



The World Bank
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Survey on Transparency in Costa Rica

Definitions of common terms used in this questionnaire:

- *MPs*: members of the lower house/chamber of the national/federal parliament.
- *Financial disclosure laws*: laws that require MPs to disclose their assets and liabilities.
- *Business activities' disclosure laws*: laws that require MPs to disclose secondary employment and business activities in the private sector, such as membership in a company's board of directors, or being an officer or advisor in a company.
- *Family members' individual interests*: Business activities and assets and liabilities owned separately by the MP's family, such as non-marital assets. We only consider assets and interests owned independently by an MP's family member, assets jointly owned are not considered.
- *Post-tenure agreements*: employment agreements and/or business transactions that an MP enters into after completing his parliamentary term, such as an agreement to work for a certain company after completing their parliamentary term.



[Costa Rica]
Lower House of Parliament – [Asamblea Nacional]

PART 1: DISCLOSURE REQUIREMENTS

If your country requires Members of Parliament (MPs) in the lower house to disclose their financial and/or business interests, please use the blank disclosure form to supplement the law when completing this section.

Disclosure requirement and frequency	DB 2008	Contributor
1. Are MPs required to disclose during their mandate their:		
Assets and liabilities?	Y	[]
Business activities (sources of income, secondary employment, positions in private firms)?	Y	[]
2. When are MPs required to submit a disclosure form?		
Upon taking and leaving office	Y	[]
Upon taking office	N	[]
Annually	Y	[]
Once every X years (please specify how often)	N	[]
3. Are MPs required to disclose <u>changes</u> in assets or business activities prior to disclosure deadline (e.g., within 4 weeks of any change)?	N	[]
Applicable law(s) and comments:		
Law 8422/2004 Articles 21 - 29		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		

1.1. DISCLOSURE OF ASSETS & LIABILITIES

Report of Assets and Liabilities	DB 2008	Contributor
4. Are MPs required to disclose the following assets and liabilities:		
Personal residence	Y	[]
<i>Details: Disclosure of exact location vs. monetary value</i>		
○ Value <i>and</i> exact location of the property	Y	[]
○ Exact location	N	[]
○ Total value without the exact location	N	[]
○ Not specified	N	[]
Non-financial, non-movable assets (e.g., other real estate)	Y	[]
<i>Details: Disclosure of exact location vs. monetary value</i>		
○ Value <i>and</i> exact location of the property	Y	[]
○ Exact location	N	[]
○ Total value without the exact location	N	[]
○ Not specified	N	[]
Non-financial, movable assets (e.g., jewelry, vehicles)	Y	[]
<i>Details: Disclosure of description vs. monetary value</i>		
○ Value <i>and</i> description of the asset	Y	[]



○ Description of the asset	N	[]
○ Total value without descriptions	N	[]
○ Not specified	N	[]
Stock holdings and other securities	Y	[]
<i>Details: Disclosure of name vs. monetary value</i>		
○ Value of stock and name of company in which they hold stocks	Y	[]
○ Name of company in which they hold stock	N	[]
○ Total value of stock, without the name of the company	N	[]
○ Not specified	N	[]
<i>Details: Disclosure of all vs. certain types of stocks</i>		
○ All stock ownership	Y	[]
○ Stock ownership in certain types of companies (e.g., in specific industries, in companies where the state is a partial owner)	N	[]
○ Stock above a certain threshold	N	[]
▪ Please specify the threshold	N	[]
Interest-bearing financial investments (e.g., bonds, savings accounts)	Y	[]
○ Value of investment and name of company in which investment is held	Y	[]
○ Name of company in which investment is held	N	[]
○ Total value of investment, without the name of the company	N	[]
○ Not specified	N	[]
Liabilities (e.g., loans, credits, mortgages)	Y	[]
○ Name of lender and value of liability	Y	[]
○ Name of lender only	N	[]
○ Total value of liability, without the name of the lender	N	[]
○ Not specified	N	[]
Applicable law(s) and comments:		
Law 8422/2004 Articles 21 – 29		
MPs are required to disclose changes in assets and liabilities one year before taking office, according to the blank disclosure form, section 11.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments:		
[]		

1.2. DISCLOSURE OF BUSINESS ACTIVITIES

In the questions below, please answer “yes” only if there is an *explicit* requirement to disclose specific items.

Report of income, secondary employment, and business activities	DB 2008	Contributor
5. Are MPs required to disclose the <u>value</u> of their current income?	Y	[]
6. Are MPs required to disclose <u>all</u> sources of income?	Y	[]
○ Only some categories of income (i.e. paid secondary employment)	N	
7. Are MPs required to disclose <u>unpaid</u> secondary employment?	N	[]
8. Are MPs required to disclose if they hold the following positions in companies:		



Membership in boards of directors?	N	[]
○ All types of board membership	N	[]
○ In certain types of companies (e.g., in specific industries)	N	[]
○ Only if the position is paid	N	[]
Positions as officers (e.g., CEO, CFO)?	N	[]
○ All types of positions	N	[]
○ In certain types of companies (e.g., in specific industries)	N	[]
○ Only if the position is paid	N	[]
Positions as advisors (e.g., financial, legal, auditor)?	N	[]
○ All types of advisory work	N	[]
○ In certain types of companies (e.g., in specific industries)	N	[]
○ Only if the position is paid	N	[]
Applicable law(s) and comments: The blank form requires disclosure of membership in boards of directors, or as officers in companies from which they own stock, section 7 of the form, Law 8422/2004 Article 29; However, reading this together with Article 18 of Law 8422/2004, this doesn't apply to MPs, who are forbidden from being part of the board of directors or being officers to private companies.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments: []		

1.3. EXPENSES DISCLOSURE

Report on Expenses Disclosure	TA2009	Your answer
8i. Are MPs required to disclose any kind of expenses?	N	[]
Applicable law(s) and comments: The regulations are silent on this matter.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments: []		

1.4. FAMILY MEMBERS' DISCLOSURE

Report of family members' interests	DB 2008	Contributor
9. Are MPs required to disclose their family members' <u>independently owned</u> interests (as opposed to joint assets or interests)?	Y	[]
10. Which family members are covered by the disclosure requirement?		
○ Spouse	Y	[]
○ Dependent children	Y	[]
○ Other, please specify: <i>Family up to third degree</i>	Y	[]
11. Are family members required to complete the same disclosure form as MPs?	N	[]



Applicable law(s) and comments: Artículo 22 de la Ley de Contratación Administrativa, N° 7494 del 24 de abril de 1995 y el artículo 26 del Reglamento General de la Contratación Administrativa (decreto n° 25038-H) del 06 de marzo de 1996; In addition, internal Ordinance in the Parliament applying both laws. MPs are restricted to participate in certain private businesses. MPs only have to disclose about their family members: ownership interests above 25% in any corporation, and situations in which their family members are members of the board of directors or officers of the company The business interests disclosure forms for MP's family members are kept by the Provedoria, at the National Assembly. Those disclosures are not public, and there is no specific form that MP family members use to do them.	
The law(s) identified above is (are) the applicable one(s):	[]
<i>If NO, please cite the applicable law(s):</i> []	
Contributor's Comments: []	

What did you use to complete sections AI and AII?	DB 2008	Contributor
Blank disclosure form	Y	[]
Laws	Y	[]
Applicable law(s) and comments:		
Comments: []		

1.5. PUBLIC AVAILABILITY OF MPs' DISCLOSURE FORMS

Public Availability of MPs' Disclosure Forms	DB 2008	Contributor
12. <u>By law</u>, are filled out disclosure forms accessible by the public?	N	[]
13. <u>In practice</u>, does the public have access to the filled out disclosure forms?	N	[]
At a registrar where the public can request forms in person	N	[]
On the internet	N	[]
o Please specify the address	N	[]
Disclosures can be obtained from other sources	N	[]
o Please specify the source	N	[]
14. Are filled out disclosure forms only available to the public under certain conditions?	N	[]
With the express consent of the MP	N	[]
Other	N	[]
o Please specify	N	[]
15. Does the <u>law</u> specify that only a summary of the disclosure is accessible by the public?	N	[]
16. <u>In practice</u>, does the public have access to the entire disclosure, as opposed to a summary?	N	[]
Applicable law(s) and comments: Ley contra la corrupcion y el enriquecimiento ilicito en la funcion publica, art.24 Regulacion 3233/2005, art.76		
The law(s) identified above is (are) the applicable one(s):	[]	



If NO, please cite the applicable law(s): []

Contributor's Comments:

[]

PART 2: RESTRICTIONS ON DOING BUSINESS IN THE PRIVATE SECTOR

In some countries, disclosure of business interests is not required, but there are restrictions on doing business in the private sector. Such provisions may be found in the constitution, election laws, standing orders of the parliament, anticorruption laws, conflict of interest or incompatibility laws, and ethics laws among others. Please consider all of the above sources of law to answer the questions.

Restrictions on business activities	DB 2008	Contributor
17. During tenure, are MPs prohibited from all <u>paid</u> employment?	N	[]
18. During tenure, are MPs prohibited from the following activities in the private sector:		
Owning stock of private companies?	Y	[]
o Do MPs have to place their stockholding into a trust fund for the duration of their term in office	N	[]
o Are MPs restricted from owning certain types of stocks (e.g., in certain industries)	Y	[]
o Are MPs restricted from owning stocks above a certain threshold	N	[]
▪ Please specify threshold	N	[]
Being members of boards of directors in companies?	Y	[]
o In <i>all</i> types of company	N	[]
o In certain types of companies (e.g., in specific industries)	Y	[]
o Are there restrictions on being a member of boards of directors only if the position is paid	N	[]
Being officers (CEO, CFO) in companies?	Y	[]
o In <i>all</i> types of company	N	[]
o In certain types of companies (e.g., in specific industries)	Y	[]
o Are there restrictions on being an officer only if the position is paid	N	[]
Being an advisor to companies (e.g., financial, legal, auditor)?	N	[]
o In <i>all</i> types of company	N	[]
o In certain types of companies (e.g., in specific industries)	N	[]
o Are there restrictions on being an advisor only if the position is paid	N	[]
19. Are there other restrictions on activities in the private sector?	N	[]
20. Can restrictions on business activities in the private sector be lifted by a third party, such as the Speaker of the Parliament or the Comptroller?	Y	[]
Applicable law(s) and comments:		
The Contraloria can authorize participation in private businesses under certain circumstances, Law 8422/2004 Article 19; MPs cannot own stock, be officers or participate in the board of companies that compete with state enterprises, Law 8422/2004 Article 18.		
The real gap in designing the Law 8422 is the absence of the MPs in article 3. As a result, most of the legislators in Costa Rica have a "second job" as lawyers, entrepreneurs, etc. The other general prohibitions of Ley No.8422 (articles 18 and 21) are not applicable and, also, easily avoidable by the MPs, simply invoking that their activities are not related to public contracts.		
The law(s) identified above is (are) the applicable one(s):		[]



If NO, please cite the applicable law(s): []

Contributor's Comments:

[]

PART 3: DOING BUSINESS WITH THE GOVERNMENT

Provisions regulating doing business with the government may be found in the constitution, standing orders of the parliament, or public procurement laws. Please consider all these laws when answering this section.

Doing business with the government	DB 2008	Contributor
21. Are MPs required to disclose doing business with the government?		
Are MPs required to disclose signing contracts with the government (e.g., through participation in privatizations, state-led auctions, contract provisions)?	N	[]
o Contracts in which they participate <u>directly</u> by themselves	N	
o <u>indirectly</u> through third parties related to them or where they are involved	N	
o With <u>all</u> government agencies	N	[]
o Only with <u>certain</u> agencies (e.g., only if the contract is with parliament) or under certain conditions	N	[]
22. Are MPs prohibited from doing business with the government?		
Are MPs restricted from signing a contract with the government (e.g., through participation in privatizations, state-led auctions)?	Y	[]
o With <u>all</u> government agencies	Y	[]
o Only with certain agencies (e.g., if the contract is with parliament) or under certain conditions	N	[]
Are MPs restricted from being a government contractor (e.g., where an MP provides services or goods to the government directly or via third parties)?	Y	[]
o For all government agencies	Y	[]
o Only for certain agencies (e.g., if the contract is with parliament) or under certain conditions	N	[]
23. Can restrictions on business relations with the government be lifted by a third party, such as the Speaker of the Parliament or the Comptroller?	N	[]
Applicable law(s) and comments:		
Constitution Article 112, Law 8422/2004 Article 18 COMMERCIAL CODE (Chapter of Sociedades Anonimas), regarding the share holder privacy provisions, make it easy to skip the restrictions in Art.18.		
The law(s) identified above is (are) the applicable one(s):		[]
If NO, please cite the applicable law(s): [What is called SECONDARY LEGISLATION is, in fact, parallel legislation with high importance because it opens to MPs legal avenues to evade the control]		
Contributor's Comments:		
[]		

PART 4: OTHER RESTRICTIONS AND DISCLOSURE REQUIREMENTS

Restrictions on holding two public offices	DB 2008	Contributor
24. Do MPs face restrictions on holding another public office during tenure (e.g., being a mayor or a judge at the same time as being an MP)?	Y	[]



Applicable law(s) and comments: Constitution, Articles 109 and 112 The only exception to this restriction is the case where the Member of Parliament is member of an international delegation, holds a post in a charitable institution or is a tenured professor at the University of Costa Rica or other public institutions of higher learning. An MP may also hold a post as a Minister of Government, but must suspend their legislative charge during the appointment.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments: []		
Voting Rules	DB 2008	Contributor
25. Disclosure on voting – Do MPs have to disclose the existence of a personal interest before voting in Parliament?	N	[]
○ Upon disclosing the existence of a personal interest, are MPs allowed to vote?	N	[]
26. Restrictions on voting –Does the law prohibit the MP voting in Parliament on matters in which he has a personal interest, without <i>explicitly</i> requiring the MP to disclose that interest?	N	[]
Applicable law(s) and comments: The laws are silent on this matter.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments: []		
Post-tenure Rules	DB 2008	Contributor
27. Disclosure of post-tenure agreements – Are MPs required to disclose post-tenure agreements (e.g., employment agreements and/or business transactions that they will enter after completing their parliamentary term)?	N	[]
28. Restrictions on post-tenure agreements – Are MPs restricted from working in certain positions for a given period of time following the end of their term in office?	N	[]
Applicable law(s) and comments: The laws are silent on this matter.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments: []		
Rules on Gifts	DB 2008	Contributor
29. Disclosure on receiving gifts		
○ Are MPs required to disclose gifts they receive?	Y	[]
○ Is this disclosure public?	N	[]
○ Are MPs required to disclose gifts above a certain value?	N	[]
▪ Please specify the value in local currency	N	[]
30. Restrictions on receiving gifts		
○ Are MPs restricted from receiving gifts?	Y	[]
○ Do MPs have to pay for gifts in order to keep them?	N	[]



○ Can MPs receive gifts up to a certain value?	Y	[]
▪ Please specify the value in local currency	Basic salary	[]
Applicable law(s) and comments:		
Law 8422/2004 Article 20; The restriction only applies to courtesy or diplomatic gifts for a value higher than the basic salary; Regulation 32333/2005, article 43; MPs have to disclose "courtesy or diplomatic" gifts.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		
Rules on Travel	TA2009	Your answer
31. Are MPs required to disclose their sponsored travel?	N	[]
<i>Details: Disclosure of identity of sponsor vs. monetary value</i>		
○ Value and identity of the sponsor	n/a	[]
○ Identity of the sponsor	n/a	[]
○ Total value without identity of the sponsor	n/a	[]
○ Not specified	n/a	[]
32. Is this disclosure publicly available?	N	[]
Applicable law(s) and comments:		
Please note this section was only filled according to the Blank Disclosure Form.		
Your Comments / Any missing laws?:		
[]		

PART 5: DISCLOSURE REGISTRAR

This section requests information about the government agency which maintains the completed financial and business interest disclosure forms. The registrar may also check the completeness of the disclosure forms. The registrar may also publish the data on how many MPs complied/failed to comply with their obligation to disclose ("compliance data"). Note that the public availability of compliance data is different from the public availability of the actual disclosures, which is addressed in another section. This section inquires about the profile and activities of the registrar.

Existence and profile of registrar	DB 2008	Contributor
31i. Is there an agency in charge of maintaining the completed disclosure forms for MPs?	Y	[]
Does the registrar check the forms for completion?	N	[]
What forms does the registrar keep?		
○ Assets and liabilities	Y	[]
○ Business activities (sources of income, secondary employment, business activities)	N	[]
32i. In addition to maintaining disclosures of MPs, does the registrar maintain the disclosure forms of:		
Ministers (cabinet members)?	Y	[]
Judges?	N	[]
Civil servants?	Y	[]
33. Profile of registrar		
	DB 2008	Contributor
Name	Proveduria General de la Republica	[]



Contact information	Sabana Sur, Mata Redonda. San José, Costa Rica, Teléfono: (506) 501-8000.	[]
Website	www.cgr.go.cr/	[]
Applicable law(s) and comments: Law 8422/2004 Article 21, 25 The business interests disclosure forms for MP's family members are kept by the Provedoria, at the National Assembly. Those disclosures are not public, and there is no specific form that MP family members use to do them. http://www.asamblea.go.cr/deprtmtnt/prove/reproa01.htm		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments: []		

Activities of the registrar	DB 2008	Contributor
34. By law, does the registrar have to publish data on whether MPs complied/failed to comply with their obligation to disclose?	N	[]
Applicable law(s) and comments:		
Contributor's Comments: []		
35. In practice, are compliance data available?	N	[]
What types of compliance data are available?		
o General statistics (compliance rates or percentages)	N	[]
o Publication of names of MPs who complied/did not comply	N	[]
With what frequency are compliance data reports published?		
o On a regular basis (please specify how often)	N	[]
o Other (please specify)	N	[]
What is the source of compliance data?		
o Government website (please specify)	N	[]
o Other (please specify)	N	[]
36. Are there penalties for failure to submit completed disclosure forms?	Y	[]
o Please specify what kind of penalties: <i>inability to take office.</i>	Y	[]
Applicable law(s) and comments: Ley 8422, Art.36 Regulation 32333, art.70 With regards to the compliance data, art.76 of regulation 32333 mentions that the disclosures are confidential however, "la confidencialidad no restringe el derecho de los ciudadanos de saber si la declaracion fue presentada o no conforme a la ley.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments: []		

PART 6: DATA INTEGRITY BODY



This section asks you to provide information about whether the content of the filled out disclosure forms is routinely verified.

Existence and functions of a data integrity body/agency	DB 2008	Contributor
37. Is there a body/agency that is mandated by law to <u>routinely</u> check the content of the disclosure forms?	N	[]
Does the body/agency check the content of the forms:		
o of all MPs?	N	[]
o of a random sample of MPs?	Y	[]
o each submission period to verify that all information is accurate (e.g., by verifying the content against other records such as tax records, bank statements)?	Not specified	[]
o by comparing the content of the forms upon taking and leaving office to discover irregular increases?	Not specified	[]
o to ensure that MPs activities are not incompatible with their mandate?	Not specified	[]
38. Does the body/agency check the content of the forms if there is a complaint?	N	[]
Applicable law(s) and comments:		
Law 8422/2004 Articles 34 and 35; Regulation 32333/2005, Art. 82 They can check the forms but it is not mandatory.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		
39. Details about the data integrity body		
	DB 2008	Contributor
Name	Contraloria General de la Republica	[]
Contact information	Sabana Sur, Mata Redonda. San José, Costa Rica, Teléfono: (506) 501-8000.	[]
Website	www.cgr.go.cr/	[]
40. What forms does the body check?		
Assets and liabilities forms	Y	[]
Business activities forms	N	[]
41. Does the agency check the disclosure forms of other government officials?		
Ministers (cabinet members)	Y	[]
Judges	Y	[]
Civil servants	Y	[]
Applicable law(s) and comments:		
Law 8422/2004 Articles 34 and 35; Regulation 32333/2005, Art. 82		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		



Activities of the data integrity body/agency	DB 2008	Contributor
42. By law, is the body required to publish the results of checking the content of the forms?	N	[]
Applicable law(s) and comments: The law is silent on this matter.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		
43. In practice, are results of the integrity body's activities in relation to checking the content of disclosure forms available?	N	[]
o General statistics are published (e.g., the content of 10% the disclosure forms was checked)	N	[]
o Other (please specify)	N	[]
How often are content checking results published?		
o On a regular basis (please specify how often)	N	[]
o Other (please specify)	N	[]
Where are content checking results published?		
o Government website (please specify)	N	[]
o Other (please specify)	N	[]
44. Are there penalties for submitting false information in the disclosures?	Y	[]
o Please specify what kind of penalties	Y	[]
Applicable law(s) and comments: Law 8422, art.46		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		

PART 7: SALARY DATA

Please provide the base salary for MPs in your country		
Amount [US\$3,500]		
Currency[1,875,000 Colones]		
Per (month/year) [monthly]		
Applicable law(s) and comments:		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		



PART 8: REFORMS

Reforms in laws on financial disclosure or business activities		
	Yes	No
Are you aware of any changes that occurred between January 2003 and now to the laws and regulations the will affect answers to this survey?	Y <input type="checkbox"/>	<input type="checkbox"/>
If your answer is Yes , please briefly describe: 1) the goal of the reform [<i>General control over the activities of public functionaries in Costa Rica, which only covers partially the Role of MPs. 8824/2004 and its Reglament 3233-2005</i>] 2) its major characteristics [<i>Formal control based on formal declarations and financial disclosure forms. There are not simultaneous reforms on some other legal provisions that could enforce the general aim of Law 88-24</i>] 3) the date the reform came into force [<i>From 2004 and 2005</i>]		
Are you aware of any changes expected by June 1, 2008 to the laws and regulations that will affect answers to this survey?	<input type="checkbox"/>	N <input type="checkbox"/>
If your answer is Yes , please briefly describe: 1) the goal of the reform [] 2) its major characteristics [] 3) the date the reform will come into force []		

Thank you for confirming the responses in this questionnaire!

Please return the completed survey to:

Elena Gasol Ramos
EGasolramos@ifc.org
Phone: 1 202 458 2919

or

Ivana Rossi
Irossi@worldbank.org
Phone: 202 478 5310