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SUPPORT TO THE ANTI-CORRUPTION STRATEGY OF GEORGIA

(GEPAC)

COE PROJECT NO. 2007/DGI/VC/779

1ST NARRATIVE PROGRESS REPORT

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1 BACKGROUND INFORMATION

GEPAC - "Support to the Anti-corruption Strategy of Georgia" – started on 1 September 2007. The present report summarises the activities carried out during the first reporting period, from 1 September 2007 to 29 February 2008.

1.1 Beneficiary Country and Institution(s)

The beneficiary country is Georgia.

The main project partner on the Georgian side is:

- the Office of the State Minister on Reforms Coordination

Project beneficiaries also include:

- the General Prosecutor's Office (Output 4 and 5)
- the Ministry of Interior (Output 4 and 5)

1.2 Contracting Authority

Ministry for Development Co-operation of the Kingdom of the Netherlands.

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 Ministry for Development Co-operation of the Kingdom of the Netherlands. Within the General Secretariat of the Council of Europe in Strasbourg, the Economic Crime Division (Technical Co-operation Department, Directorate General of Human Rights and Legal Affairs) is responsible for overall management and supervision of the project. A Local Project Team composed of three Long-term National Advisers and one Local Project Officer, based in the premises of the State Chancellery in Tbilisi, is supporting the implementation of the project.

1.4 Project Objective

The overall objective of GEPAC is to contribute to fostering democracy and the rule of law through the prevention and control of corruption in Georgia, in accordance with relevant European and other international standards, including GRECO recommendations.

2 THE PROJECT

2.1 Country Situation

According to recent surveys and studies, corruption is considered to be one of the key problems of Georgian society. The majority of people believe that corruption – in different forms as bribes, corrupt lobbying, trading in influence, nepotism, abuse of office, and other – is a common practice in everyday life. Corruption and conflicts of interest are reported to be widespread and integrity to be weak in most State and public bodies, including the executive and the judiciary, as well as in Parliament and among elected officials at central, regional and local levels. In 2007, Georgia ranked 79 in Transparency International's Corruption Perception Index; an improvement compared to previous years, but still among the lowest of the 47 Council of Europe Member States.

The Georgian Government attributes great importance to anti-corruption mechanisms and the national Anti-corruption Strategy and Action Plan. GEPAC was therefore launched to provide necessary expertise and to contribute to the actual implementation of relevant reforms during 2007, 2008, and 2009. It aims at strengthening the Georgian institutions' capacities in their anti-corruption efforts, through the implementation of the Anti-corruption Strategy and Action Plan, and in promoting technical co-operation among different law-enforcement and prevention services.

The "National Anti-corruption Strategy of Georgia" was prepared by a working group led by the National Security Council between May and July 2005, and adopted by Decree N°550 of the President of Georgia of 24 June 2005.

The "Action Plan for the Anti-corruption Strategy (2005-2006)" was drafted by a working group led by Mr Kakha Bendookidze, State Minister for Reforms Coordination, and adopted by Decree N°377 of the Government of Georgia of 12 September 2005. This was approved by Decree N°155 of the President of Georgia of 28 March 2006. On 16 May 2007, the Government approved the new Anti-Corruption Action Plan, which was signed by the President on 2 July 2007. A new draft of the Anti-corruption Strategy was also elaborated by the Office of the State Minister on Reforms Coordination in 2007 but has not been adopted yet.

According to the above mentioned Decrees, each institution appoints Contact Points responsible for the implementation of the relevant anti-corruption measures (Working Party on Implementation of the Anti-corruption Strategy and Action Plan). The Contact Points are obliged to report every two months to the Office of the State Minister on Reforms Coordination, which is supervising the implementation of the Action Plan.

In September 2007, following the arrest of former Defence Minister Mr Irakli Okruashvili, nine opposition parties formed the United National Council (UNC) and issued four demands to the Government, including postponing parliamentary elections from the fall to the spring of 2008. The UNC organised protests throughout Georgia in October 2007 and staged a large rally in front of the Parliament on 2 November. Opposition leaders began to demand the President's resignation, and violence ensued when the police dispersed protesters in front of the Parliament on 7 November. As a result, President Saakashvili officially resigned on 25 November 2007 and called snap presidential elections which were held on 5 January 2008.

On 5 January, President Saakashvili was re-elected for a second 5-year term with 53.45% of the vote. Levan Gachechiladze, the UNC candidate, earned 25.68%. Voters also overwhelmingly voted in two plebiscites in favour of NATO integration and spring parliamentary elections.

The political situation in Georgia provoked several changes within the Government. In early February 2008, the Project Team was unofficially informed that the Government had decided to abolish the Ministry on Reforms Co-ordination (the main counterpart institution for the implementation of GEPAC). The State Minister on Reforms Co-ordination, Mr Kakha Bendookidze, was appointed on 1 February 2008, as Head of the State Chancellery by Decree N°29 of the Prime Minister of Georgia. The Council of Europe is awaiting official confirmation regarding those changes.

However, de facto there is no Ministry on Reforms Coordination, and as of today Mr Kakha Bendookidze and his office had been inter-acting with project counterparts as the main beneficiary institution.

Following the institutional restructuring after the Presidential elections, and the up-coming parliamentary election foreseen for May 2008, the Project Team has decided to postpone certain activities, which require political stability and constant networking and support from the beneficiary institutions, which now needs to be confirmed by Georgian authorities, for their successful implementation. While the Workplan (Annex 1) has been agreed during the Start-up event and has not been altered, the calendar of activities (Annex 2) has since been adjusted to take into account the political situation in the country and to foresee a more realistic implementation of activities.

2.2 Project Objective

GEPAC aims at strengthening national capacities in support of the implementation of Georgia's Anti-corruption Strategy and Action Plan, in compliance with relevant European and international standards. In order to achieve this objective, the project works in five complementary directions:

- Strengthening the capacities of the anti-corruption policy institutions in order to manage, co-ordinate and monitor the implementation of the Anti-corruption Action Plan;
- Co-ordinating and monitoring the implementation of the Anti-corruption Action Plan through reviewing the Anti-corruption Strategy and up-dating the Action Plan;
- Elaborating and improving primary and secondary legislation concerning criminalisation and prevention of corruption;
- Strengthening the capacities of the prosecution to investigate and prosecute high-level corruption; and
- Introducing pilot activities to enhance integrity and institutional capacities as tools for the prevention of corruption.

2.3 Expected Results and Methodology

The expected results are to: update the existing Anti-corruption Strategy and Action Plan so that they reflect and include policy actions to implement all GRECO recommendations made in the report of the Second Round of Evaluation and in the OECD/ACN Monitoring Reports; elaborate anti-corruption and economic crime-related draft amendments which comply with relevant international and European standards and/or best practices; increase the capacity of the Prosecution to investigate corruption cases; establish corruption-prevention plans.

Moreover, the project will support the conduction of a feasibility study and identification of possible models of a specialised anti-corruption body/structure responsible for the co-ordination of national efforts in combating and preventing corruption.

These objectives will be achieved through close co-operation with all relevant stakeholders, the identification of international and national experts, through organisation of tailored activities such as round-tables, workshops and study visits for practitioners; preparation and finalisation of feasibility studies and surveys, and harmonising legal texts in accordance with the Council of Europe's Conventions on Corruption and the United Nations' Convention against Corruption (UNCAC).

2.4 Summary of Project Outputs

Overall objective	To contribute to democracy and the rule of law through the prevention and control of corruption in Georgia in accordance with European and other international standards as well as GRECO recommendations
Project objective	To support the implementation of Georgia's Anti-corruption Strategy and Action Plan
Output 1	Capacity of the Office of the State Minister on Reforms Coordination (and Contact Points in co-operating institutions (Working Party) to manage, coordinate and monitor the implementation of the Anti-Corruption Plan reinforced
Activity 1.1	Inception Phase (2 months): Finalise Workplan of activities with all counterparts; conduct the recruitment of staff and long-term advisers; (commissioning, interviews, and contracting).
Activity 1.2	Organise a Start-up conference with participation of all relevant stakeholders (Tbilisi)
Activity 1.3	Provide equipment required for efficient running of the Office of the State Minister
Activity 1.4	Advise and train the Staff at the Office of the State Minister on Reforms Coordination and Contact Points (Working Party members) on operational issues
Activity 1.5	Organise at least 2 study visits for the Staff at the Office of the State Minister on Reforms Co-ordination and relevant Contact Points (Working Party members)
Output 2	Anti-corruption Strategy Reviewed and Action Plan Updated
Activity 2.1	Assist and advise the Staff of the Office of State Minister on Reforms Coordination to further elaborate and update the Anti-corruption Strategy and Action Plan in line with GRECO recommendations and other international commitments and obligations
Activity 2.2	Organise two corruption perception and attitude surveys on corruption levels
Activity 2.3	Organise a National Conference to review and overall monitor the implementation of the updated Anti-corruption Strategy and the Action Plan
Output 3	At least 6 draft amendments and regulations elaborated in co-operation with the Staff of the Office of State Minister on Reforms Coordination and relevant partner institutions (Working Party)
Activity 3.1	Draft amendments related to the accession to international legal instruments against corruption, including those pertaining to criminalisation of corruption
Activity 3.2	Contribute to elaborate amendments/implementing tools pertaining to the reform of the system of financing of political parties and electoral campaigns
Activity 3.3	Provide training on issues related to the newly enacted anti-corruption legislation
Output 4	Capacities of the Prosecution to investigate and prosecute high level corruption strengthened
Activity 4.1	2 in-country training sessions for the staff of units specialised in investigation and prosecution of high level corruption (case studies, pro-active and multidisciplinary approach)
Activity 4.2	1 in-country training session for the staff of units specialised in investigation and prosecution of high level corruption related cases
Activity 4.3	Up to 2 study visits for 6 prosecutors and 6 police officers from the specialised services

Activity 4.4	International conference on investigation and prosecution of high level corruption (Tbilisi)
Output 5	Integrity and institutional capacity for preventing corruption strengthened (pilot project with the General Prosecutor's Office and the Ministry of Interior)
Activity 5.1	Assist in elaboration and publication of internal corruption prevention plans for Prosecution: control, recruitment, promotion, rotation, conflict of interests

2.5 Nature of Inputs during the reported period

The following types of activities are proposed within the project:

Expert advise - provided by the LT-Adviser within his/her competence/experience or, as necessary, by ST-Advisers selected according to their specific field of competence, through direct conversation with individual officials or groups of officials on the issues specified in the Workplan and wherever necessary.

Expert opinions - will be provided in writing, as necessary, to comment on the pieces of legislation or their drafts or other documents, by independent experts from the Council of Europe Member States, via the CoE Secretariat.

Round Tables - allowing stakeholders/professional groups and individuals to look at ways in which their own policies can be reformed. They will also be used to contribute specialist knowledge to a broader debate on a given issue.

Workshops - allow a particular task to be undertaken involving multiple co-operating parties. Experts put their knowledge at the disposal of practitioners and officials. Workshops can also be used to provide specific advanced training.

Translations - make important texts and information accessible in local languages and can be used as a tool in training activities and seminars.

3 OVERALL ACHIEVEMENTS

3.1 Overview of Activities

The number of activities carried out under the project during the reporting period has been substantially lower than initially foreseen in the Workplan (Annex 1). The Project Team considers that the main reason for the current considerable delays is the unexpected presidential elections and the current institutional restructuring and non-existence of the Ministry on Reforms Coordination.

The political situation following the President's announcement of 8 November 2007 on early presidential elections - which were held on 5 January 2008 - and the plebiscite of 23 November 2007 to hold parliamentary elections in May 2008 have influenced the implementation of the project for the first reporting period (September 2007 - February 2008). As a result of the Presidential elections, some institutional restructuring within the Government took place. The main counterpart of the project, the Ministry on Reforms Coordination, ceased to exist in March 2008 following a decision of the President of Georgia. However, the Council of Europe did not receive any official information on that issue, nor on

the institution responsible for the implementation of the Anti-corruption Strategy and Action Plan.

As a result of the few activities held during the reporting period, it became apparent that one of the most important issues is the drafting of the new Anti-corruption Strategy and the updating of the Action Plan before turning to other issues as reporting, co-ordination, and implementation. There are a number of deficiencies with the existing versions of the Anti-corruption Strategy and the Action Plan, among them “insufficient definition of problems and measures to address them, inclusion of reforms that do not constitute anti-corruption measures in a strict sense, unrealistic deadlines, and a lack of indicators of success, to name but a few.”¹ Furthermore, there appears to have been insufficient co-ordination between partner institutions and consultation, including civil society, in the elaboration of the previous versions.

The following activities were carried out during the reporting period of the project:

Output	Description of activity	Status	Date
Output 1			
Activity 1.1	Appointment of a National Long-term Adviser and two Short-term Advisers	Completed	October - November 2007 Strasbourg/Tbilisi
	Recruitment of a Local Project Officer	Completed	November 2007 Strasbourg/Tbilisi
	Finalisation and adoption by stakeholders of the final Workplan (Annex 1) and logical framework	Completed	16 - 19 October 2007, Strasbourg
	Preparation and submission of the Inception Report	Completed	December 2007 Strasbourg
Activity 1.2	Organisation of Start-up event	Completed	26 October 2007 Tbilisi
Activity 1.3	Assessment of needs and procurement of equipment for PIU use and contracting of service provider	Completed	January - February 2008 Strasbourg/Tbilisi
Activity 1.4 (A)	Round Table Discussion for Contact Points on tools of reporting, co-operation with partner institutions and monitoring the implementation of AC measures in line with the new AC Action Plan	Completed	28 January 2008 Tbilisi
Activity 1.4 (B)	Creation and continuous update of a special webpage on anti-corruption activities within the website of the Ministry on Reforms Co-ordination (as part of the communication process and co-ordination with partner institutions)	Completed	December 2007 - February 2008 Strasbourg/Tbilisi

¹ Activity Situation Report on Georgia's Project (March 2008), Marijana Trivunovic, Council of Europe Expert.

	and creation of Project's web page within the Web site of the Economic Crime Division ²		
Activity 1.7	Draft paper containing background information on President's and Government's proposals on the elaboration of future Anti-corruption Structure	Completed	18 December 2007 Tbilisi
Output 2			
Activity 2.1	Assessment and inventory of the Anti-corruption Strategy and Action	Not completed	Scheduled for February 2008 Tbilisi
Output 3			
Activity 1	Amendments on the Law on Conflict of Interests and Corruption in the Public Service	Completed	February 2008 Tbilisi
Activity 2	Amendments on the Criminal Code of Georgia	Completed	February 2008 Tbilisi
Activity 3.3	Workshop on the newly adopted Law on Legalisation of Property and Law on Legalisation of the Ground, and their implementation	Completed	22 February 2008 Tbilisi

4 ACTIVITIES IMPLEMENTED DURING THE REPORTING PERIOD

Output 1: Capacity of the Office of the State Minister on Reforms Co-ordination and Contact Points in co-operating institutions (Working Party) to manage, co-ordinate and monitor the implementation of the Anti-Corruption Plan reinforced

4.1 Activity 1.1 - Inception Phase (1 September-30 October 2007, Strasbourg/Tbilisi)

Finalisation and adoption by stakeholders of the final Workplan and Logical Framework

A working meeting with representatives of the Office of the State Minister on Reforms Co-ordination and one international expert was organised on 16-18 October 2007 in Strasbourg in order to prepare the project's Workplan and discuss key organisational and logistics issues related to the implementation of the project. The Workplan (Annex 1) was then presented and approved at the project's Start-up Event on 26 October in Tbilisi. As a result, a calendar of activities (Annex 2) was determined, taking into consideration the ongoing political situation in Georgia.

Recruitment of Project Team

The Project Team was set up both in Strasbourg and Tbilisi in November 2007.

² <http://www.coe.int/economiccrime> (Corruption)

In Strasbourg, Ms Tanya Peshovska was nominated as Project Officer as of 1 October 2007 to deal with the overall management of the project, under the authority of the Head of Unit, Ms Ardita Abdiu.

In Tbilisi, the Project Implementation Unit (PIU) was set up as of 1 December 2007. Mr Levan Khetsuriani was selected for the position of GEPAC National Long-term Adviser. During the start-up period, two more national advisers were selected - Mr Givi Kutidze and Ms Natia Khantadze.² The PIU members are responsible for the day-to-day implementation of the major part of the activities of the project. They are the main liaison between the Georgian institutions and the Council of Europe. The PIU is supported by one Local Project Officer (LPO) for administrative and logistical assistance. The position of LPO was offered to Ms Tamara Katsitadze after a selection and examination procedure.

Project Office

An office space has been allocated for the Project Team in the premises of the State Chancellery (7, Ingorokva Street, Tbilisi 0134, Georgia) as of 1 March 2008. The allocation of office space took more time than foreseen because of the institutional restructuring and political situation. The office provided by the State Chancellery is partly equipped with desks and shelves; the full equipment with office furniture and IT equipment has started now and is expected to be finalised by the end of April 2008.

4.2 Activity 1.2 - Start-up Event and adoption of Workplan (26 October 2007, Tbilisi)

The project's Start-up Event was organised, in consultation with the Embassy of the Kingdom of the Netherlands in Georgia, on 26 October 2007 at Marriott Hotel in Tbilisi. The aim of the Start-up Event was to publicise the beginning of the project, to introduce the project's concept and objectives, and to present and adopt the project's Workplan.

The meeting was opened by the State Minister on Reforms Co-ordination of Georgia, Mr Kakha Bendookidze. In his opening remarks, the Minister confirmed the commitment to the fight against corruption and to the project in particular. He stressed the importance of the elaboration of a concept on the nature, legal and institutional framework of a future specialised anti-corruption structure of Georgia. The participants were also addressed by HE Mr Onno Eledrenbosch, Ambassador of the Kingdom of Netherlands to Georgia, and Mr Giovanni Palmieri, Head of the Technical Co-operation Department of the Council of Europe.

About 30 participants from all beneficiary institutions and international organisations discussed the project objectives and the Workplan. They confirmed that there was an important need to identify practical solutions to combat corruption in Georgia.

4.3 Activity 1.3 - Assessment of needs and procurement of equipment for the Project Team and contracting of Service Provider (January-February 2008, Strasbourg/Tbilisi)

The purchasing of IT equipment and office furniture by the Council of Europe was delayed due to the political situation in the country and the delayed allocation of office space. The assessment of needs of IT equipment started in January 2008. The Council of Europe contracted a local Service Provider (Orient Logic Company) in accordance with its

² CVs available upon request.

procurement rules for 2008 the IT equipment that is expected to be delivered in April to the project office in the premises of the State Chancellery.

The contracting of Service Provider for the office furniture is to be finalised in April 2008.

4.4 Activity 1.4(A) - Round Table Discussion on "Tools of reporting, co-operation with partner institutions and monitoring the implementation of anti-corruption measures in line with the new Anti-corruption Action Plan" (28 January 2008, Tbilisi)

The activity brought together 19 representatives of all relevant Government agencies such as prosecution, judiciary, law enforcement institutions (Office of State Minister on Reforms Coordination, Ministry of Economic Development, Ministry of Health and Social security, Financial Monitoring Agency, Chamber of Control, Public Service Bureau etc) as well representatives of civil society (Transparency International, ABA, Liberty Institute). Participants discussed their current difficulties as well as future challenges when reporting to partner institutions in the progress of implementing AC measures.

This activity was initially aimed at providing advice and training to the respective institutional Contact Points on tools of reporting, co-operation with partner institutions and monitoring the implementation of AC measures. In addition, participants also discussed issues regarding the AC Strategy and Action Plan, and the need to develop appropriate tools of reporting, co-ordination, and implementation.

During the meeting, many participants pointed to their lack of experience and skills in preparing and presenting relevant information on corruption. Participants underlined the lack of co-operation between the institutions responsible for the implementation of anti-corruption measures and the lack of appropriate tools of reporting. On the other hand, representatives from NGOs were concerned about the lack of information and publicity on the implementation of the AC Action Plan.³ Transparency and inclusion of all relevant stakeholders are essential for the process of formulating and/or updating national anti-corruption strategies, a fact that was underlined by representatives of civil society during meeting.

Participants expressed their willingness to review and reshape in detail the Anti-corruption Strategy and Action Plan, in order to foster the implementation of the activities foreseen in the Action Plan. Therefore, a Technical Paper (Annex 3) providing advice on the process of reporting on the implementation of anti-corruption measures in line with the Anti-corruption Strategy and Action Plan, as well as recommendations on the revision of the AC Strategy and Action Plan. The Technical Paper was prepared and submitted to the Council of Europe by Marijana Trivunovic, Council of Europe expert.

4.5 Activity 1.4(B) - Creation and continuous up-date of a special webpage on anti-corruption activities on the Office of the State Minister on Reforms Co-ordination's website (January 2008, Strasbourg/Tbilisi)

The Project Team supported the Ministry on Reforms Co-ordination in the elaboration of a special webpage (www.reforms.ge) on anti-corruption activities. Due to the abolishment of the Ministry on Reforms Co-ordination in March 2008, the webpage should soon be hosted by the new specialised institution responsible for the fight against corruption. The last update of the website was done at the end of February 2008. A special webpage, dedicated to

³ According to the last Transparency International Alternative Progress Report on the Implementation of the OECD/ACN recommendations by the Georgian government, there is a "lack of transparency of government's policy-making process, insufficient communication of the content of Georgia's strategic reforms documents and government's priorities to the public."

the implementation of the project, was also created on the webpage of the Economic Crime Division of the Council of Europe:
(http://www.coe.int/t/dg1/legalcooperation/economiccrime/corruption/projects/GEPA_C/gepac_en.asp).

The launching of the project was also announced on the webpage of the Economic Crime Division (www.coe.int/economiccrime) as well as through a Council of Europe press release, which was translated into Georgian. The State Ministry on Reforms Co-ordination issued a second press release on the day of the conference. The meeting was attended by the most important Georgian TV channels and newspapers which contributed to the publicity of the project. Unfortunately, the Council of Europe did not receive any press review from the Georgian authorities.

4.6 Activity 1.7 - Elaboration of a concept on the nature, legal and institutional framework of a future specialised anti-corruption structure of Georgia (December 2007, Tbilisi)

A draft paper containing two different models of anti-corruption services was elaborated by the Project's Advisers in co-operation with the Office of the Minister on Reforms Co-ordination in December 2007. This was the first step of the elaboration of a concept of two possible models on the nature, legal and institutional framework of a future specialised anti-corruption structure of Georgia. The paper provides also background information on the previously created anti-corruption services within different institutions.

The draft paper on possible anti-corruption models was scheduled to be discussed on a Round Table on 11 February 2008. Later on, the Project Team was nevertheless advised to postpone the event because of the political situation in the country and the importance of that issue for the Georgian authorities. Therefore, the meeting was re-scheduled for March 2008.

Output 3: At least 6 draft amendments and regulations elaborated in co-operation with the Office of the State Minister on Reforms Co-ordination and relevant partner institutions
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4.7 Activity 1 - Amendments on the Law on Conflict of Interests and Corruption in the Public Service (February 2008, Tbilisi)

In January 2008, the Project's Advisers provided expert and technical support to the State Ministry on Reforms Co-ordination in drafting the amendments on the Law on Conflict of Interests and Corruption in the Public Service (Annex 4). These amendments aim at fulfilling also recommendations 9 and 10 of the "Group of Countries against Corruption" (GRECO) addressed to Georgia in 2007. They include as follows:

- regulation regarding the gifts public officials are allowed to accept,
- general rules for public servants (codes of conduct)
- obligation of declaration of assets for public servants as well as protective mechanisms for public officials when reporting (article 20⁵).

Besides that, they will contribute to improve the Law on Conflict of Interests and Corruption in the Public Service and make it more compatible with international standards.

These amendments were approved by the Government, and subsequently sent to the Parliament for adoption.

4.8 Activity 2 - Amendments on the Criminal Code of Georgia (February 2008, Tbilisi)

The Project's National Advisers supported also the State Ministry in the drafting of amendments on the Criminal Code of Georgia (Annex 5). The amendments would introduce the criminalisation of the violation of the accounting rules (Article 1/ Article 204), which is not the case in the existing Code.

These amendments were approved by the Government, and subsequently sent to the Parliament for adoption.

4.9 Activity 3.3 - Workshop on the newly adopted Law on Legalisation of Property and Law on Legalisation of Land and their implementation (22 February 2008, Tbilisi)

The workshop was attended by 15 representatives from the Ministry of Justice, Ministry of Economic Development, Tbilisi Mayor's Administration, National Public Registry, Head of Mayor's of Tbilisi, Municipal Management Agency of Tbilisi, and Members of Legalisation Commission of Tbilisi.

The main objective of the workshop was to identify weaknesses of legislation which contain a high risk of corruption, and to establish distinct legal criteria for the process of legalisation of property in order to reduce the opportunities for bribery, as well as to simplify the administrative procedure of the legalisation, through the establishment of clear requirements for the legalisation of land.

The law on Legalisation of Property gives additional guarantees to the owner. On the basis of this law, the property rights cannot be taken away by administrative acts of governmental bodies. Participants pointed out the collision between the Law on Legalisation of Property and the General Administrative Code of Georgia, which stipulates the right of administrative organs to abolish or change administrative acts and contains the risk for corrupt deals in the administrative organs. To ensure the effective fulfilment of the Law, amendments shall be made on the General Administrative Code of Georgia, for example State or local self-government bodies can not abolish or change administrative acts that deal with:

- transfer of State property to private persons;
- right of ownership with the promise of transfer of property rights on the owned property.

The second part of the workshop was dedicated to the Law on Legalisation of Land, adopted in 2007 together with the Presidential Decrees on Procedure of the Legalisation of the Land and legalisation of buildings constructed without building permission.

The Law on Legalisation of Property has established further guarantees for the proprietors and the opportunity to get the property right on the land which is owned without appropriate legal documents. But there are still some gaps in the legislation, which carry a high risk of corruption. As a result of this activity it was therefore recommended to harmonise the General Administrative Code of Georgia with the Law on Legalisation of the Property, as well as to harmonise the Law on Architectural Supervision with the Law on Legalisation of Land, owned by natural and legal persons of the private law with no legal grounds.

5 STRATEGIC OVERVIEW AND CONCLUSION

Since November 2007, the project has been operating against the background of a difficult political situation. Following the Presidential elections on 5 January 2008, a new Cabinet had to be approved by the parliament in a two weeks period. Taking into account the institutional restructuring, it was difficult to mobilise representatives from counterpart institutions in order to go further with the implementation of the project activities.

The main counterpart of the project was abolished by Decree of the Government N° 42 from 1 February 2008. The liquidation period took one month and the Ministry on Reforms Co-ordination ceased to exist officially on 8 March 2008. The State Minister on Reforms Co-ordination, Mr Kakha Bendookidze, was appointed as 1 February 2008 Head of the State Chancellery by Decree N°29 of the Prime Minister of Georgia. However, the Council of Europe did not receive any official communication on the current institutional changes in Georgia as far as it concerns Project main counterpart. At the moment of writing of this report, no responsible body for the co-ordination of the implementation of the Anti-corruption Strategy and Action Plan has been communicated. According to non-official information from the Local Project Team, Mr Kakha Bendookidze (ad interim) is still responsible for anti-corruption matters until an official decision on that issue is made.

Despite those facts, the Council of Europe continued the implementation of the following activities foreseen in the project Workplan:

- Round Table Discussion on “Tools of reporting, co-operation with partner institutions and monitoring the implementation of anti-corruption measures in line with the new Anti-corruption Action Plan”;
- Elaboration of a concept on the nature, legal and institutional framework of a future specialised anti-corruption structure of Georgia;
- Amendments on the Law on Conflict of Interest and Corruption in the Public Service, and the Criminal Code of Georgia;
- Workshop on the “Newly adopted Law on Legalisation of property and Law on Legalisation of Land, and their implementation”.

The lack of a clearly designated counterpart institution on the Georgian side presents serious concern to the successful implementation of the project and its ambitious objectives given the timescale to achieve these objectives.

Furthermore, there seem to be the need for pointing out the need of adhering to the objectives and activities as stipulated and agreed in the Workplan of the project. While there is some flexibility in the way in which the objectives are being interpreted, the activities have to be closely tied to resolving the immediate concerns with regards to corruption in Georgia. The project should not stray too far from this issue.

Therefore, it is very important that Georgian Government will hopefully decide soon on the institution responsible for the implementation of the Anti-corruption Strategy and Action Plan, the one to be officially the Project counterpart.

Given the current political situation and the perspective of parliamentary elections, the Council of Europe called a Steering Group Meeting (SGM) that will take place on 22 April 2008 in Tbilisi. The SGM will bring together representatives of the Embassy of the Kingdom of the Netherlands in Tbilisi, the Georgian authorities, and of the Council of Europe, to review the progress made during the first six months and adopt effective measures to ensure the project implementation.

Output	Description of activity	Status	Date
Output 1			
Activity 1.3	Delivery of IT equipment and office furniture	On-going	April 2008
Activity 1.4 (A)	Round Table Discussion for Contact Points on tools of reporting, co-operation with partner institutions and monitoring the implementation of AC measures in line with the new AC Action Plan	Planned	June 2008
Activity 1.4 (B)	Update of the webpage on anti-corruption activities within the website of the Ministry on Reforms Co-ordination and of the Project's web page within the Web site of the Economic Crime Division ²	On-going	May 2008
Activity 1.5	Study visit for up to 8 staff members of the Office of the State Minister on Reforms Coordination and relevant staff from cooperating institutions	Planned	June 2008
Activity 1.6	Round Table Discussion on the feasibility of the future Anti-corruption Structure of Georgia	Planned	May 2008
Activity 1.7	Round Table Discussion on Possible models of the future specialised Anti-corruption Structure of Georgia	On-going	6 March 2008
Activity 1.7	Round Table Discussion on Possible models of the future Anti-corruption Structure of Georgia	Planned	April 2008
Activity 1.7	Submission of the final concept of the future Anti-corruption Structure of Georgia	Planned	June 2008
Output 2			
Activity 2.1	1 st Analysis and recommendations on the Anti-corruption Strategy and Action Plan	Planned	June 2008
Activity 2.2	1 st workshop on designing of corruption perception and attitude survey	Planned	April 2008
Activity 2.2	2 nd workshop on designing of corruption perception and attitude survey	Planned	May 2008
Activity 2.2	Designing of survey methodology / ToR and contracting	Planned	June/July 2008
Output 3			
Activity 3.1	Workshop on new draft legislation	Planned	March 2008
Activity 3.3	Training with relevant target groups on newly enacted legislation	Planned	May 2008
Activity 3.4	1st Round Table on drafting of the legal framework of the future specialised AC	Planned	May 2008

² www.coe.int/economiccrime (Corruption)

	structure		
Output 4			
Activity 4.1	Assessment of needs of the Ministry of Interior/Prosecutor's Office on the organisation of two multi-disciplinary trainings for the staff of units specialised in investigation and prosecution of high-level corruption (case studies, pro-active and multidisciplinary approach)	Planned	June 2008
Output 5			
Activity 5.1	Round Table Discussion on the elaboration of risk/integrity assessment for the Prosecutor's Office and Ministry of Interior	On-going	3-4 March 2008
Activity 5.2	Training for prosecutors/police officers on the Code of Conduct	Planned	March 2008

7 ANNEXES

Annex 1: GEPAC Workplan of Activities

Annex 2: GEPAC up-dated Calendar of Activities

Annex 3: Technical Paper on Tools for reporting and implementation of anti-corruption measures in line with the new Anti-corruption Action Plan

Annex 4: Draft amendments on the Law on Conflict of Interests and Corruption in the Public Service

Annex 5: Draft amendments on the Criminal Code of Georgia

Annex 1:

COUNCIL OF EUROPE

**Support to the anti-corruption strategy of Georgia
(GEPAC)**

CoE project No. 2007/DG1/NC/779

Workplan of Activities *(version of 28 November 2007)*

The GEPAC Project is implemented by the Council of Europe and supported by the Kingdom of the Netherlands

The main project partner from the Georgian side is the Office of the State Minister on Reforms Coordination, which plays the key role in the national anti-corruption effort.

Project beneficiaries also include:

- the General Prosecutor's Office (Output 4 and 5)
- the Ministry of Interior (Output 4 and 5)

The project operates at the national level through co-operation with the national partner institution (Working Party) and beneficiaries, and at the international level through promoting international cooperation, networking, and exchange of information.

Overall objective	To contribute to democracy and the rule of law through the prevention and control of corruption in Georgia in accordance with European and other international standards, as well as GRECO recommendations			
Indicators	<ul style="list-style-type: none"> ▪ Level of implementation of the of the Council of Europe Criminal Law Convention on Corruption and level of ratification of the Additional protocol and other international relevant Conventions (UNCAC); ▪ Level of compliance with the GRECO recommendations. 			
Project objective	To support the implementation of Georgia's Anti-Corruption Strategy and Action Plan			
Indicators	Level of implementation of the measures of Georgia's Anti-Corruption Action Plan addressed through the Project.			
Assumptions	Continuing commitment of the Georgian government to the implementation of the Georgia's Anti-Corruption Action Plan			
Output 1	Capacity of the Office of the State Minister on Reforms Coordination (and Contact Points in cooperating institutions) to manage, coordinate and monitor the implementation of the Anti-Corruption Action Plan reinforced			
Indicators	<p>By month 3:</p> <ul style="list-style-type: none"> ▪ Inception Phase report, and Workplan providing generic activities that will be adjusted in the course of the implementation of the project (as per priorities and circumstances of the government) is approved; ▪ Staff and long-term consultants are recruited and ready to operate. <p>By month 8:</p> <ul style="list-style-type: none"> ▪ Office of the State Minister on Reforms Coordination provided with computer equipment; ▪ First monitoring report on the implementation of the Action Plan prepared by the Office and submitted to the Prime Minister; ▪ Contact points designated in each cooperating institution become operational. <p>By month 12:</p> <ul style="list-style-type: none"> ▪ Contact points reporting regularly on progress in their respective institution. <p>By month 24:</p> <ul style="list-style-type: none"> ▪ Support and advice on policy design for the establishment of a specialised anti-corruption structure/unit has been provided. 			
Assumptions	The Georgian government provides the Office of the State Minister on Reforms Coordination with the necessary resources and competencies. Co-operating institutions nominate their contact points and give them the appropriate competencies.			
Level	Description	Action	Time/Venue	CoE Inputs
Activity 1.1	Inception Phase (2 months): finalisation of Workplan of activities with all counterparts; conduct recruitment of staff and long-term advisers; (commissioning, interviews, and contracting)	Workplan preparatory meeting Commissioning of long-term experts Recruitment/interviews of local project officer	1 September -30 October 2007, Strasbourg and Tbilisi	<p>Expertise</p> <p>Contractual arrangements</p> <p>Administrative arrangements</p>
				<p>Expertise</p> <p>Office space</p> <p>Administrative arrangements Support from the Office of Minister on Reforms Coordination</p>

Activity 1.2	Organisation of start-up conference with participation of all relevant stakeholders	Start-up conference	26 October 2007, Tbilisi	Secretariat support Administrative arrangements	Organisational support Workplan discussions with respective institutions
Activity 1.3	Provision of equipment for PIU use (see item 3.2 in the budget); and/or the Office of the State Minister on Reforms Coordination (item 3.1 of the budget) to be carried out during the Inception Phase and in the course of the implementation of the project subject to needs and priorities	Assessment of needs Procurement (incl. tendering, contracts and delivery of equipment) Transfer of property to the PIU	Starting by the end of November 2007	Administrative arrangements Inventory of transferred equipment (countersigned by recipients)	Logistical support for tender procedures Assessment and IT specification
Activity 1.4	Advice to and training of respective institutional Contact Points (Working Party members) on operational issues, including interaction with cooperating institutions, reporting and feedback templates and procedures in line with the new Anti-Corruption Action Plan	4 RTD on tools of reporting, co-operation and monitoring the implementation of anti-corruption measures	1 st RTD January 2007, Tbilisi 2 nd RTD June 2008, Tbilisi 3 rd RTD November 2008, Tbilisi 4 th RTD April 2009, Tbilisi	Administrative Arrangements 1 International expert	Logistical support 4 National short-term experts Logistical support 4 National short-term experts Logistical support 4 National short-term experts Logistical support 4 National short-term experts
Activity 1.5	Organisation of 2 study visits for the Office of the State Minister on Reforms Coordination and relevant staff from cooperating institutions	Design, creation and continuous update of a special webpage on anti-corruption activities on the Office of the State Minister on Reforms Coordination's website 2 Study visits for up to 8 staff members each to countries that are yet to be determined	November 2008 and onwards May 2008 May 2009	Documentation and information gathering	Domain permission Documentation and information gathering Up-loading of documentation and information Short term IT expert Logistical support Coordination with relevant institutions delegating staff to participate in study visits

				Administrative arrangements Coordination with relevant institutions for visiting	Logistical support Coordination with relevant institutions delegating staff to participate in study visits
Activity 1.6	Conduction of feasibility study and possible models for a specialised anti-corruption structure	Preparation and finalisation of the feasibility study	December 2007, desk-study and Tbilisi	Administrative arrangements 1 International expert	Logistical support 3 National experts
Activity 1.7	Elaboration of a concept on the nature, legal and institutional framework of future specialised anti-corruption structure of Georgia	Experts' RTD on the final draft of the study	February 2008, Tbilisi	Administrative arrangements 1 International experts	Logistical support 5 National experts + counterparts from relevant institutions
Activity 1.8	Provision of needs assessment (human and financial resources) of the future specialised anti-corruption structure of Georgia	Elaboration of outlines of 2 possible options on future specialised anti-corruption structure	February 2008, desk-study and Tbilisi	Administrative arrangements 1 International expert	Logistical support Coordination with stakeholder institutions
		Discussion on possible options during stakeholder /experts' RTD	March 2008, Tbilisi	Administrative arrangements 1 International expert	3 National experts
		Finalisation of the concept and submission to the government for endorsement	End March/early April 2008, Tbilisi	Administrative arrangements 1 International expert	Logistical support Coordination with stakeholder institutions
		Elaboration of budget and human resources breakdown according to the final concept for future specialised anti-corruption structure	Mid-April 2008, desk review, Tbilisi	Administrative arrangements 1 International expert	3 National experts
		Workshop	End-April 2008	Administrative arrangements	Logistical support

					1 International expert	3 National experts
Output 2	Anti-corruption Strategy reviewed and Action Plan updated					
Indicators	<p>By month 19</p> <ul style="list-style-type: none"> ▪ Anti-corruption Strategy and Action Plan are further elaborated/updated and reflect all GRECO recommendations issued during the Second Round Evaluation Report and OECD/ACN Monitoring Reports; <p>By month 24</p> <ul style="list-style-type: none"> ▪ the results of corruption perception and attitude survey available; and ▪ the National Anti-corruption Conference is organised by the Office of the State Minister on Reforms Coordination and Action Plan implementation is monitored and reviewed. 					
Assumptions	All relevant institutions and stake holders participate in the process of reviewing					
Level						
Activity 2.1	Description	Action	Time/Venue	CoE Inputs	Local Inputs	
	Assist and advice the staff of the Office of State Minister on Reforms Coordination to further elaborate and update the Anti-Corruption Strategy and Action Plan in line with GRECO recommendations and other international commitments and obligations with respect to specific anti-corruption measures	Assessment and inventory of the implementation of the Anti-Corruption Strategy (2005)	1 st half of 2008, Tbilisi	Administrative arrangements 2 International experts	Logistical support 4 National experts	
		1 st analysis and recommendations for the update and improvement of the Action Plan	May 2008, desk-review, Tbilisi	Administrative arrangements 1 International expert	Logistical support Coordination among relevant stakeholder institutions 2 National experts	
		2 nd analysis and recommendations for the update and improvement of the Action Plan	May 2009, desk-review, Tbilisi	Administrative arrangements 1 International expert	Logistical support Coordination among relevant stakeholder institutions 2 National experts	
		Drafting of a new Anti-corruption Strategy	2 nd half of 2008, Tbilisi	Administrative arrangements 1 International expert	Logistical support Coordination among relevant stakeholder institutions 2 National experts	
		Drafting of the revised Anti-Corruption Action Plan	June 2008	Administrative arrangements 1 International expert	Logistical support Coordination among relevant stakeholder institutions 2 National experts	
Activity 2.2	Organise two corruption perception and attitude surveys on corruption	Identification of the focus and concept of the 1 st	1 WS in March 2008	Administrative Arrangements with the	Coordination with the survey provider and institutions	

<p>Activity 2.3</p>	<p>levels</p>	<p>survey in 2 workshops Designing of the survey methodology Designing the ToRs for the Survey(s) provider Contracting of the survey provider Presentation of survey findings to relevant stakeholders Identification of the focus and concept of the 2nd survey in 2 workshops Designing of the survey methodology Designing the ToRs for the Survey(s) provider Contracting of the survey provider Presentation of survey findings to relevant stakeholders</p>	<p>2 WS in May 2008, Georgia-wide</p>	<p>survey provider following a tender organised locally 2 International experts</p>	<p>Identification of service provider through a tender 2 National experts</p>
	<p>Organise a National Conference to review and overall monitor the implementation of the updated Anti-corruption Strategy and the Action Plan</p>	<p>Involvement of relevant representatives from institutions and municipalities; Results from assessment and Inventory of Implementation of the Anti-corruption Strategy (2005) be discussed in addition introducing the</p>	<p>1 WS in February 2009 2 WS in April 2009, Georgia-wide</p>	<p>Administrative Arrangements with the survey provider following a tender organised locally 2 International experts</p>	<p>Coordination with the survey provider and institutions Identification of service provider through a tender 2 National experts</p>
			<p>December 2008, Tbilisi</p>	<p>Administrative Arrangements 1 International expert</p>	<p>Administrative Arrangements 2 National experts</p>

		New Strategy and Action Plan;			
Output 3	At least 6 draft amendments and regulations elaborated in cooperation with the Office of the State Minister on Reforms Coordination and relevant partner institutions				
Indicators	By month 23 at least 6 draft amendments elaborated which comply with International and European standards and / or best practices and submitted to the government of Georgia				
Assumptions	Draft laws are submitted to the relevant Ministries				
Level	Description	Action	Time/Venue	CoE Inputs	Local Inputs
Activity 3.1	Draft amendments to bring Georgian legislation in line with international standards and best practices	Drafting of legal texts in accordance with UN Convention against Corruption Presentation and discussion of new draft legislation in 6 workshops	Tbilisi, throughout the project duration March, June, September, December 2008, March, May 2009 Tbilisi, throughout the project duration	2 International Experts 2 International Experts	Identification of areas in need for improvements 6 Local Experts 6 Local Experts
Activity 3.2	Contribute to the implementation and training on monitoring of financing of political parties and electoral campaigns	2 Trainings for relevant stakeholders on existing legal provisions with regard to the financing of political parties and electoral campaigns	Tbilisi October 2008 May 2009	Administrative arrangements 1 International expert 1 International expert	Logistical support Coordination with Parliamentary Committee, Ministry of Justice and Election Commission 2 National experts Logistical support Coordination with Parliamentary Committee, Ministry of Justice and Election Commission 2 National experts
Activity 3.3	Provide training on issues related to the newly enacted anti-corruption legislation	2x3 Training sessions with relevant target groups on legislation issues (February, June, September, December	Tbilisi, throughout the project duration and upon needs assessment and responding to requests from the	6 international experts	Identification of areas of concern Coordination of the different potential participating institutions and participants

		2008/ March, June 2009)	respective institutions (February, June and October 2008; January, April and July 2009)		6 National experts
Activity 3.4	Assistance in drafting of the legal framework of the future specialised anti-corruption structure of Georgia	Preparation of manuals and/or formalised comments on new legislation 4 Drafting RTDs 1 Inter-institutional workshop		2 international Expert	3 National Experts
Output 4	Capacities of the Prosecution to investigate and prosecute high level corruption strengthened				
Indicators	<ul style="list-style-type: none"> ▪ By month 22 at least 4 training events held ▪ Number of investigations/prosecutions of high-level corruption increased 				
Assumptions	The Prosecution and the Ministry of Interior allocate the necessary human resources				
Level	Description	Action	Time/Venue	CoE Inputs	Local Inputs
Activity 4.1	2 in-country training sessions for the staff of units specialised in investigation and prosecution of high-level corruption (case studies, pro-active and multidisciplinary approach)	Assessment of needs for each specialised unit at the prosecutorial services and the Ministry of Interior, assessment of needs of the specialised future anti-corruption structure (depending on its competencies)	June 2008, Tbilisi	Administrative arrangements Questionnaire for training needs assessment in the field of criminalisation of corruption proceedings	Logistical support Consulting of relevant information/documentation of previous or ongoing technical assistance projects 1 National expert

			Multi-disciplinary training for 30 prosecutors/law enforcement officers on use of special investigative techniques and criminal law procedures when investigating and prosecuting high-level corruption cases.	September 2008, Tbilisi	Administrative arrangements 2 International experts (with prosecution/law enforcement profile)	Logistical support 2 National experts (with prosecution/law enforcement profile)
			Multi-disciplinary training for 30 prosecutors/law enforcement officers on use of special investigative techniques and criminal law procedures when investigating and prosecuting high-level corruption and anti-money laundering cases.	June 2009, regions (i.e. outside Tbilisi)	Administrative arrangements 2 International experts (with prosecution/law enforcement profile)	Logistical support 2 National experts (with prosecution/law enforcement profile)
Activity 4.2	Workshop on criminal justice and proceedings against corruption-related offences		2-day workshop for representatives of the judiciary on criminal justice and proceedings against corruption-related offences: on legislation and practice/proceedings	April 2009, Tbilisi (tbc)	Administrative arrangements 1 International expert (with judicial background)	Logistical support 2 National experts (with prosecutorial and judicial background, respectively)
Activity 4.3	Up to 2 study visits for representatives of specialised units (prosecution and law enforcement) to European counterpart institutions		Organisation and coordination of study visit for 6/8 prosecutors to counterpart prosecutorial services	October 2008 (destination tbc)	Administrative arrangements Coordination with relevant institutions for visiting	Logistical support Coordination with relevant institutions delegating staff to participate in study visits
			Organisation and coordination of study visit for 6/8 police officers to counterpart police services	March 2009 (destination tbc)	Administrative arrangements Coordination with relevant institutions for visiting	Logistical support Coordination with relevant institutions delegating staff to participate in study visits

Activity 4.4	International conference on investigation and prosecution of high-level corruption	International conference (regional participation) on investigation and prosecution of high-level corruption cases, sharing of best practices and experiences	November 2008, Tbilisi	Administrative arrangements 3 International experts	Logistical support Coordination at national and regional level with relevant institutions on participation 3 National experts
Output 5	Integrity and institutional capacity for preventing corruption strengthened General Prosecutor's Office				
Indicators	<ul style="list-style-type: none"> ▪ By month 24 trained staff within prosecutorial and law enforcement services. ▪ Manual of training distributed and disseminated to all relevant prosecutorial and law enforcement services. 				
Assumptions	Plans and codes elaborated are formalised, published and implemented in practice.				
Level					
Activity 5.1¹	Description	Action	Time/Venue	CoE Inputs	Local Inputs
	2 multi-disciplinary trainings for prosecutors/law enforcement agents: - criminalisation of corruption; - prevention of corruption within the prosecutorial and law enforcement agencies - - case study	Assessment of needs for each specialised unit at the prosecutorial services and the Ministry of Interior and conducting of trainings.	September 2008-April 2009	Administrative arrangements 2 International experts per training	Logistical support Institutional Coordination and Support 1/2 National experts per training
Activity 5.2	Training on Codes of Conduct for prosecutors and police officers	1 Training for prosecutors on the Code of Conduct 1 Training for law enforcement on the Code of Conduct	February 2008, Tbilisi October 2008, Tbilisi	Administrative arrangements 1 International expert Administrative arrangements 1 International expert	Logistical support Institutional Coordination and Support 2 National experts Logistical support Institutional Coordination and Support 2 National experts

¹ This activity has been revised/changed in view of proposals made at the 1st Steering Group meeting (22 April 2008)

Annex 2:

CALENDAR AND DURATION OF ACTION

The duration of the project is 24 months (implementation). It will precede by an inception phase of 2 months during which a detailed workplan will be prepared, staff recruited and start-up event organised, and followed by a wrap up/reporting phase.

Description	Months / 1 st Year (2007-2008)												Months / 2 nd Year (2008-2009)												
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009
Output 1:	Capacity of the Office of the State Minister on Reforms Coordination (and Contact Points in cooperating institutions) to manage, coordinate and monitor the implementation of the Anti-Corruption Action Plan reinforced																								
Activity 1.1	Inception Phase																								
	Work plan meeting 16-19.10.207																								
	Staff recruited 26.10.07																								
	√																								
Activity 1.2	Start-up event 26.10																								
	√																								
Activity 1.3	Assessment of needs and procurement of equipment for PIU use and/or the Office of the State Minister		Assessment of need		Purchasing/Contracting		Delivery of equipment		Delivery of equipment																

Description	Months / 1st Year (2007-2008)												Months / 2nd Year (2008-2009)													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	x	
	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009	
on Reforms Coordination to be carried out during the Inception Phase and in the course of the implementation of the project (subject to needs and priorities)				✓	✓																					
Activity 1.4 4 RT for Contact Points on, tools of reporting, co-operation and monitoring the implementation of AC measures in line with the new AC Action Plan					RTD 1 28.01 ✓					RTD 2					RTD 3					RTD 4						
Activity 1.4 Design, creation and continuous update of a special webpage on anti-corruption activities on the Office of the Min. on Reforms Coordination's website (starting as of 12.07)				AC web page on COE web site+ Ministry site ✓	AC web page on COE web site+ Ministry site ✓	Up-date			Up-date				Up-date				Up-date				Up-date			Up-date		
Activity 1.5 2 study visits for up to 8 staff members of the Office of the Minister on Reforms Coordination + relevant staff from cooperating institutions										SV 1											SV2					
Activity 1.6 Conduction of feasibility study on the final concept / final model of a specialised anti-corruption structure of Georgia									RTD on final concept (if feasible)																	
Activity 1.7 Elaboration of a concept of 2 possible options on				Draft paper			RTD on draft																			

Description	Months / 1st Year (2007-2008)												Months / 2nd Year (2008-2009)												
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	x
	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009
the nature, legal and institutional framework of future specialised anti-corruption structure of Georgia				r with president's and gov's proposals ✓			paper and possible models 06.03 ✓	pt		and submission of concept															
Activity 1.8 Elaboration of financial and human resources of the future specialised anti-corruption structure									Desk review + WS																
Output 2: Activity 2.1 Assist and advice the Office of the Minister on Reforms Coordination how to further elaborate and update the AC Strategy and AP in line with GRECO recommendations and other international commitments and obligations with respect to specific AC measures (AC Strategy+AP reporting on implementation every 6 months)						Assessment and inventory of AC Strategy + AP				1st analysis and recommendations			Drafting of new AC Strategy			Assessment of new AC Strategy and AP					2nd analysis and recommendations of the new AC Strategy and AP				
Activity 2.2 2 corruption perception and attitude surveys to be organised in 4 WS (2 WS per survey). 1. 1st survey- Spring 2008 2. 2nd survey- Spring 2009								1 survey design 1 WS 28-29.04	1 survey design 2 WS	1 survey methodology 2 WS	design TOR + contracts		1 survey results				2 survey design 1 WS	2 survey design 2 WS	2 survey methodology 2 WS	designing TOR + contracts			2 survey results		

Description	Months / 1st Year (2007-2008)												Months / 2nd Year (2008-2009)												
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	x
	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009
Activity 2.3 National Conference to review and overall monitor the implementation of the updated ACS and AP																Natio nal conf on ACS+ AP									
Output 3: At least 6 draft amendments and regulations elaborated in cooperation with the Office of the State Minister on Reforms Coordination and relevant partner institutions																									
Activity 3.1 Up to 6 WS to present and discuss new draft legislation (throughout the project duration and upon request)							1 WS			2 WS			3 WS			4 WS			5 WS			6 WS			
Activity 3.2 2 trainings with relevant stakeholders on existing provisions with regard to the financing of political parties and electoral campaigns														T 1							T 2				
Activity 3.3 Up to 6 trainings with relevant target groups on issues related to the newly enacted anti-corruption legislation						T 1 22.02 √			T 2 2 days				T 3 2 days			T 4 2 days			T 5 2 days			T 6 2 days			
Activity 3.4 1 inter-institutional WS + 4 RT on drafting of the legal framework of the future specialised AC structure									1 RTD				2 RTD			3 RTD			4 RTD			Inter- insti- tutional WS			
Output 4: Capacities of the Prosecution to investigate and prosecute high level																									

Description	Months / 1st Year (2007-2008)												Months / 2nd Year (2008-2009)												
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	x
	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009
services aimed at preventing corruption and conflict of interests internally, and at increasing interior control, recruitment, promotion, rotation.						4-5.03 ✓																			
Activity 5.2 1 training for prosecutors and 1 for police officers on the Code of Conduct						1 T for prosecutors							2 T for police officers												

Annex 3:



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Economic Crime Division
Directorate of Co-operation
Directorate General of Human Rights and Legal Affairs
February 2008

“SUPPORT TO THE ANTI-CORRUPTION STRATEGY OF GEORGIA” (GEPAC)

COE PROJECT NO. 2007/DGI/VC/779

TECHNICAL PAPER: TOOLS FOR REPORTING AND IMPLEMENTATION OF ANTI-CORRUPTION MEASURES IN LINE WITH THE NEW ANTI-CORRUPTION ACTION PLAN

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PC-TC(2008)5

The views expressed in this document are author's own and do not necessarily reflect official positions of the Council of Europe

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Introduction

The objective of this paper was initially defined as providing recommendations to the government of Georgia on “tools for reporting and implementation of anti-corruption measures in line with the new Anti-corruption Action Plan” as part of the Council of Europe project Support to the anti-corruption strategy of Georgia (GEPAC). GEPAC aims at strengthening national capacities in support of the implementation of Georgia’s Anti-corruption Strategy and Action Plan, in compliance with European and international standards. In order to achieve this objective, the project works in five complementary directions:

- strengthening the capacities of the anti-corruption policy institutions in order to manage, co-ordinate and monitor the implementation of the Anti-corruption Action Plan;
- co-ordinating and monitoring the implementation of the Anti-corruption Action Plan through reviewing the Anti-corruption Strategy and up-dating the Action Plan;
- elaborating and improving primary and secondary legislation concerning criminalization and prevention of corruption;
- strengthening the capacities of the prosecution to investigate and prosecute high-level corruption; and
- introducing pilot activities to enhance integrity and institutional capacities as tools for the prevention of corruption.

This technical paper follows a Round Table organized on 28 January 2008, and was intended to summarise these Round Table recommendations for future use. However, during the Round Table, it became apparent that there were additional important issues regarding the Anti-corruption Strategy and Action Plan themselves that needed to be addressed before turning to issues of reporting, coordination, and implementation. Hence, this paper will outline these additional key issues in addition to the original recommendations regarding their implementation.

8 THE PURPOSE OF ANTI-CORRUPTION STRATEGIES AND ACTION PLANS

In order to address the challenges with the existing Anti-corruption Strategy and Action Plan in Georgia, it may be useful to be reminded of the purpose and rationale for developing and using these documents.

The purpose of a *national anti-corruption strategy* is to lay out the array of objectives and measures necessary to combat corruption within a country and to prioritise or sequence the competing objectives, particularly in circumstances of limited resources (be they time, human or financial resources).

The approach of a national anti-corruption strategy recognizes that corruption is a symptom of shortcomings in the multi-faceted institutional system whose elements are interlinked. Such a strategy also seeks to address this complexity and coordinate specific measures in view of their constituting prerequisites for later-stage reforms in other parts of the system. In view of the complexity and extent of anti-corruptions reforms in most countries, the strategy should also define and prioritise short-, medium-, and long-term objectives.

The purpose of an *action plan* is operationalise a strategy by translating the specific strategic objectives (and measures, to the extent they are identified in the strategy) into concrete actions that are assigned responsible institutions within a concrete time period. By outlining specific tasks, those responsible, and timelines, an action plan furthermore assists in monitoring the progress in the implementation of the strategy.

The purpose of *monitoring of the implementation* of an anti-corruption strategy (as organised in an action plan) is to ensure that the measures/activities are being undertaken, and much more importantly, to evaluate the progress towards the achievement of goals and objectives. The information gained in this way can then be used to refine the strategy and to inform decision making at different levels.

In order to monitor progress effectively, an action plan further needs to identify benchmarks or *indicators* that, at a minimum, designate the completion of a given measure or activity. This elementary set of indicators is often referred to as "*process indicators*" that demonstrate that the projected timeline is being respected and to identify difficulties in implementation that may arise. They are particularly useful for coordination purposes when the completion one set of measures may impact on the implementation of other measures.

Ultimately, action plans—as any other project document—should define "*outcome indicators*" that show that the measures or activities are achieving the stated objectives. While the ultimate goal of anti-corruption reforms is a reduction of corruption, and these indicators should ideally provide evidence of a reduction in corruption, it must also be recognized that measuring levels of corruption is exceedingly difficult. Instead, proxy indicators such as improvements in efficiency or other good governance benchmarks could serve that function.

Finally, in order to monitor the implementation of an anti-corruption strategy an action plan should aim to be also comprehensive in capturing the necessary changes to the implementation measures and timelines. In this respect, it should clearly note these changes with the dates when they were made, rather than simply deleting earlier versions.

9 ISSUES IDENTIFIED WITH REGARDS TO GEORGIA'S NATIONAL ANTI-CORRUPTION STRATEGY AND ACTION PLAN

During the 28 January 2008 Round Table, a number of issues were identified that prevent the Georgia's national Anti-corruption Strategy and in particular the Anti-corruption Action Plan from effectively serving the purposes outlined in Section 1.

9.1 Discontinuity between the National Anti-Corruption Strategy and the 2006 & 2007 Action Plans, and appropriateness of specific objectives and measures

While it is beyond the scope of this assignment to perform a thorough, point-by-point comparison and analysis of the existing documents and comment on specific objectives and measures, it is evident that there exists a discontinuity between the various (versions of) documents. A number of examples is noted below for illustration purposes:

- Structurally, there is no continuity between the three documents in terms of the objectives and activities: objective 2 of the Strategy should ideally correspond to objective 2 of the Action Plan(s). This discrepancy makes it difficult to follow the operationalisation and progress in implementation of the strategic objectives.
- The Strategy item 2.5 calls for the reform of the office of Inspector General, and the 2006 Action plan reflect that objective in measure 2.5; the 2007 Action Plan makes no mention.
- The Strategy item 2.6 calls for strengthening the Ombudsman institution and the 2006 Action plan reflect that objective with 2 measures (12.1 and 12.2); the 2007 Action Plan makes no mention
- Where continuity can be identified, for example in the objective to improve the state procurement process, a question arises as to what happened between 2006 when one of the stated measures was to prepare changes to the Law on State Procurement (item 9.1) and 2007 when the same legislative changes still appear needing to be undertaken (item 1.15): the "current state [status]" column does not provide an explanation as to whether any progress has been made.
- The 2007 Action plan introduces new elements such as Hospital Sector Development (item 1.17). While it will likely be necessary to introduce new measures as the implementation of the Anti-corruption Strategy advances, there should be a clear rationale elaborated as to specific objectives and how these relate to the overall strategic goals.

The last example introduces a related concern: the appropriateness of inclusion of specific measures in relation to anti-corruption reforms, and the absence of others. For example, it is questionable to what extent reform measures such as changes to the Code on Imprisonment (item 3.17) and the introduction of a system of Legal Aid (items 3.18 - 3.20) relate to the fight against corruption. Certainly an argument can be made that they do, as so many institutions are dealing with corruption among other deficiencies. Nevertheless, by including more distantly-related measures, the anti-corruption efforts start to lose focus and therefore their strategic relevance. This is not to say that the broader institutional reforms are not important, on the contrary. The point of an anti-corruption strategy, however, is to pinpoint the reforms most relevant to the fight against corruption and to ensure that they are not neglected within the context of broader institutional reforms.

9.2 Lack of definition of objectives, lack of distinction between objectives and measures/activities

Both the original Anti-corruption Strategy and the two subsequent Action Plans contain a mix of objectives and activities. For example, in the 2007 Action Plan, items 1.7 (Ensure financial oversight of state-owned enterprises) and 1.10 (Develop Codes of Conduct for Civil Servants) are treated in precisely the same way, whereas 1.7 is a policy objective which requires a number of reform measures to realize, while 1.10 is a single discrete measure.

It is standard project management practice to distinguish between objectives and measures so that the efficacy of the proposed measures vis-à-vis achieving particular objectives can be evaluated as the measures are implemented. It is not unusual in any reform process that specific measures do not ultimately produce the desired outcomes, in which case their appropriateness must be re-evaluated. Not distinguishing between the two makes the process of evaluation difficult by making it unclear where the problem is located and where to make the necessary corrections: for example, whether the problem is in the assumptions and rationale for the employment of a certain measure, or whether in the implementation of the measure itself.

9.3 Lack of definition of medium- and long-term measures

A national anti-corruption strategy, per definition, should be as comprehensive as possible, and contain short-, medium- and long-term objectives. By extension, an action plan should reflect all of those objectives, with measures to reach those objectives included to the extent that they have been defined. In cases where policies on specific measures for particular objectives have not yet been identified, this should be so stated, and a reasonable timeline fixed for the policy development process.

During the 28 January workshop, one of the critiques heard from the participants was the absence of specific measures from the Anti-corruption Action Plan. The absence was explained by the fact that a reform policy has not yet been agreed upon, and that in one case no consensus had been reached as to one of two competing policy options.

Differences on opinion on policy options are a perfectly acceptable part of the public policy process in any country, and should not be concealed. Reforms of large institutional systems represent a challenge to governments in all democracies, and policy debates on how to best reform a particular system can often last years. The key issue is that the *need to define a policy* remain on the public agenda, and that the progress on the debate be reflected in the Action Plan. It is precisely the purpose of an action plan to assist in the monitoring of the progress of all relevant reform processes, and hence not allow for important policy questions to be forgotten. By noting that there is a policy decision yet to be made, the government can also invite civil society to contribute in the analysis of the various policy options and assist in arriving at the best policy option given the constraints (including financial limitations).

By providing a longer-term horizon—one that includes medium- and long-term objectives, together with those for which reform measures have not yet been defined—the Anti-corruption Action Plan further serves as an effective fundraising tool that allows interested donors to plan to direct future support in the implementation of reform measures that have been defined, as well as in the policy development process where it is necessary.

9.4 Lack of definition of indicators

A Round Table discussion about the Anti-corruption Action Plan organized by the Council of Europe and the Office of Minister of State Reforms of Georgia on 6 -7 November 2006, and the ensuing recommendations on the improvement of the Action Plan outlined in the Technical Paper PC-TC(2006)26 “Comments on the Georgian National Anti-Corruption Action Plan” address, among other things, the need to define indicators of success. While the new Action Plan has incorporated an additional column for indicators, indicators were in fact not defined in that column. The content in the column is rather information that would be considered “current status” or “current state.”

Defining indicators is not a small challenge for all project managers be they in state institutions, international organizations, or NGOs. Volumes have been written in project management literature about how to properly define indicators. The key challenge remains defining indicators that are appropriate and in close relationship with the stated objectives.

Any project document—including an anti-corruption action plan—should have indicators defined at two levels: process indicators and outcome/impact indicators.

Process indicators generally refer to the completion of certain activities or measures, such as elaboration of laws, their coming into force, establishment of new practices, training of staff, etc. These assist in the monitoring process by demonstrating that proposed activities or measures are taking place along the planned timeline, and allowing for adjustments to the timeline if unforeseen logistical challenges arise.

Outcome or impact indicators are benchmarks that demonstrate that the activities or measures undertaken to achieve the stated objectives are having the desired effects. As the ultimate goal of anti-corruption reforms is a reduction of corruption, these indicators should ideally provide evidence of a reduction in corruption. However, considering the difficulty in measuring levels of corruption, proxy indicators such as improvements in efficiency or other good governance benchmarks could serve that function. Furthermore, considering the extended time period necessary for institutional reforms to result in actual impact on governance or corruption, impact indicators need be defined over the longer-term. Finally, in order to measure the impact of particular reform measures, ideally a baseline measurement of the given indicators would be made *before* the reforms are instituted, and the same indicators measured one-year or longer afterwards, so that change could be recorded.

9.5 Lack of definition of financial impact (resources needed to implement measures)

Once an institution sets about implementing a particular measure, it may discover that resources are needed to implement activities such as trainings, equipping offices, or even obtaining additional human resources or expertise. On larger institutional reform issues, such as for example the reform of the civil service that includes an increase of salaries, macroeconomic constraints may make that element of reform unfeasible in the short term. A lack of resources is often a key reason for the slow, or non-implementation of particular measures. Estimating the resources needed is the first step towards securing those additional resources either from the state budget or from external sources (e.g. donors). Estimating the cost of undertaking specific measures is highly recommended, if not in the initial draft of an Action Plan, then in later versions, as part of regular updates to the Action Plan.

9.6 Recommendations on the revision of the National Anti-corruption Strategy and Action Plan

Recommendation to the Georgian authorities:

Use the process of revising the National Anti-corruption Strategy as an opportunity to address the comprehensiveness of the document, taking into account specific comments of civil society organizations. Organize a transparent process to solicit and discuss comments, allowing for reasonable timeframes for doing so. Provide sufficient narrative explanation for strategic changes, i.e. variations, between the various versions of the documents.

Revise the Action Plans on the basis of the revised Strategy, ensuring that the document reflects the progress made since the first version of the Strategy (2005). Further, ensure that

the Action Plan includes all reform objectives defined in the Anti-corruption Strategy, including those for which specific policy decisions and resulting measures have not yet been defined. In consultation with implementing agencies, prioritise these objectives into short-, medium-, and long-term measures, being realistic about what can reasonably be accomplished with limited human and financial resources.

In addition, define appropriate process and outcome indicators for the proposed objectives and activities point by point. Review the feasibility of carrying out baseline measurements in key sectors in order to measure the outcome of the planned reforms. NB: perception surveys are commonly used in an attempt to measure corruption. Due to a lack of reliability of perception-based data, it is recommended that other methodologies—in particular, experience-based surveys—be used instead.

Recommendations for the Council of Europe:

Assist the Georgian authorities in defining meaningful indicators for the Anti-corruption Action Plan by providing sustained technical assistance in the form of workshops for responsible officials. Be mindful that this is a challenging task for any institution, and it is made more difficult in the case of comprehensive action plans as it concerns a large number of sectors and activities.

Direct project funds designated for corruption perception surveys toward experience-based methodologies in key sectors to assist Georgian authorities in measuring the impact of proposed anti-corruption reforms. The added value of this approach is building capacity to apply more reliable methodology, which can then be used to monitor the impact in other sectors as well.

10 TOOLS FOR REPORTING AND IMPLEMENTATION OF ANTI-CORRUPTION MEASURES IN LINE WITH THE NEW ANTI-CORRUPTION ACTION PLAN

As noted in section 2 above, a properly-drafted action plan—one that clearly identifies measures, responsible institutions, timelines, and indicators of success—also becomes the principal instrument guiding the reporting on the implementation of anti-corruption measures.

The action plan is intended as the primary ‘overview’ document that can provide the government, as well as the public, a manageable view of the progress of anti-corruption reforms. In this respect, the ‘current status’ column is of primary interest in obtaining a picture of progress to date.

The “current status” field should contain a summary of the key activities undertaken in relation to accomplishing the set task, activity, or measure. It is especially important that it reflect any difficulties or delays in implementing the measure in order to draw attention to the fact that all is not going according to plan so that appropriate attention can be given to the challenges at hand.

Of course, the actual reporting on the implementation of the stated measures by responsible institutions needs to be more extensive than the single paragraph that is reflected in the action plan. The reporting from all institutions noted in the action plan should be consistent in order to facilitate the task of the persons or body responsible for reviewing and possibly evaluating the information and updating the action plan on the basis of the received information.

10.1 Reporting template

Templates can be useful tools in achieving a level of consistency of information, at least in form if not content. By following a set template, each institution/responsible person provides the same information in the same order, which facilitates its reading and analysis.

Defining content: In designing templates, the most important step is to identify the information that it should contain. In the case of the Georgian Anti-corruption Action Plan, the reporting template should include, at a minimum, the following items:

- Identification of reporting entity:
 - Agency Name
 - Responsible person
 - Reporting Period

This information is needed to avoid confusion among reports of different agencies involved in the implementation of the Action Plan.
- List of specific activities and measures which they are responsible to implement:
 - Objective identified in action plan
 - Specific measure relating to the objective:

Many institutions will be reporting on more than one objective, and it is likely that each of the numerous objectives will contain more than one measure or activity. For ease of following the numerous activities, a system of enumeration of objectives and activities is recommended in action plans (as is already the case in the Georgian Action Plan), and the same enumeration should be followed in the reports.
- Update on status of each activity/measure:
 - Brief description of activity/measure
 - Dates new activities implemented
 - Progress toward indicator/benchmark
 - Challenges
 - Next steps (with timeframe)
 - Estimated cost*

*Estimating the cost of undertaking specific measures is highly recommended, if not in the initial draft of an Action Plan, then in its subsequent versions. Once an institution sets about implementing a particular measure, it may discover that resources are needed to implement activities such as trainings, equipping offices, or even obtaining additional human resources or expertise. On larger institutional reform issues, such as for example the reform of the civil service that includes an increase of salaries, macroeconomic constraints may make that element of reform unfeasible in the short term. A lack of resources is often a key reason for the slow, or non-implementation of particular measures. Estimating the resources needed is the first step towards securing those additional resources either from the state budget or from external sources (e.g. donors).

It is furthermore important to note that unless the objectives and activities are properly defined in the action plan, it will be difficult to understand and analyse any progress reported. Similarly, unless indicators have been defined in the action plan, it will be difficult to assess to what extent the reported progress has indeed contributed to their achievement.

Defining format: Two common formats are recommended for reporting on the implementation of Action Plans: a questionnaire-type format or a table-type format.

The questionnaire, or narrative format (see Annex 1) has the advantage of flexibility with the space required to sufficiently describe progress, and simplicity of formatting that can be an advantage for less experienced computer users. It is recommended that some limits on the length of the narrative be defined, however, as individual institutions could present hundreds of pages of text for consideration, making the task of review and summary rather time consuming.

The table format (see Annex 2) has the advantage of easy visual correlation between activities, indicators, and status updates, particularly for the readers of the report. The disadvantage, however, is with the formatting that can be difficult to use for less experienced users, and the excessive length a table can reach when a considerable amount of text is inserted.

10.2 Frequency of Reporting

Currently, the Georgian authorities foresee reporting by institutions on a bi-monthly basis. This may be too frequent both from the perspective of administrative burden and also in view of many measures require a longer period to even partially implement.

10.3 Coordination and Compliance

It is difficult to comment at this stage on the challenges in obtaining reports from implementing agencies as their obligations appear not to have been clearly defined (through reporting templates) and reasonable reporting periods defined. If compliance with reporting obligations has not improved after the recommendations above have been implemented, the question should be revisited. Ultimately, an explicit demand for compliance from the highest government officials may be necessary to remove any doubts as to the importance of these reporting obligations.

10.4 Recommendations on the tools for reporting and implementation of anti-corruption measures in line with the new anti-corruption action plan

Recommendation to the Georgian authorities:

Consult with the implementing agencies on the content and format of the reporting templates to ensure that they are defined in the most user-friendly manner possible. When finalised, organise a workshop for the implementing agencies/persons responsible for reporting to guide them through the form and their reporting obligations.

Consider extending the period of reporting to quarterly, or every 4 months (3 times per year). This should significantly reduce the administrative burden on the implementing authorities as well on the coordinating body while still providing a regular overview of the implementation progress.

11 CONCLUSIONS

A number of challenges have been identified with both the form and content of the National Anti-Corruption Strategy and Action Plan(s) and with the monitoring and the implementation process.

A number of observations and recommendations have been made in Section 3 of this paper on the form and content of the Anti-Corruption Strategy and Action Plans that should be reviewed for further revisions and updates.

An additional number of recommendations on the tools for reporting, coordination, and monitoring of the implementation of the anti-corruption strategy are outlined in Section 4 (with examples in the Annexes).

12 ANNEXES

Annex 1: Reporting Template-Questionnaire/Narrative Format

Annex 2: Reporting Template-Questionnaire/Narrative Format

Annex 1: Reporting Template-Questionnaire/Narrative Format

Agency Name: _____

Responsible person: _____

Reporting Period: _____

Objective identified in action plan: _____

Specific measure relating to the objective: _____

Update:

- Brief description of activity/measure
- Dates implemented
- Progress toward indicator/benchmark
- Challenges
- Next steps (with timeframe)
- Estimated cost*

Objective identified in action plan: _____

Specific measure relating to the objective: _____

Update:

- Brief description of activity/measure
- Dates implemented
- Progress toward indicator/benchmark
- Challenges
- Next steps (with timeframe)
- Estimated cost*

Annex 2: Reporting Template-Questionnaire/Narrative Format

Agency _____ Reporting Period _____							
Objective __:							
measure	Dates implemented	imple-	partner(s)	indicator	progress toward indicator	challenges	next steps
Objective __:							
measure	Dates implemented	partner(s)	indicator	progress toward indicator	challenges	next steps	

Annex 4:



**Economic Crime Division
Directorate of Co-operation
Directorate General of Human Rights and Legal Affairs
February 2008**

“SUPPORT TO THE ANTI-CORRUPTION STRATEGY OF GEORGIA” (GEPAC)

COE PROJECT NO. 2007/DGI/VC/779

**AMENDMENTS ON THE LAW ON CONFLICT OF INTERESTS AND CORRUPTION
IN THE PUBLIC SERVICE OF GEORGIA**

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**The views expressed in this document are
author's own and do not necessarily reflect
official positions of the Council of Europe**

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Article 1

Following amendments shall be made to the Law of Georgia on Corruption and the Conflict of Interests in the Public Service:

Article 1 shall be formulated as following:

“This law defines the main principles and grounds for legal regulation and mechanisms for avoiding, revealing, and eliminating conflict of proprietary of personal interests of public servants including officials with state interests and responsibility for committing corruption offences. This law regulates legal conditions and mechanisms for submission property and financial declarations by public servants.

Article 2.1

Article 2.1 shall be added as following:

1. For the purposes of this law public servant (including official) is a person who performs remunerable activities in local self-governmental or governmental agencies and agencies equal to them pursuant to the authorities determined by the applicable Georgian legislation;
2. For the purposes of this law a person who is not vested with public authorities or provides civil service/agency with technical support or performs activities not directly connected to the main objectives of the service shall not be considered a civil servant. Heads of respective service determine a list of aforementioned persons by ordinance.

Article 2.2

Article 2.2 shall be edited as following:

For the purposes of this law agencies equal to state agencies shall be:

1. Independent commissions for regulation;
2. Non commercial legal entities “foundations” and legal entities of public law which:
 - a) Carry out important state or other public functions;
 - b) Perform activities under state control;
 - c) Source of funding of which is determined by the law;
 - d) Manage important state property;
 - e) Are vested with powers of issuing normative acts;
 - f) Are financed by the budget.

In case one of the abovementioned conditions is present Government of Georgia determines a list of aforementioned legal entities by ordinance and yearly updates it.

3. Enterprise with the authorized capital or yearly turnover for the last year or assets amounting or exceeding million GELs where state holds more than 50% of share (stock);

Article 3

Article 3 shall be edited as following:

1. “Corruption at public service” shall mean abuse of office or entrusted public authority by civil servant for the purpose of acquiring proprietary or other advantage, or passing him/her this advantage or contributing to its acquisition or legalization.
2. “Corruption offence” shall mean an action containing features of corruption, committing of which entails disciplinary, administrative or criminal liability;

3. "Conflict of interests at civil service" shall mean conflict between proprietary or personal interests of civil servant and interests of public service;

4. "Unjustified property" shall mean property, as well as income received from this property and stock (share) civil servant or her family member or close relative do not provide with the documents proving its lawful acquisition or which is acquired with the monetary funds gained after selling unjustified property (from July 2004 13.02.04 3314)

5. "Justifying property origins" shall mean documented or oral explanation of the forms of acquisition of declared property or financial resources indicating sources thereof;

Article 4

Article 4 shall be edited as following:

For the purposes of this law "a person connected to civil servant" shall mean:

- a) Family member – Person's wife, under age child or stepchild, as well as persons constantly living with him.
- b) Close relative – Family member of the person, direct ascendants and descendants, stepchild, sister and brother as well as stepchildren of parents or children;
- c) Any other person together with a civil servant maintains a common household;
- d) For the purposes of this law common household shall mean special relationships between persons which can affect conditions or economic results of their activities.

Article 5

Article 5 shall be edited as following:

1. For the purposes of this law "present" shall mean property transferred, service rendered to civil servant, a person connected to him, his family member or/and a person maintaining a common household with him or fully or partly liberating him from financial responsibilities in-kind or in preferential conditions as an exception from general rule.

2. Civil servants shall be forbidden from receiving all kinds of presents or services which can affect performance of his duties;

Article 5.1.

Article 5.1 shall be edited as following:

For the purposes of this law following benefits shall not be considered as a "present":

- a) Presents received by a civil servant within the reporting year joint value of which do not exceed 10% or in case of a single present 1% of his annual salary unless the source of presents is the same;
- b) Presents received by a person related to official, civil servant, each of his family members within the reporting year joint value of which per family member do not exceed one hundred GELs or in case of a single present 500 GELs unless the source of presents is the same;
- c) Grant, stipend, prize or award granted by the state or an international organization;
- d) "Diplomatic gift" presented to civil servant during official or working visit in a manner prescribed by diplomatic protocol in case its market value does not exceed 300 GELs;
- e) Symbolic gift or souvenir presented to civil servant, a person related to him or his family member by governmental or self governmental agency of Georgia or other country market value of which does not exceed 300 GELs and is received from a single source during official event;
- f) Property transferred to civil servant, a person related to him or his family member in-kind or in preferential conditions, fully or partly liberating him from financial

- responsibilities, rendering service in-kind or in preferential conditions which is not considered an exception from general rule;
- g) Transfer of property with market value less than 300 GELs to the public official by a person under his supervision, liberating him from financial obligations related to certain events and when presenting gifts is common tradition of the society;
 - h) Property transferred to civil servant, a person related to him, public official, his family member by a person related to him or his close relative in-kind or in preferential conditions, fully or partly liberating him from financial responsibilities;
 - i) Printed publications presented as a gift, unless cultural valuables envisaged by the law of Georgia on Cultural Heritage

Article 5.2

Article 5.2 shall be added.

In case civil servant or/and a person related to him discovers after receiving the gift that its value exceeds requirements determined by this law or/and due to certain reasons (receiving present by mail or in public) it was impossible not to accept the gift he shall be obliged to produce description of transferred gift, its value/amount, indicate name of grantor to the Information Bureau of Proprietary and Financial Status of Public Officials. The gift shall be transferred to the respective state agency - "Legal Entity of Public Law - Finance Agency" in three days term.

Chapter VI

Chapter VI shall be added.

Common rules of conduct for civil servants.

Article 201

Aim and application

The purpose of the rules of conduct is to establish general principles regulating behaviour of civil servants while performing their duties.

There can be established additional behaviour regulating rules for certain categories of civil servants or/and certain agencies in accordance with the general principles of rules of conduct determined by this chapter;

Head of an agency shall be obliged to ensure accessibility to rules of conduct and their dissemination among civil servants under his supervision;

Every civil servant has the duty to follow the rules of conduct;

Civil servant is accountable to his direct supervisor unless something else is not established by the law or statute of respective agency;

Failure to meet the obligations determined by this chapter can entail imposition of administrative responsibility unless it is not a ground for criminal liability;

7. Administrative responsibility for violation of rules of conduct shall be imposed by a head of respective public agency according to the applicable legislation

Article 202

Common Rules of Conduct for Civil Servants

1. Each civil servant shall perform his/her duties in accordance with the legislation of Georgia and rules of conduct.
2. Without any specific directives civil servant shall be obliged to fulfill those requirements which are related to public service and his/her position. Public servant shall be honest and accountable when performing his/her duties.
3. According his/her official duties civil servant shall act based on the principle of collective work, take into consideration relationship with citizens especially with those receiving his/her service.
4. When performing his/her duties a civil servant shall consider the principle of economy and efficiency. He/she shall not abuse, embezzle or/and unpurposefully or inappropriately spend public funds.
5. Public servant is entitled to refuse to perform duties which are directed against persons related to him/her.
6. If a civil servant is imprisoned, arrested or under surveillance, criminal proceeding started against him/her or he/she possesses information on aforementioned facts, shall be obliged to inform the head of corresponding institution on that.
7. Civil servant shall avoid any action which compromise reputation of him/her personally, his agency and civil service.
8. Civil servant shall use his/her official position/influence, Id cards, symbols and other means related to his/her job bona fide and for only official purposes and not for the purpose to enjoy some priorities.
9. During the decision making process a civil servant shall act based on the principle of transparency and justice. Issuance of an order against law and the state interest is prohibited.

Article 203

Common Rules of Conduct on Giving and use of Public Information

1. Head of public agency shall be obliged to establish corresponding mechanism for provision of access to public information and giving it without delay.
2. Civil servant shall not purposefully distribute suspicious, unchecked or/and founs information.
3. Civil servant shall be obliged to issue public information in cases considered by the legislation of Georgia and in accordance with norms and requirement of the agency he/she is employed by.
4. Civil servant shall not attempt to learn about the information he/she by the law is not entitled to.
5. If limitation of publicity of certain information is within the competence of civil servant, the civil servant shall precisely meet the criteria defined by the law. If necessary, he/she shall raise the question of limitation of this information in accordance with the law of Georgia.
6. Civil servant shall take appropriate measures to provide confidentiality of information (state classified information, information concerning individual's reputation, information obtained when performing official duties and other kind of

information listed corresponding code of conduct) This rule applies after resignation of office.

Article 204

Common Rules of Conduct in Case of Conflict of Interests

1. Civil servant is not entitled to offer or accept any kind of benefit which is related to his official duties and position except cases considered by the legislation of Georgia.
2. Civil servant shall be obliged:
 - a) to pay attention to any real or potential conflict of interests;
 - b) to take measures in order to prevent any kind of facts of conflict of interests;
 - c) to declare about conflict of interests before or after taking his/her official position as soon as he/she learns about this fact.
 - d) to obey any legal decision that requires him/her to avoid situations which results in conflict of interests, or refuse to accept benefits leading to conflict of interests.
3. Civil servant after having taken his/her position within the period of one month and afterwards once a year until February 1 shall be obliged to publicly declare about persons related to him/her who are working at the same public agency where the civil servant is employed. Written paper on this fact involving the information on identification data of the related persons to the civil servant and their relationship shall be submitted to the employment division of the agency where the civil servant works.

Article 205

Rules of Conduct in Case of Corruption Offence

1. Civil servant is prohibited to accept any kind of gift (defined by the article 5 of this law) or service that might affect performance of his/her duties.
2. If it is not clear whether or not a civil servant is entitled to accept an offered gift or service or receive any kind of benefit (apart from ones considered by protocol), he/she shall be obliged to consult with his/her direct supervisor.
3. If a civil servant is offered undue benefit he/she shall be obliged to take the following measures:
 - a) refuse the undue benefit;
 - b) try to identify the offerer;
 - c) keep minimal connection with this person and try to identify the grounds for this offer;
 - d) if it is not possible to refuse a gift or give it back, it shall be preserved or/and used minimally;
 - e) It is recommended to have witnesses;
 - f) Inform his/her direct supervisor in a written form;
 - g) to continue performance of his/her duties in a regular way including the ones related to the undue offer unless otherwise decided by a supervisor.
4. Civil servant shall be obliged:
 - a) to disclose any evidence or reasonable suspicion on illegal or unlawful predicate or ongoing act by means of informing his/her supervisor;
 - b) once having received the information the supervisor shall be obliged to take appropriate measures or inform law enforcement bodies;

- c) if a civil servant does not have a supervisor or he/she committed the act defined by subparagraph a) of paragraph 1 of this article that performed no results he/she shall be obliged to address law enforcement body.
5. In order to avoid the fact of physical or psychological influence on discloser in cases defined by subparagraph a) of paragraph 12 of this chapter public official supervising a civil servant shall be obliged:
- a) not to reveal a discloser and identity of related persons to him/her (identifying data);
 - b) to avoid compromise of his/her reputation;
 - c) to insure protection of a discloser to avoid worsening of his/her employment condition and limitation of his/her official authority

Article 206

Grounds for Responsibility

1. Civil servant is accountable to his/her direct supervisor unless otherwise required by law or statute of the public agency
2. Failure to comply with the requirements of this chapter may lead to administrative liability if this failure according to the law does not entail criminal liability.

2 PROPOSED AMENDMENTS ON THE LAW ON CONFLICT OF INTERESTS AND CORRUPTION IN THE PUBLIC SERVICE

2.1 Aim of the draft law

The draft law aims at fulfilling recommendations 9 and 10 of the “Group of Countries against Corruption” (GRECO).

2.2 Objectives of the draft law

According to the recommendation 9 Government of Georgia shall be obliged to adopt code of conduct for public officials and civil servants which will determine authorities of civil servants and how civil servants can behave;

According to recommendation 10 government of Georgia shall adopt the mechanisms which will oblige civil servants to disclose information about corrupt facts and other cases of violation of law;

Besides meeting the requirements set by recommendations the amendments will contribute to improvement of the law of Georgia Concerning Corruption and the Conflict of Interests at Public Service and making it more compatible with international standards.

2.3 Financial validation of the draft law

b.a. Financial sources of the necessary expenses related to adoption of the draft law

Adoption of the draft law does not entail any budgetary expenditure.

b.b. Influence of the draft law on the income part of the budget

Adoption of the draft law will not affect income part of the state budget.

b.c. Influence of the draft law on the expenditure part of the budget
Adoption of the draft law will not affect expenditure part of the state budget

b.d. New financial obligations of the country
Adoption of the law does not entail any new financial obligations for the country.

b.e. Expected financial effect of the law for the persons related to the functioning of the law
Adoption of the law will not entail worsening of financial status of persons related to the functioning of the law;

b.f. Rule (principle) for determination of the amount of taxes or other payments set by the law;

Draft law does not determine any new types of taxes or payments.

c. Correlation of the draft law with international standards

c.a. Correlation of the draft law with directives of European Union;
Adoption of the draft law does not contradict EU standards.

c.b. Correlation of the draft law with obligations imposed on Georgia with the membership of international organizations;

Adoption of the draft law does not create any obligation related to Georgia's membership in international organisations.

c.c. Correlation of the draft law with Georgia's bilateral and multilateral conventions;
Adoption of the draft law does not contradict with Georgia's bilateral and multilateral conventions.

d. Consultations received in the process of elaboration of the draft law

d.a. Governmental, nongovernmental or/and international organization/agency, experts involved in the process of elaboration of the draft law in case they exist;
Experts invited by the Council of Europe were involved in the process of elaboration of the draft law;

d.b. Assessment of organization/agency, experts involved in the process of elaboration of the draft law in case they existed;

No assessment was made

d.c. Author of the draft law

Government of Georgia

d.d. Legislative initiative

Government of Georgia

Annex 5:



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Economic Crime Division
Directorate of Co-operation
Directorate General of Human Rights and Legal Affairs
February 2008

“SUPPORT TO THE ANTI-CORRUPTION STRATEGY OF GEORGIA” (GEPAC)

COE PROJECT NO. 2007/DGI/VC/779

AMENDMENTS ON THE CRIMINAL CODE OF GEORGIA

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PC-TC(2008)13

The views expressed in this document are author's own and do not necessarily reflect official positions of the Council of Europe

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3 EXPLANATORY NOTE

Article 1 Article 204¹ shall be added to the Criminal Code of Georgia (Legislative Bulletin #4(48), 1999 article 209)

Article 204¹

Violation of accounting rules:

Creation or usage of incomplete or false accounting record or tax documentation by a person keeping accounting with the purpose of obtaining credits, getting financial advantage himself or other person, or covering up these activities – Shall be punished by fine, disqualification to hold specified offices or to engage in specified activities for a term of up to three years, or by compulsory works for a term up to a year.

Article 2

The same action committed:

- a) Repeatedly;
- b) Or/and has caused substantial damage – Shall be punished by deprivation of liberty for a term of up to a year

Article 2

This law shall enter in to force on the 15th day after its publication

4 PROPOSED AMENDMENTS ON THE CRIMINAL CODE OF GEORGIA

4.1 Cause of adoption of the draft law

Cause of adoption of the draft law is to incorporate changes resulting from adoption of the Law of Georgia on Accounting and Audit into Criminal Code of Georgia.

4.2 Aim of the draft law

The draft law aims at adding to the Criminal Code of Georgia an article concerning violation of accounting rules

4.3 Objectives of the draft law

In case the draft law is adopted Criminal Code of Georgia will contain an article about violation of accounting rules

4.4 Financial validation of the draft law

b.a. Financial sources of the necessary expenses related to adoption of the draft law

Adoption of the draft law does not entail any budgetary expenditure.

b.b. Influence of the draft law on the income part of the budget

Adoption of the draft law will not affect income part of the state budget.

b.c. Influence of the draft law on the expenditure part of the budget
Adoption of the draft law will not affect expenditure part of the state budget

b.d. New financial obligations of the country
Adoption of the law does not entail any new financial obligations for the country.

b.e. Expected financial effect of the law for the persons related to the functioning of the law
Adoption of the law will not entail worsening of financial status of persons related to the functioning of the law;

b.f. Rule (principle) for determination of the amount of taxes or other payments set by the law;
Draft law does not determine any new types of taxes or payments.

c. Correlation of the draft law with international standards
c.a. Correlation of the draft law with directives of European Union;
Adoption of the draft law does not contradict European Union standards.

c.b. Correlation of the draft law with obligations imposed on Georgia with the membership of international organizations;
Adoption of the draft law does not create any obligation related to Georgia's membership in international organizations.

c.c. Correlation of the draft law with Georgia's bilateral and multilateral conventions;
Adoption of the draft law does not contradict with Georgia's bilateral and multilateral conventions.

d. Consultations received in the process of elaboration of the draft law
d.a. Governmental, nongovernmental or/and international organization/agency, experts involved in the process of elaboration of the draft law if any

No experts were involved in the process on elaboration of the draft law

d.b. Assessment of organisation/agency, experts involved in the process of elaboration of the draft law if any.
No assessment was made

d.c. Author of the draft law
Government of Georgia

d.d. Legislative initiative
Government of Georgia