

Ethics code (Resolution # 16)

RESOLUTION # 16 OF SEPTEMBER 9, 1998

(OFFICIAL GAZETTE OF THE FEDERAL EXECUTIVE,
SEPTEMBER 25, 1998)

*Disciplines and guides the ethical behavior of the
servants of CADE.*

The Board of the Administrative Council for Economic Defense — CADE, in the use of its legal attributions, and considering the determination in item XIX of the article 7 of the Law # 8884 of June 11, 1994, resolves:

CHAPTER I AMBIT OF INCLUSION

Article 1. The dispositions of the ethics code of the Administrative Council for Economic Defense — CADE is applied to all its servants, i.e., those for force of any juridical act, render services of permanent, temporary or exceptional nature, although without financial retribution.

CHAPTER II OBJECTIVES

Article 2. The ethics code of this Council has the objectives:

I — to guide and to diffuse the ethical principles among its servers, enlarging the belief of the society in the integrity of the activities developed by the organ;

II — to reinforce ethical atmosphere that stimulates the permanence of qualified servers and experts in the staff of CADE;

III — to improve the relationship with the community and the respect to the public patrimony;

IV — to sensitize the individuals and juridical interested to any title in the activities of CADE on the importance of the respect to the rules of ethical conduct to foster competition policy and promote free initiative;

V — to repress, when it is the case, the transgressions to the ethical principles expressed in the laws and in this ethics code;

VI — to disclose the Federal Executive Public Servant Ethics Code, stimulating and becoming aware the servants of CADE of the need of maintenance of a high ethical pattern in the execution of the public function.

CHAPTER III

BEHAVIOR AND ACTIVITIES OF THE SERVANTS

Article 3. The servant of CADE, in the execution of its functional duty, should come in way to deserve respect, aiming its functional conduct for the community and for the good treatment with work colleagues, servants of the public organs of the Union, States and Municipal districts, representatives of partners institutions, public, external and internal, and people interested in the activities developed by this agency, in order to consecrate elevated patterns of morality, transparency, legality, impersonality and publicity, in observance to the principles contained in the Federal Constitution of 1988, in the Ordinance # 1171/94, in the Law # 8884/94, in the Internal Rules of this Council and other internal norms conducting the procedures of this agency.

Paragraph 1. In the terms of the main section of this article, the servant of CADE shall aim its functional conduct for the dignity, courtesy, decency, zeal, dedication, effort, discipline and good-faith, carrying out its attributions with efficiency, assiduity, punctuality, correction and the conscience that is remunerated by the community.

Paragraph 2. The servant, in its manifestations, so much written as oral, shall use clear and direct language, motivating its inquiries and answers and collaborating, if possible, in the identification and solution of the pertinent subjects to the work developed in this agency.

Article 4. The servant of CADE in the exercise of its professional activity and in the use of the goods that disposes for occupational reason, shall behave in a way to always justify its use and preservation.

CHAPTER IV

IMPARTIALITY AND PUBLICITY

Article 5. The servant of CADE shall carry out its activities with impartiality and independence, abstaining from giving differentiated treatment to any person, independently of its position.

Article 6. All and any diligence that requests displacement of servants of CADE, in execution of its functional activity, should be financed by means of resources of the own organ, besides having registered in report, being guaranteed transparency and impartiality.

Sole paragraph. Checked the unavailability of budgetary resources for the costs of certain necessary diligence to the acting of its activities, the Plenary can authorize the costing of the diligence for other financing sources, declared expressly in the report referred in the main part of this article.

Article 7. The servant of CADE, when invited to participate, as panelist or not, of courses, seminars or congresses that involve, direct or indirectly, the discussion of tied up matter to its professional activity, shall aim its conduct for the transparency and impartiality, not accepting differentiated treatment of that released to the other(s) participant(s), sending to the Plenary a report of public character of its activities in the event.

Article 8. It is recommended that, in the period of six months after leaving the position, the former-president, former-commissioner, former-attorney general and former-servants, voluntarily, abstain from rendering services or representing any individual or juridical, in direct or indirectly related activities to those developed by CADE.

Article 9. The calendar of activities related to the attributions of the members of the Board and of the attorney general of CADE is public and shall be available for consultation in the clerkship of this agency.

CHAPTER V PROHIBITIONS

Article 10. It is expressly prohibited to the servants of CADE:

I — to be worth of the position or function to obtain anything for itself or for other;

II — to use for deprived ends the privileged information which had access for reason of its position;

III — to harm the reputation of another servants, members of the Council, Attorney General or other people that have work relationship with this agency;

IV — to be connivent with mistake or infraction to the dispositions contained in the Federal Constitution, Law # 8884/94, Decree # 1171/94, Internal Rules, Resolutions or any internal norm of this agency;

V — to manifest, for any means of communication, to disclose, to supply or to render information, to assume commitments, to do promises, to supply copies referring to the processes on course in CADE, judgement pendant, or other subjects understood in the activities of this agency, except if allowed by law and properly authorized by the President or Reporter, in the form of the Internal Rules of CADE;

VI — to exercise any incompatible activities with its function and schedule of work in CADE, except for those allowed by means of legal disposition;

VII — to procrastinate or to hinder the regular exercise of right for any citizen, causing its moral or material damage;

VIII — to be worth of its hierarchical position or position to invade the privacy of another in the work relationships making gestures, comments or taking attitudes that come, in an implicit or explicit way, to generate harassment or disrespect to the individuality;

IX — to allow that persecutions, sympathies, dislikes, whims, passions or interests of personal order interfere in the relationships of work and, or, in the treatment with the public, administered or colleagues;

X — to request, to plead, to provoke, to suggest or to receive, for itself or for another, even at times of festivity, any type of financial help, bonus, prize, commission, donation, presents or other usefulness of economic value, offered per person physics or juridical interested in the activity of CADE, except those of symbolic value, that should have its acceptance public turned;

XI — to adulterate or misuse the text of documents that are processed in this agency;

XII — to deviate servant of CADE for attendance of private interest;

XIII — to remove of any sections of this agency, without being authorized, process, document, book, material, or any belonging to the public patrimony.

CHAPTER VI FINAL DISPOSITIONS

Article 11. The Board members of CADE, together with the Attorney General have the responsibility of assuring the execution of this resolution.

Sole paragraph. The appeared doubts of the application of this resolution should be submitted to the sovereignty of the plenary decisions, in the terms of the article 7, item XIX, of the Law # 8884/94.

Article 12. This code shall take effect on the date of its publication at the Official Gazette of the Federal Executive.

GESNER OLIVEIRA
President of CADE