

## Uzbekistan | April 2023

### NEW RULES ON ACCEPTANCE OF GIFTS BY CIVIL SERVANTS IN UZBEKISTAN

On March 11, 2023 Uzbekistani Anti-corruption Agency approved the Regulations “On Acceptance of Gifts by Public Civil Servants” No.3425 (the “**Regulations**”).

Under the Regulations, a civil servant may accept gifts during business trips abroad, during international and other official events, including in the Republic of Uzbekistan (“**Uzbekistan**”), in case if the gift:

- is not prohibited by the legislation of Uzbekistan or internal rules of the state authority;
- was presented voluntarily either on international or other official event;
- was obtained openly and transparently;
- does not damage the reputation of the governmental authority;
- does not lead to a conflict of interest or corruption risks.

A civil servant must hand over an accepted gift to the economic department of governmental authority within 3 (three) business days.

Consequently, the civil servant can keep the gift, if its value is less than 4 (four) specified base value (UZS 1,320,000). Otherwise, the gift shall be transferred to the balance of governmental authority and be used for its needs. Please note that perishable gifts (chocolate, flowers) and stationary sets (calendars, pens, etc.) are not considered as gifts for the purpose of the Regulations and can be kept by the civil servant.

Also, the Regulations require that each governmental authority should maintain register of gifts received by its civil servants. Please note that a gift, which is a bribe, leads to criminal liability under articles 210-214 of the Criminal Code of Uzbekistan.

It should be noted, on April 6, 2023 the Senate of the Oliy Majlis of Uzbekistan approved the draft law “On Amendments to the Criminal Code of the Republic of Uzbekistan” (the “**Draft Law**”). The Draft Law has not yet been signed by the President of Uzbekistan and is expected to enter into force from the date of its official publication.

The Draft Law adds new provisions to corruption offences in the Criminal Code of Uzbekistan:

- theft by misappropriation or embezzlement by means of abuse of official position (new paragraph “d” of part 3 of Article 167);
- fraud using official position (new para. “g” of part 4 of Article 168);

- abuse of authority by officials of non-governmental commercial or other non-governmental organizations for mercenary motives (new para. “v” of part 2 of Article 192<sup>11</sup>);
- abuse of power by officials or their official position for mercenary motives (new para. “v” of part 2 of Article 205);
- excess of power or official position for mercenary motives (new para. “v” of part 2 of Article 206);
- inaction by authority, committed for mercenary motives (new part 2 of Article 208);
- official forgery for mercenary motives (new para. “v” of part 2 of Article 209);
- Abuse of power, excess or omission of authority with mercenary motives (new para. “b” of part 2 of Article 301).

Besides, the Draft Law specifies the above-mentioned crimes under the new category “*corruption crimes*”, and imposes more severe punishments for the corruption crimes.

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