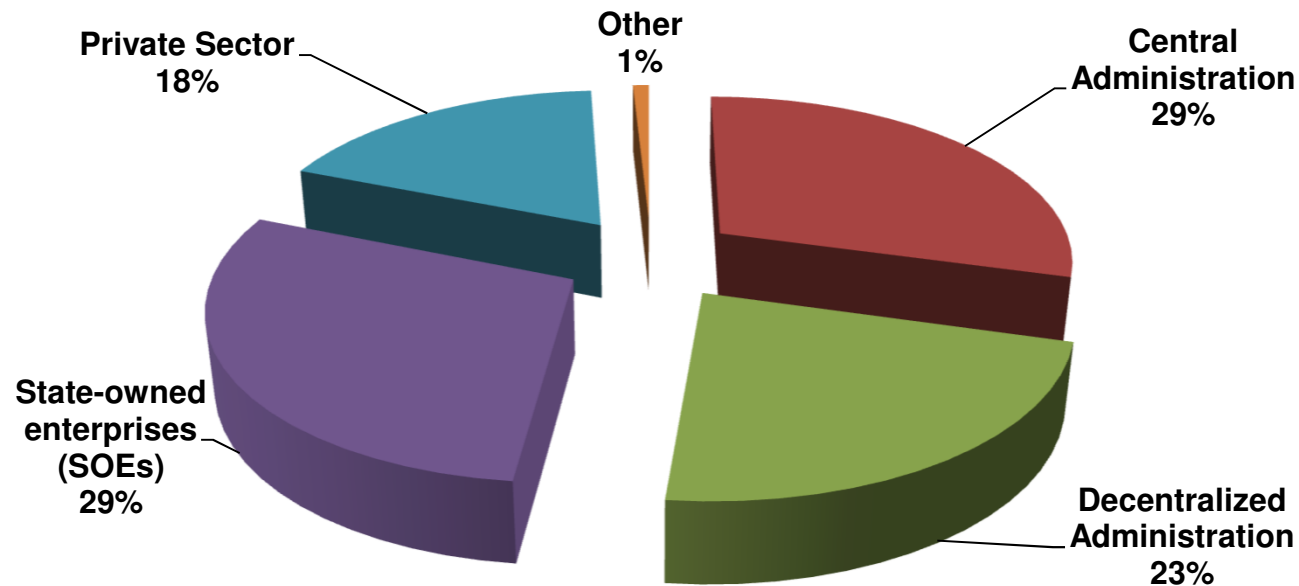
Agency	Procurement Procedure
Civil Aviation Authority (ANAC)	Air Service Concession
Agency for State Property Management (AABE)	Public Auction
Ministry of Agro Industry	Direct Bidding
Ministry of Agro Industry	Public Bidding
National Highways Agency (Vialidad Nacional)	Contractual Renegotiation of Concession
Agency for State Property Management (AABE)	Direct Bidding
Ministry of Agro Industry	Direct Bidding
National Institute of Associativism and Social Economy (INAES)	Private Bidding
Bureau of Engraving and Printing (Casa de Moneda S.E.)	Competitive Pricing
National Gas Regulator (ENARGAS)	Direct Bidding
Argentina Postal Service (Correo Argentino)	Open Order
National Institute of Associativism and Social Economy (INAES)	Public Bidding
Ministry of Energy and Mineral Resources	Public Bidding
Bank of Investment and Foreign Trade (BICE)	Private Bidding
ENARSA	Private Bidding
Ministry of Foreign Affairs and Worship	Public Bidding
SOFSE	Not informed



Consultations About Interpretation Of The Decree 202/17

TOTAL CONSULTATIONS RECEIVED: 116

CONSULTATIONS RECEIVED BY SECTOR



This information was updated to February 22nd, 2018



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Thanks for your attention

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