

## ***Good Practice of Members of the Riigikogu, with case examples***

On 17 December 2014, the Board of the 12th Riigikogu met with the representatives of factions (Board of Elders minutes No 4). The meeting approved the **good practice of conduct of members of the Riigikogu**<sup>1</sup> (*good practice*), which is to be published in the *Manual for Members of the Riigikogu* at the start of the term of the 13th Riigikogu.

The Anti-Corruption Select Committee discussed the good practice at its sittings on 12 and 26 January 2015, and decided to develop and publish case examples of possible situations where there is a conflict of interests, in order to explain the principles, on the web page of the parliament. We will also add relevant recommendations on how to act so that the members of the new Riigikogu would be aware of the facts related to good conduct.

The recommendations have been developed on the basis of the principles of the Anti-Corruption Act and the following provisions of the good practice:

- *Members of the Riigikogu shall avoid situations where the impartiality of their decisions may come under doubt and where they might appear to be serving private interests.*
- *Members of the Riigikogu shall refrain from accepting hospitality beyond the limits of the ordinary, which may cast doubt on their integrity, fairness and impartiality, and lead to a conflict between official duties and private interests.*
- *Members of the Riigikogu shall not accept gifts or services related to their work and beyond the limits of common courtesy and not based on the universally accepted customs of diplomacy or international relations, and not permitted as donations under the law.*
- *Members of the Riigikogu shall not allow private interests to influence their work. If a member of the Riigikogu has interests regarding a Bill that is being discussed or a resolution that is to be passed, and these interests are not reflected in their declaration of interests but may cast a doubt on their objectiveness, they shall disclose these interests before the debate.*
- *Members of the Riigikogu may ask the advice of the Anti-Corruption Committee of the Riigikogu in the field of expertise of the latter. Other debatable issues are discussed by the members of the Riigikogu in their factions. The Select Committee shall also discuss cases in its field of expertise, if a doubt has been raised whether a member of the Riigikogu has behaved in an appropriate manner and in respect of good practice.*

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<sup>1</sup> The text has been published: [www.riigikogu.ee/wpcms/wp-content/uploads/2015/02/good\\_practiceMP.pdf](http://www.riigikogu.ee/wpcms/wp-content/uploads/2015/02/good_practiceMP.pdf)

Facts	Code of conduct	Explanation
<p><b>Discussion of a Bill in a Riigikogu committee</b></p> <p>A committee is discussing the Railways Bill. One committee member owns a private railway and is well informed on the subject. With this in mind, the committee appoints this member as the presenter to represent the leading committee and to head the proceedings in the committee.</p>	<p><b>They must inform the committee of their involvement</b></p>	<p>The transparency and impartiality of the proceedings has been directly and significantly jeopardised. The personal material interests of the member of the committee with regards to the business they are involved in may cause doubts. The statement of the member of the committee shall be recorded in the minutes.</p> <p>It is strongly advised that the member of the committee not assume a leading role in proceeding the Bill and that they be substituted by another member of their faction during the proceeding of the Bill at the committee meetings.</p> <p>Since this Act is a legislative act of general application, there is no legal obligation for removal.</p>
<p><b>Discussion of a Bill in a Riigikogu committee</b></p> <p>A committee is proceeding the Public Procurements Bill. The member of the committee who is appointed as the presenter for the leading committee and as responsible for the Bill has participated in the proceeding of various public procurements through a company in their ownership.</p>	<p><b>They shall inform the committee of their earlier activities.</b></p>	<p>It is possible that the member of the Riigikogu is not viewed as biased in relation to their earlier activities and private entrepreneurship.</p> <p>The statement of the member of the committee shall be recorded in the minutes.</p> <p>Removal is not necessary if the member of the committee is not active in business and is not planning to become active in business, and particularly if the Bill is of general nature (i.e. not concerning a specific sector).</p> <p>Since this Act is a legislative act of general application, there is no legal obligation for</p>

		removal.
<p><b>Discussion of a Bill in a Riigikogu committee</b></p> <p>A committee is proceeding the Maritime Safety Bill. A member of the committee owns a considerable number of <i>Tallink</i> shares. The proceeding of the Bill includes a discussion on port fees in connection with the substitution of a passenger ship, which might cause the expenses of the company to increase or decrease.</p>	<p><b>The member of the committee shall inform the committee that they are a shareholder</b></p>	<p>This has direct impact on the revenue of the business, which affects the dividend revenue of the shareholders. The statement of the member of the committee shall be recorded in the minutes.</p> <p>It is strongly advised that the member of the committee be substituted by another member of their faction during the proceeding of the Bill at the committee meetings.</p> <p>Since this Act is a legislative act of general application, there is no legal obligation for removal.</p>
<p><b>Renting a vehicle</b></p> <p>A member of the Riigikogu rents (operational lease) a car from a close relative (father) or from a company owned by their father and applies to the Chancellery of the Riigikogu for compensation of the rent cost.</p>	<p><b>The contract may not be signed</b></p>	<p>This may give rise to a suspicion that a relative is given material assistance instead of the most practical and cost-efficient contract being chosen.</p>
<p><b>Using a sponsored vehicle</b></p> <p>A member of the Riigikogu is a member of the board of an NGO and uses a vehicle that has been made available to the NGO by its sponsors. The vehicle is emblazoned with the slogans and the logo of the NGO.</p>	<p><b>The conditions of the contract have to be reviewed and, if the use is continued, the slogans and the logo have to be removed from the car</b></p>	<p>Each case should be treated separately. If the use of the vehicle continues, it is necessary to make sure that there would be no conflict of interests (including an apparent conflict) between the NGO and the sponsor of the NGO and the work of the member of the Riigikogu. If there is a conflict, the use of the vehicle should be discontinued.</p>
<p><b>Discussion of a Bill in a Riigikogu committee</b></p> <p>A committee of the Riigikogu is proceeding a Bill on changing of alcohol excise duty. Representatives of a</p>	<p><b>These must be refused</b></p>	<p>This is a benefit that is directly linked to the official duties of members of the parliament. In these circumstances it is not a</p>

<p>major alcohol producer come to meet with the members or the chairman of the committee to discuss the matter. They wish to present the members of the Riigikogu with samples of their products – 4 bottles of liqueur.</p>		<p>common courtesy but a corruptive benefit and must be refused.</p> <p>If the bottles are accepted and their acceptance can be linked to the official duties of the member of the committee, the necessary elements of bribing as an offence may be considered to be present.</p>
<p><b>Birthday of a member of the Riigikogu</b></p> <p>On the occasion of the birthday of a member of the Riigikogu, a former colleague from a local government brings them a box of chocolates.</p>	<p><b>This may be accepted</b></p>	<p>If the benefit is not linked to the professional duties but friendship or common courtesy, the gift may be accepted without the obligation to notify of it.</p> <p>However, the member of the Riigikogu must consciously exclude the possibility that their official duties affect the former colleague or the relevant local government. If the purpose of the gift (even in the case of a birthday) is to influence the member of the Riigikogu to act in a certain way, this could be construed as a bribe.</p>
<p><b>Confectionery producer gives candy to members of the Riigikogu</b></p> <p>A large confectionery producer sends 101 bags of candy to the parliament for Christmas, one for every member of the Riigikogu.</p>	<p><b>These may be accepted</b></p> <p><b>These may not be accepted if the parliament is currently proceeding e.g. a Bill on introducing a confectionery excise duty</b></p>	<p>The gift is not linked to the official duties but rather to common courtesy. It is unlikely to influence a member of the Riigikogu in decision making because of the small value; it is also not particularly likely that the parliament could somehow give the producer a competitive edge.</p>
<p><b>A gift for the committee from a foreign guest</b></p> <p>The National Defence Committee has invited the relevant Finnish committee for a visit. The Finnish colleagues present the Chairman of the</p>	<p><b>This may be accepted</b></p>	<p>This is a gift made to a collective body not a specific individual.</p> <p>The Committee will decide whether the gift deserves to be preserved and displayed on a more permanent basis, or</p>

<p>Estonian Committee with a miniature sword with the inscription "For the Protection of the Republic of Estonia".</p>		<p>whether it will be stored in another room as per agreement with the staff of the Chancellery.</p>
<p><b>Round birthday of the President of Riigikogu</b></p> <p>On a round birthday of the President of the Riigikogu, the Secretary General will present them with a small work of art in addition to a bouquet.</p>	<p><b>This may be accepted</b></p>	<p>The gift on the occasion of an important birthday is within the boundaries of common courtesy.</p>
<p><b>Covering of accommodation costs I</b></p> <p>The Estonian friendship group of the German parliament invites the relevant group of the Estonian parliament on a visit. The German sides covers the accommodation costs of the Estonian visitors.</p>	<p><b>This may be accepted</b></p>	<p>The benefit is linked to the official duties of the members of the Riigikogu and remains in the boundaries of common courtesy, and follows a common practice in international relations.</p> <p>Separate notification is not necessary because the Board knows that the accommodation costs will be covered by the host when making the decision to go on a foreign mission.</p>
<p><b>Covering of accommodation costs II</b></p> <p>A committee of the Riigikogu is going on a field meeting to discuss forestry issues. A legal person in private law who is active in the field offers to cover the accommodation and catering costs of the committee.</p>	<p><b>This must be refused</b></p>	<p>The covering of the costs is linked to the official duties of a member of the Riigikogu and crosses the boundaries of common courtesy. This benefit may be defined as income from a corrupt practice.</p>