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EUROPEAN UNION POLICY ADVICE PROGRAMME AND THE COUNCIL OF EUROPE

Project “Russian Federation – Development of legislative and other measures for the prevention of corruption” (RUCOLA 2)

INCEPTION REPORT

Project title	Russian Federation – Development of legislative and other measures for the prevention of corruption (RUCOLA-2)
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Views expressed in this report do not represent the official opinions of the European Commission or the Council of Europe

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1. PROJECT SYNOPSIS

The Project on the development of legislative and other measures for the prevention of corruption in the Russian federation started on 11 July 2006. The present report hence summarises the activities carried out from the beginning of the project till 11 October 2006, and contains the agreed upon work plan for the project.

1.1 Beneficiary country and institutions

Russian Federation

Primary counterpart institution: the State Duma of the Federal Assembly of the Russian Federation

1.2 Contracting authority

European Commission (EC)

1.3 Implementing organisation

The Council of Europe is responsible for the implementation of the project and the use of the project funds under the contract with the European Commission. Within the General Secretariat of the Council of Europe in Strasbourg, the Technical co-operation section (Department of Crime Problems, Directorate General I - Legal Affairs) is responsible for the overall management and supervision of the project.

1.4 Project objective

The overall objective is to contribute to the effective implementation of the Council of Europe's Criminal Law Convention on Corruption and the United Nations Convention against Corruption by the Russian Federation. The direct objective is to support the State Duma Anti-Corruption Commission in the development of legislative and other measures aimed at the prevention of corruption.

1.5 Planned outputs

- To develop methodologies for assessing and preventing corruption risks in legislation and test them in pilot areas of legislation (health, education and public procurement). Legislative proposals to reduce such risks in the indicated areas of legislation to be prepared;
- Proposals for a national corruption prevention strategy (including legislative and institutional proposals) to be developed;
- The materials produced within the framework of the Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005) to be published and disseminated.

2. Project Analysis

2.1 Country situation and domestic legislation

According to various surveys, the people of Russia consider corruption to be one of their major problems. It appears that the corruption situation remains serious. At the same time the country's leadership recognises this problem and regards corruption as a major obstacle to further social and economic development of the country, a threat to democracy and national security, and demonstrates a firm intention to fight this problem in a pro-active manner.

Several attempts to improve the domestic legislation on the fight against corruption and preventive measures were made between 1999 and 2005, among them the three framework acts that were consecutively tabled in the State Duma: the draft federal law on Fight against Corruption, the draft federal law on Combating Corruption, the draft federal law on Fundamentals of Anti-Corruption Policy. However, none of these draft laws has gone further than the first reading.

Another recent piece of legislation that was adopted is the Federal Law on State Civil Service of 27 July 2004 (No. 79-FZ) that contains a number of provisions for the prevention of corruption among public officials. However, the State Duma has subsequently voted down a Code of Conduct for Public Officials in March 2005. The question of adopting such a document is still being discussed.

All in all the Russian legislation in its current state is regarded as non-systematic and fragmentary, demonstrating many gaps and loopholes and thus creating high risks of corruption in many areas.

2.2 International instruments

In 1999, the Russian Federation signed the Council of Europe Criminal Law Convention on Corruption, and in 2003 the United Nations Convention against Corruption. Both treaties have now been ratified.

In March 2006 the Russian Federation ratified the UN Convention against Corruption. The respective Federal Law on the Council of Europe Criminal Law Convention on Corruption was adopted by the Duma in July 2006, and in September 2006 the Russian Federation deposited the instrument of ratification at the Council of Europe. The Russian Federation will become a member of the Group of States against Corruption (GRECO) in February 2007 and thus become a full member of this important common European anti-corruption mechanism.

2.3 Institutions for the prevention of corruption

In April 2004, supported by the absolute majority of its members the State Duma established its Anti-corruption Commission. Its main tasks are as follows:

- to analyse the current and draft legislative acts for corruption opportunities they offer;
- to develop legislative and institutional measures that would facilitate the prevention and elimination of corruption;

- to participate in the control exercise of the State Duma provided by law through receiving complaints and other information from the public and through addressing on this basis inquiries to the respective government bodies.

The Commission consists of a Chairman and 14 deputies. It is assisted by a Council of experts that includes, along with renowned law academia, representatives from the Supreme Court, the Office of Prosecutor General, the Ministry of the Interior, other ministries and non-governmental organisations.

The Council of the President of the Russian Federation to Fight Corruption was established by decree No.1384 of 24 November 2003. This Council was to be a consultative body called upon to provide assistance to the President in identifying primary directions of state policy in the fight against corruption and its implementation.

The Decree also provided for the establishment of two Commissions under the auspices of the Council: an Anti-Corruption Commission and a Commission on the Conflict of Interest. The aim of the first Commission is to elaborate proposals for preventing and fighting corruption in the public bodies at the federal level, the level of the subjects of the Russian Federation and bodies of local self-government. The second Commission is called upon to consider situations when individual interests of persons holding public offices of the Russian Federation (except for the servicemen) and public servants, appointed to and dismissed from their posts by the President or the Government of the Russian Federation, can influence them in performing their official duties.

However, the Council and the Commissions are currently not operational.

2.4 Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005)

In 2004, the Anti-Corruption Commission of the State Duma of the Federal Assembly of Russia approached the Policy Advice programme of the European Commission proposing to organise a joint project to support the implementation of the above mentioned legal instruments into Russian law. A policy advice Project "Harmonisation of Russian anti-Corruption Legislation with International Standards" was subsequently funded by European Commission (with co-funding from the Council of Europe) and implemented by the Council of Europe in 2005.

In 2005, the Project provided support to the Anti-Corruption Commission of the State Duma in the following three areas:

- examining in detail the current legislative framework, including the identification of needs for amendments or additional legislation;
- obtaining a detailed knowledge as to how the provisions of these Conventions have been implemented in other European countries;
- elaborating proposals to ensure the integration of such provisions into Russian legislation and thus to facilitate the ratification of both Conventions by the Russian Federation.

The legislative proposals that resulted from the Project activity refer to the following:

- criminalisation of certain corruption offences;
- reintroduction of confiscation of criminally derived assets and revenues from such assets as a criminal sanction;

- updating certain legal definitions (particularly those of the domestic and foreign "public officials");
- refining the use of special investigation means and thus improving the admissibility of evidence obtained through it;
- revising the procedure for lifting the judicial immunities;
- introducing the monitoring of operations of public officials with assets;
- enlarging legal provisions for international co-operation in the sphere of recovery of assets.

At the conclusion of the project, these proposals were handed over to the Chairman of the State Duma Anti-Corruption Commission in order to be tabled in the Duma.

Other proposals produced within the framework of the Project encompassed various recommendations of a more general nature concerning inter alia the following areas:

- formulation of a comprehensive corruption prevention policy and programmes of action;
- recommendations on specialised anti-corruption services;
- identifying the corruption risks created by legislation;
- adoption of a code of ethics for public officials;
- participation of the society.

In conclusion, the project was instrumental in supporting the ratification of the UNCAC and the Council of Europe Criminal Law Convention on Corruption. A number of legislative proposals, however, still need to be adopted by the Duma.

3. PROJECT PLANNING

3.1 Project objectives

The present project provides a follow up to project activities carried out in 2005.

The **overall objective** is to contribute to the effective implementation of the Council of Europe's Criminal Law Convention on Corruption and the United Nations Convention against Corruption by the Russian Federation. The **direct objective** is to support the State Duma Anti-Corruption Commission in the development of legislative and other measures aimed at the prevention of corruption.

3.2 Expected results and methodology

The expected results are to include a set of recommendations, concepts, methodologies, legislative proposals that will be made available to the Project partner – the State Duma Anti-Corruption Commission – in order to permit the fulfilment by the Russian Federation of its obligations under the United Nations and Council of Europe anti-corruption Conventions.

Moreover, by introducing the issues in question through expert meetings and by holding workshops, the Project will assist members of the State Duma Anti-corruption Commission in sharing the international experience. This will provide them with additional tools that would help them design and implement anti-corruption policies and measures beyond legislative questions.

In particular, the method to be used will allow the experts to study and compare the best examples of international practice in the sphere of creation and functioning of a specialised body responsible for the co-ordination of national effort in combating and prevention of corruption and formulate on this basis specific recommendations for a possible line of action.

While the previous project concentrated on the punitive, re-active measures and prosecution of corruption, the proposed Project will concentrate primarily on the elaboration of preventive, pro-active measures against corruption.

3.3 Project outputs

The delivery of the three main outputs will be achieved through the main activities as outlined in the following scheme:

Output 1 *Methodologies for assessing and preventing corruption risks in legislation are developed and tested in pilot areas of legislation (health, education and public procurement). Legislative proposals to reduce such risks in the indicated areas of legislation have been prepared.*

Activity 1.1 Organise up to 2 workshops of Russian and international experts to analyse the methods and approaches for assessing and preventing corruption risks in legislation in Russia and other European countries

Activity 1.2 Organise up to 3 meetings of Russian and international experts in order to study the legislative provisions enforced in the Western Europe regulating health, education and public procurement with regard to preventing corruption and make comparative analysis with the provisions of the Russian law in the field, applying the relevant methodology

Activity 1.3 Elaborate and evaluate legislative proposals to strengthen the anti-corruption effort in the indicated areas of legislation

Output 2 *Proposals for a national corruption prevention strategy (including legislative and institutional proposals) developed*

Activity 2.1 Organise up to 2 meetings of Russian and international experts in order to study the experience of European countries in the sphere of development and functioning of the national anti-corruption strategies

Activity 2.2 Organise up to 2 meetings of Russian and international experts in order to study the experience of European countries in the sphere of creation and functioning of a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption.

Activity 2.3 Organise 1 conference in Moscow or a regional capital with participation of a broad circle of specialists and representatives of the civil society to elaborate recommendations on the strategy and measures for corruption prevention

Activity 2.4 Elaborate and evaluate legislative proposals on the basis of the above recommendations for creating a national anti-corruption strategy

Output 3 ***The materials produced within the framework of the Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005) published and disseminated***

Activity 3.1 Compile, edit, publish and distribute a brochure containing a selection of the best materials produced within the framework of Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005)

4. ACTIVITIES DURING THE INCEPTION PERIOD

The following general activities were carried out during the inception phase of the project:

Description of activity	Status
Set up of the Project Team	Completed
In-country mission to discuss the implementation of the project	Completed
Preparation of the project implementation programme and a detailed list of activities	Completed
Organisation of a Start-up conference	On the way
Finalisation of the project's workplan and a timetable of activities	Completed
Preparation of the inception report (reporting period: 11 July 2006 - 11 October 2006)	Completed and submitted on 11 October 2006

In-country mission to discuss the implementation of the project

A mission to Moscow took place on 23 June 2006, and was carried out by Alexander Seger, the Head of Technical Co-operation Section, and Svetlana Anisimova, Project coordinator. The meeting took place in the State Duma of the Federal Assembly of Russia. The Russian counterpart was represented by Mr AA Bondarev, Head of the Secretariat of the Chairman of the State Duma Anti-Corruption Commission. Mr Eric Schlosser, Policy Adviser, represented the Delegation of the European Commission to Russia. Mr Quentin Reed, a facilitating project consultant also contributed to the work of the meeting.

The primary objective of the mission was to meet with counterpart institutions representatives to discuss:

- Output 1 – Methodologies for assessing corruption risks in legislation: what is already available, what is to be developed within the framework of the Project. Main focus: efficiency of such assessment/expertise, available resources. Overall approach to the legislative process – regulations on how legislation is to be developed; public participation;
- Output 2 – General approaches and working methods;
- Output 3 – Contents of the future publication;

- Timetable of activities;
- Workplan.

The meeting had rather a technical character to present the project to the counterpart and the panel of Russian and international experts, to distribute assignments according to the outputs and professional interests of experts and to set up the common approach and understanding of work to be carried out during the summer period taking into account the Duma working schedule. A detailed plan for the first two activities in October-November 2006 according to the proposed work plan was agreed upon as follows:

- Output 1

Activity 1.1

- To organise the 1st workshop of Russian and international experts to analyse the methods and approaches for assessing and preventing corruption risks in legislation in Russia and other European countries in mid-October;
- In preparation for the meeting:
 - to prepare an Overview of the anticorruption reform measures undertaken by the Duma (Vladimir Yuzhakov) by 15 September
 - to prepare a report on the methods of assessing of corruption risks in specific policy areas (Larissa Sannikova) by 15 September
 - to prepare a report on the prevention of corruption in the legislative process (current state, mapping out risks, defining legislative and regulatory issues and making first proposals) (Elvira Talapina and Quentin Reed) by 15 September
- This activity will be combined with activity 2.1 and the start-up meeting.

Activity 1.2

- To organise a meeting of Russian and international experts in order to study the legislative provisions enforced in the Western Europe regulating health, education and public procurement with regard to preventing corruption and make comparative analysis with the provisions of the Russian law in the field, applying the relevant methodology;
- The first meeting will focus on corruption in the fields of education and public procurement and will be held in mid-November;
- In preparation for the meeting:
 - to prepare a report on the assessment of corruption risks in the education sector (Larissa Sannikova) by 15 October;
 - to prepare a report on the assessment of corruption risks with regard to public procurement (Nina Solovyanenko) by 15 October.
- To identify an international expert to work on the issues of corruption in the education sector along with a national expert and to present a report by 15 October;
- To identify an international expert to work on the corruption in procurement along with a national expert and to present a report by 15 October;

- This activity will be combined with the activity 2.2.

- Output 2

Activity 2.1

- To organise the 1st meeting of Russian and international experts in order to study the experience of European countries in the sphere of development and functioning of the national anti-corruption strategies in mid-October;
- In preparation for the meeting:
 - to prepare a report on anti-corruption strategies (Elena Panfilova, Konstantin Golovshchinsky and Drago Kos) by 15 September.
- The meeting will take place back-to-back with activity 1.1.

Activity 2.2

- To organise a meeting of Russian and international experts in order to study the experience of European countries in the sphere of creation and functioning of a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption in mid-November
- In preparation for the meeting:
 - to prepare a report on the anticorruption services (Elena Panfilova, Konstantin Golovshchinsky and Drago Kos) by 15 October
- The meeting will take place back-to-back with activity 1.2

- Output 3

- to prepare a 100 page publication with the summary of the experts' reports and transcript of discussions;
- the Duma was asked to find an expert who could prepare such a summary;
- the publication will be translated and published in Russia.

5. ADMINISTRATIVE ISSUES

The Project co-ordinator (Ms Svetlana Anisimova) started working from 11 July 2006 (in Strasbourg).

The Council of Europe has approached two experts – Mr Quentin Reed (United Kingdom) to be a Lead Expert/Consultant to the project and to contribute particularly to Output 1, Mr Drago Kos (Slovenia), President of the Group of States against Corruption (GRECO) to contribute particularly to Output 2 and Mr Peter Trepte (United Kingdom) to contribute particularly to Output 1, public procurement element. Their agreement to participate has been received (see Annex II for detailed CVs). Experts for the remaining elements for output 1 will be nominated shortly.

The Russian partners have put forward a proposal for 6 Russian experts to be involved in the project on a regular basis (see Annex II for short CVs).

A generic webpage on the RUCOLA 2 project was posted on the Council of Europe website (<http://www.coe.int/rucola2>) as well as under the webpage on joint programmes of the Council of Europe and the European Commission (<http://jp.coe.int/>)

6. Planning for the next reporting period (12 Oct 2006 – 11 Jan 2007)

An official Project presentation shall take place at the very beginning of the next reporting period.

Under **Output 1**, the second activity will take place at the beginning of December. The aim of the activity will be to study the legislative provisions enforced in Western Europe regulating education and public procurement with regard to preventing corruption and make a comparative analysis with the provisions of the Russian law in the field, applying the relevant methodology.

Based on the results of the work carried out under Output 1, legislative proposals to strengthen the anti-corruption effort in the indicated areas of legislation will be elaborated and evaluated.

The second activity under **Output 2** is also scheduled to take place during the 2nd reporting period. It is expected to study the experience of European countries in the sphere of creation and functioning of a specialised body responsible for the co-ordination of national efforts against corruption.

Based on the results of the work carried out under Output 2 and the recommendations put forward by the experts for creating a national anti-corruption strategy, the legislative and institutional proposals will be elaborated and evaluated by the end of the 2nd reporting period.

The activity under **Output 3** is an on-going task. The materials for publication are being compiled and prepared by the designated expert.

7. ANNEXES

Annex I: PROJECT CALENDAR OF ACTIVITIES

Outputs and activities	Description	2006												2007									
		Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec			
Output 1	Approaches and a pilot methodology for assessing and preventing corruption risks in the legislative process are developed and tested on pilot areas of legislation (health, education and public procurement). Legislative proposals strengthening the anti-corruption effort in the indicated areas of legislation prepared.	1	2	3	4	5	6	7	8	9	10	11	12										
Activity 1.1	Organise up to 2 workshops for experts to analyse the methods and approaches for assessing and preventing corruption risks in legislation in Russia and other European countries.					X			X														
Activity 1.2	Organise up to 3 meetings of Russian and international experts in Moscow in order to study the legislative provisions enforced in the Western Europe regulating health, education and public procurement with regards to preventing corruption and make comparative analysis with the provisions of the Russian law in the field, applying the relevant methodology.												X		X								X
Activity 1.3	Elaborate and evaluate legislative proposals to strengthen the anti-corruption effort in the indicated areas of legislation.													X	X								X
Output 2	Proposals for a national corruption prevention strategy (including legislative and institutional proposals) developed.																						
Activity 2.1	Organise up to 2 meetings of Russian and international																						X

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Outputs and activities	Description	2006												2007				
		Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May					
	experts in Moscow in order to study the experience of European countries in the sphere of development and functioning of the national anti-corruption strategies.	1	2	3	4	5	6	7	8	9	10	11	12					
Activity 2.2	Organise up to 2 meetings of Russian and international experts in order to study the experience of European countries in the sphere of creation and functioning of a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption.							X			X							
Activity 2.3	Organise 1 large-scale conference in Moscow or a regional capital with participation of a broad circle of specialists and representatives of the civil society to elaborate recommendations on the strategy and measures for corruption prevention.																X	
Activity 2.4	Elaborate and evaluate legislative and institutional proposals on the basis of the above recommendations for creating a national anti-corruption strategy.													X	X	X		
Output 3	The materials produced within the framework of the Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005) published and disseminated.																	
Activity 3.1	Compile, edit, publish and distribute a brochure containing a selection of the best materials produced within the framework of Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005).				X	X	X	X	X									

Annex II: Expert profiles

Council of Europe experts

QUENTIN REED – Team leader to the project and expert Output 1

Date of birth: 10.7.70

Nationality: British

Education

1991-1997 Oriel College, Oxford.

Doctoral dissertation on privatization, corruption and control in post-communist political systems, focusing on the Czech Republic. Awarded D.Phil. (PhD). 1997 British Political Studies Association Walter Bagehot Prize for best British doctoral dissertation on politics and public administration.

1988-1991 Oriel College, Oxford, U.K.

1st Class BA Honors Degree in Philosophy, Politics and Economics.

3rd from over 350 people in final honors school. College scholar. Winner of University economics essay prize.

Languages

Fluent Czech, fluent understanding of Slovak, rudimentary understanding of Russian.

Professional

Member of Board of Transparency International Czech Republic, 1998-2005, Chairman June – December 2004. Member of Organizing Committee for 10th International Anticorruption Conference, Prague, October 2001. Author of several published articles on and chapter contributions to books on corruption.

Work experience

2/2006-4/2006 Consultant to American Bar Association Central European and Eurasian Law Initiative (ABA CEELI), advising on reforms of law enforcement in Ukraine (reform of Prosecutor's Office, international human rights obligations of law enforcement agencies)

3/2004-12/2005 Consultant/editor for Open Society Institute European Advocacy and Monitoring Program (EUMAP)

Editing four of 20 country reports on Television in Europe: Regulation, Policy and Independence

1/2003- 12/2005 Consultant to the Open Society Justice Initiative on anti-corruption issues. Projects/tasks included:

- 3/2003 – 11/2004 Writing a 180-page handbook on monitoring election campaign finance (www.justiceinitiative.org/activities/ac).
- 10/2003 – 12/2004 Project manager for monitoring by the Justice Initiative and Center for Anticorruption Research and Initiative – Transparency International Russia of the abuse of public resources in the campaign for December elections to Russian State Duma.
- 1/2004 – 2/2005 Advising Mongolian Foundation for an Open Society on designing a report on corruption and anti-corruption policy in Mongolia, and for a project to monitor the abuse of public resources during the campaign for the June 2004 State Hural Elections (including editing final report).
- 1/2004 – 12/2005 provided advice to election monitoring projects in southern Africa (Zimbabwe, Mozambique) and Serbia.
- 12/2003 – 12/2005 training NGOs on how to monitor corruption and related phenomena.
- 10/2000-6/2003 Program Officer, Corruption, Open Society Institute EU Accession Monitoring Program (EUMAP).
- Editing and researched ten reports on corruption and anti-corruption policy in the EU candidate states of Central and Eastern Europe (www.eumap.org/reports/2002/corruption). Author of the Czech Report and Overview Report. From April/May 2004 editing four of a new round of reports on Monitoring Broadcasting Regulation and Independence of the Media in 21 EU candidate/accession countries and three EU Member States.
- 2/1999-9/2001 Writer/researcher, Economist Intelligence Unit, Business Operations Reports, Czech Republic. Plus other ad hoc freelance work (e.g. Financial Times, Euromoney, European Investment Fund Directory).
- 4/1997-1/1999 Reporter, Prague Business Journal.
- 2/1996-3/1997 Supreme Audit Office of the Czech Republic, Adviser to the Vice-president.
- Involved in organizing 1996 Conference of European Organization of Supreme Audit Institutions, helping with other international visits, aiding construction of a database of audit findings, and extensive translation and proofreading.
- Extensive translation experience (Czech-English).

DRAGO KOS – expert on output 2

Date of birth: 13.01.1961 Nationality: Slovenian

Education

1. State law (bar) exam, Ministry of Justice, Slovenia, 1991
2. Law degree at University of Ljubljana, Slovenia in 1983, major area of study : criminal law

Languages

Mother tongue : Slovenian

Other Languages : English (fluent), German (full working knowledge), Serbian, Croatian, Bosnian (all fluent).

Professional skills and expertise

Fields of expertise: corruption, organised crime, money laundering, economic crime, criminal investigations, special criminal investigative methods (theory and practise), witness protection, drafting of criminal law and police legislation, expertises of foreign legislation .

Credentials: president of the Council of Europe's Group of States against Corruption (GRECO), Vice-President of the European Healthcare Fraud and Corruption Network, former member of the Council of Europe's Group of Specialists on Criminal Law and Criminological Aspects of Organised Crime (PC-S-CO), IMF and Council of Europe law enforcement expert in the field of money laundering (MONEYVAL), appointed expert in other programmes of Council of Europe and European Union (Octopus, PACO, ADAC), member of the Steering Group of the Stability Pact Anti-Corruption Initiative (SPAI), member of working groups for drafting Slovenian penal (substantive and procedural) legislation and national strategies (crime in general, economic crime, corruption).

Drafting of:

- Kosovo Anti-Corruption Strategy (adopted in 2004),
- Kosovo Anti-Corruption Act (pending adoption),
- Resolution on the Prevention of Corruption (national strategy) of the Republic of Slovenia (adopted in June 2004),
- Anti-Corruption Act of the Republic of Serbia.

Assistance in drafting of:

- Law on Financing of Political Parties in Macedonia (FYROM),
- National Anti-Corruption Strategy in Serbia
- Action-Plan for the Implementation of the National Anti-Corruption Strategy in Serbia

Expertise given on the following pieces of documentation:

- Draft Criminal Procedure Code, Ukraine,
- Law on the Fight against Corruption, Ukraine,
- Criminal Code, Ukraine,
- Law on Prevention of Corruption, Federation of Bosnia and Herzegovina,
- Draft Law on the Ratification of the Council of Europe's Criminal Law Convention against Corruption, Russian Federation,
- Draft Law on Internal Affairs, Republika Srpska, Bosnia and Herzegovina,

- Law on the Chamber of Control, Georgia,
- Draft Anti-Corruption Practices Law, Azerbaijan,
- Draft Corruption Bill, United Kingdom,
- Law on Conflicts of Interests, Serbia,
- Law on Financing of Political Parties, Serbia,
- Draft Amendments to the National Anti-Corruption Strategy, Romania,
- Anti-Corruption Documents of the Kyrgyz Republic,
- Position of the National Anticorruption Prosecutor's Office in Romania

and others.

Member of international team investigating suspicious death in custody in Uzbekistan, 2005.

Relevant work experience

2004 onwards	First elected president of the Commission for the Prevention of Corruption in the Republic of Slovenia
2004 (first half)	Acting head of the Office of the Government of the Republic of Slovenia for Prevention of Corruption, Ljubljana, Slovenia
2002 – 2004	State Undersecretary at the Office of the Government of the Republic of Slovenia for Prevention of Corruption, Ljubljana, Slovenia. Area of work: international relations in the field of anti-corruption. Type of business: representing Slovenia in international relations;
1999 – 2002	Counsellor to the government at the Office for European Affairs and International Co-operation at the Ministry of the Interior of Slovenia, Ljubljana. Area of work : negotiations between Slovenia (as a candidate country) and European Union in the field of justice and home affairs. Type of business: acting head of a unit, co-ordinating national activities in the field of organised crime, money laundering and corruption, representing (actively) country and Council of Europe at international conferences and seminars (Global Forum II and III, 10 and 11th IACC, Conferences of Specialised Services in the Fight against Corruption..);
1997 – 1999	Counsellor to the government, Deputy Director of the Criminal Investigation Directorate of Slovenian Police, Ministry of the Interior of Slovenia. Area of work : head of criminal investigation operations, Type of business : leading of the operational activities in the criminal cases of national and international importance, co-ordinating all other criminal police activities, building-up systems of special investigative methods and crime analyses in Slovenia. Supervisory experience : supervising operational activities of 700 criminal investigation officers;
1995 – 1997	Counsellor to the Minister, Head of Organised Crime Section, Ministry of the Interior of Slovenia, Ljubljana. Area of work : organising and heading of a brand new section for organised crime. Type of work: leading and co-ordinating investigative activities in the organised crime cases of international and national importance, establishing the systems of special investigative methods and crime analyses in

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	Slovenia. Supervisory experience : supervising activities of 100 criminal investigation officers in the field of organised crime;
1993 – 1995	Criminal Investigation Inspector in the Investigation Division of the Criminal Investigative Directorate of the Ministry of the Interior of Slovenia. Area of work : investigating in major cases. Type of work : operational police activities;
1991 – 1993	Deputy director of the Criminal Investigation Department of the regional Police Directorate in Slovenj Gradec, Ministry of the Interior of Slovenia. Area of work : investigating in major regional cases. Type of work : operational police activities. Supervisory experience : supervising operational activities of 10 criminal investigation officers;
1991	Practical experience with Slovenian judicial authorities (criminal and civil courts, public prosecution service,..);
1987- 1991	Head of Economic Crime Division of the regional Police Directorate in Slovenj Gradec, Ministry of the Interior of Slovenia. Area of work : investigating major regional economic and drug cases. Type of work : operational police activities. Supervisory experience : supervising operational activities of 3 criminal investigation officers
1983 – 1987	Inspector of the regional Police Directorate in Slovenj Gradec, Ministry of the Interior of Slovenia. Area of work: investigating criminal cases. Type of work : operational police activities

Publications and Presentations

Special investigative methods in a concrete case, Seminar on Special Investigative methods, College for Police and Security Studies, Ljubljana, 1996

The fight against corruption, organised crime and money laundering; Essay at the seminar organised by the Council of Europe, Tbilisi, Georgia, 1999

The setting of special national services for the fight against corruption – Slovenia's point of view, A Collection of essays from International conference »Corruption in Central and Eastern Europe at the Turn of Millenium«,Ljubljana, Slovenia, 2000

Priorities of the European policy on crime prevention and suppression, Seminar on Public Law, Faculty of Law Ljubljana, Portorož, 2000

Crime in Slovenia or Slovenia in Crime, Days of Security Studies, College for Police and Security Studies, Bled, 2000

Auditors and Corruption, 6th Annual conference of auditors, Slovene Auditors Institute, Portorož, 2000

Special investigative means, Seminar on "Problems of combating organized crime", Faculty of Law, Krasnoyarsk, 22-23 November, 2000

Efficient "new" police, Days of Security Studies, College for Police and Security Studies, Bled, 2001

Functioning of the Group of States against corruption - GRECO, Essay at the international conference »Corruption within Security Forces: A threat to National Security«, Marshall Center for Security Studies, Garmisch-Partenkirchen, Germany, 2001,

How to make international legal instruments work, 10th International Anti-Corruption Conference, Prague, 2001

Corruption and the media, VI. Conference of Specialised Services in the Fight against Corruption, Portorož, 2001;

Reporting on the financial assets of the public officials, Conference "Are the limits clear?", Agency for management, Otočec, 2002;

Problems of the police co-operation on the basis of the Schengen agreement, Journal "Varstvoslovje", 1/2002

Corruption and Investments, OECD Conference on the investment policies, OECD and Ministry for Economy of the Republic of Slovenia, Ljubljana, 2002

Tackling Corruption through Peer Review, Conference of the Foreign&Commonwealth Office "Tackling Corruption in Africa – Building a new Partnership", London, 20 May, 2002

Die Internationale Zusammenarbeit bei der Bekämpfung Grenzüberschreitender Kriminalitaet, Max-Planck Institute, Bavaria, June, 2002

Identifying deficiencies and developing comprehensive anti-corruption policies in Europe, European Commission Seminar on the fight against corruption, Brussels, November 2002;

Anti-corruption policies – principles or obligations?, Conference "Cross-Border Crime, Terrorism: Law Enforcement, Security and Liberties Equilibria, Faculty of Law, Ljubljana, 18 October, 2002

Means to control / avoid corruption on the national level: need for specialised agencies?, Seminar of the Venice Commission: Standards of Public Life including Means to avoid Corruption, Trieste, 25-29 November, 2002

Will it get better or will it get worse? "The European Criminal Area and the World", International Conference organised by Legal Section of the Institute for European Studies, Brussels, 17-18 March, 2003

How to increase efficiency of the specialised anti-corruption agencies and commissions? Wilton Park, UK, March, 2003

The blue line, 4th ACPO Professional standards in policing conference, Belton Woods, UK, May 2003

Monitoring anti-corruption efforts in Europe, Global Forum III, Seoul, May 2003;

Evaluation respect of international anti-corruption standards, Meeting of regional and sub-regional organisations on fighting corruption and organised crime, Vilnius, June 2003,

Undercover police work, Days of Security Studies, College for Police and Security Studies, Bled, 2003

Monitoring anti-corruption efforts in Europe, Course "Corrupcion, causas, efectos y tratamiento juridico", International University Menendez Pelayo, Valencia, 8-12 September, 2003,

How to prevent corruption in the private sector?, Seminar on Economic Crime, General Police Directorate, Ljubljana, 22 January, 2004,

Instruments of the Council of Europe on the Fight against Corruption and for Promoting Public Ethics, Conference on the European Code of Conduct for Local and Regional Elected Representatives, Rome, 27 February, 2004

Answering new challenges of crime – fight against corruption, Conference "Building an area of freedom, security and justice: the challenges for Europe", Sinaia (Romania), 1-2 April, 2004,

Organised crime markets, structure of criminal organisations and strategies against organised crime, Seminar "State security, trans-national organised crime and illegal immigration", EC Commission for Democracy through Law (Venice Commission), Trieste, 5-6 July, 2004,

Co-operation against trafficking in human beings, Combating Organised Crime – Best Practice Surveys of the Council of Europe, Council of Europe, 2004,

Preventing fraud in the health sector, Conference "Ethics in White", Portorož, 21-22 October, 2004,

Financial and budgetary management at the local level, Seminar "Corruption at the local level", Ljubljana, 18 November, 2004,

Corruption and Human Rights in Europe, Seminar "Corruption and Human Rights", Athens, Greece, 1 st March, 2005,

Fighting Corruption in South Eastern Europe, Expert and Ministerial Conference on Measures to Curb Corruption in South Eastern Europe, Bruxelles, 11-12 May, 2005,

Corruption and Illegal Drugs, Conference "Illegal Drugs in Slovenia", National Council, Ljubljana, 24 May, 2005,

Correlation between Corruption and Open Society, Conference "Modern Public Administration", Portorož, 24 May, 2005,

Building and Evaluating Monitoring Mechanisms, IV Global Forum on Fighting Corruption, Brasilia, 6 – 10 June, 2005,

The Slovenian Experience in Implementing International Anti-Corruption Standards, Conference "Promoting Incorporation of International Anti-Corruption Standards into Serbian Legislation", Belgrade, 20-21 September, 2005,

Does Slovenia Need Prevention of Corruption?, Conference "Capitalism and Violence – Transgressive Criminology", Ljubljana, 30 September, 2005, **and many others.**

PETER TREPTE - Expert on corruption in public procurement

CURRICULUM VITAE

DATE OF BIRTH	21.02.63
NATIONALITY	British
PROFESSION	Barrister
SPECIALISATION	Legal adviser and consultant in the law and practice of public procurement reform

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

- **B.A. (Hons.)** in English and French law from the University of Kent at Canterbury (UK)
 - **Licence en Droit** in public/private law from the University of Grenoble (France)
 - **PhD** in public procurement law from the University of Tilburg (Netherlands)
 - **Barrister**: Council of Legal Education and call to the Bar of Gray's Inn (UK)
-

KEY QUALIFICATIONS

- Provision of legal advice and legal representation to public and private sector clients in a range of public procurement matters subject to national, EU and international procurement regulation: legal opinions; preparation and submission of notifications and complaints to a number of administrative authorities; representation of clients before administrative and legal tribunals (European Commission, EFTA Surveillance Authority; WTO; UK High Court, the courts of other EU jurisdictions and the European Court).
- Extensive and wide geographical experience of drafting national laws and implementing rules and regulations in the field of public procurement; drafting standard bidding and contract documents and guidance; developing appropriate procurement regulatory and institutional frameworks and dispute resolution mechanisms; and the design and implementation of public and private sector procurement training programmes.
- Preparation of study and review contracts for the European Commission on procurement matters, including reporting on the preparedness of the Accession countries to comply with EU procurement directives and re-drafting the Commission's Practical Guide for Community-financed projects and the provision of advice on Phare and Tacis funded projects to the governments of Central and Eastern Europe on the most appropriate means of implementing competition and procurement regulation as well as on preparation for accession to the EU and adoption of the *acquis communautaire*.
- Expertise in reviewing and assessing national procurement systems against international best practice and the measurement/benchmarking systems of a number of international organizations such as the OECD, WTO, World Bank and Sida as well as UNCITRAL.
- Member of the WTO Dispute Settlement Panel in the first major procurement dispute brought under the WTO Government Procurement Agreement by the USA against South Korea concerning airport construction (DS 163).

- Member of the UK Department for International Development's (DFID) panel of Procurement Fiduciary Risk, Anti-corruption and Capacity Building Specialists.
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COUNTRIES OF WORK EXPERIENCE

Afghanistan, Armenia, Azerbaijan, Bangladesh, Belarus, Bhutan, Bosnia, Bulgaria, Colombia, Costa Rica, Czech Republic, Dem. Rep. of Congo, Ecuador, El Salvador, Georgia, Guatemala, Hungary, India, Kosovo, Laos, Lithuania, Malaysia, Maldives, Moldova, Mongolia, Morocco, Peru, Poland, Pakistan, Romania, Senegal, Serbia, Slovakia, Slovenia, Turkey, Tunisia, Ukraine.

MEMBERSHIP OF PROFESSIONAL SOCIETIES

- Fellow of the Chartered Institute of Arbitrators
 - Member of the Chartered Institute of Purchasing and Supply
 - Editorial Board of the Public Procurement Law Review
 - Former Chairman, Government Procurement sub-committee (M6), International Bar Association
-

LANGUAGE CAPABILITY	SPEAKING	READING	WRITING
English	Mother Tongue	Mother Tongue	Mother Tongue
French	Excellent	Excellent	Excellent
German	Good	Excellent	Good
Spanish	Fair	Good	Fair

PUBLICATIONS

- Author: " Public Procurement in the EC " (CCH 1993). Second edition due in Januray 2007.
- Author: "The Government Procurement Agreement" in "A Comprehensive Guide to the WTO" (Springer, 2005)
- Author: "Regulating Procurement" (OUP, 2004)

SUMMARY OF COUNTRY EXPERIENCE

- 2006** **India:** Assistance in respect of procurement reform in Jharkhand and more generally in India for World Bank SARPS team.
- 2006** **Pakistan:** Procurement reviews/assessments in NWFP and Balochistan.
- 2006** **Mongolia:** Establishment of procurement challenge procedures, including rules of procedure and selection and training of panel members.
- 2006** **Moldova:** Assistance with alignment of procurement law to the WTO's Government Procurement Agreement.

INCEPTION REPORT

2005-6	Bhutan: Assistance with review of procurement manual and development of future reform programme, including capacity development..
2005	Caribbean: Report on transparency in Government procurement and trade related issues.
2005-6	Ukraine: Assessment of procurement law.
2005	Pakistan: Assistance in respect of procurement reform in NWFP and provinces of Sindh.
2005	Poland: Supervision and drafting of publications for tenderers on the EC directives and practical guidance in respect of target countries.
2005	Maldives: Appraisal of procurement arrangements for the Maldives emergency recovery operation.
2005	Bangladesh: Assistance with procurement performance benchmarking system.
2004-5	South Asia: Participation in review of capacity development efforts in the field of procurement and design of new strategy for the World Bank.
2004-6	Kosovo: Review of public procurement law and institutional arrangements to ensure compatibility with EU provisions and international best practice.
2004	Gabon: Presentations conducted on behalf of the WTO's GPA Secretariat on a number of GPA related issues at the WTO Regional Conference for francophone Africa.
2004	Mongolia: Review and revision of Mongolian procurement law and secondary legislation.
2004	Dem. Rep. of Congo: Diagnostic analysis of the procurement mechanisms put in place under the international emergency rehabilitation programmes.
2004	Morocco: Advice on draft law for the letting of public concessions contracts and comments on procurement dispute resolution system.
2003-2004	Afghanistan: Progress review for the World Bank on performance under the Emergency Public Administration Project and proposals for future action.
2003-2004	Pakistan: Report to the World Bank on the state of progress of public procurement reform in Pakistan and on the actions needed to be taken in the context of the Bank's PRSC program.
2003	Poland: Conduct of review for the World Bank of legislation and capacity of national road agency for purposes of Bank loan.
2003	Europe: Analytical review for the OECD/European Commission of the European Union's Practical Procurement Guide applicable to all procurement through the EU's external aid program with a view to assessing its compatibility with European procurement legislation.
2003	Eastern Europe: Review on behalf of the OECD/European Commission of the preparedness of central and eastern European countries for accession to the EU in terms of procurement legislation for inclusion into the Commission's Pre-accession Review. Drafting responsibility for Czech Republic, Slovenia, Slovakia, Poland.
2003	Bulgaria: Outside legal consultant for preparation of the World Bank's CPAR.

INCEPTION REPORT

2003	Romania: Preparing amendments to Romanian procurement law in preparation for accession to EU. Training of trainers in procurement.
2003	Bosnia: Preparing amendments to Bosnian procurement law in preparation for accession to EU. Strategic advice on reform process.
2003	Georgia: Assistance to Government of Georgia in accession negotiations to the WTO's Government Procurement Agreement.
2003	Serbia: Advice on amending Serbian procurement law; IT development and training.
2002-2003	Latin America and Africa: Review of public procurement laws of a number of countries against the Sida procurement measurement system. Countries concerned: Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Morocco, Peru, Senegal and Tunisia.
2002	Moldova: Outside legal consultant for preparation of the World Bank's CPAR.
2002	Armenia: Outside legal consultant and draftsman for preparation of the World Bank's CPAR.
2002	Azerbaijan: Outside legal consultant and draftsman for preparation of the World Bank's CPAR.
2002	Georgia: Participant in CPAR conference and assistance with finalization and updating of Georgia CPAR.
2001	Turkey: Assistance with drafting new public procurement law, secondary legislation and the establishment of a procurement regulatory authority.
2000	Bhutan: Elaborating an IT based classification system for contractors and website; setting up an arbitration system for the construction industry; training arbitrators.
1999-2000	Mongolia: Team Leader drafting new public procurement law; drafting standard tender and contract documents; designing review system and setting up procurement office.
1998	Malaysia: Presentation on a number of procurement principles to the APEC Group of Experts in preparation for their "Non-Binding principles on Government Procurement"..
1997-1998	Bhutan: Legal consultant drafting new public procurement law; drafting standard tender and contract documents.
1996-1998	Laos: Team Leader drafting new public procurement law; drafting standard tender and contract documents; designing review system and setting up procurement office.
1994-1996	Eastern Europe: Various assignments in Central and Eastern Europe advising on development of new procurement laws and training: Belarus; Czech Republic; Hungary; Lithuania; Slovakia; Ukraine.

An Expert on corruption in health - to be nominated.

Team of Russian experts

Facilitating expert:

1. YUZHAKOV Vladimir

President, Institute for Modernisation of the Public (state and municipal) Administration

Other experts:

2. TALAPINA Elvira

Senior scientific expert, Institute of State and Law, Russian Academy of Sciences, Cand. of Law

Area of expertise: methodology and application of anti-corruption appraisal of laws (in force and draft laws)

3. GOLOVSHCHINSKY Konstantin

Head of Section, Institute of Public (state and municipal) Administration, High School of Economics

Area of expertise: methodology and application of anti-corruption appraisal of laws (in force and draft laws); public administration

4. SANNIKOVA Larissa

Senior scientific expert, Institute of State and Law, Russian Academy of Sciences, Cand. of Law

Area of expertise: Anti-corruption legislation and regulation of education and health

5. SOLOVYANENKO Nina

Senior scientific expert, Centre for Business Law, Institute of State and Law, Russian Academy of Sciences, Cand. of Law

Area of expertise: Anti-corruption legislation and regulation of public procurement

6. PANFILOVA Elena

Director, Centre for Anti-Corruption Research and Initiatives "Transparency International Russia"

Area of expertise: corruption prevention strategies and role of civil society in combating corruption

Annex III: Draft programme of the official Project presentation

Official Project presentation / Start-up

Moscow

17 October 2006

– DRAFT programme –

Day one – Tuesday 17 October

Project presentation

- 15.30-15.35 Opening by Mr **Mikhail I. Grishankov**, Chairman of the State Duma Commission on Combating Corruption
- 15.35-15.40 Greetings by **Eric Schlosser**, Policy Advice programme, Delegation of the European Commission to Russia
- 15.40-15.45 Greetings by **Svetlana Anisimova**, Council of Europe
- 15.45-16.00 **Vladimir Yuzhakov**, President, Institute for Modernisation of the Public (state and municipal) Administration, professor: Overview of the anticorruption reform measures undertaken by the Duma
- 16.00-16.30 Break

Proposals for a national corruption prevention strategy

Chairman Quentin Reed

- 16.30-16.50 **Drago Kos**, Chairman of the Commission for the Prevention of Corruption in the Republic of Slovenia and Chairman of the Group of States against Corruption – GRECO: Experience of European countries in the sphere of development and functioning of the national anti-corruption strategies
- 16.50-17.10 Elena A. **Panfilova**, General Director of the Center for Anti-Corruption research and Initiative Transparency International – R and Konstantin I. **Golovshchinsky**, Head of Section, Institute of Public (state and municipal) Administration, High School of Economics: Russia's experience on anti-corruption strategies
- 17.10-17.40 Discussion
- 17.40-18.15 Approval of the Inception report of the project. Final remarks

Day two – Wednesday 18 October

Approaches and a pilot methodology for assessing and preventing corruption risks in the legislative process

Chairman Vladimir Yuzhakov

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|-------------|---|
| 10.20-10.40 | Quentin Reed , Lead expert to the RUCOLA 2 project: Corruption in the legislative process - an overview of the issues |
| 10.40-11.00 | Elvira Talapina , Senior scientific expert, Institute of State and Law, Russian Academy of Sciences, Candidate of Law: Corruption Risk analysis in the Russian Federation: theory and practice |
| 11.00-12.00 | Discussion |
| 12.00-12.20 | Larissa Sannikova , Senior scientific expert, Institute of State and Law, Russian Academy of Sciences, Candidate of Law: The issues of formulating the methods of assessing of corruption risks in specific policy areas |
| 12.20-12.50 | Discussion |
| 12.50-14.00 | Break |
| 14.00-15.00 | Conclusions. Work plan for November-December 2006. Final remarks |
| 15.30 | End of seminar |