

Regulations on the regulation of conflicts of interest in the Ministry of Mining Industry and Geology

Chapter I. General Provisions

1. This Regulation establishes the procedure for identifying, preventing, and regulating conflicts of interest in the Ministry of Mining Industry and Geology (hereinafter referred to as the Ministry).

2. The provisions of this Regulation apply to all employees of the Ministry, regardless of their position or duties.

3. This Regulation is the primary internal document on the prevention and management of conflicts of interest that arise or may arise within the Ministry and must be adhered to by all employees without exception.

4. Issues related to conflicts of interest among employees of the Ministry are coordinated by the Department of Human Resources Development and Management and the Department of Internal Control for Anti-Corruption.

5. For the purposes of this Regulation, the following key terms are used:

Employee: an individual who has entered into an employment relationship with the Ministry under an employment contract;

Related persons: close relatives of a Ministry employee, including legal entities in whose charter capital they hold shares or stocks, or where they occupy managerial positions in the governing bodies of such legal entities;

Cronyism: the use of power (official position) and authority to illegally provide privileges to friends or trusted persons;

Conflict of interest: a situation where the personal (direct or indirect) interests of an employee of the Ministry may influence or do influence the proper performance of their duties, causing a contradiction between personal interests and the rights and legitimate interests of citizens, organizations, the Ministry, or the state;

Disclosure of conflict of interest: the procedure for notifying about a potential or actual conflict of interest by employees;

Regulation of conflict of interest: measures taken by the Ministry to minimize or eliminate the risk that the personal interests of employees (including personal, social, property, financial, and other interests) will dominate over the interests of the Ministry;

Patronage: hiring, rotation, and appointment of individuals based on their origin or family status, regardless of their compliance with qualification requirements;

Nepotism: the use of power to illegally provide privileges to close relatives or friends, and appointing them to positions to the detriment of the interests of the Ministry;

Potential conflict of interest: a situation where the personal interests of an employee, their close relatives, and/or related persons may be opposed to the interests of the Ministry while performing official duties;

Actual conflict of interest: a situation where the personal interests of an employee, their close relatives, and/or related persons directly or indirectly contradict the interests of the Ministry;

Clannishness: personal interest of an employee manifested in a subjective, privileged, and biased attitude toward third parties based on their affiliation with a particular family or clan;

Favoritism: giving preference to one person or group over others in the process of selecting and appointing personnel, promoting them, awarding bonuses, sending them on vacations or to health resorts, violating established rules;

Personal interest of an employee: the possibility of an employee receiving personal benefits (personal, social, property, financial, and other interests) in the form of money, material or intangible assets, property, and privileges obtained through the performance of official duties;

Patronage: protection of an employee by someone in a higher position, creating favorable working conditions for them;

Close relatives: relatives or in-laws, such as parents, biological and stepbrothers and stepsisters, spouses, children (including adopted), grandparents, grandchildren, as well as parents, brothers, and sisters of the spouse.

Chapter II. Principles of Conflict of Interest Management

7. Employees of the Ministry must adhere to the following key principles when managing conflicts of interest:

The priority of the rights, freedoms, and legitimate interests of citizens;

The priority of state interests over personal interests;

Decision-making based on transparency, integrity, and objectivity;

The obligation to disclose information about potential or actual conflicts of interest;

The priority of preventive measures to avoid conflicts of interest;

A collective approach to reviewing and resolving situations related to conflicts of interest;

Objectivity in the assessment and resolution of conflicts of interest situations;

Ensuring confidentiality of information regarding conflicts of interest;

The prohibition of dismissing an employee due to a conflict of interest, provided that they have reported it and expressed their willingness to prioritize the interests of the Ministry over personal interests;

Transparency and accountability;

Personal responsibility and the inevitability of punishment.

III. Duties and Powers of Employees of Responsible Structural Units

8. Employees of the Ministry must adhere to the principles established in this Regulation while performing their official duties and representing the Ministry's interests, as well as avoiding situations that lead to conflicts of interest.

9. To prevent conflicts of interest while performing their official duties, employees of the Ministry must:

Comply with the requirements of this Regulation;

Be guided solely by the interests of the Ministry;

Use their official and service powers only in the interests of the Ministry;

Notify the Ministry's Department of Internal Anti-Corruption Control about any personal interests that may contradict or potentially contradict the interests of the Ministry;

Avoid manifestations of nepotism, patronage, favoritism, cronyism, patronage-based hiring, and clannishness;

Timely and fully disclose any information about potential or actual conflicts of interest;

Honestly and conscientiously provide full information about their close relatives and interested parties, as well as their participation in non-commercial organizations;

Report the presence of conflicts of interest of other employees of the Ministry in accordance with internal regulations, if known.

10. An employee of the Ministry must report a conflict of interest in the following cases:

If their close relatives or interested parties are under their direct supervision;

If close relatives or interested parties of the employee work in an organization subject to inspection or monitoring, including if the inspected individual is a relative of the employee;

If the employee is involved in decision-making that concerns their close relatives or interested parties (for example, regarding salary, bonuses, or allowances). This list is not exhaustive. Decisions regarding close relatives or interested parties of the employee, even if they work in subordinate structures, can create a potential conflict of interest. In such cases, the employee must notify the conflict of interest.

11. The rights and duties related to the resolution of conflicts of interest for interested parties include:
Rights of Interested Parties in Relations with the Ministry and its Structures:

To receive free consultations from the Department of Internal Anti-Corruption Control to prevent conflicts of interest;

To appeal the actions (or inaction) or decisions of the Ministry regarding the resolution of conflicts of interest.

Duties of Interested Parties in Relations with the Ministry:

To avoid conflicts of interest in personal interests;

To fill out a declaration of potential conflict of interest in electronic or written form, without providing false information.

Providing false information in the declaration of potential conflicts of interest will have legal consequences in accordance with the law.

12. The Ministry conducts the following activities to identify conflicts of interest:

Gathering information that could lead to a conflict of interest during recruitment or appointment to positions;

Identifying potential conflicts of interest during the performance of official duties and notifying the immediate supervisor and the Department of Internal Anti-Corruption Control;

Studying and evaluating information or reports of conflicts of interest collegially to determine their impact. Other methods of identifying conflicts of interest may be applied in accordance with the law.

13. Conflict of interest management includes:

Informing employees about the requirements of the Regulation upon hiring, with their signature;

Consulting employees on the requirements of the Regulation;

Keeping records of identified conflicts of interest;

Studying, evaluating, and developing measures to prevent conflicts of interest by the Department of Human Resources Management and the Department of Internal Anti-Corruption Control;

Monitoring and overseeing the process of preventing conflicts of interest to improve its effectiveness. Other methods of conflict of interest management may also be used in accordance with the law.

14. In the event of a conflict of interest or its likelihood, the following measures may be taken:

Allowing the employee to voluntarily withdraw from participating in activities or making decisions;

Reviewing or changing the employee's official duties;

Imposing restrictions on the employee's access to information related to their personal interests;

Transferring the employee to a position not subject to the influence of a conflict of interest, if their personal interests contradict their official duties;

The employee renouncing personal interests if they contradict the Ministry's interests;

Terminating the employment contract if the employee's personal interests contradict the Ministry's interests and no other measures are possible.

14.1. To identify a conflict of interest situation, an employee should ask themselves the following questions before making decisions or performing official duties: "Can I make this decision honestly and impartially?" and "Would another employee make the same decision as I would?" If the answer to either of these questions is "No," there is a risk of a conflict of interest.

IV. Procedure for Disclosure and Consideration of Information about Conflict of Interest

1-§ General Rules for Declaring a Conflict of Interest

15. To prevent the occurrence of conflicts of interest, the following forms of declaration are used:

Preliminary disclosure of a conflict of interest when appointing candidates to vacancies in the Ministry and during their rotation;

Annual disclosure of information about conflicts of interest (annual declaration);

Disclosure of information in the presence of an actual or potential conflict of interest.

2-§ Conflict of Interest Declaration upon Appointment and Rotation

16. The preliminary declaration of a conflict of interest when hiring, appointing, or rotating employees of the Ministry is made by submitting the following documents to the Department of Human Resources Management:

A declaration of a potential conflict of interest filled out by the employee in the form provided in Appendix 1 to this Regulation;

A declaration of a potential conflict of interest of interested parties in the form provided in Appendix 2 to this Regulation, indicating the presence or absence of a conflict of interest.

The submitted documents are checked by the Department of Human Resources Management and the Department of Internal Anti-Corruption Control for conflicts of interest.

If a conflict of interest is identified, the Department of Human Resources Management notifies the Minister or the deputy head coordinating the activities of the division where the candidate is to work.

At the Minister's request, the Ethics Commission, together with the relevant structures of the Ministry, takes measures to resolve the conflict of interest.

3-§ Annual Conflict of Interest Declaration

17. Conflict of interest declarations are submitted annually as follows:

All employees of the Ministry must submit their annual declaration about a potential conflict of interest to the Department for Human Resources Development and Management by January 15 each year, using the form in Appendix 1 to this Regulation;

The Department for Human Resources Development and Management and the Internal Anti-Corruption Control Department:

Summarize and analyze the annual declarations about potential conflicts of interest by February 15 each year;

If the analysis identifies employees who may have a conflict of interest, the information about such employees is provided to the Ministry's Ethics Commission by March 1;

The Ethics Commission reviews the conflict of interest case with the employee's immediate supervisor and (if necessary) the employee, and decides on measures to resolve the conflict of interest situation or confirms that no conflict of interest exists. This decision is recorded in the minutes of the commission, indicating the responsible structural unit (official) for developing measures;

Based on the decision (conclusion) of the Ethics Commission, a proposal is made to the Minister to take measures to resolve the potential conflict of interest;

By March 25, the Department for Human Resources Development and Management collects and stores electronic data on conflict of interest cases entered into the Register of Conflict of Interest Cases in the form provided in Appendix 4 to this Regulation;

Annually, in the second quarter, the Department for Human Resources Development and Management and the Internal Anti-Corruption Control Department provide the Minister with a statistical analysis of the declaration, identification, and resolution of conflicts of interest.

4-§ Declaration of the Fact of an Actual or Potential Conflict of Interest

18. The declaration of information regarding the occurrence of an actual or potential conflict of interest is made as follows:

When a conflict of interest arises, the employee of the Ministry must notify their immediate supervisor within one working day from the moment they became aware of the situation, detailing the circumstances that constitute an actual or potential conflict of interest, using the form provided in Appendix 3 to this Regulation;

The immediate supervisor of the employee, within three working days from receiving the written notification from the employee, considers the information about the conflict of interest and registers the notification in the Department for Human Resources Development and Management, along with a proposal to resolve the conflict of interest and the necessary measures;

The Department for Human Resources Development and Management, together with the employee's immediate supervisor, takes measures to resolve the conflict of interest or issues a written conclusion that no conflict of interest exists, which is sent to the Internal Anti-Corruption Control Department and the Minister.

Chapter V. Measures to Resolve Conflict of Interest

19. To prevent the violation of the Ministry's interests, measures to resolve an actual conflict of interest should be taken as quickly as possible.

20. When managing conflicts of interest within the Ministry, the following measures should be established:

Transfer of the subordinate employee to another supervisor who is not a close relative;

Self-recusal of the employee, whose participation in discussions related to the conflict of interest may lead to bias, or their forced (temporary or permanent) recusal from such issues;

Review of the employee's duties to prevent conflicts of interest;

Limiting the employee's access to Ministry data and documents related to their personal interests;

Collective decision-making on issues related to promotions, performance evaluations, bonus payments, salary allowances, training and study assignments, vacation provision, and salary control for relatives or individuals in close relationships occupying higher positions;

Transfer of the employee to a position that is not related to functions that may lead to a conflict of interest, and other measures.

21. In exceptional cases, if the measures listed in paragraph 20 of this Regulation do not fully resolve the conflict of interest, the following measures may be taken:

The employee renounces personal interests that contradict the Ministry's interests;

Termination of the employee's employment contract if they refuse to renounce their personal interests.

22. In each specific case, based on the fact determining the subject of the conflict of interest, other measures may be applied by agreement between the employee and the Ministry. All measures must comply with legislative requirements and ensure the implementation of the principles established in this Regulation.

23. Measures to resolve a conflict of interest and the decisions made are discussed at a meeting of the Ethics Commission and recorded in the meeting minutes.

24. An employee of the Internal Anti-Corruption Control Department, upon request or by the Minister's order, as well as on their own initiative, has the right to check the objectivity and validity of the decisions on resolving conflicts of interest made by the Department for Human Resources Development and Management, the employee's immediate supervisor, and the Ethics Commission.

Chapter VI. Procedure for Submitting Notifications of Conflict of Interest

5.1. Information about possible violations related to conflicts of interest, as well as violations of anti-corruption rules and ethics within the Ministry and its subordinate entities, can be submitted through the following protected communication channels:

Hotline phone: 71-231-05-96;

Email: anticor@mingeo.uz;

Official website: gov.uz/oz/mingeo;

Facebook page: uzgeolcom.uz;

Telegram bot: @geoantikorbot;

Internal Anti-Corruption Control Department (phone: 71-231-14-55, internal: 2060);

Mail: 100164, Tashkent, Mirzo-Ulugbek District, Uchenikh Street, House 49;

Directly to the Minister;

Chairperson of the Ministry's Ethics Commission.

Chapter VII. Confidentiality of Information

25. Employees involved in resolving conflicts of interest must ensure the confidentiality of the information received and use it only for the purpose of reviewing, recording, and taking measures to resolve the conflict of interest and to monitor the process.

26. Upon receiving information about an actual or suspected conflict of interest involving Ministry employees from individuals or legal entities, the Internal Anti-Corruption Control Department, together with the Department for Human Resources Development and Management, will review the information based on this Regulation and other internal documents.

Chapter VIII. Requirements for Maintaining and Storing the Registry

27. The Department for Human Resources Development and Management of the Ministry is required to maintain a timely and complete record of conflict of interest cases by entering them into the Conflict of Interest Registry, using the form provided in Appendix 4 to this Regulation. The registry must be submitted to the Internal Anti-Corruption Control Department on a quarterly basis.

28. Information should be entered into the Registry in the following cases:

Upon hiring: if the candidate has declared a conflict of interest, and the Minister has confirmed the fact;

Upon appointment or rotation: if a conflict of interest has been declared – no later than three working days after the Minister's order is signed;

When a conflict of interest arises: if measures have been taken by the Department for Human Resources Development and Management and the employee's immediate supervisor;

Annually, when Ministry employees declare information about conflicts of interest – in accordance with paragraph 17 of this Regulation;

If data received through communication channels confirming a conflict of interest is verified;

During internal audits and monitoring of compliance with the Anti-Corruption Policy and other internal regulations of the Ministry.

29. Employee statements and notifications regarding conflicts of interest, as well as other relevant information, are stored in the Department for Human Resources Development and Management.

Chapter IX. Final Provisions

30. All employees, regardless of their position, are personally responsible for complying with the requirements of this Regulation and for providing timely and complete information about their conflict of interest to the Ministry.

31. The implementation of this Regulation is monitored by the Minister, the Internal Anti-Corruption Control Department, the Department for Human Resources Development and Management, and the Ministry's Ethics Commission.