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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**GEORGIA**

**PROVISIONS OF THE LAW ON THE FIGHT AGAINST CORRUPTION  
CONCERNING THE ANTI-CORRUPTION BUREAU**

## **LAW OF GEORGIA ON THE FIGHT AGAINST CORRUPTION<sup>1</sup>**

*Law of Georgia No 4358 of 27 October 2015 – website, 11.11.2015*

*Law of Georgia No 157 of 21 December 2016 – website, 28.12.2016*

*Law of Georgia No 2204 of 30 November 2022 – website, 15.12.2022*

### **Chapter I – General Provisions**

#### **Article 5<sup>2</sup>**

If the public servant or his/her family member ascertains after receiving a gift that its value exceeds the limits under this law and/or it was impossible to refuse the gift due to certain reasons (a gift received by mail, a gift given publicly), he/she shall, within three working days after receiving the gift, submit to the Legal Entity under Public Law – the Anti-Corruption Bureau (‘the Anti-Corruption Bureau) information on the name of the received gift, its assessed or exact value/amount and the identity of the grantor, or shall transfer the gift prohibited under this Law to the Legal Entity under Public Law – the National Agency of State Property within the system of the Ministry of Economy and Sustainable Development of Georgia.

*Law of Georgia No 4358 of 27 October 2015 – website, 11.11.2015*

*Law of Georgia No 157 of 21 December 2016 – website, 28.12.2016*

*Law of Georgia No 5991 of 29 May 2020 – website, 10.6.2020*

*Law of Georgia No 2204 of 30 November 2022 – website, 15.12.2022*

### **Chapter III<sup>1</sup> – General Rules of Conduct for Public Servants**

#### **Article 13<sup>5</sup>**

1. A public servant may not accept any gift or service that may affect the performance of his/her official duties.

2. If it is uncertain whether the public servant has the right to accept any offered gift or benefit and/or service, he/she shall declare it.

3. If a public servant is offered any benefit prohibited under this Law, he/she shall:

a) refuse to accept such benefit and shall notify his/her immediate supervisor and the Anti-Corruption Bureau in writing of the offer within three working days after the offer has been made;

b) try to identify the person who has made the offer;

c) limit communication with that person and try to determine the basis for such offer;

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<sup>1</sup> <https://www.matsne.gov.ge/ka/document/view/33550?impose=translateEn&publicaAon=83>

d) transfer the gift to the Legal Entity under Public Law – the National Agency of State Property within the system of the Ministry of Economy and Sustainable Development of Georgia within three working days after acceptance if it is impossible to refuse or return the gift.

4. A public servant shall disclose information as determined by this Law about any criminal or other illegal action committed by another public servant if he/she has any evidence or reasonable doubt in this regard.

5. Unless otherwise provided for by legislation, the general rules of ethics and conduct in public service are defined by an ordinance of the Government of Georgia.

### **Article 13<sup>6</sup>**

1. An official defined in Article 2(a-e<sup>2</sup>) of this Law shall undergo a drug test within a time limit determined for him/her by the Head of the Anti-Corruption Bureau and submit the respective certificate to the Anti-Corruption Bureau within three days after it has been issued.

2. A certificate provided for by paragraph 1 of this article shall be public and shall be published on the official website of the Anti-Corruption Bureau.

## **Chapter IV – Declaring and Publishing Economic Interests**

### **Article 14**

1. A person shall submit an official's asset declaration to the Anti-Corruption Bureau within two months after his/her appointment. The Government of Georgia shall determine the procedure for the submission of official's asset declarations.

5<sup>2</sup>. A person registered as a candidate under Article 34<sup>1</sup>(8) of the Organic Law of Georgia on General Courts shall, within three days of the expiry of the time limit for considering an appeal provided for by paragraph 5 of that article, complete and submit an official's asset declaration. The declaration shall be public and shall immediately be published on the official webpage of the Anti-Corruption Bureau.

9. Based on the written request of authorised persons, officials and/or persons dismissed from public institutions under paragraph 10 this article, the Anti-Corruption Bureau shall issue details for logging in the Unified Declaration Electronic System and shall explain to the person the responsibility under the legislation of Georgia for failure to submit an official's asset declaration within the established period of time.

10. The head of the human resources management unit of a respective public institution, or duly authorised person, shall inform the Anti-Corruption Bureau in writing of the appointment to or dismissal from a declaration position of a person within seven working days after the relevant appropriate administrative act on the appointment or dismissal has been issued. In the case of failure to provide such information, the Head of the Anti-Corruption Bureau shall notify the head of the respective public institution of this fact, which may become grounds for the imposition of disciplinary liability on the head of the human resources management unit or duly authorised person. The imposition of disciplinary liability shall not exempt the head of the human resources management unit

or duly authorised person of a respective public institution from the obligation to provide information to the Anti-Corruption Bureau of the appointment to or dismissal of the person from a declaration position.

11. In the case of expiry of the time limit determined for the issue of a decree on the imposition of a fine for failure to submit an official's asset declaration, a two-month period provided for the completion of the declaration shall be calculated from the date when information of the appointment to or dismissal of the person from a declaration position is submitted to the Anti-Corruption Bureau.

12. The Anti-Corruption Bureau may, in addition to the time limit under this article for the completion of a declaration, give the person a 48-hour time limit for editing the data entered into the declaration.

### **Article 18**

For the purposes of Article 20<sup>15</sup>(1)(f) this Law, the Anti-Corruption Bureau shall:

- a) prepare instructions on the proper completion of official's asset declarations;
- b) ensure an unhindered access of officials to the Unified Declaration Electronic System;
- c) receive and keep the official's asset declarations completed by officials and monitor their compliance with the legislation of Georgia;
- d) ensure the public availability of the content of official's asset declarations;
- e) on the basis of the list under Article 2 of this Law, prepare and submit for approval to the Government of Georgia a titular register of officials who are obliged to complete declarations, and shall prepare amendments and additions to the register and submit them to the Government of Georgia for approval;
- f) implement other appropriate activities in accordance with law.

*Law of Georgia No 3314 of 13 February 2004 – LHG I, No 6, 9.3.2004, Art. 25*

*Law of Georgia No 1179 of 12 June 2009 – LHG I, No 12, 29.6.2009, Art. 53*

*Law of Georgia No 2226 of 4 December 2009 – LHG I, No 45, 21.12.2009, Art. 243*

*Law of Georgia No 1261 of 20 September 2013 – website, 8.10.2013*

*Law of Georgia No 4358 of 27 October 2015 – website, 11.11.2015*

*Law of Georgia No 157 of 21 December 2016 – website, 28.12.2016*

*Law of Georgia No 2204 of 30 November 2022 – website, 15.12.2022*

### **Article 18<sup>1</sup>**

1. The Anti-Corruption Bureau shall monitor the entry of full and correct data into official's asset declarations and the compliance of completed declarations with the legislation of Georgia.

2. The ground for initiating the monitoring of an official's asset declaration shall be:

- a) a random selection of the officials by the Unified Electronic Officials' Asset Declaration System;
- b) a reasoned written application.

3. The state-political officials defined by the Law of Georgia on Public Service selected by the Permanent Commission set up by the Head of the Anti-Corruption Bureau and the officials selected on the basis of special factors shall also fall within the category of officials subject to annual examination. The special factors are: particular risk of corruption, high public interest, and violations revealed as a result of the monitoring.

4. In the cases provided for by paragraph 2(a) and paragraph 3 of this article, the number of officials subject to annual examination shall not exceed 5% of the total number of officials in each case.

5. In the cases provided for by paragraph 2(a) and paragraph 3 of this article, the officials subject to annual examination shall be selected in the beginning of each calendar year.

6. The Head of the Anti-Corruption Bureau shall determine the composition of the Standing Commission under paragraph 3 of this article. The Standing Commission shall not be composed of public servants.

7. Official's asset declarations shall be monitored based on the principle of confidentiality. The results of the monitoring shall be proactively published at the end of each calendar year.

8. If the monitoring of the official's asset declaration has been initiated, the Anti-Corruption Bureau shall notify the respective official of the initiation of the monitoring as determined by the legislation of Georgia and shall allow a period of 10 working days for the submission by the official of information and documents (including those issued by banking and/or other credit institutions) necessary for the monitoring, and his/her personal opinion.

9. Official's asset declarations shall be monitored by verifying the accuracy of data in completed declarations in the electronic databases administered by public institutions, by verifying the evidence submitted by the official to the Anti-Corruption Bureau and/or other written evidence, and through the performance by administrative bodies of the obligation of assistance provided for by Articles 16-19 of the General Administrative Code of Georgia.

10. The Government of Georgia shall provide instructions on the monitoring of official's asset declarations subject to examination.

11. Based on the results of the monitoring of official's asset declarations, the Anti-Corruption Bureau shall take one of the following decisions on:

- a) the non-existence of a violation in the official's asset declaration;
- b) the existence of a violation in the official's asset declaration;
- c) the existence of a minor violation in the official's asset declaration.

12. According to paragraph 11(b) of this article, the official's asset declaration shall be assessed negatively if the information and documents requested by the Anti-Corruption Bureau are not submitted or are incomplete or incorrect data or data incompatible with the Law of Georgia on Public Service are revealed in the declaration.

13. If incomplete or incorrect data are entered into the official's asset declaration wilfully as provided for by paragraph 11(b) of this article, and if there are essential elements of an offence, the Anti-Corruption Bureau shall forward the respective declaration and materials of the proceedings to the relevant law enforcement body for further response.

13<sup>1</sup>. The Anti-Corruption Bureau shall take a decision on the existence of a minor violation in an official's asset declaration in accordance with paragraph 11(c) of this article (except for cases provided for by paragraph 13<sup>2</sup> of the same article) if there are the following errors in the official's asset declaration:

a) in the case of ownership of immovable property, an error in specifying a residential space in the declaration does not exceed 30% of the registered area but not more than 60 m<sup>2</sup>; an error in specifying a non-residential space does not exceed 30% of the registered area but not more than 30 m<sup>2</sup>; an error in specifying an area of a plot of non-agricultural land does not exceed 20% of the registered area but not more than 1000 m<sup>2</sup>; no information of a co-owner is indicated therein;

b) in the case of an account and/or deposit opened in a banking and/or another credit institution of Georgia or another country, which the person or his/her family member is entitled to administer, the total error in the balance/balances box is not more than GEL 1 000; an account and/or deposit in a banking and/or another credit institution of Georgia or another country, which the person or his/her family member is entitled to administer, has not been declared, however it is revealed that there was no turnover in this account during the reporting period, or no other banking transaction was carried out, or there was a turnover but not more than GEL 1 000;

c) information on the direct or indirect participation of the person or his / her family member in the activities of an enterprise in Georgia or other country does not specify an enterprise, in the activities of which the official or his/her family member participates directly or indirectly, and which did not have any turnover and did not carry out transactions within 3 years or more than 3 years before the date of completion of the declaration, or there was a turnover of not more than GEL 2 000 within a year;

d) in the case of the performance by an official or his/her family member of any paid work in Georgia or another country, a discrepancy between the pay specified in the declaration and the actual data is not more than GEL 1 000;

e) information on the performance by an official or his/her family member of any paid work in Georgia or another country is not specified, however, it has been revealed that the remuneration received for performing this work during the reporting period is not more than GEL 1 000;

f) in the case of concluding of any agreement in Georgia or another country by an official or his/her family member, an error identified in calculating the material benefit received from the agreement is not more than GEL 2 000.

13<sup>2</sup>. The Anti-Corruption Bureau shall take a decision on the absence of a violation

in an official's asset declaration in accordance with paragraph 11(a) of this article irrespective of presence of the following errors in the official's asset declaration:

a) in the case of ownership of immovable property, an error in specifying a residential space in the declaration does not exceed 10% of the registered area but not more than

20 m<sup>2</sup>; an error in specifying a non-residential space does not exceed 10% of the registered area but not more than 10 m<sup>2</sup>; an error in specifying an area of a plot of non-agricultural land does not exceed 10% of the registered area but not more than 100 m<sup>2</sup>; an error in specifying an area of a plot of agricultural land does not exceed 10% of the registered area but not more than 300 m<sup>2</sup>; immovable property has been erroneously indicated as the property of a family member of the official and/or the official has been indicated as the owner of the property owned by his/her family member; or inaccurate information has been specified about a co-owner;

b) in the case of an account and/or deposit opened in a banking and/or another credit institution of Georgia or another country, which the person or his/her family member is entitled to administer, the total error in the balance/balances box is not more than GEL 500; an account and/or deposit in a banking and/or other credit institution of Georgia or other country, which the person or his/her family member is entitled to administer, has not been declared, however it is revealed that there was no turnover in this account during the reporting period, or no other banking transaction was carried out, or there was a turnover but not more than GEL 200;

c) information on the direct or indirect participation of the person or his / her family member in the activities of an enterprise in Georgia or another country does not specify an enterprise, in the activities of which the official or his/her family member participates directly or indirectly, and which did not have any turnover and did not carry out transactions within 6 years or more than 6 years before the date of completion of the declaration, or there was a turnover of not more than GEL 500 within a year;

d) in the case of the performance by an official or his/her family member of any paid work in Georgia or another country, a discrepancy between the pay specified in the declaration and the actual data is not more than GEL 500;

e) in the case of concluding of any agreement in Georgia or another country by an official or his/her family member, an error identified in calculating the material benefit received from the agreement is not more than GEL 1 000.

14. The culpable violation of the principle of confidentiality under paragraph 7 of this article by a public servant, unless this violation constitutes a crime or an administrative offence, shall result in disciplinary liability of the public servant as determined by law.

*Law of Georgia No 4358 of 27 October 2015 – website, 11.11.2015*

*Law of Georgia No 157 of 21 December 2016 – website, 28.12.2016*

*Law of Georgia No 2272 of 4 May 2018 – website, 21.5.2018*

*Law of Georgia No 4403 of 4 April 2019 – website, 11.4.2019*

*Law of Georgia No 2204 of 30 November 2022 – website, 15.12.2022*

## **Article 19**

1. Any person may request to receive a copy of a completed official's asset declaration and review it, except for the personal number, address of the place of permanent residence and telephone number, information related to the period before first appointment and/or the period after dismissal provided for by Article 15(j) of this Law, and the secret field of the declaration, also except for declarations of those officials whose positions are assigned security classification markings according to the Law of Georgia on State Secrets.
2. No obstruction shall be established or created for the receipt of a copy of a declaration.
3. To receive a copy of a declaration and copies of other materials relating to the declaration submitted by an official to the Anti-Corruption Bureau as determined by the legislation of Georgia, a fee for making a copy of public information shall be paid as determined by the Law of Georgia on the Fee for Making a Copy of Public Information.

## **Chapter V – Liability for Violations of Requirements under this Law**

*Law of Georgia No 4358 of 27 October 2015 – website, 11.11.2015*

*Law of Georgia No 157 of 21 December 2016 – website, 28.12.2016*

## **Article 20**

1. Failure to submit an official's asset declaration within the time limit under Article 14 of this Law shall be subject to a fine in the amount of GEL 1 000, for which an individual administrative act – a decree imposing a fine – shall be issued.

1<sup>1</sup>. In the case provided for by Article 18<sup>1</sup>(11)(b) of this Law, an official shall be fined in the amount 20% of his/her official salary, but not less than GEL 500, and a person who has been dismissed shall be fined in the amount of 20% of the last official salary received during the holding of office, but not less than GEL 500, for which an individual administrative act – a decree – shall be issued.

1<sup>2</sup>. In the case provided for by Article 18<sup>1</sup>(11)(c) of this Law, an official shall be given a warning, for which an individual administrative act – a decree – shall be issued.

1<sup>3</sup>. Evading the undergoing of a drug test or the submission of a respective certificate as provided for by Article 136 of this Law shall result in the official being fined in the amount of GEL 500, for which an individual administrative act – a decree imposing a fine – shall be issued. This decree shall be public and shall be published on the official website of the Anti-Corruption Bureau.

2. A decree imposing a fine shall be issued by the Head of the Anti-Corruption Bureau through simple administrative proceedings. The official shall pay the fine not later than 30 days after being presented officially with the decree. The fine shall be deemed paid upon the submission of the document evidencing payment of the fine to the Anti-Corruption Bureau. Payment of a fine under paragraph 1 of this article shall not exempt the official from the obligation of submitting an official's asset declaration.



2<sup>1</sup>. A decree giving a warning shall be issued by the Head of the Anti-Corruption Bureau through simple administrative proceedings. If a minor violation is revealed in the next monitoring of official's asset declarations, the Anti-Corruption Bureau shall adopt a decision provided for by Article 18<sup>1</sup>(11)(b) of this Law.

3. Appealing a decree imposing a fine shall not delay its execution.

4. Failure of an official to submit an official's asset declaration within two weeks after the date of entry into force of a decree imposing a fine under paragraph 1 of this article or of a court decision (ruling) shall result in the imposition of criminal liability on that official. The imposition of criminal liability shall not exempt the official from the obligation of submitting an official's asset declaration. In such case, the official shall submit the declaration within two weeks after the date when the judgment of conviction enters into force.

5. If the public servant who is subject to disciplinary liability according to the legislation of Georgia violates this Law intentionally or negligently, unless this violation constitutes a crime or an administrative offence, shall result in disciplinary liability of the public servant as determined by law.

6. If the public servant who has violated this Law and on whom has been imposed a disciplinary measure for such act, except for dismissal, commits an offence provided for by this Law again within three years, he/she shall be dismissed from office.

## **Chapter V1 – Whistle-blower Protection**

*Law of Georgia No 1157 of 27 March 2009 – LHG I, No 9, 13.4.2009, Art. 40*

### **Article 20<sup>3</sup>**

1. Disclosure may be made in writing, orally, electronically, by telephone, fax, through the website administered by the Anti-Corruption Bureau or other means.

## **Chapter V<sup>2</sup> – Legal Entity under Public Law – the Anti-Corruption Bureau, Inter-Agency Anti-Corruption Council**

*Law of Georgia No 2204 of 30 November 2022 – website, 15.12.2022*

### **Article 20<sup>12</sup>**

This Law shall establish a Legal Entity under Public Law – the Anti-Corruption Bureau ('the Anti-Corruption Bureau'), which shall carry out its activities independently. To ensure the independence of the Anti-Corruption Bureau, the State shall create appropriate working conditions for it. The Anti-Corruption Bureau shall be accountable to the Parliament of Georgia and the Inter-Agency Anti-Corruption Council.

*Law of Georgia No 2204 of 30 November 2022 – website, 15.12.2022*

**Article 20<sup>13</sup>**

The objective of the Anti-Corruption Bureau shall be to facilitate the fight against corruption within its powers.

*Law of Georgia No 2204 of 30 November 2022 – website, 15.12.2022*

**Article 20<sup>14</sup>**

The principles of the activities of the Anti-Corruption Bureau shall be:

- a) legality;
- b) respect for fundamental human rights;
- c) independence;
- d) objectivity and impartiality, including political neutrality;
- e) professionalism and effectiveness;
- f) transparency within the limits established by law;
- g) maintaining secrecy and confidentiality.

*Law of Georgia No 2204 of 30 November 2022 – website, 15.12.2022*

**Article 20<sup>15</sup>**

1. The Anti-Corruption Bureau shall:

- a) develop proposals for formulating a general anti-corruption policy and submit them to the Parliament of Georgia;
- b) develop a national anti-corruption strategy of Georgia and a draft action plan for its implementation, and submit them to the Government of Georgia for approval;
- c) coordinate the activities of relevant bodies, organisations and officials to implement a document formulating a general anti-corruption policy, a national anti-corruption strategy of Georgia and an action plan for its implementation;
- d) supervise the implementation of a document formulating a general anti-corruption policy, a national anti-corruption strategy of Georgia and an action plan for its implementation, and develop relevant proposals and issue appropriate recommendations for their implementation;
- e) develop relevant proposals to avoid, identify and prevent conflicts of interest in public institutions, issue appropriate recommendations on these issues, and implement other appropriate activities related to this area in accordance with law;
- f) receive official's asset declarations in accordance with law, control the completion and submission thereof, ensure their storage, monitoring, and publicity, and implement other appropriate activities in this area;

g) develop appropriate proposals on improving whistle-blower protection, issue appropriate recommendations on issues of whistle-blower protection, and implement other appropriate activities related to this area in accordance with law;

h) monitor, in accordance with law, the financial activities of citizens' political associations (political parties), electoral subjects and persons with a declared electoral purpose, and implement other appropriate activities related to this area;

i) study and analyse international standards and experience in the area of the fight against corruption, the experience of Georgia and other countries and their laws. as well as the approaches, opinions and conclusions of relevant international organisations;

j) facilitate the raising of public awareness on issues of the fight against corruption, including the implementation of appropriate educational activities;

k) once a year, not later than 31 March, submit to the Parliament of Georgia an annual report on issues falling within the authority of the Anti-Corruption Bureau; on its initiative or upon the request of the Inter-Agency Anti-Corruption Council, submit to the Inter-Agency Anti-Corruption Council periodic reports on issues falling within the authority of the Anti-Corruption Bureau.

2. The Anti-Corruption Bureau may, for the fulfilment of the functions determined by law, request from appropriate entities necessary information, cooperate with relevant local and international organisations and other entities, make appropriate visits both in the territory of Georgia and abroad, organise appropriate working groups and implement other activities.

3. A document formulating a general anti-corruption policy as provided for by this article shall be approved by the Parliament of Georgia in accordance with procedures established by the Rules of Procedure of the Parliament of Georgia, and a national anticorruption strategy of Georgia and an action plan for its implementation shall be approved by the Government of Georgia. A national anti-corruption strategy of Georgia and/or an action plan for its implementation shall, among other things, include a methodology for corruption risk assessment in appropriate bodies and organisations, and procedures for assessing corruption risk using this methodology.

*Law of Georgia No 2204 of 30 November 2022 – website, 15.12.2022*

## **Article 20<sup>16</sup>**

1. The Anti-Corruption Bureau shall be managed by the head of the Anti-Corruption Bureau.

2. The head of the Anti-Corruption Bureau shall be appointed by the Prime Minister of Georgia in accordance with procedures established by this article. Candidates for the position of head of the Anti-Corruption Bureau shall be selected in accordance with procedures established by this article, through a competition for the selection of candidates for the position of head of the Anti-Corruption Bureau. A competition commission for the selection of candidates for the position of head of the Anti-Corruption Bureau ('a competition commission') shall nominate these candidates to the Prime Minister of Georgia, in accordance with procedures established by the same article, for the appointment of one of them to the position of head of the Anti-Corruption Bureau.

3. A citizen of Georgia who has no criminal record and has higher education in law, at least 5 years of work experience in the system of justice and law enforcement bodies or the area of human rights, as well as a high professional and moral reputation, may be appointed to the position of head of the Anti-Corruption Bureau.

4. A competition to select candidates for the position of head of the Anti-Corruption Bureau ('a competition') shall be announced not earlier than 10 weeks and not later than 9 weeks before the expiry of the term of office of the head of the Anti-Corruption Bureau, and in the case of the early termination of the powers of the head of the Anti-Corruption Bureau, within 1 week after the early termination of his/her powers. A competition shall be announced by the Prime Minister of Georgia by issuing an appropriate order to that effect. The Prime Minister shall set up a competition commission by the same order. The order shall be published on the website of the Government of Georgia.

5. The entities (relevant bodies and officials) provided for by this paragraph shall, within 1 week of the announcement of the competition, communicate to the Prime Minister of Georgia the names of the members of a competition commission. The full composition of a competition commission shall include the following 7 members:

- a) a representative of the Government of Georgia;
- b) the chairperson of the Human Rights and Civil Integration Committee of the Parliament of Georgia;
- c) the chairperson of the Legal Issues Committee of the Parliament of Georgia;
- d) the first deputy or the deputy chairperson of the Supreme Court of Georgia;
- e) the first deputy or the deputy General Prosecutor of Georgia;
- f) the Public Defender of Georgia or a representative of the Public Defender of Georgia;
- g) a representative of non-entrepreneurial (non-commercial) legal persons with respective knowledge and experience, selected by the Public Defender of Georgia through an open competition.

6. The Prime Minister of Georgia shall approve the composition of a competition commission by an order and call the first meeting of a competition commission within week after the expiry of the deadline for communicating the names of the members of a competition commission to the Prime Minister of Georgia. A competition commission shall elect a chairperson of the competition commission from among its members at the first meeting. A meeting of a competition commission, including the first meeting of a competition commission, shall be duly constituted if it is attended by a majority of the total number of members of the competition commission. A competition commission shall make a decision by a majority of votes of the members of the competition commission attending the meeting.

7. A competition commission shall, within 1 week after holding the first meeting, approve the statute of the competition commission, which shall lay down the rules of operation of the competition commission, conditions for participating in a competition, and the time limit and procedure for submitting applications to participate in a competition. A competition commission shall, within 1 week after holding the first meeting, also ensure that information about the conditions for participating in a competition and the time limit

and procedure for submitting applications to participate in a competition is published on the website of the Government of Georgia.

8. A competition commission shall, within 2 weeks after the expiry of the time limit for submitting applications to participate in a competition, select from among the participants in the competition and nominate to the Prime Minister of Georgia not less than 2 and not more than 5 candidates for the position of head of the Anti-Corruption Bureau. If 2 or more applications to participate in a competition are not submitted to a competition commission within the time limit for submitting applications, or a competition commission fails to nominate to the Prime Minister of Georgia not less than 2 and not more than 5 candidates for the position of head of the Anti-Corruption Commission, the competition commission shall make a decision to extend the time limit for submitting applications to participate in a competition, after which the procedure laid down in this paragraph shall be repeated.

9. The Prime Minister of Georgia shall, within 1 week after a competition commission nominates candidates for the position of head of the Anti-Corruption Bureau, appoint one of these candidates to the position of head of the Anti-Corruption Bureau or give a reasoned refusal to appoint one of the candidates to the position of head of the Anti-Corruption Bureau by issuing an appropriate order to that effect. This order shall be published on the website of the Government of Georgia and enter into force from the moment of its publication. The order may be appealed to a court. If the Prime Minister of Georgia does not appoint the head of the Anti-Corruption Bureau within the time limit established by this paragraph, the competition commission shall make a decision to extend the time limit for submitting applications, after which the procedures laid down in paragraph 8 of this article and this paragraph shall be repeated.

10. The term of office of the head of the Anti-Corruption Bureau shall be 6 years. If a new head of the Anti-Corruption Bureau is not appointed by the expiry of this term, the term of office of the current head of the Anti-Corruption Bureau shall be extended until the start of the term of office of a new head of the Anti-Corruption Bureau. If the head of the Anti-Corruption Bureau is appointed to the position before the expiry of the 6-year term of office of the current head of the Anti-Corruption Bureau, the term of office of a new head of the Anti-Corruption Bureau shall start on the day following the expiry of this term, and if the head of the Anti-Corruption Bureau is appointed to the position after the expiry of the 6-year term of office of the current head of the Anti-Corruption Bureau or after the early termination of the term of office of the current head of the Anti-Corruption Bureau, the term of office of a new head of the Anti-Corruption Bureau shall start on the day following his/her appointment to the position of head of the Anti-Corruption Bureau.

11. Appealing against the acts referred to in this article shall not suspend their effect.

*Law of Georgia No 2204 of 30 November 2022 – website, 15.12.2022*

**Article 20<sup>17</sup>**

1. The head of the Anti-Corruption Bureau shall:

a) manage the Anti-Corruption Bureau and make decisions on issues related to the activities of the Anti-Corruption Bureau;

b) determine the structure of the Anti-Corruption Bureau and the respective powers of its structural units;

c) approve the staff list of the Anti-Corruption Bureau and the procedure for and amounts of their remuneration;

d) appoint and dismiss employees of the Anti-Corruption Bureau, including the first deputy and deputy head of the Anti-Corruption Bureau;

e) determine appropriate powers of employees of the Anti-Corruption Bureau, including the first deputy and deputy head of the Anti-Corruption Bureau, delegate the powers to the first deputy and deputy head of the Anti-Corruption Bureau;

f) ensure the protection and targeted use of the property transferred to the Anti-Corruption Bureau;

g) represent the Anti-Corruption Bureau in legal relations with others;

h) exercise other powers in accordance with law.

2. The head of the Anti-Corruption Bureau shall issue, within his/her powers, subordinate normative acts – orders – on issues related to the activities of the Anti-Corruption Bureau.

3. The head of the Anti-Corruption Bureau shall issue, within his/her powers, individual legal acts – orders, decrees and decisions.

4. The head of the Anti-Corruption Bureau shall issue recommendations on behalf of the Anti-Corruption Bureau in the exercise of the functions defined by law for the Anti-Corruption Bureau.

*Law of Georgia No 2204 of 30 November 2022 – website, 15.12.2022*

**Article 20<sup>18</sup>**

1. The position of head of the Anti-Corruption Bureau shall be incompatible with the membership of state authorities or representative bodies of municipalities, with any position in state service and public service, other positions and remunerative activity, other than scientific, pedagogic and artistic activities. The head of the Anti-Corruption Bureau may not engage in entrepreneurial activities, directly exercise the powers of a permanent head of a business entity, a member of a supervisory, control, audit or advisory body, be a member of any citizens' political association (political party), or participate in political activities.

2. The head of the Anti-Corruption Bureau shall not participate in assemblies or manifestations in support of or against a citizens' political association (political party).

3. A person appointed to the position of head of the Anti-Corruption Bureau shall cease to carry out activities incompatible with the position of head of the Anti-Corruption Bureau within 10 days from his/her appointment or resign from the position incompatible with the position of head of the Anti-Corruption Bureau. During this period, incompatibility with the position of head of the Anti-Corruption Bureau shall not serve as a ground for the early termination of his/her powers. Failure of the head of the Anti-Corruption Bureau to fulfil the requirement provided for by this paragraph within the above period shall serve as a ground for the early termination of his/her powers.

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### **Article 20<sup>19</sup>**

1. The grounds for the early termination of the powers of the head of the Anti-Corruption Bureau shall be one of the following circumstances:

a) he/she submits to the Prime Minister of Georgia a personal application for resignation from the position of head of the Anti-Corruption Bureau;

b) his/her citizenship of Georgia is terminated;

c) he/she dies or has been declared dead or missing;

d) a court judgment of conviction has entered into force against him/her;

e) he/she has been recognised as a beneficiary of support by a legally effective court decision, provided that the court decision rules out a proper exercise of his/her powers by the head of the Anti-Corruption Bureau;

f) he/she fails to perform the duties of the head of the Anti-Corruption Bureau for 4 consecutive months unless this was inevitably caused by the performance by the head of the Anti-Corruption Bureau of the duties prescribed by law;

g) he/she holds a position or carries out activities that are incompatible with the position of head of the Anti-Corruption Bureau;

h) he/she consumes drugs or evades taking a mandatory drug test.

2. If any of the circumstances provided for by paragraph 1 of this article or Article 20<sup>18</sup>(3) of this Law occurs, the Prime Minister of Georgia shall, by issuing an order, decide on the early termination of the powers of the head of the Anti-Corruption Bureau on appropriate grounds. This order shall be published on the website of the Government of Georgia and enter into force from the moment of its publication. The order may be appealed to a court. Appealing against such order shall not suspend its effect.

3. If the powers of the head of the Anti-Corruption Bureau are terminated early on the ground provided for by paragraph (1)(c) of this article, his/her powers shall be deemed terminated early from the moment of the occurrence of the circumstance referred to in the same paragraph, and if his/her powers are terminated early on other grounds, from the moment of the entry into force of a respective order of the Prime Minister of Georgia.

4. If any of the circumstances referred to in paragraphs (a-e) and (h) of paragraph 1 of this article occurs with regard to a person during the period from his/her appointment to the position of head of the Anti-Corruption Bureau to the start of his/her term of office, the Prime Minister of Georgia shall decide on invalidating the order appointing the person to the position of head of the Anti-Corruption Bureau. The decision (order) issued by the Prime Minister of Georgia on this matter shall be published on the website of the Government of Georgia and enter into force from the moment of its publication. This decision may be appealed to a court. Appealing against such decision shall not suspend its effect. If an order appointing the person to the position of head of the Anti-Corruption Bureau is invalidated, a competition shall be announced immediately, after which the procedures established by Article 20<sup>16</sup> of this Law shall be repeated.

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#### **Article 20<sup>20</sup>**

1. The head of the Anti-Corruption Bureau shall have a first deputy and a deputy. The head of the Anti-Corruption Bureau shall appoint and dismiss the first deputy and deputy head of the Anti-Corruption Bureau. The powers of the first deputy and deputy head of the Anti-Corruption Bureau shall be terminated immediately after the term of office of a new head of the Anti-Corruption Bureau starts as provided for by this Law.

2. If the head of the Anti-Corruption Bureau is absent, fails to exercise his/her powers, or the powers of the head of the Anti-Corruption Bureau are suspended or terminated early, the powers of the head of the Anti-Corruption Bureau shall be exercised by the first deputy head of the Anti-Corruption Bureau, and if the first deputy head of the Anti-Corruption Bureau is absent at the same time, by the deputy head of the Anti-Corruption Bureau. When exercising the powers of the head of the Anti-Corruption Bureau, the first deputy/deputy head of the Anti-Corruption Bureau shall enjoy the powers and legal guarantees granted to the head of the Anti-Corruption Bureau.

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#### **Article 20<sup>21</sup>**

1. The rules of operation of the Anti-Corruption Bureau and appropriate organisational issues related to the activities of the Anti-Corruption Bureau shall be determined by the Statute of the Anti-Corruption Bureau, which shall be approved by the head of the Anti-Corruption Bureau.

2. The activities of the Anti-Corruption Bureau shall be financed from the State Budget of Georgia. The allocations necessary for the activities of the Anti-Corruption Bureau shall be determined in a separate code of the State Budget of Georgia. A reduction of the funds allocated for the Anti-Corruption Bureau in the State Budget, as compared to the amount budgeted for the previous year, shall be possible only with the prior consent of the head of the Anti-Corruption Bureau.

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## **Article 20<sup>22</sup>**

1. An Inter-Agency Anti-Corruption Council ('the Council') shall be set up to facilitate the implementation of a unified state policy in the area of the fight against corruption.

2. The Council shall have the right to:

a) require from the Anti-Corruption Bureau the submission of periodic reports on the issues falling within the authority of the Anti-Corruption Bureau and hear the said reports submitted by the Anti-Corruption Bureau;

b) develop relevant proposals and issue appropriate recommendations for the implementation of a document formulating a general anti-corruption policy, a national anticorruption strategy of Georgia and an action plan for its implementation;

c) give appropriate recommendations to the Anti-Corruption Bureau to improve its activities.

3. The composition of the Council shall be determined by the Government of Georgia. The Council shall be composed of representatives of state agencies defined by the Government of Georgia. The composition of the Council may, in addition to representatives of state agencies, include representatives from local and international organisations, representatives from non-entrepreneurial (non-commercial) legal persons carrying out activities in the respective field, independent experts and representatives from the academia.

4. Organisational support for the activities of the Council shall be provided by the Administration of the Government of Georgia.

5. The rules of operation of the Council and appropriate organisational issues related to the activities of the Council shall be determined by the Statute of the Council, which shall be approved by the Government of Georgia.

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