

Codes of Conduct for Public Servants in Eastern and Central European Countries: Comparative Perspective

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Introduction

In the face of a changing society many governments seem to keep doing things the same old way. The belief that government is out of touch with people's needs has undermined the public's trust in government. In order to keep up with expectations, government should take a proactive approach to problem solving, by anticipating the public's desires and changing the way it does business in order to meet their desires. Government officials should respect the rights of citizens, serve in the interest of society, follow the principles and values of democratic governance (openness, transparency, accountability, etc.), and at the same time efficiently and effectively provide public services. Politicians and public servants should be aware of the ethical dimensions of their professional activity and follow socially accepted norms of behaviour.

Individuals' behaviour within organizations is subject to rules and regulations, both formal and informal, which perform a number of different functions. Formal rules can ensure consistency, continuity, control and accountability. Informal rules might aid in the functioning of organizations by developing an organizational culture, establishing customs and developing harmonious relationships.

One way of regulating conduct within organizations is through codes of conduct. Codes of conduct can take different forms; they can be concerned with a particular professional body, and concentrate on the individual behaviour of members of that profession, or they can be organizational codes, such as company codes, which are being used by an increasing number of organizations.

Many different professions, businesses and public organisations have codes of conduct. In this context public officials are no exception. Some public administration researchers (M.Huddleston, S.Sands, J.Dobel) stress that many codes of ethics appeared after Watergate and similar scandals, when public distrust and cynicism about government's activity was heightened [17; 9].

Recently many countries, including New Zealand, Australia, the U.S. etc. that had adopted more managerial styles of public management, have passed new or renewed codes for their public servants. Also, the Committee of Ministers of the Council of Europe had issued a recommended

Code of Conduct for Public Officials, prepared by the Multidisciplinary Group on Corruption (GMC) [25]. After a year, in September 2001 the European Ombudsman approved a Code of Good Administrative Behaviour [15].

There are some European countries, such as Denmark, Sweden, Finland and the Netherlands which do not have formal codes of conduct, but, according to the corruption perception index designed by Transparency International they are amongst the least corrupt countries in the world [2, p.235].

The purpose of this article is to analyze codes of conduct or ethics for public servants in Eastern and Central European countries and to distinguish current trends in this field.

General overview of codes of conduct for public servants in Eastern and Central European countries

Codes of conduct for public servants in Eastern and Central European countries (CEE countries) are rather new phenomenon. Newly established democracies are building their administrative systems, creating legal framework and administrative traditions.

The indifference with regard to the public, arrogant behaviour and servile attitudes, and slowness that were common during the communist era are still often met in the activity of public servants in the region. A bureaucratic attitude and an individualist culture are the main threats to the public interest. Frequent changes of ministers have led to unstable working conditions and the result is a lack of motivation and indifference from public servants side towards results of their activity. Despite these features, some progress in public service ethos is evident. Changes have mainly occurred as a result of external pressures, in particular the EU enlargement process, and increasing demands from the public.

Government in transitional societies is starting to understand the importance of officials' ethical conduct on a day-by-day basis. The proof of it are newly adopted public service acts, laws on conflict of interest, anticorruption strategies, and codes of conduct or ethical codes.

Ethical aspects of public servants behaviour in Estonia, Latvia, Poland, Czech Republic, Bulgaria, Macedonia are regulated formally through the existing laws and informally with the help of codes of conduct.

Ethical aspects in Hungary, Croatia, and Slovenian Republic are regulated through the existing laws (Constitutional Law, Public Service Act, Labor Code, etc.). Lithuania, Serbia, Slovakia, Albania and Romania are still in the process of developing their professional codes of conduct.

Estonia was the first of the Baltic countries and in the region to adopt Public Service Code of Ethics in 1999 [27]. The code was integrated into Public Service Act [26]. In Bulgaria, Civil Servant's Code of Conduct was adopted December 2000 in conformity with Civil Service Law [4].

The Cabinet of Ministers of the Republic of Latvia on January 9, 2001 passed instructions on “Principles of Ethical Behavior of Civil Servants” with comments made by Civil Service Administration [19]. Government of Czech Republic approved Code of Ethics of Public Servants in March 2001 [7].

Macedonia and Poland adopted Codes of Ethics for Civil Servants nearly at the same time in the fall of 2002 [5; 8]

The first discussion about a Code of Conduct for Politicians and Public Servants in Lithuania started in 1994 and was initiated by a group of Members of the Parliament. The key idea for the Code was the prevention of conflicts of interest. However, Parliament rejected the project. The next proposal to prepare separate codes of conduct for politicians, public servants and judges came from Lithuania’s anticorruption strategy, which was approved in 2001.

Some Lithuanian municipalities (Vilnius, Kaunas, etc.) and public institutions (customs, internal revenue service, etc.) already have their Codes of Ethics. But no unified code of conduct for all public officials exists today. After the passage of the third Public Service Act, which came into force in July 2002, Temporary Rules explaining how to implement eight key ethical principles in public service were adopted? These Rules will be in force until the Code of Conduct for Public Servants is prepared and approved.

For the time being in Lithuania there are two different drafts for Code of Conduct for Public Servants. More advanced and detailed draft Code on Professional Ethics and Conduct for Public Servants was prepared by Internal Investigation Agency (IIA) (Draft code No.1) with the help of western and local experts [11]. Another draft Code of Conduct for Public Servants (Draft code No.2) was issued by the working group appointed by the Prime Minister [10]. Lithuanian draft Codes differ in structure, covered issues, responsibility and implementation mechanism.

Romania is still working on the draft of Deontological Code for Civil Servants [13]. Albania drafted Rules of Ethics in the Public Administration [14]. Slovakia has more ambitious task to create 3 different Codes of Ethics for Civil Servants, for Employees in Public Administration and the Code of Ethics for Elected Representatives of Self-government [12].¹ Serbia hasn’t finished drafting the code yet.

Purpose of the code

A code of conduct functions as an internal document, regulating activities and, particularly, the decision making process. At the same time, a code is designed to serve the public and to meet their expectations towards the organization or profession. The preparation of such codes provides the opportunity to review the activities of an organization or profession, both internally and externally.

¹ Only draft of code of ethics for civil servants will be analyzed in this paper.

Codes of conduct may serve a number of purposes:

- The promotion of ethical behaviour and deterrence of unethical behaviour.
- The provision of a set of standards, a written benchmark against which to judge behaviour.
 - The provision of guidance when a person is faced with difficult decisions. For example, an employee faced with competing values, loyalties and interests expects to find guidance to help deal with a specific situation in a code. An ideal code will distinguish the priority values or principles, as serving public interests should have higher priority than loyalty towards organization or internal rules.
 - The establishment of rights and responsibilities. These are useful when facing illegal requirements or expectations. In such, potentially ambiguous, situations they provide a defence for a person facing groundless accusations.
 - A statement of principles indicating what the profession or organization stands for (equity, impartiality, etc.).
 - The creation of a contract between professionals and their clients.
 - A statement of professional and moral development. Codes may be used in the process of professional socialization, seeking to develop employee's sensibility towards ethical issues.
 - Legitimation of professional norms and justification for sanctions when those norms are ignored or unethical conduct occurs.
 - Enhancement of the status of a profession. The prioritised values and standards may create an impression that employees of the organization or members of the profession are trustworthy, as they follow prescribed principles. Depending on the content, codes of conduct for government officials and their implementation may increase public trust and respect.
 - A statement of professional conduct, identifying client expectations [22, p.88].

Not all existing codes in Eastern and Central European countries clearly identify their purpose. In Estonian, Latvian and Polish documents there are no statements concerning the aim of the document. In Polish case, the purpose of the code is defined through the principles of civil service - "to increase the citizen's confidence in the State and its authorities" [8].

Bulgarian Code of Conduct "determines the ethical rules of conduct of civil servants and aims to retain the public trust in his/her moral values and professionalism, as well as to raise the prestige of the civil service" [4].

The Code of the Czech Republic has 3 aims: to gain and maintain the public trust, to promote the desired standards of behaviour among public servants and to inform the public about the standards "that citizens have a right to demand from public administration employees" [7]. The

authors of the Czech document try to address not only public servants but are oriented to the broader society as well.

The Macedonian document seeks to “regulate the manner of conduct and the operations of the civil servants in order to ensure recognition of the principles of legality, professional integrity, efficiency and loyalty in performing their official duties” [5].

The Slovakian draft in the preamble stresses that “the objective of the Code of Ethics for Civil Servants... is to determine and support basic principles and rules of conduct of civil servants in civil service performance and, thus, to lay down the foundations for building and maintaining trust of the public in state administration and other state matters” [12].

The objective of Albanian draft Code is to determine the standards of the integrity and conduct of the public administration employees and assist civil servants in achieving those standards.

The Romanian Code seeks different purposes: 1) to regulate the general norms of moral and professional conduct, 2) to ensure the achievement of the public interest, 3) to create the legal support for the reform of the public administration, 4) to improve the quality of the public service, to eliminate bureaucracy and corruption [13]

Lithuanian draft Codes also have several aims. Draft Code of Conduct for Public Servants seeks to improve quality of public administration, to increase public trust, to strengthen authority, responsibility and accountability of public servants, to prevent and stop the corruption [10]. Draft Code on Professional Ethics and Conduct for Public Servants initiated by IIA aim to improve democratic governance, strengthen public trust, to encourage responsibility and accountability of public servants for their decisions and deeds, to identify principles of professional ethics and responsibility for the breaching the principles, to provide the mechanism for code implementation [11].

Different countries choose different purposes for creating their codes. Ethical codes usually limits only to promoting certain standards of behaviour. Codes of conduct have different purposes: to inspire, guide and regulate. As the best western practise witness the success of the code depends upon the ability to balance those competing purposes in one document.

Language used in the document also witnesses the purpose of the code. Latvian, Czech and Bulgarian documents use present tense (Latvian code - “civil servant *behaves* in a manner, which increases public trust in public administration”). Verbs used in present tense regulate the conduct. Estonian, Polish, Macedonian, Slovakian and Romanian codes use future tense and try to inspire civil servants to seek certain conduct (“civil servants *shall not* represent or express his/her political view in performing the official duties”- Macedonian code). Lithuanian draft code by IIA uses infinitive or present tense for verbs, another - infinitive and imperative (“*have to*” or “*must*”).

The Albanian code is drafted in the spirit of imperative and it is more than evident that the document has the task to regulate the activity (“the public employee *should* act in a politically neutral manner and should not attempt to frustrate the lawful policies, decisions or legal actions of the public administration authorities”).

Role of the code

A code of conduct is a document reflecting requirements of personal morality, legal regulations and professional values. A code of conduct may serve as guide of behaviour. Codes of conduct are necessary, but not sufficient, to guarantee ethical behaviour among representatives of an organization or profession. Public opinion surveys in the region witness rather low trust in government officials and institutions. It may be explained by disparity between expectations and reality, rather slowly increasing level of well-being, economic and social problems etc.

Survey conducted in October 2002 in Lithuania showed that majority of citizens (72,3%) positively estimate the idea of code of conduct for public servants and politicians. 70,4% respondents were eager to adopt stricter requirements, forbidding unethical behavior. 57,6% respondents wanted to establish a new institution which would collect the appeals from citizens about unethical conduct of public officials’ and 35,3% offered the solution to educate politicians and public servants on ethical matters.[24]

Laws and rules can never be fully descriptive of what an ethical person should do. They can simply establish minimal standards of conduct. Possible variations in behaviour are infinite, and are impossible to describe and proscribe by statute.

It is obviously unrealistic to expect that a corrupt and dishonest public servant will become benevolent and set an example just because of the existence of a code. The internalisation of ethical issues is crucial trying to implement code of conduct. The best example is Nordic countries which don’t have written codes of conduct for public servants but they are committed to existing organizational and professional cultures. Their behaviour and decisions are based upon internalised values.

A code of conduct may inspire, guide and regulate conduct when there is a supportive organizational or professional framework. A code should be a part of organizational strategy. There should be a firm commitment to educating and training people in the spirit of the code, so that they understand why the code is there, as well as what it says.

Codes backed by independent boards or commissions seem to be more successfully enforced, and those that are clearly embraced by top management and are embedded in an ethical organizational culture are more likely to win respect. Continual reinforcement by management is essential if written codes are to contribute to ethical decision making. Role models offered by top

managers, education and training and the positive tone of affirmation of common ethical values in the code are all important [9, p.160].

When codes of conduct became a part of the human resource and anticorruption strategies on either a national or organizational level, their implementation becomes a part of general policy.

Codes of conduct may be a source of professional or organizational identity for individuals - this is often lacking in a constantly changing environment.

Content and structure of codes

Codes can have different forms. K.Kernaghan identified codes as lying along a continuum. At one end is a “ten commandments” approach that includes a general statement of broad ethical principles without any provision for monitoring or enforcement. At the other end is the approach of the Justinian code which provides comprehensive and detailed coverage of both principles and administrative arrangements [21]. Most codes will combine elements of both.

Codes of conduct may range from comprehensive to minimal. They may reflect three different values: principles of personal morality (honesty, honour, etc.), professional public service values (avoidance of impropriety, neutrality, etc.), and legal regulations (avoidance conflict of interests, abuse of position, etc.).

Different countries have ethical laws regulating election campaigns and their financing, laws forbidding conflict of interests, additional employment, etc. Laws are binding and compulsory. On the other hand, codes of conduct or codes of ethics do not have such an imperative: a person can follow or ignore a requirement of a code according to his/her wishes.

Codes can have different internal structures. Today we witness three different trends in developing codes of conduct. Some codes provide a set of general principles or values as they don't have an implementation procedure. The Code of Ethics for Government Service in the USA and the ASPA (American Society for Public Administration) code are examples of general statements where it is difficult to find a unifying thread between separate principles and values [1; 6].

Others are similar to existing ethical laws and provide clear statements of responsibility and sanctions for breaches. In UK codes for both officers (Civil Service Management Code) and politicians (Code of Conduct and Rules of Behaviour for Members of the UK House of Lords, 1996) are fairly comprehensive, covering: laws, standards, disclosure of information, outside commitments of the officers, personal interests, equality issues, personal behaviour, public interest, and private gain, etc. [3].

Newly developed codes (Model Code recommended by Council of Europe, ICMA - International City Managers Association in the U.S., 1992) have an explanatory document [25; 18].

The Estonian Code is very general and short document consisting of 20 simple statements. The Latvian document has 17 articles -statements divided into 5 chapters (general provisions, general

principles of ethical behaviour, and principles of behaviour in relation to other civil servants and public, norms of behaviour in the situation of the conflict of interest, implementation of principles of behaviour). Together with principles of ethical behaviour comments to the code were made by Civil Service Administration. It is the only case from studied cases when code has an explanatory text.

The Polish Code consists of 5 articles addressing different public service principles which are more elaborated (every article is further specified in more details). Macedonian and Czech Codes are divided into articles. Every article has a name and is explained in detail (every article has a title and is elaborated). Czech Code consists of 7 articles and has a status of recommendation: "the code serves as a recommendation for employees of the state administration and for employees of territorial self-governing units" [7]. The Macedonian document has 14 articles.

The Bulgarian Code is organized similarly as ASPA code, divided into 4 chapters (relations with the citizens, professional conduct, relations with colleagues, personal conduct) covering different aspects.

The draft Code in Slovakia is similar to Macedonian and Czech codes and consists of 7 articles. Draft Codes in Romania and Lithuania are the examples of legislation acts. Each chapter covers different issue and consists of number of articles. Number of chapters differs: in Romanian Code there are 8 chapters (general provisions, the general norms of moral and professional conduct of the civil servants, specific norms of conduct of the civil servants concerning the protection of the public and private property, the conflict of interest, specific norms of conduct of the civil servants in their relationship to the mass media, and to other natural or artificial persons, coordinating and monitoring the enforcement of deontological norms), in Lithuanian- 5. Lithuanian draft No.1 consists of the following chapters: general provisions; principles of professional ethics and conduct; control of professional ethics and conduct of civil servants; responsibility for breaching principles of professional ethics and conduct; final provisions. Draft code No.2 also has 5 chapters but requirements for public servants conduct are identified in three chapters. There are about 50 articles in each legislation act of Romania and Lithuania.

Structure of the Albanian Code is similar to ethics code: it is drafted from 7 chapters (general provisions, conflict of interest, external activities of a public administration employee, benefits, official duty, state property, working hours and (physical) presentation of the employee, period after the release from duty, temporary and final provisions) and 21 articles. There are no explanations of certain terms as in Romanian and Lithuanian cases. It's planned that Romanian Deontological Code for Civil Servants, Albanian Rules of Ethics in the Public Administration, and Lithuanian Code will be compulsory for every government employee and will have a status of law.

Structure of codes in CEE countries differs depending on the status and purpose of the code. An Estonian Public Service Code of Ethics is a typical example of simple unstructured document. Macedonian, Czech, Latvian Codes of Ethics and Slovakian draft are more developed statements of good behavior. Legislation acts in Romania and Lithuania are drafted according to certain requirements.

Codes may differ in their content. Some topics are more common than others (e.g., telling the truth, keeping promises, escaping conflict of interests, etc.). C.Lewis stresses that codes cover some or all of seven major categories: 1) fundamental, understandable prohibitions (conflict of interest, abuse of office, etc.); 2) financial disclosure; 3) appearance of impropriety standard; 4) impartial commission (with investigatory and advisory authority); 5) supplementary restrictions (outside income, post-employment, etc.); 6) criminal sanctions and administrative penalties; 7) procedural protections for complainant and employee [23; p.150].

More recent codes of conduct have a similar structure to laws. They cover such topics as: definitions (purpose and terms); principles (their number fluctuates between 7 and 14); issues (practical application of principles); register of interests; sanctions (administrative and legal sanctions, public opinion); links to existing laws (procedures, institutions responsible for monitoring). It is possible to examine newly developed codes in Eastern and Central European countries according to these criteria.

From 10 studied documents only Romanian and Lithuanian provide definitions of terms used in the document. In the Romanian draft we find 3 terms: personal and public interests, and the conflict of interests. Lithuanian draft defines more terms such as: gift, harm for the state and public interests, personal and public interests, the conflict of interests, declaration of private interests, register of interests, etc.

Tables No.1 and No.2 provide a summary of issues covered in codes or drafted documents. Some topics (conflicts of interest, general principles, gifts and favours, etc.) had been more revealed than others (relations with media, working time, physical presentation of employee, etc.). Some cases (conflicts of interest, regulations concerning private life, outside activities, relations with media) were mentioned indirectly in the text.

Table No. 1. Content of Codes in CEE countries

	Poland	Estonia	Czech	Bulgaria	Macedonia	Latvia
Objective	*	-	+	+	+	+
General principles of ethics	+	+	+	+	+	+
Conflicts of interest	+	*	+	*	+	+
Gifts and favours	+	-	+	+	+	-
Outside activities	+	-	-	-	-	-
Use of information	+	+	+	+	+	+
Political activity	+	-	+	-	+	-
Conduct in private life	-	-	+	+	+	-
Use of state property	+	+	+	-	+	-
Working time	-	-	-	-	+	+
Physical presentation of employee	-	-	-	-	+	-
Relations with media	-	-	-	-	+	-
Post employment limitations	+	-	-	+	-	-
Responsibility and sanctions	-	-	-	+	-	+
Enforcement mechanism	-	-	-	-	-	+

*- indirectly.

Table No. 2 Content of draft Codes in CEE countries

	Slovakia	Romania	Albania	Lithuania Nr1	Nr2
Objective	+	+	+	+	+
General principles of ethics	+	+	+	+	+
Conflicts of interest	+	+	+	+	+
Gifts and favours	+	+	+	+	+
Outside activities	*	+	+	+	+
Use of information	+	+	+	+	+
Political activity	+	+	-	-	-
Conduct in private life	-	*	-	+	*
Use of state property	+	+	+	+	+
Working time	-	+	+	+	+
Physical presentation of employee	-	-	+	+	-
Relations with media	-	+	-	*	*
Post employment limitations	+	+	+	+	+
Responsibility and sanctions	+	+	+	+	+
Enforcement mechanism	+	+	+	+	+

Principles of civil service in Eastern and Central European countries

The Polish Code of Ethics stresses 5 principles: service to the public, reliability, individual development (skills; enhancement), impartiality, and political neutrality. Each of the above principles is explained in detailed issues. It's said that serving the public officials should respect the rights of citizens, dignity of others and law, "contribute to increase the citizens' confidence in the State and its authorities", worry about the image of the civil service, "give priority to the public good over his own and his environments' interests" [8].

Reliability is defined through conscious work striving for the best results, creative and active approach, good will, responsibility for the conduct, openness to critics, respect of law and the procedures, rational use of state property and public resources, accountability, loyalty to the office and his superiors, etc.

The article about the individual development specifies professional knowledge, awareness of the legal acts, and the use of experts' competencies, ability to justify decisions or conduct, good interpersonal relations performing joint administrative assignments, objective argumentation, and correct behaviour towards everyone.

Impartiality in the execution of the assignments and duties seeks to prevent any conflict of interests, other employment, lobbying, accepting any material or personal advantages, stresses honesty, equal treatment of all involved parties, transparency of public administration and confidentiality.

Political neutrality in the code is explained in terms of implementing the strategy and programme of the government in a loyal and reliable way, providing the superiors with objective advice and opinions, "in accordance with his best will and knowledge", abstaining from political activity, keeping distance from any political influence or pressure, etc.

The *Estonian document* identifies the following values: service to the public, respect for the Constitution and law, implementation of political will, seeking broader public participation, political neutrality, impartiality and objectivity, predictability and openness, honesty, liability, responsibility, consciousness, good wish in communicating with people, and individual development. The 8th article declares that "an official shall be prepared to make unpopular decisions in the public interests" [27]. From the Code of Ethics becomes clear that departmental interest should be subject to public interests, official information should be used only in the public interests.

The first article of Estonian Code reflects the idea of new public management and provides rather modern and democratic perception of public servant: "an official is a citizen in the service of people" [27]. Common understanding and definition is that public servant is an authority or mediator between politicians and public. Loyalty to government is mentioned in the Code indirectly. Serving the public is the priority value stressed throughout the entire document. Other democratic element in the Code is concern to involve public into political process.

The *Czech Republic Code* denotes 3 basic principles: service to the public, correct behaviour towards other employees, objectivity. Principle of political neutrality is specified in separate article dealing with political or public activity. Differently than in other countries codes, the Czech document gives priority to serving the public not to the loyalty towards the government. Service to the public not to the government includes continuous individual development, kindness,

understanding and willingness refraining from any kind of prejudice. Making an objective decision public servant should take into consideration only legally relevant facts and act without unnecessary delays, trying to avoid any wilful detriment of any person, group of persons, body, and assert the rights and legitimate interests of citizens.

The *Bulgarian Civil Servant's Code of Conduct* in the preamble identifies the following principles: legality, loyalty, integrity, impartiality, political neutrality, responsibility and accountability both to the public and in the service hierarchy. In the chapter on professional conduct some other principles are mentioned, such as: loyalty to government, honesty, competence, and respect to the law, disinterestedness, effectiveness and efficiency. Those principles are explained through fundamental, understandable prohibitions- not to deceive or knowingly mislead the authorities, not to disclose data or facts in certain situations, not to misuse official position or information, not to receive benefits of any kind, not to be involved in financial dependence or other commitments.

In the chapter on relations with colleagues, principles of loyalty, respect and cooperation are stressed. The principle of horizontal loyalty is controversial. M. Josephson discusses that loyalty towards colleagues cannot be absolute and should be considered in each situation [20, p.16]. The Code provides the explanation for this principle - breaching this principle may “lower the prestige or professional activity of a colleague“. Civil servant holding a leading office position should in addition follow and demonstrate 2 other principles: leadership (exemplariness) and responsibility: “should give example to other civil servants with his/her personal conduct and sense of responsibility” [4].

Article number 2 in the *Macedonian Code of Ethics for Public Servants* describes basic principles of the public service. Those principles are: compliance with the Constitution, serving the public interests, equality, high professional level and individual development, efficiency, proper conduct and concern about the institution or State reputation [5]. Communicating with citizens and other legal entities civil servants shall act in the spirit of mutual confidence and cooperation, courtesy, respectability and good will.

Besides those principles three other articles attach great importance towards principles of impartiality, independence, transparency and proper use of official position. Analyzing the code becomes clear that impartiality is important seeking certain results, equally treating the citizens. Civil servants should avoid prejudices estimating the factual situation, realization of ambitions for the career promotion, conflict of interests, intimidation or threats, outside employment, damage to other person, group of persons, body or legal entity. The realization of the rights and the legitimate interests of the citizens or other entities should be a guide for the everyday activity of civil servant.

Independence in decisions making and objectivity, acting without unnecessary delay according to the appropriate procedure performing the official duties is rather important for the civil servant. Separate article stresses that civil servant should “perform official duties within his/her competence, especially rejecting each pressure, even the one from his/her superior” [5].

Civil servants can not use the advantages arising from their official position or information acquired due to his/her position for the personal benefit. Code mentions the duty to avoid any conflict of interest and the situations that could lead to suspicion for such conflict. Offering or providing any advantages, misleading the public or other civil servants, acting contrary to the legal regulations is described as misuse of the authority. Separate articles analyze the principle of political neutrality and transparent use of information acquired due to the official position.

The *Latvian Code* provides broad and more specific principles of ethical behaviour for civil servants. General principles are aimed at improving public trust towards public administration, effectiveness and efficiency, acting objectively and impartially, performing duties with diligence and responsibility and according to the government policy goals and guidelines, fostering non discriminatory treatment of members of society.

Civil servant should be loyal to government and act according to the letter and spirit of the law. It is categorically said that “civil servant is not allowed to act against the law, especially if the law is aimed at prevention of corruption” [19]. Exclusive attention in the Code towards the legislation fighting corruption explains the importance of the mentioned problem.

Economic terms “efficiency”, “effectiveness” and “economy” are not often used in such documents. They serve as a certain guide for civil servants. It denotes that “civil servants must economically and efficiently use public assets and property to attain best results. Civil servants must efficiently use working hours...” [19].

Separate chapter of Instruction determines the basic principles of behaviour in relation to other servants and public. These principles include integrity, provision of valid and relevant information, acting in objective manner, using legal authority to protect interests of society, non taking advantage of other people’s unawareness, admitting and correcting mistakes. The Instruction is written in a very positive style. It emphasizes that, “civil servant is courteous, amiable, helpful and respectful towards other civil servants and public, respecting other persons’ rights and duties”. Instructions provide clear answer how to deal with “difficult” citizens and how to solve the problems. The answer is professional and humane behavior in both cases. Instruction does not leave the civil servant in confusion but explains in detail each principle stressing that “civil servant should be able to analyze not only the law, but also human behavior” [19].

The *Slovakian draft Code* determine several basic principles: loyalty to republic, legal acts and provisions of this code; compliance with mission, goals and tasks of the service office, proper

behavior during the service duties and outside of them; responsibility and responsiveness; impartiality, transparency, objectivity, political neutrality; openness and accessibility.

The *Romanian draft Code* uses two different terms “principles” and “norms”. Similar practise is used in western democracies (UK experience) developing codes of conduct. Six principles were identified as compulsory for civil servants: the principle of law supremacy, the principle of the pre-eminence of the public interest, equality, professionalism, impartiality, the freedom of thinking and of expression. Principle of professionalism was explained using principles of responsibility, competence, efficiency, objectivity, honesty, moral integrity.

Norms of moral and professional conduct reveal mentioned principles in twelve articles. One of the first norms is discharge of duties according to the law and with respect of the professional ethics. Such statement is important as it places norms of professional ethics on the same level as legal acts.

In distinction with other CEE countries codes the Romanian draft uses the term “professionalism” and “competence” and puts high emphasis on high quality services to public benefit. At the same time draft Code provides a broader context of civil servants activity and stresses every civil servants contribution to the decision making process and achievement of objectives of public authorities and institutions. Such democratic perspective is one of the new public management concepts.

Code stresses two rather contradicting principles: independence and subordination. From one side, it is required that civil servant has an independent opinion and in certain situation take a position of mediator avoiding the emergence of conflicts. From the other side, civil servant has to act in conformity with instructions from hierarchical superiors and apply legal provisions independently from their personal opinions. Civil servant as an ordinary citizen has a freedom of thinking and expression but in every day activity this principle is complicated to implement as civil servant holding an office has certain limitations [13].

Separate article of the Code deals with the definition of appropriate conduct to civil service. It is stressed that working time should be exclusively used for fulfilling the official duties. Respect, good faith, courtesy and support with the head of the public authority or institution, with civil servants, employed personnel and citizens are expected establishing mutual relationship. In every day activity civil servant is not allowed to impeach the honour, reputation and dignity of the head of the public authority or institution, of the civil servants, employed personnel and citizens they come into contact by “making use of insulting words, disclosing private aspects, formulating calumnious notifications or complaints” [13].

Code mentions professional principles of disinterestedness, political neutrality, objectivity, and equality, avoidance of any form of discrimination or personal benefits.

The term “duty” is used explaining that every civil servant has to protect the public authority’s or institution’s prestige and to refrain “from any activity which could damage the image or interests of that authority or institution” [13]. The question of image is also discussed in a broader international context. Romanian civil servant can find in the Code the explanation how official information should be managed.

Summarizing principles and general norms of moral and professional conduct mentioned in the Romanian draft Code evidently attempt to identify high professional standards for civil servants. General requirement for civil servants is to fulfil their official duties in proper and professional way.

The *Albanian draft Code* specifies such principles as: compliance with the legislation, political neutrality, honesty, impartiality, efficiency, serving public interests, courtesy, avoiding conflict of interests, respect for individual rights and duties, disinterestedness, reliability.

Two Lithuanian draft Codes provide with different principles. Draft code prepared by the Government working group stresses the following principles, which are mentioned in the Public Service Act 2002. Those eight ethical principles are: respect for person and state, equity, disinterestedness, propriety, impartiality, responsibility, publicity, exemplariness [10].

Draft code initiated by the Internal Investigation Agency determines 9 principles of professional ethics and conduct: integrity and decency; respect for person and state, justice and impartiality, serving public interest and non abuse of the authority, honesty, responsibility and accountability, transparency and publicity, proper discharge of duties, exemplariness [11].

Principles of civil service in CEE countries in the context of EU.

Despite the difference in legal traditions and systems of governance in EU member states, there is a general consensus about the principles or values of public administration, which reflects key components of good governance. These components include: rule of law, political neutrality, loyalty to constitutional government (national, local or regional), honesty, impartiality, competence (technical and managerial), justice, serving public interests, accountability, efficiency and effectiveness, openness and transparency, reliability and predictability, citizen’s participation [16].

Most of these principles are linked to ethics in the public service and are mentioned in the Model Code of Conduct for Public Officials, adopted by the Committee of Ministers of the Council of Europe in 2000 [25]. Reliability and predictability, openness and transparency, efficiency and effectiveness and accountability are considered to be administrative law principles in the EU.

One may question how countries- candidates creating their own codes of conduct keep in mind EU principles of public administration and integrate them in new documents.

Thought *Polish Code of Ethics* distinguishes only 5 principles (serving to the public, reliability, competence, impartiality, and political neutrality), explaining them such principles as rule of law, loyalty to government, effectiveness, accountability, interpersonal or institutional cooperation,

disinterestedness, transparency are used. From the perspective of EU and new public management theory, improvement of the document may add many important principles.

The list of public service values in the *Estonian Code* is rather comprehensive: serving the public, respect for the law and people, loyalty to government, public participation, political neutrality, impartiality and objectivity, predictability and openness, honesty, liability, responsibility, consciousness, competence.

The *Czech Republic Code* marked only 4 basic principles: service to the public, correct behaviour, objectivity, political neutrality, but explaining such values as competence, kindness, respect for citizens' rights and legitimate interests were also mentioned. Developing the document many principles of EU should be integrated in the future.

The *Bulgarian Civil Servant's Code of Conduct* identifies the following principles: legality, loyalty, integrity, impartiality, political neutrality, responsibility and accountability, honesty, competence, and respect to the law, disinterestedness, effectiveness and efficiency, respect to the people, cooperation. For top level civil servant other important principle is leadership (exemplariness). From the new public management perspective, the Bulgarian document is rather modern: it stresses such economic values as efficiency and effectiveness. But from the democratic perspective, such principles as openness and transparency, citizen's participation are absent.

The *Macedonian Code of Ethics for Public Servants* describes such principles as: compliance with the Constitution, serving the public interests, equality, competence, efficiency, reliability, cooperation, courtesy, respectability and good will, impartiality, independence, transparency and personal disinterestedness, political neutrality.

The *Latvian Code* provides the following principles of ethical behaviour for civil servants: responsibility, loyalty to government, reliability, diligence, objectivity and impartiality, efficiency and effectiveness, equality, integrity, respect for law and person's rights and duties, responsiveness, courtesy, serving the public, integrity. Economic values aren't often met in codes of conduct so in this context Latvian document is rather progressive. Adding such important democratic values as transparency, political neutrality, accountability, and honesty would improve the Latvian Code.

The *Slovakian draft Code* determines several basic principles: loyalty to the state and laws, responsibility and responsiveness; impartiality, transparency, objectivity, political neutrality; openness and accessibility. Such important values as serving the public, accountability, efficiency and effectiveness, honesty, competence were not included in the document.

The *Romanian draft Code* identified the principle of law supremacy, the principle of the pre-eminence of the public interest, equality, professionalism, responsibility, respect to citizens and colleagues, competence, efficiency, objectivity, honesty, moral integrity, disinterestedness, political

neutrality, impartiality, courtesy, the freedom of thinking and of expression. Draft Code is rather progressive but still some more principles may be included in the future.

The *Albanian draft Code* specifies principles of compliance with the laws, political neutrality, honesty, impartiality, efficiency, serving public interests, courtesy, respect for individual rights and duties, disinterestedness, reliability. From a democratic perspective, it requires including principles of openness and transparency, reliability and predictability, citizen's participation, accountability; from a managerial perspective competence and effectiveness could be added.

Two *Lithuanian draft Codes* provide with different principles. Government draft Code reveals the following principles: respect for person and state, equity, disinterestedness, propriety, impartiality, responsibility, publicity, exemplariness. The alternative draft Code (IIA) determines principles of integrity and decency; respect for person and state, justice and impartiality, serving public interest and non abuse of the authority, honesty, responsibility and accountability, transparency and publicity, proper discharge of duties, exemplariness. Some important EU principles such as rule of law, political neutrality, equality, objectivity, transparency are absent in Lithuanian case, but they are mentioned in the Law on Public Administration (1998). Values of new public management and more democratic principles could be included in the developed documents.

Common principles of civil service in existing codes or drafts in Eastern and Central European countries are: respect to the law, political neutrality, serving the public, loyalty to constitutional government, impartiality. Rule of law is mentioned in 9 cases, in Lithuanian document indirectly. Political neutrality is not recognized as an important principle in Latvian and Lithuanian Codes. In Lithuania's case it is mentioned in the Law on Public Administration. All studied countries except Czech Republic do not include loyalty to constitutional government as an important principle of civil service in the Code.

Honesty was mentioned in five documents. In some countries relevant principles of integrity and propriety were mentioned. Principle of impartiality was revealed in nine Codes, except Czech document. Six documents stressed the importance of competence. Concept of justice in CEE countries Codes was defined through other values such as objectivity, equality, impartiality, disinterestedness.

One of the equality aspects is gender equality and here some comments upon the used pronouns in the codes can be made. Some countries which stress equality in the document have more favorable attitude to one sex. Polish, Lithuanian (No.1) and Latvian Codes use only term "his" ("civil servant uses his office time efficiently"- Latvian Code). Slovakian and one Lithuanian draft Code escapes this subtle problem in all text using plural ("civil servants"). Other Codes equally use pronouns "his/her".

Serving public interests was mentioned in eight Codes. Bulgarian Code requires respecting citizens, to treat them politely, tolerantly, etc. but directly the term “serve the public interest” is not used. In Slovakian case the priority to public interests was stressed in chapters revealing the conflict of interests. Concepts of responsibility and accountability are rather similar. Responsibility is more stressed in the context traditional model of PA. New public management concentrated more towards the accountability mechanism. Responsibility was mentioned in 6 Codes, accountability only in 3 cases.

Economic values (efficiency and effectiveness) are becoming attractive to new democracies seeking to increase outcomes of their activity. Efficiency was mentioned in five and effectiveness in three Codes. Bulgaria and Latvia seek to orient their civil servants to both of these values.

In EU context, principles of openness and transparency have a great importance. Estonia recognizes openness as an important principle. Macedonia and Poland reveal the principle of transparency for their civil servants. Lithuania included in the draft Code principles of transparency and publicity, Slovakia -openness and transparency. Directly principle of reliability was mentioned in five Codes, predictability in one, citizen’s participation was mentioned only in the Estonian Code.

Table No.3. Principles of civil service in Codes of CEE countries

Poland	Estonia	Czech	Bulgaria	Macedonia	Latvia
Serving the public, reliability, competence, loyalty to government, impartiality, political neutrality, rule of law, effectiveness, accountability, cooperation, disinterestedness, transparency	Serving the public, respect for the law and people, loyalty to government, public participation, political neutrality, impartiality, objectivity, predictability, openness, honesty, reliability, responsibility, consciousness, competence	Serving the public, correct behaviour, objectivity, political neutrality, competence, kindness, respect for citizens’ rights and legitimate interests	Legality, loyalty to government and colleagues, integrity, impartiality, political neutrality, responsibility, accountability, honesty, competence, respect to the law and people, disinterestedness, effectiveness, efficiency, cooperation, exemplariness	Serving the public, compliance with the Constitution, equality, competence, efficiency, reliability, cooperation, courtesy, respectability, good will, impartiality, independence, transparency, disinterestedness, political neutrality	Serving the public, responsibility, loyalty to government, reliability, diligence, objectivity, impartiality, efficiency, effectiveness, equality, integrity, respect for law and person, responsiveness, courtesy

Besides of EU principles other values were identified in the codes for civil servants such as cooperation, consciousness, kindness, exemplariness, courtesy, diligence, responsiveness, professionalism, freedom of thinking and of expression, non abuse of the authority, etc.

Tables No. 3 and No. 4 provide a summary of principles covered in Codes or drafted documents.

Table No.4. Principles of civil service in draft Codes of CEE countries

Slovakia	Romania	Albania	Lithuania
Loyalty to the state and laws, responsibility, responsiveness, impartiality, transparency, objectivity, political neutrality; openness, accessibility	Law supremacy, pre-eminence of the public interest, equality, professionalism, responsibility, respect to citizens and colleagues, competence, efficiency, objectivity, honesty, moral integrity, disinterestedness, political neutrality, impartiality, courtesy, freedom of thinking and of expression	Compliance with laws, political neutrality, honesty, impartiality, efficiency, serving public interests, courtesy, respect for individual rights and duties, disinterestedness, reliability	No. 2 respect for person and state, equality, disinterestedness, propriety, impartiality, responsibility, publicity, exemplariness. <hr/> No. 1 integrity, decency; respect for person and state justice, impartiality serving public interest, non abuse of the authority, honesty, accountability, transparency, publicity, proper conduct, exemplariness.

Conflicts of interest

Conflict of interest is one of key public administration problems. Revealing the problem restrictions upon the outside employment, personal benefits (including gifts and hospitalities), and the possibility to use previous relations are foreseen.

The *Polish Code* revealing the principle of impartiality mentions conflict of interests: forbids civil servant to undertake any employment or occupation that might interfere with the official duties. Civil servant has to avoid suspicions of any connection between the public and private interest, not to accept any form of payment for public pronouncements related to the post or originated from family, acquaintance, employment or affiliation relations, cannot accept any material or personal advantages from other persons, lobby using the connections. Certain limitations are provided for the employment upon leaving the civil service.

The *Estonian Code* directly does not address the conflict of interest issue, but spirit of public interests is felt throughout the entire document. "An official shall avoid creating a situation which arouses or may arouse suspicion with regard to his or her impartiality or objectivity in considering matters under suspicion" [27].

Code of Ethics in Czech Republic describes the concept of private interest as any kind of advantage for himself/herself, his/her family, relatives, friends, individual and legal entities with whom he/she has or has had a business or political relationship. In the uncertain doubtful situations the employee has to discuss the matter with the superior. Separate article provides guidance on gifts and other bids. The employee cannot demand or accept gifts, services, favours or any other benefits that could influence or seemingly influence his/her decision in certain matters or corrupt his/her professional approach to certain matters. If the employee is offered any advantage because of his/her position in public administration, they have to reject it and inform superiors [7].

Civil servants have some restrictions connected to the official position in *Bulgaria*. They cannot use official information in their personal interest; accept benefits of any kind which might be seen to compromise his/her personal judgment or integrity. Civil servants are not allowed to be involved in financial dependence or other commitments with outside individuals or organizations, which might influence the fulfilment of their duties. In the chapter on personal conduct it is stressed that civil servant acquires and manages his/her personal properties and the properties of their families in a way that does not create any suspicion or doubt for misuse of his official positions. After leaving the office a civil servant cannot take improper advantage of the previous office job [4].

Macedonian Code provides the duty to avoid any conflict of interests and the situation that could lead to suspicion for such conflict. Separate article reveals conflict of financial interests. It is forbidden to let personal financial interest to be in conflict with the status of civil servant. Financial interest is limited to any benefit for the civil servant, his/her family, relatives, friends, for physical persons and legal entities with whom the civil servant has or had business relations. It is required not to accept relations of cooperation with persons or organizations that have or had economic interest from the decisions or the activities of the body in which the civil servant is employed in the past 3 years [5].

Separate article of the Macedonian Code provides guidance on gifts and other form of benefit seeking to observe the principle of independent decision and professional approach towards certain issues.

Rules concerning the conflict of interest in *Latvia* can be described as attempts to encourage civil servant to perform the official duties in a proper way not pursuing personal interests, not influencing other officials in order to gain personal benefits, using office and information for the benefit of the public. Instructions explain that apparent conflict of interest may be as critical as a real one, since it diminishes public trust in civil service and public administration. Together with financial, a non financial interest are mentioned in the Code. In the situations of real or apparent conflict of interest a civil servant is required to inform the supervisor about the situation, to try to prevent the conflict of interest, to eliminate the source of such conflict. Document mentions internal

regulation concerning the issue. The document informs the readers about most potential spheres, such as public procurement, nomination for posts, leaving civil service for other employment, receipt of presents or other instances of hospitality, law enforcement, control or issuance of licences or permits, for such conflict to arise [19]

Slovakian document tries to warn civil servants against using office for their private interest (civil servants, their significant others, other natural persons or legal entities) or the suspicion about such situation as it contradicts the principles of impartiality and loyalty to the service. Separate article provides guidance on gifts and other benefits. Civil servant cannot accept any gifts, gratuity, favours or other benefits which could be considered a reward for work that is their duty. A gift of insignificant value and having no influence on the decision-making can be accepted; otherwise it is duty of civil servant to report this fact to the ethics commission [12].

Romanian code makes reference to the existing law on conflict of interest. The document reveals the situations where such conflict may arise: when a civil servant is in the position to solve petitions of persons with whom they have relationship involving patrimonial or personal interests, when on the same board are appointed civil servants who have the quality as husband, wife, in-law, relative to the 4th degree included, the patrimonial interests of the civil servant or their relative may influence the decisions they have to make in exercising civil service, the civil servant has to make a decisions that will directly or indirectly affect their personal interest. Responsibility for avoiding such conflicts is laid upon the higher executive to whom civil servants are directly subordinated.

Romanian Deontological Code does not allow a civil servant to ask or receive directly or indirectly gifts or services, in order to accomplish, not to accomplish or delaying the accomplishment of their duty. They are not allowed to have another job which contradicts the fulfillment of their official duties [13].

Albanian Code describes the issue in several articles. A conflict of interest arises when an employee of the public administration has a personal interest that as such has an impact or is likely to have an impact on the impartiality or objectivity in his/her exercise of the official duty. Personal interest shall constitute any personal advantage, or for the family or relatives of second degree, for the persons or organizations with whom the employee has had or still has business or political relations. A conflict of interest shall also constitute any kind of financial or civil obligation of the employee.

A public employee can not engage in any outside activity which creates a conflict of interest. An ex-employee can not represent any person or organization in a conflict with the public administration related to the job he/she was performing or in line with that for a period of up to 2 years after the release from duty. The draft Code provides distinction between traditional hospitality, gifts of symbolic values and gifts and other benefits, which influence or seem to

influence the fairness in the exercising of official duties and provides possible steps in such situations.

In such situations, a civil servant is obliged to: verify whether there is an actual or potential conflict of interest occurring; take the necessary steps to avoid such conflict; inform immediately with his or her own initiative the direct superior and the Personnel Department for the actual or potential conflict of interest; in case of doubt advices with the direct superior or/and the Personnel Department of the institution; comply with any final decision to not participate in the decision-making process or relinquish from the advantage that causes a conflict of interest.

Direct responsibility for preventing conflict of interest is laid upon the immediate/direct superior, with the support of the Personnel Department. Avoidance of a conflict of interest should be done in line with the Code of Administrative Procedures. An employee with interests the continuation of which as such could represent a potential risk for the occurrence of the conflict of interests should either renounce from his/her position, or transfer these interests in such a way that would avoid the occurrence of a conflict of interest [14]

Lithuanian draft Code revealing the principle of disinterestedness stresses how important is to avoid any situation where real or apparent conflict of interest arises. Civil servants performing their official duties cannot seek any personal benefits and have a duty to register their personal interest on time and by all possible means to avoid such situations which could harm the reputation of civil service. A separate chapter reveals how personal interest annually should be declared and registered. Register of Private Interest for Civil Servants are going to be established under the supervision of Chief Commission on Official Ethics [11].

Summarizing the ideas on conflict of interest included in the codes, we witness different approaches to deal with the problem. In some documents conflict of interest is mentioned very briefly and generally (Estonia, Poland, and Slovakia). Some countries provide the definition of the private interest, gifts and other benefits or conflict of interest, which vary from country to country. In the Code of Czech Republic the concept of private interest is described. Macedonian Code and Albanian draft Code defines private interest and financial interest. According to Albanian Code conflict of interest constitute any kind of financial or civil obligation of the employee. Slovakian and Albanian Codes describe the concept of gifts and other favors providing with the list of certain actions which could be taken upon the issue.

Romanian draft Code identifies the situations which creates conflict of interest. Latvian Code not only encourage civil servant to perform the official duties not pursuing personal interests, but requires not to influence (lobby) other officials in order to gain personal benefits. Together with financial non financial interest are mentioned in the Code.

The concept of conflict of interest in Bulgarian, Lithuanian and Polish Codes is broader than in other cases. Civil servant cannot undertake any employment or occupation that might interfere with the official duties, use or accept any benefits which might be seen to compromise his/her personal judgment or integrity, are not allowed to be involved in financial dependence or other commitments with outside individuals or organizations, which might influence the fulfilment of their duties. Upon leaving the office civil servant cannot take improper advantage of the previous office job. Similar limitation up to 3 years is included in the Macedonian Code.

Some countries understanding the importance of the problem try to distinguish between real and potential situation of conflict of interest and provide civil servants with the answer how to behave in such situations (Romania, Albania, Latvia, and Lithuania).

Responsibility and sanctions

Civil servants' rights imply certain responsibility. Some codes of conduct provide clear responsibility for breaching the code, other codes of ethics do not have similar sanctions. Codes of ethics seek to inspire but not to punish civil servants, and avoid statements about the concrete sanctions.

In Estonian, Macedonian and Polish Codes nothing is said about the responsibility. Final article of the Estonian Code stresses that "an official shall facilitate the spread of the above principles in every way". Czech Code of Ethics of Public Servants has a separate article on reporting of improper activities which require reporting facts of improper use of financial resources, equipment and services, fraud or corruption activities to the superior head employee or the law enforcement bodies. Code provides the possibility to refuse to act illegally and report this fact to the superior.

The Bulgarian Civil Servant's Code of Conduct mentions only one sanction for breaching the rules laid down in the document- resignation from the civil service. Such an extreme measure may witness the wish to regulate the activity and at the same time to discourage incompatible conduct. It would be wiser to differentiate the sanctions according the importance of breached principle.

The Latvian Code mentions the obligation of a civil servant to prevent unlawful action or action in conflict with mentioned principles in an organization and in public administration. After receiving an assignment that is in conflict with principles of ethical behaviour, a civil servant must inform supervising official who has the responsibility to make a corresponding decision. If a civil servant in his/her actions does not observe the principles of behaviour of civil servants, any person or organization has a right to submit a complaint to the head of corresponding institution. It is the responsibility of the head of institution to consider the complaint and decide if a disciplinary investigation should be initiated against the civil servant in question. Though the code does not mention concrete sanctions, the disciplinary liability may be the issue of internal institutional rules [19].

The Slovakian draft Code of Ethics for Civil Servants establishes a disciplinary liability: reprimand or reduction of their salary by 15% up to 3 months, termination the employment relation with the employee on grounds of severe or repeated violations of the code.

In Albanian draft Law on Rules of Ethics in the Public Administration it is said that the provisions of this law are part of employee's term of employment and violation of these provisions might lead to undertaking of disciplinary measures. The department of public administration records all the disciplinary measures in National Registry of the Public Administration.

The Romanian draft Law for approving the Deontological Code for Civil Servants implies disciplinary responsibility, but the possibility of criminal investigation is mentioned as well. Sanctions depend on the degree of social danger, the form of guilt, and the consequences of the fact, according to their attributions. All disciplinary sanctions are going to be documented in the administrative record.

One of Lithuanian draft (IIA) Laws on Professional Ethics for Public Servants establishes the following disciplinary sanctions: reproof, reprimand, salary reduction up to 30% up to 3 months, fine up to 10 minimal level salaries, reduction in rank, discharge depending on situational factors, personal characteristics, professional activity, conduct in private and public life. All disciplinary sanctions are documented in Civil Servants Register. Law also provides the possibility of criminal and administrative liability [11]. Other Lithuanian draft Code more liberal and offers the following sanctions: reproof, reprimand, fine up to 3 minimal living standards, severe reprimand and discharge. The draft provides 1 year term to reveal the violation, in some cases disciplinary liability can be postponed [10].

Administration of codes

It is not enough to identify and stress the requirements of ethical behaviour and professional standards. The key to success is the implementation procedure. The administration of codes has a price, as it requires financial and human resources. The adoption of the code is just the first step and implementation is more important. Codes of conduct may be administered in two ways: 1) an impartial council or committee (board) may be responsible for the enforcement; or 2) individuals may be left to themselves in the interpretation and application of the code. In this second case, there is a real danger that the codes are not properly understood, expectations are not realistic and the codes are ignored and condemned to failure from the beginning.

Polish, Bulgarian, Czech, Macedonian, Estonian, Latvian Codes of Ethics do not identify or establish an institution for administering the document. Responsibility for implementation of the Code and sanctions for breaching its provisions is not clear.

In Albanian draft the responsibility for informing and consulting the employee about the requirements upon the rules of ethics is laid on the personnel unit of the institution. In more

complicated cases the personnel department may seek the advice of the Department of Public Administration.

The Slovakian draft Code provides an ethics commission appointed by the head of the service office which is responsible for control of compliance with the Code of Ethics. Code clearly distinguishes the functions of head of the service and ethics commission. Ethics commission analyses the case and makes a proposal to the head of the service office. The head may discipline civil servants for violating provisions of the code with certain sanctions. Commission in their activity is not independent and functions only as mediator examining the case.

The Romanian draft Code provides to set up a new institution (Deontological Committee), which on national level will hold the responsibility for coordinating and monitoring the enforcement of deontological norms. Committee will be attached to the Civil Servants National Agency as an advisory body. Separate chapter identifies the powers, structure of the Committee and sets rules for their activity. Committee supervises the application and observance to deontological standards, receives petitions and notifications related to the breach of standards, investigates the cases, submits to public authorities and institutions recommendations for the solution of the cases, undertakes studies and research work and formulates proposals for the improvement of norms, etc. An attempt to create an institution that not only monitor the enforcement of the code but also may be an initiator of new proposals concerning ethical matters is welcomed. Exercising its powers the Deontological Committee carries its activities independently, observing the principle of confidentiality.

At the lower level similar functions will be performed by disciplinary boards. Draft law establishes clear relations and labor division between disciplinary board and Deontological Committee. Draft law mentions the human resource departments of the public authorities and institutions which shall supervise the disciplinary conduct of civil servants [13].

One Lithuanian draft Law (IIA) provides different forms of monitoring the code: public, institutional (Board of Professional Ethics), national (Chief Commission on Professional Ethics) and control by legal bodies. Draft Code seeks to establish a new institution (Official Ethics Council) for the review and coordination of ethical initiatives. It would be the first organization with such responsibility in Lithuania.

Another Lithuanian document establishes a more simple responsibility for administering the Code. Head of the office, personnel units or other persons with delegated authority and Chief Commission on Professional Ethics control and monitor the Code.

Conclusions

Internal and external (globalization and internationalization) pressures emphasize the importance of professional civil service. Western democracies try to estimate their administrative

culture and achievements in the context of new challenges and make necessary changes. Eastern and Central European countries seek to create their public service system using the best western experience and implementing the requirements of new public management. Though codes of ethics or codes of conduct are rather new phenomenon in the region, their appearance witnesses the eager to seek higher ethical standards for public servants.

It is evident that some of the studied countries before writing a national Code of Conduct were scanning other countries' jurisdictions for ideas about standards and procedures. The purpose of the code was not clearly formulated in all documents. The purpose of the document the same time provides criteria against which its success can be evaluated. Unclear or ambiguous objectives will inhibit the eventual success of a code and its related enforcement processes. The balance of inspiration, guidance and regulation may ensure the vitality of such document.

Researchers stress that codes of conduct should be simple, clear and stress key values. This is relevant to Polish, Estonian, Czech, Bulgarian, Macedonian, Latvian, Slovakian cases. Romanian, Albanian and Lithuanian draft Codes is an example of legislation acts which are more specific, consistent with existing laws, and at the same time compatible with the moral norms of society.

European principles for public administration and ideas of new public management are identified in all Eastern and Central European countries Codes or drafted documents for civil servants but their scope differs. One of potential public administration problems- conflicts of interest – was covered in all documents. Some countries directly or indirectly mention the problem of corruption.

One of the challenges for codes of conduct is their implementation and becoming an integral part of everyday activities. From this point publicity creating the code from the initial stage till the final document may increase employees' commitment towards principles stressed in the code. Flexibility of the code is rather important feature of the document. Possibility to renew the existing code seeking to address new issues and challenges the profession is facing should be provided.

REFERENCES

1. ASPA's code of ethics. In Applying professional standards and ethics in the eighties: a workbook and study guide for public administrators. (Ed. Mertins H., Hennigan P.). Washington, DC: American society for public administration, 1995.
2. Civil service in the Europe of fifteen. Trends and new development. (Ed. D.Bossaert, C.Demmke, K.Nomden, R.Polet). Maastricht: European institute of public administration, 2001.
3. Civil service management code (special edition December 1998). Cabinet office (Office of public service).
4. Civil Servant's Code of Conduct (Bulgaria).

5. Code of Ethics for Civil Servants (Macedonia).
6. Code of ethics for government service. In Combating corruption. Encouraging ethics. A sourcebook for public service ethics. (Ed. Richter W., Burke F., Doing J.). Washington, DC: American society for public administration, 1990, p. 270.
7. Code of Ethics of Public Servants (Czech Republic) <http://www.oecd.org/puma/ethics/events.htm> (2002.04.12).
8. Civil Service Code of Ethics (Poland). <http://www.osi.hu/lgi/publications/dp/html/08.html> (2003.04.05).
9. Dobel J. "The real politic of ethics codes: an implementation approach to public ethics". In Ethics and public administration. (Ed. Frederickson H.). Armonk, New York, London, England: M.E. Sharpe, 1993, p. 158-174.
10. Draft Code of Conduct for Public Servants. (Lithuania) 2002.
11. Draft Code on Professional Ethics and Conduct for Public Servants. Initiated by Lithuanian Internal Investigation Agency 2002.
12. Draft Code of Ethics for Civil Servants (Slovakia).
13. Draft law for approving the Deontological Code for Civil Servants (Romania).
14. Draft law on Rules of Ethics in the Public Administration (Albania).
15. European Code of Good Administrative Behaviour. http://www.euro-ombudsman.eu.int/code/pdf/en/code_en.pdf (2002.09.05).
16. European principles for public administration /SIGMA papers nr. 27. <http://www.oecd.org/puma/sigmaweb/index.htm> (2002.10.01).
17. Huddleston M., Sands J. "Enforcing administrative ethics." In Ethics edge. (Ed. Berman E., West J., Bonczek S.). International city/county management association. 1998, p.145-158.
18. ICMA Code of Ethics: Rules of Procedure for Enforcement. http://www.iit.edu/departments/csep/PublicWWW/codes/coe/International_City_County_Managment_Association_Rules_of_Procedure_for_Enforcement_1992.html (2003.05.12).
19. Instructions of the Cabinet of Ministers of 09.01.2001 Principles of Ethical Behaviour of Civil Servants with comments made by Civil Service Administration (Latvia).
20. Josephson M. "The six pillars of character". In The ethics edge. (Ed. Berman E., West J., Bonczek S.). International city/county management association. 1998, p.13-21.
21. Kernaghan K. "Promoting public service ethics: the codification option". In Ethics in public service. (Ed. Chapman R.). Ottawa: Carleton University Press, 1993, p. 15- 29.
22. Lawton A. Ethical management for the public services. Buckingham: Open University Press, 1998.
23. Lewis C. The ethics challenge in public service. A problem solving guide. San Francisco: Jossey-Bass publishers, 1991.
24. Lithuanian Free market institute. Sociological survey estimating public servants/politicians ethics (in lithuanian). <http://www.lrinka.lt/Projektai/Etika.phtml> (2002.12.11).

25. Model Code of Conduct for Public Officials. Recommendation Rec.(2000)10, adopted by the committee of ministers of the Council of Europe. – <http://www.coe.fr/cmm/ta/rec/2000/2000r10.htm> (2002.08.12)
26. Public service act (Estonia). <http://www.legaltext.ee/en/andmebaas/ava.sp?m=022> (2002.07.07)
27. Public service Code of Ethics (Estonia).