

**Subject :**

In the matter of the query of the effect of the Act of Recusal of Public Servants Due to Conflicts of Interest in applying to the invitation of your office to participate in the “Renovation-Operation-Transfer (ROT) Program” by the private sector.

**Description :**

According to the annex to your correspondence, the content of the ROT Program and agreement should be construed as an act of business transaction with considerations pursuant to Article 9 of the Act on Recusal of Public Servants Due to Conflicts of Interest. In addition, the time of transaction shall be determined by the time of signing the agreement. Yet, no investment agreement has ever been entered into with the organizer of the program thereby the act of transaction under the law cannot be substantiated.