LAW OF GEORGIA

ON CONFLICT OF INTEREST AND CORRUPTION IN PUBLIC INSTITUTIONS

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

Chapter I – General provisions

Article 1

This Law establishes basic principles of prevention, discovery and elimination of conflict of interest and corruption in public institutions and basic principles of responsibility of perpetrators of corruption, and the basis and mechanisms of legal regulation. This Law also regulates the conditions and mechanism for the submission of asset declarations by officials and for the monitoring of submitted declarations, as well as the fundamentals of whistle-blower protection and the general rules of ethics and conduct.

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

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 2

1. For the purposes of this Law, the term 'official' includes the following persons:

a) President of Georgia;

b) Members of the Parliament of Georgia;

c) members of the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara;

d) Chairpersons of the Government of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara;

e) ministers of Georgia and their deputies;

e^1) the State Minister of Georgia and his/her deputy;

e^2) ministers of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara;

f) the head of the Administration of the Government of Georgia and his/her deputy;

g) the head of the Administration of the President of Georgia and his/her deputy;

g^1) (deleted – 29.6.2018, No 2760);

g) (deleted – 7.12.2017, No 1708);

h) heads of structural divisions of the ministries of Georgia, their deputies and persons equivalent to them, as well as the heads of administrations of structural divisions of the ministries of Georgia;

h[1]) heads of structural divisions of the Staff of the State Minister of Georgia, their deputies and persons equivalent to them;

i) heads of structural divisions of the Administration of the Government of Georgia, and persons equivalent to the;

i[1]) Business Ombudsman and his/her deputy;

j) heads of structural divisions of the Administration of the President of Georgia, and persons equivalent to them;

j[1]) the head of the Staff of the Parliament of Georgia, his/her deputy, the heads of departments and persons equivalent to them;

j[2]) (deleted – 29.6.2018, No 2760);

j[3]) (deleted – 7.12.2017, No 1708);

k) heads of government subordinated institutions and their deputies;

k[1]) heads of government subordinated institutions of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara;

k2) heads of legal entities under public law (except for those established for cultural, educational, academic, research, sports and religious activities and political parties) and their deputies;

l) the heads of the departments, bureaus, chief administrations and administrations of the Ministry of Internal Affairs of Georgia and the Ministry of Defence of Georgia and their deputies, as well as persons equivalent to them;

l[1]) the head of the State Security Service of Georgia and his/her deputies, the heads and their deputies of structural divisions of the State Security Service of Georgia, chief administrations and administrations within these structural divisions, as well as persons equivalent to them;

m) the head of the a tax authority of the Legal Entity under Public Law – the Revenue Service;

n) General Auditor, his/her deputy, members of the Presidium of the State Audit Office, heads of Departments, Regional and City Bureaus, heads of structural units of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara;

o) President of the National Bank of Georgia and members of the Board of the National Bank of Georgia;

p) members of the advisory body of the President of Georgia;

q) members of the High Council of Justice of Georgia;

r) members of the National Regulatory Commission of Georgia;

s) Chairperson of the Central Election Commission of Georgia, his/her deputy and the secretary of the Commission;

t) the state representatives and their deputies;

u) officials of the representative and executive bodies of municipalities defined in the Organic Law of Georgia – the Local Self-government Code, district Gamgebelis (head of local administration) of the Tbilisi municipality, their deputies, and the heads of structural units of district Gamgeobas (local administration);

v) (deleted – 5.2.2014, No 1973);

w) judges;

x) General Prosecutor of Georgia, First Deputy and deputies of General Prosecutor of Georgia, heads of departments of the General Prosecutor's Office of Georgia, prosecutors of the Autonomous Republics of Abkhazia and Ajara, prosecutors of Tbilisi, and regional and district prosecutors;

y) any other person elected, appointed or approved under the Constitution of Georgia;

z) (deleted – 27.10.2015, No 4358);

z_1) Personal Data Protection Inspector and his/her deputy;

[z_1) the State Inspector and his/her deputy; ***(Shall become effective from 1 January 2019)]***

z_2) the head of the Emergency Management Service, a special-purpose state institution directly subordinate to the Prime Minister of Georgia, and his/her deputies;

z_3) the director of the Legal Entity under Public Law called the Pension Agency and a senior investment officer.

2. For the purposes of Chapter IV of this Law, the term 'official' also includes:

a) (deleted – 27.10.2015, No 4358);

b) heads of non-entrepreneurial (non-commercial) legal persons founded by the state or by local self-government bodies (except for those established for cultural, educational, academic, research, sport and religious activities);

c) heads of enterprises, 100 % of stocks or share of which is owned by the State or a local self-government body, as well as the heads of subsidiaries of such enterprises.

3. The list of non-entrepreneurial (non-commercial) legal persons and enterprises (their subsidiaries) under paragraph 2(b and c) of this article, whose heads are obliged to complete an official's asset declaration, is determined by an ordinance of the Government of Georgia.

Law of Georgia No 1733 of 13 December 1998 – LHG I, No 7, 31.12.1998, Art. 56

Law of Georgia No 1801 of 5 February 1999 – LHG I, No 3(10), 19.2.1999, Art. 17

Law of Georgia No 1934 of 30 April 1999 – LHG I, No 15(22), 14.5.1999, Art. 63

Law of Georgia No 1987 of 28 May 1999 – LHG I, No 21(28), 14.6.1999, Art. 103

Law of Georgia No 1014 of 20 July 2001 – LHG, No 24, 1.8.2001, Art. 94

Law of Georgia No 3184 of 25 May 2006 – LHG I, No 17, 30.5.2006, Art. 129

Law of Georgia No 4278 of 29 December 2006 – LHG I, No 51, 31.12.2006, Art. 437

Law of Georgia No 4295 of 29 December 2006 – LHG I, No 1, 3.1.2007, Art. 5

Law of Georgia No 4603 of 30 March 2007 – LHG I, No 11, 10.4.2007, Art. 107

Law of Georgia No 4818 of 25 May 2007 – LHG I, No 19, 1.6.2007, Art. 172

Law of Georgia No 4861 of 5 June 2007- LHG I, No 22, 19.6.2007, Art. 190

Law of Georgia No 5249 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 319

Law of Georgia No 5470 of 20 November 2007 – LHG I, No 40, 3.12.2007, Art. 381

Law of Georgia No 486 of 1 November 2008- LHG I, No 30, 7.1.2008, Art. 202

Law of Georgia No 1277 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 61

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

Law of Georgia No 2669 of 23 February 2010 – LHG I, No 7, 9.3.2010, Art. 28

Law of Georgia No 4675 of 17 May 2011 – website, 1.6.2011

Law of Georgia No 5129 of 13 October 2011 – website, 27.10.2011

Law of Georgia No 6174 of 15 May 2012 – website, 29.05.2012

Law of Georgia No 6550 of 22 June 2012 – website, 29.6.2012

Law of Georgia No 6612 of 29 June 2012 – website, 12.7.2012

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

Law of Georgia No 1526 of 13 November 2013 – website, 22.11.2013

Law of Georgia No 1593 of 20 November 2013 – website, 3.12.2013

Law of Georgia No 1666 of 29 November 2013 – website, 16.12.2013

Law of Georgia No 1801 of 13 December 2013 – website, 28.12.2013

Law of Georgia No 1950 of 5 February 2014 – website, 17.2.2014

Law of Georgia No 1973 of 5 February 2014 – website, 19.2.2014

Law of Georgia No 2361 of 2 May 2014 – website, 16.5.2014

Law of Georgia No 2643 of 1 August 2014 – website, 18.8.2014

Law of Georgia No 3129 of 4 March 2015 – website, 23.3.2015

Law of Georgia No 3614 of 28 May 2015 – website, 4.6.2015

Law of Georgia No 3932 of 8 July 2015 – website, 15.7.2015

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 1708 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 2760 of 29 June 2018 – website, 19.7.2018

Law of Georgia No 3305 of 21 July 2018 – website, 6.8.2018

Law of Georgia No 3287 of 21 July 2018 – website, 9.8.2018

Law of Georgia No 3822 of 30 November 2018 – website, 13.12.2018

Article 2^1

1. For the purposes of this Law, public servants are state servants, professional public servant (the ‘servant') and persons recruited

for public service on the basis of agreements under public law, which are defined in the Law of Georgia on Public Service, and officials under Article 2(1) of this Law.

2. For the purposes of this Law, persons recruited for public service on the basis of employment agreements are not considered as public servants, except for the exceptions determined by legislative acts of Georgia.

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

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 2^2

For the purposes of this Law, a 'public institution' means an institution performing state services and public services provided for by the Law of Georgia on Public Service, as well as national regulatory bodies.

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

Law of Georgia No 1593 of 20 November 2013 – website, 3.12.2013

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

Article 3

1. 'Corruption in public service' is the abuse of the position or the opportunities related to the position by a public servant in order to obtain property or other assets prohibited by law, and the transfer of these assets to him/her, or support in obtaining and legalising them.

2. 'Corruption offence' is an action which contains the signs of corruption and for which disciplinary, administrative or criminal liability is provided for by law.

3. 'Conflict of interest in a public institution' is the conflict of property or other private interests of a public servant with the interests of a public institution.

4. 'Unsubstantiated property' is the property, including income generated from this property, stocks (shares), the acquisition of which by legitimate means an official, his/her family member or close relative cannot support with documents, or which is purchased with money generated from the sale of illegal property.

5. 'Substantiation of the origin of property' is a documented or verbal explanation of the form of obtaining into ownership of declared assets and financial resources with indications of the source.

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

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

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 4

For the purposes of this Law:

a) 'family member' is a person's spouse, minor child, stepchild, or a person permanently residing with him/her;

b) 'close relative' is a person's family member, direct ancestor or descendant, stepchild, sibling, as well as a stepchild of his/her parent or child.

Article 5

1. For the purposes of this article, a 'gift' is property transferred or services provided to a public servant or his/her family members free of charge or under beneficial conditions, partial or full release from obligations, which represents an exception from general rules.

2. The total value of gifts received by a public servant during a reporting year shall not exceed 15% of the amount of one year's salary, whereas the total value of a single gift received shall not exceed 5%, unless these gifts are received from the same source.

3. The total value of gifts received by each member of the public servant's family during a reporting year shall not exceed GEL 1 000, whereas the total value of a single gift received shall not exceed GEL 500, unless these gifts are received from the same source.

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

Article 5^1

For the purposes of this Law, the following shall not be considered as a gift:

a) a grant, scholarship, reward and bonus awarded by the State or an international organisation;

b) a 'diplomatic gift' which is given to a public servant during an official or working visit according to the procedure under protocol and the market value of which does not exceed GEL 300;

c) a symbolic sign or a souvenir given to a public servant or his/her family member by a state or local self-government body or institution of Georgia or other state, the market value of which does not exceed GEL 300 and which is received from one source during an official event;

d) property transferred to a public servant or his/her family member free of charge or under beneficial conditions, with partial or full release from obligations of property owners, or service provided under beneficial conditions, which is not an exception from general rules;

e) property transferred to a public servant or his/her family member by a close relative free of charge or under beneficial conditions, and with partial or full release from obligations of property owners;

f) printed publications given as gifts, except for cultural values that are provided for by the Law of Georgia on Cultural Heritage.

Article 5^2

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 Civil Service 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 Service Agency of the Ministry of Finance 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

Article 6

1. For the purposes of this Law, 'control of an enterprise' means the power of a person (body) to check activities of a specific enterprise (entrepreneur) personally or through a person under his/her/its official supervision or to establish any restriction or exemption in entrepreneurial activities of an enterprise (entrepreneur), or to issue a licence, certificate or other types of permission related to entrepreneurial activities.

2. For the purposes of this Law, a 'person under official supervision of an official' means a person, with respect to whose administrative act issued or action performed the official is authorised to:

a) give written directions to eliminate faults in an issued administrative act or action performed;

b) suspend execution of an administrative act or performance of an action;

c) terminate an administrative act.

3. For the purposes of this Law, 'direct participation in an enterprise's activities' of an official or his/her family members means setting up and managing an enterprise, exercising supervisory and/or representative powers, and holding an enterprise's capital.

4. For the purposes of this Law, 'indirect participation in an enterprise's activities' of an official or his/her family members means direct participation of an enterprise under paragraph 3 of this article (including holding of stocks and shares) in the activities of another enterprise.

Law of Georgia No 1801 of 5 February 1999 – LHG I, No 3(10), 19.2.1999, Art. 17

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

Chapter II -Restrictions on Actions

Article 7

Public servants may not use official powers or opportunities related to them to the prejudice of the interests of public institutions or for the solution of issues outside their official powers.

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 8

Public servants may not disclose or use for unofficial purposes information containing official secrets or any other confidential information, the public availability of which is restricted under the legislation of Georgia and of which they have become aware in the course of official duties.

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 9

1. Public servants, who are obliged to provide services or make decisions free of charge, may not receive or require compensation for such services in the form of pecuniary or other benefit.

2. Public servants who are obliged to provide services or make decisions for an established fee, may not receive or require higher compensation for such services.

3. Public servants may not receive any compensation for publishing information created or obtained in the public sector or for publishing works, reports or other material on the basis of such information.

4. The restriction under paragraph 3 of this article shall not apply if the information is public and may be received by any interested person.

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 10

1. A public servant may not, based on his/her personal interests:

a) purchase property of a public institution entrusted to him/her to enter into a transaction;

b) enter into a transaction with a public institution in which he/she works, except for the exceptions determined by the legislation of Georgia;

c) enter into a transaction, as a public servant, with his/her business entity, political party or other public institution;

d) enter into a property transaction with his/her family member or close relative as a public servant.

2. A transaction concluded in violation of paragraph 1 of this article shall be void.

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 11

1. A public servant whose duty within a collegial body is to make decisions, with respect to which he/she has property or other interests, shall inform the other members of the body or his/her immediate supervisor of this fact and shall refuse to participate in the decision-making.

2. A public servant whose duty is to individually make decisions, with respect to which he/she has property or other interests, shall seek self-recusal and inform in writing his/her immediate supervisor (superior body) of this fact, who will either make an appropriate decision or assign this duty to other official.

3. In the case provided for by paragraph 2 of this article, a public servant may sign a decision on the basis of written consent of his/her immediate supervisor (superior body) and this shall be indicated in the respective decision.

4. The requirements under this article shall not apply to the President of Georgia, the Prime Minister of Georgia, members of the Parliament of Georgia, members of the Supreme Representative Bodies and heads of the Executive Bodies of the Autonomous Republics of Abkhazia and Ajara.

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

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

Article 12 (Deleted)

Law of Georgia No 1558 of 1 September 1998 – LHG I, No 2, 26.10.1998, Art. 3

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

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

Article 12^1

1. An Anti-corruption Interagency Coordination Council ('the Council') shall be set up to ensure an effective and coordinated fight against corruption.

2. The main objective of the Council is to formulate a general anti-corruption policy, prepare a national anti-corruption strategy and an action plan for its implementation, update the strategy periodically and monitor its implementation.

3. The composition of the Council is determined by the Government of Georgia.

4. The composition of the Council may, in addition to representatives of state agencies, include representatives from non-governmental and international organisations, independent experts, scientists and representatives from non-entrepreneurial (non-commercial) persons carrying out activities in the respective field.

5. The Ministry of Justice of Georgia shall, through its appropriate structural divisions, provide organisational support to and administer the activities of the Council.

6. The powers of the Council and other issues related to the organisation of activities of the Council are determined by the Statutes of the Council, which shall be approved by the Government of Georgia.

Law of Georgia No 3548 of 21 July 2010 – LHG I, No 46, 4.8.2010, Art. 295

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

Chapter III - Incompatibility of Duties

Article 13

1. The issues of incompatibility of duties are regulated by the Constitution of Georgia, organic law, this Law and other normative acts.

2. A public servant, except for the President of Georgia, a Member of the Parliament of Georgia and a member of the Government of Georgia, may not perform any kind of paid work (except for academic, pedagogical, creative activities and activities in the reserve of defence forces). A public servant may not hold another position in any public institution (except for the reserve of defence forces) or legal entity under private law, or be a member of a representative body of any level, or perform any kind of paid work or hold a position in a body or institution abroad. A public servant may concurrently perform paid work only within the

system of the same public institution.

2^1. The President of Georgia may not hold any other office, and receive a salary or other permanent remuneration for any other activity. The President of Georgia shall not be a member of a political party.

2^2. A member of the Government of Georgia may not hold any other office except in a [political] party, and receive remuneration for any other activity, except for academic and pedagogical activities.

2^3. The cases of the incompatibility of duties of Members of the Parliament of Georgia shall be determined by the Rules of Procedure of the Parliament of Georgia.

3. A public servant may not receive income from an organisation that is under his/her official supervision.

4. A public servant may not be assigned to supervise the organisation, in the supervising body of which his/her family member is employed.

5. A public servant may not hold a position in any enterprise.

6. A public servant shall, for the term of his/her office, under a trust agreement, transfer to other persons for management a capital share (block of stocks) of an enterprise of the business entity owned by him/her, as determined by the legislation of Georgia.

7. A public servant may not be a permanent head of a business entity, or a member of a controlling, a supervisory or an auditing body.

8. Public servants may not carry out entrepreneurial activities. Public servants may only hold stocks or a share in an enterprise.

9. A public servant may not be a representative or a proxy of any natural or legal person, or represent or defend him/her/it in criminal law, civil law or administrative law cases before or against any public institution, except when he/she is a guardian, care giver or supporter of this natural person.

10. A dismissed public servant may not, within one year after dismissal, start working in the public institution or carry out activities in the enterprise which has been under his systematic official supervision during the past three years. Within this period, he/she also may not receive income from such public institution or enterprise.

11. An official or his/her family member may not hold a position or perform any kind of work in an enterprise registered in Georgia, the control of entrepreneurial activities of which falls within the powers of this official or his/her office.

12. An official or his/her family member may not hold stocks or a capital share in an enterprise, the control of activities of which falls within the powers of this official or his/her office.

13. An official's close relative may not be appointed as an officer on the basis of an agreement under public law or an employment agreement to a position that is under official supervision of that official (except when appointed through a competition).

14. An official or his/her family member shall resign from an incompatible position or terminate incompatible activities within 10 days after the appointment of this official, unless otherwise provided for by the Constitution of Georgia or by law.

15. An official shall submit documents certifying the elimination of his/her incompatibility or his/her family member to the superior official (body), under whose immediate subordination he/she is, and to the human resources management unit.

16. Unless otherwise provided for by the Constitution of Georgia and the organic law, an official shall be dismissed if:

a) he/she or a member of his/her family violates the incompatibility provisions under this Law;

b) it is confirmed by a court decision that he/she owns illegal and/or unsubstantiated property.

17. The restrictions under this article shall not apply to the members of the Sakrebulo (assembly), who are not officials of the Sakrebulo.

Law of Georgia No 1558 of 1 September 1998 – LHG I, No 2, 26.10.1998, Art. 3

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

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 2044 of 7 March 2018 – website, 26.3.2018

Law of Georgia No 2760 of 29 June 2018 – website, 19.7.2018

Chapter III[1] – General Rules of Conduct for Public Servants

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 193 of 21 December 2016 – website, 29.12.2016

Article 13[1]

1. The general rules of conduct for public servants determined by this chapter aim to establish general principles regulating the conduct of public servants when exercising official powers.

2. In addition to the general rules of conduct for public servants determined by this chapter, special rules of conduct may be established for specific categories of public servants and/or specific public institutions.

3. The head of a public institution shall ensure access and familiarisation of public servants of the respective public institution to/with the general and special rules of conduct.

4. A public servant shall observe the general and special rules of conduct.

5. A public servant shall be accountable to his/her immediate supervisor, unless otherwise provided for by this Law or the Statutes (regulations) of the respective public institution or by the Statutes of the respective structural unit of this public institution.

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 193 of 21 December 2016 – website, 29.12.2016

Article 13[2]

1. A public servant shall carry out his/her activities on the basis of the legislation of Georgia and according to the general rules of conduct for public servants.

2. A public servant shall comply with the requirements relating to him/her and the position occupied by him/her. A public servant shall perform official duties impartially and in good faith.

3. A public servant shall act by observing the principle of collegiality, taking into account his/her official duties, and shall observe the general rules of conduct for public servants determined by this Law in relations with civil society, especially when interacting with citizens who use his/her services.

4. A public servant shall observe the principle of economic efficiency and effectiveness when performing official duties. A public servant shall not misuse official resources to prevent their embezzlement.

5. If a public servant has been detained or arrested or if criminal prosecution is being conducted against him/her, he/she shall inform the head of the respective public institution of this fact.

6. A public servant shall avoid any action that will prejudice his/her reputation and the reputation of the respective public institution or state service/public service.

7. A public servant shall use official powers and the certificates, symbols and other identification means evidencing his/her official authority in good faith, for official purposes only and shall not use them for gaining any privilege.

8. A public servant shall make decisions based on the principles of transparency and legality. A decree and/or an order that contradicts the legislation or the state interests of Georgia may not be issued.

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 193 of 21 December 2016 – website, 29.12.2016

Article 13^3

1. The head of a public institution shall ensure access to public information and the proper functioning of the mechanism of smooth release of public information.

2. A public servant may not intentionally disseminate doubtful, unverified and/or false information.

3. A public servant shall release public information as provided for by the legislation of Georgia and in compliance with the norms and requirements of a public institution where he/she works.

4. If a public servant is authorised to restrict public availability of certain information, he/she shall strictly comply with the criteria determined by the legislation of Georgia. If necessary, the public servant shall immediately raise the issue of restricting public availability of information as determined by law.

5. A public servant shall take necessary measures to ensure confidentiality of information containing state secrets or relating to the reputation of public service, or obtained in the line of official duty, or containing personal data and other information (subject to Article 50(4) of the Criminal Procedure Code of Georgia). This requirement shall be applicable even after dismissal of the public servant.

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 193 of 21 December 2016 – website, 29.12.2016

Article 13^4

1. A public servant may not offer or receive any benefit related to the position that he/she holds in state service and/or public service, except as provided for by the legislation of Georgia.

2. A public servant shall:

a) pay attention to any existing or possible conflict of interest;

b) take measures to prevent any conflict of interest;

c) declare any conflict of interest before being appointed or elected to the respective position or after being appointed or elected as soon as he/she becomes aware of that fact.

3. Within one month after being appointed or elected and later, before 1 February of each following calendar year, a public servant shall declare publicly about persons related to him/her employed at the same public institution where the public servant works. A written statement of the public servant in this regard, containing identification data of the related person and the information indicating the relationship between them, shall be submitted to and registered with the human resources management unit of the respective public institution.

4. For the purposes of this chapter, 'a person related to a public servant' includes persons under Article 4 of this Law and any other persons with whom the public servant maintains a common household, i.e. such special relationship that may affect conditions or economic outcomes of their activities.

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 193 of 21 December 2016 – website, 29.12.2016

Article 13^5

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 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;

d) transfer the gift to the relevant state agency – the Legal Entity under Public Law – the Service Agency of the Ministry of Finance 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.

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 193 of 21 December 2016 – website, 29.12.2016

Article 13^6

1. An official defined in Article 2(a-e^2) of this Law shall undergo a drug test within a time limit determined for him/her by the Head of the Bureau, and submit the respective certificate to the 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 Bureau.

Law of Georgia No 3268 of 21 July 2018 – website, 13.8.2018

Chapter IV – Declaring and Publishing Economic Interests

Article 14

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

2. During his/her term of office, an official shall annually complete and submit an official's asset declaration within the respective month of completion of the previous declaration.

3. Within one year after dismissal, an official shall complete and submit an official's asset declaration within the respective month of completion of the previous declaration, unless he/she is appointed to any other position.

4. A person, who has been assigned within the system of the same public institution to temporarily perform the duties of an absent official for a specific period of time, but for not more than two months, shall be exempt from submitting an official's asset declaration.

5. A candidate for member of the Parliament of Georgia shall, within one week after registration as a candidate, complete and submit an official's asset declaration according to the simplified procedure determined by the Government of Georgia.

5^1. A candidate for judge shall submit a filled in asset declaration for public officials within seven days after submission of an application to a district (city) court for the participation in a competition for a judge vacancy.

6. Property data shall be entered into an official's asset declaration as of the 1^{st} day of the month of completion of the declaration, revenues shall be entered as of the year preceding the year of completion of the declaration, and the accounts and deposits opened in banking and/or other credit institutions of Georgia or other country, which an official or his/her family member is entitled to administer, shall be entered as of the 1^{st} day of the month of completion of the declaration, except as provided for by paragraph 7 of this article.

7. Data on cash owned by an official or his/her family member, which exceeds GEL 4 000, shall be entered into an official's asset declaration as of the date of completion of the declaration.

8. An official shall complete an official's asset declaration once a year. If the person has already submitted the declaration and during the same year the ground for completing the declaration arises again, the official shall be exempt from completing the declaration again.

9. Based on the written request of authorised persons, officials and/or persons dismissed from public institutions under paragraph 10 this article, the 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 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 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 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 Bureau.

12. The 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.

Law of Georgia No 1733 of 13 December 1998 – LHG I, No 7, 31.12.1998, Art. 56

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

Law of Georgia No 4920 of 8 June 2007- LHG I, No 22, 19.6.2007, Art. 201

Law of Georgia No 311 of 2 October 2008 – LHG I, No 24, 20.10.2008, Art. 157

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 3548 of 21 July 2010 – LHG I, No 46, 4.8.2010, Art. 295

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

Law of Georgia No 1666 of 29 November 2013 – website, 16.12.2013

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 193 of 21 December 2016 – website, 29.12.2016

Law of Georgia No 262 of 8 February 2017 – website, 13.2.2017

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

Article 15

The official's asset declaration shall contain the following information about the person and his/her family members:

a) the person’s name, surname, personal number, address of the place of permanent residence, telephone number, mobile number and valid e-mail address;

b) the person’s place of work, position occupied, address of the place of work and telephone number;

c) the person’s and his/her family members' name, surname, personal number, place of birth, date of birth, kinship or other relation with the person;

d) immovable property owned by the person and his/her family members, the identity of the owner (as well as the co-owner of the property and the percentage of the share of the person and his/her family member if the property is in joint ownership), the date of purchase, form of purchase, the amount paid, total area and location of the property;

e) movable property owned by the person and his/her family members (except for securities, funds in a bank account/deposit, and cash), each property valued at more than GEL 10 000, the identity of the owner (as well as the co-owner of the property and the percentage of the share of the person and his/her family member if the property is in joint shared ownership), the date of purchase, form of purchase and the amount paid;

f) securities owned by the person and his/her family members, the issuer of securities, the owner of the property, the type of securities, the amount paid, nominal value and quantity;

g) an account and/or deposit in a banking and/or credit institution of Georgia or other country, which the person or his/her family

member is entitled to administer – the identity of the person administering the account and/or deposit, name of the banking and/or other credit institution, type of the account and/or deposit, balance (credit or debit) on the account and/or deposit;

h) cash owned by a person and his/her family members amounting to more than GEL 4 000, the identity of the cash owner, the source of cash and the amount of cash in the respective currency;

i) direct participation or indirect participation of the person or his/her family members in an enterprise's activities in Georgia or other country. In the case of direct participation in the activities of an enterprise: the person participating in the activities of the enterprise, form of participation, first and last names of partners (for a legal person – the full company name and legal address), the full company name and legal address of the enterprise, registration body and registration date, equity percent, the amount of the enterprise capital, the period of participation, and the amount of income gained from the enterprise during the accounting year. In case of indirect participation in the activities of an enterprise: the full company name of another enterprise, the type of activity, first and last names of partners (for a legal person – the full company name and legal address), equity percent of the enterprise in the capital of another enterprise;

j) any paid work performed by the person or his/her family members in Georgia or other country, except for participating in entrepreneurial activities – the identity of the person performing paid work, place of work where the person holds/held a position or performs/performed paid work, name of the position or type of work, income received from the performance of work within a reporting period;

k) any agreement concluded by the person or his/her family members in Georgia or other country, valued at more than GEL 3 000 (including trust agreements, irrespective of their value) – the type of the agreement, the identity of the parties to the agreement, subject and value of the agreement, the date of entering into the agreement and its duration, the body that performed state registration and attestation of the agreement, material benefit received from the agreement within the reporting period;

l) any gift valued at more than GEL 500, that the person or his/her family members received within the reporting period – the identity of the person receiving the gift, the person presenting the gift, the relationship between them, type of the gift, and market value of the gift;

m) any income and/or expenditure of the person and his/her family members within a reporting period, amounting to more than GEL 1 500 in each case, except for other income and/or expenditure defined in this article – the person and his/her family members who received income and/or had expenditure, type of income and/or expenditure, and the amount of income and/or expenditure;

n) secret field – the type of property and the identity of the person and/or his/her family members related to the property, the connection of the person and/or his/her family members to the property, market value and/or amount of the property;

o) date of completion of the declaration.

Law of Georgia No 1558 of 1 September 1998 – LHG I, No 2, 26.10.1998, Art. 3

Law of Georgia No 1801 of 5 February 1999 – LHG I, No 3(10), 19.2.1999, Art. 17

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

Law of Georgia No 311 of 2 October 2008 – LHG I, No 24, 20.10.2008, Art. 157

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

Law of Georgia No 2669 of 23 February 2010 – LHG I, No 7, 9.3.2010, Art. 28

Law of Georgia No 3548 of 21 July 2010 – LHG I, No 46, 4.8.2010, Art. 295

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 193 of 21 December 2016 – website, 29.12.2016

Article 16 (Deleted)

Law of Georgia No 1558 of 1 September 1998 – LHG I, No 2, 26.10.1998, Art. 3

Law of Georgia No 1801 of 5 February 1999 – LHG I, No 3(10), 19.2.1999, Art. 17

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

Law of Georgia No 311 of 2 October 2008 – LHG I, No 24, 20.10.2008, Art. 157

Article 17

1. (Deleted).

2. If information to be entered into the declaration contains state or official secrets or represents other confidential information, the public availability of which is restricted under legislation in force, this information shall be reflected only in the special (secret) field of the declaration with an indication of the type of property received from the respective source, the connection of the official and his/her family members to the property, and the market value and/or amount of the property.

3. In the case provided for by paragraph 2 of this article, the person shall refer to the legal act on the basis of which the information to be entered into the declaration contains state or official secrets or represents other confidential information, the public availability of which is restricted.

Law of Georgia No 1801 of 5 February 1999 – LHG I, No 3(10), 19.2.1999, Art. 17

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

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

Article 18

1. The Bureau shall ensure the receipt of official's asset declarations, the public availability of property conditions of relevant officials and the control over the submission of declarations according to the legislation of Georgia. The Bureau shall also perform other functions provided for by the legislation of Georgia.

2. For the purposes of this Law, the 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) perform other functions assigned under the legislation of Georgia.

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

Article 18[1]

1. The 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 by the Unified Declaration Electronic System;

b) a reasoned written application.

3. Declarations of state-political officials defined by the Law of Georgia on Public Service selected by the Permanent Commission set up by the Head of the Bureau and declarations selected on the basis of special factors also fall within the category of official's asset declarations 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 official's asset declarations 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, official's asset declarations subject to annual examination shall be selected in the beginning of each calendar year.

6. The Head of the 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 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 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 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 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 Bureau shall forward the respective declaration and materials of the proceedings to the relevant law enforcement body for further response.

13^1. The 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 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 20 % of the registered area, but not more than 40 m^2; an error in specifying a non-residential space does not exceed 20 % of the registered area, but not more than 20 m^2; 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^2; an error in specifying an area of a plot of agricultural land does not exceed 20 % of the registered area, but not more than 500 m^2; 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 other credit institution of Georgia or other country, which the person or his/her family member is entitled to administer, the total error in the balance/balance column does not exceed 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, although it is found that during the reporting period there was no turnover in this account, or no other banking transaction was carried out, or there was a turnover of not more than GEL 100 GEL;

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 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 five years or over before the date of completion of the declaration, or whose turnover does not exceed GEL 100 within a year;

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

e) in the case of the conclusion by an official or his/her family of any agreement in Georgia or other country, an error identified in calculating the material benefit received from the agreement does not exceed GEL 1000.

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

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 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.

Law of Georgia No 1733 of 13 December 1998 – LHG I, No 7, 31.12.1998, Art. 56

Law of Georgia No 1801 of 5 February 1999 – LHG I, No 3(10), 19.2.1999, Art. 17

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

Law of Georgia No 1439 of 13 May 2005 – LHG I, No 25, 2.6.2005, Art. 167

Law of Georgia No 311 of 2 October 2008 – LHG I, No 24, 20.10.2008, Art. 157

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

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

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.

1^1. In the case provided for by Article 18^1(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.

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

2. A decree imposing a fine shall be issued by the Head of the 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 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.

2^1. A decree giving a warning shall be issued by the Head of the Bureau through simple administrative proceedings. If a minor violation is revealed in the next monitoring of official’s asset declarations, the Bureau shall adopt a decision provided for by Article 18^1(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.

Law of Georgia No 1733 of 13 December 1998 – LHG I, No 7, 31.12.1998, Art. 56

Law of Georgia No 1801 of 5 February 1999 – LHG I, No 3(10), 19.2.1999, Art. 17

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

Law of Georgia No 311 of 2 October 2008 – LHG I, No 24, 20.10.2008, Art. 157

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

Chapter V[1] – Whistle-blower Protection

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

Article 20[1]

For the purposes of this chapter, the terms used herein shall have the following meanings:

a) disclosure – disclosure made by a person (whistle-blower) to a body in charge of the review of whistle-blower's applications, an investigator, a prosecutor and/or the Public Defender of Georgia regarding the violation by a public servant (disclosed person) of the legislation of Georgia or the general rules of ethics and conduct, if any, which prejudices or may prejudice the public interests and the reputation of a respective public institution. Disclosure shall also be informing by a whistle-blower of the public and mass media after the body in charge of the review of whistle-blower's applications, an investigator, a prosecutor or the Public Defender of Georgia makes a relevant decision;

b) anonymous disclosure – disclosure made by an unidentified whistle-blower;

c) body in charge of the review of whistle-blower's applications – a structural division in charge of internal control and/or official inspection of a respective public institution;

d) coercive measures – disciplinary measures provided for by the Law of Georgia on Public Service, or the change of the place of work of a whistle-blower without his/her consent, toughening of the terms and conditions of his/her employment agreement, refusal of recruitment, reinstatement or promotion and/or other actions that have caused or may cause the limitation of official powers of a whistle-blower or worsening of his/her of official position and/or working conditions;

e) whistle-blower's close relative – a whistle-blower's parent, adoptive parent, child (stepchild), foster child, grandfather, grandmother, grandchild, sister, brother, spouse (including a divorced spouse), or a person permanently residing with the whistle-blower.

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

Law of Georgia No 2172 of 2 April 2014 – website, 14.4.2014

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

Law of Georgia No 758 of 4 May 2017 – website, 24.5.2017

Article 20[2]

1. Disclosure shall be made in good faith and shall be intended to prevent, discover or eliminate violations of the legislation of Georgia and the general rules of ethics and conduct and/or to protect the public interest.

2. Disclosure shall be deemed made in good faith, unless otherwise proved.

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

Law of Georgia No 2172 of 2 April 2014 – website, 14.4.2014

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

Article 20[3]

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

2. Disclosure may be anonymous.

3. If a whistle-blower does not express in writing his/her consent to release his/her identity, the body in charge of the review of whistle-blower's applications shall not disclose the whistle-blower's identity.

4. The culpable violation by a public servant of this article, unless this violation constitutes a crime or an administrative offence, shall result in disciplinary liability as determined by law.

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

Law of Georgia No 6328 of 25 May 2012 – website, 12.6.2012

Law of Georgia No 2172 of 2 April 2014 – website, 14.4.2014

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

Article 20[4]

1. It shall be inadmissible to intimidate, harass, coerce, humiliate, persecute, oppress or cause moral or material damage to a whistle-blower or his/her close relatives, to use violence or offer violence, to treat a whistle-blower on a discriminatory basis or perform other illegal actions in connection with the fact of disclosure.

2. It shall be inadmissible to initiate administrative or civil proceedings or criminal prosecution against a whistle-blower or to impose a respective liability on him/her, or to apply coercive measures against him/her due to circumstances connected with the fact of disclosure.

3. If disciplinary, administrative, civil or criminal proceedings are being conducted against a whistle-blower, they shall be suspended, except when:

a) disciplinary, administrative, civil or criminal proceedings are not related to the act of disclosure;

b) the use of the protection guarantees determined by this article infringes the sovereignty and security of the State, the overthrow of its constitutional system, or causes ethnic or religious tensions.

4. Where coercive measures are applied and administrative, civil and criminal proceedings are conducted against a whistle-blower, the respective public institution shall substantiate that they are not connected to the act of disclosure and these measures and proceedings are conducted on grounds provided for by the legislation of Georgia.

5. The head of the respective public institution shall monitor the provision of protection guarantees determined by this article to a whistle-blower.

6. If, in the course of criminal procedure, at any stage of proceedings connected to the act of disclosure, the life, health or property of a whistle-blower, his/her close relative or witness is prejudiced due to being involved in these proceedings, the whistle-blower, his/her close relative, witness or the body in charge of the review of whistle-blower's applications may apply to the Prosecutor's Office of Georgia to apply special protection actions provided for by the Criminal Procedure Code of Georgia.

7. In the case of violations of the provisions of this article by the body in charge of the review of whistle-blower's applications or the respective public institution, a whistle-blower may file a complaint about such violations as determined by the administrative legislation of Georgia.

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

Law of Georgia No 2172 of 2 April 2014 – website, 14.4.2014

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

Article 20^5

Whistle-blowers shall enjoy protection guarantees irrespective of whether the information disclosed is true or false, except when:

a) the information is false and the whistle-blower was aware or should have been aware of this fact because he/she could verify the accuracy of the information disclosed, except when the whistle-blower took all possible measures to verify the information but was not able to ascertain its falseness;

b) the whistle-blower acts for his/her own or another person's distinction, except when being granted with a special award determined by the legislation of Georgia;

c) the whistle-blower is aware that the factual circumstances of the disclosure are publicly known or are known to the body in charge of the review of whistle-blower's applications.

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

Law of Georgia No 2172 of 2 April 2014 – website, 14.4.2014

Article 20^6

1. The body in charge of the review of whistle-blower applications shall consider a whistle-blower application within one month after it has been submitted, as determined by the legislation of Georgia and its Statutes, or through an official administrative procedure determined by the General Administrative Code of Georgia if the relevant rules are not available.

2. If, after consideration of a whistle-blower application, it becomes known that the committed offence may be the grounds for imposition on the disclosed person of administrative, civil or criminal liability, the body in charge of the review of whistle-blower's applications shall apply to the relevant competent bodies.

3. The legal proceedings suspended according to Article 20^4(3) of this Law shall be resumed after the body in charge of the review of whistle-blower's applications files the appropriate application.

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

Law of Georgia No 2172 of 2 April 2014 – website, 14.4.2014

Article 20^7

1. If the disclosure relates to the employer of the structural division in charge of internal control and official inspection of a public institution, the whistle-blower may file a whistle-blower application with the head of this structural division.

2. If the disclosure relates to the head of the structural division in charge of internal control and official inspection of a public institution, the whistle-blower may file a whistle-blower application with the head of this public institution.

3. If the disclosure relates to the head of the public institution, the whistle-blower may file a whistle-blower application with a superior official.

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

Law of Georgia No 2172 of 2 April 2014 – website, 14.4.2014

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

Article 20^8

The person may not consider a whistle-blower application if the application contains disclosure of that person, or if he/she is personally interested, directly or indirectly, in the result of the decision, or if there are other circumstances which cast doubt on his/her impartiality.

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

Law of Georgia No 2172 of 2 April 2014 – website, 14.4.2014

Article 20^9

A disclosed person shall be notified about a whistle-blower application and the evidence available against him/her. The disclosed person shall be granted an opportunity to respond to the disclosure within not later than five working days before a final decision regarding the whistle-blower application is made. The standing of the disclosed person shall be reflected in the decision of the body in charge of the review of whistle-blower applications.

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

Law of Georgia No 2172 of 2 April 2014 – website, 14.4.2014

Article 20^{10}

1. The decisions of the body in charge of the review of whistle-blower applications shall be made in writing and shall contain:

a) the description of factual circumstances of disclosure;

b) the list and description of evidence investigated;

c) the standing of the disclosed person;

d) the substantiation of the decision.

2. The decision of the body in charge of the review of whistle-blower applications may not be based on the circumstances, facts, evidence or arguments that have not been investigated or studied in the course of consideration of the whistle-blower application.

3. The decision of the body in charge of the review of whistle-blower applications shall be communicated to the whistle-blower and the disclosed person within 15 working days after it has been made. In the case of anonymous disclosure, the decision of the

body in charge of the review of whistle-blower's applications shall be communicated only to the disclosed person.

4. A decision made with respect to a whistle-blower application is an individual administrative act. The procedure for the entry into force, execution and appeal of such decision is determined by the administrative legislation of Georgia.

Law of Georgia No 2172 of 2 April 2014 – website, 14.4.2014

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

Article 20^{11}

Issues of disclosures within the system of the Ministry of Defence of Georgia, the Ministry of Internal Affairs of Georgia and the State Security Service of Georgia are regulated on the basis of special legislation.

Law of Georgia No 2172 of 2 April 2014 – website, 14.4.2014

Law of Georgia No 3932 of 8 July 2015 – website, 15.7.2015

Chapter VI – Transitional Provisions

Article 21

1. The President of Georgia shall be asked to nominate for approval to the Parliament of Georgia by the end of autumn session of 1997 a candidate for the chairperson of the Information Bureau for Property and Financial Conditions of Officials.

2. The Chamber of Control of Georgia shall be assigned to establish the Information Bureau for Property and Financial Conditions of Officials by 30 March 1998.

3. The chairperson of the Information Bureau for Property and Financial Conditions of Officials shall be assigned to submit the Statutes of the Bureau to the President of Georgia for approval by 30 March 1998.

4. The chairperson of the Information Bureau for Property and Financial Conditions of Officials shall, within 30 days after approval of the Statutes, prepare and submit to the President of Georgia for approval a titular register of those officials who are obliged to complete asset and financial declarations according to this Law.

5. Before the executive authority determines the subsistence minimum, for the purpose of this Law the subsistence minimum shall be set at GEL 100.

6. The Ministry of Finance of Georgia shall have a separate 'Expenditures of the Information Bureau for Property and Financial Conditions of Officials' paragraph in the Law on the Budget of Georgia.

7. Persons under Article 2 of this Law shall submit their asset and financial declarations to the Information Bureau for Property and Financial Conditions of Officials during the period from 15 August to 1 December 1998.

8. The Ministry of State Property Management shall be assigned to provide by 1 January 1998 premises for the Information Bureau for Property and Financial Conditions of Officials.

9. (Deleted).

10. Annexes to this Law – Forms of Official's Asset and Financial Declarations – shall be repealed.

11. The Information Bureau for Property and Financial Conditions of Officials shall, by 1 June 2004, submit for approval to the Minister of Justice of Georgia new forms of official's asset and financial declarations.

Law of Georgia No 1453 of 12 June 1998 – Parliamentary Gazette, No 23-24, 30.6.1998, p. 56

Law of Georgia No 1558 of 1 September 1998 – LHG I, No 2, 26.10.1998, Art. 3

Law of Georgia No 1733 of 13 December 1998 – LHG I, No 7, 31.12.1998, Art. 56

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

Article 21[1]

1. The time limit for the completion and submission by officials of official's asset and financial declarations while holding the position or within one year after leaving the held position, shall be extended until 1 July 2007.

2. Before 1 January 2010, official's asset and financial declarations shall be completed and submitted according to the declaration forms effective on 1 January 2004.

Law of Georgia No 1396 of 22 April 2005 – LHG I, No 18, 27.4.2005, Art. 113

Law of Georgia No 2914 of 26 April 2006 – LHG I, No 10, 28.4.2006, Art. 74

Law of Georgia No 4295 of 29 December 2006 – LHG I, No 1, 3.1.2007, Art. 5

Law of Georgia No 5781 of 29 February 2008 – LHG I, No 2, 12.3.2008, Art. 5

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

Article 21[2]

1. The Legal Entity under Public Law – the Information Bureau for Property and Financial Conditions of Officials within the governance of the Ministry of Justice of Georgia shall be liquidated from 1 August 2009. The Ministry of Justice of Georgia shall ensure the implementation of liquidation measures.

2. The Administration of the President of Georgia shall ensure the reorganisation of the Legal Entity under Public Law – the Civil Service Bureau by 1 August 2009. The Bureau shall be a legal successor of the Legal Entity under Public Law – the Information Bureau for Property and Financial Conditions of Officials within the governance of the Ministry of Justice of Georgia.

3. The Administration of the President of Georgia and the Ministry of Justice of Georgia shall ensure the compliance with this Law of relevant subordinate acts related to liquidation and reorganisation.

4. The normative acts issued by the Minister of Justice of Georgia shall retain legal effect before the measures under paragraph 3 of this article are implemented.

5. The Government of Georgia shall ensure the transfer of budget appropriations of the Legal Entity under Public Law – the Information Bureau for Property and Financial Conditions of Officials within the governance of the Ministry of Justice of Georgia to the Legal Entity under Public Law – the Civil Service Bureau, as determined by the legislation of Georgia.

6. The Ministry of Economic Development of Georgia shall ensure the transfer of the property on the balance sheet of the Legal Entity under Public Law – the Information Bureau for Property and Financial Conditions of Officials within the governance of the Ministry of Justice of Georgia to the Legal Entity under Public Law – the Civil Service Bureau, as determined by the legislation of Georgia.

7. Before 1 August 2009, the Legal Entity under Public Law – the Information Bureau for Property and Financial Conditions of Officials within the governance of the Ministry of Justice of Georgia shall receive official's asset declarations.

Article 21[3]

Persons under Article 2(1)(f, g, i, j and m) of this Law shall submit official's asset declarations to the Civil Service Bureau not later than 1 May 2010, and persons under Article 2(2) – not later than 1 August 2010.

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

Law of Georgia No 2669 of 23 February 2010 – LHG I, No 7, 9.3.2010, Art. 28

Chapter VII – Final Provisions

Article 22

1. This Law, except for Chapter IV, shall become effective on the 15th day after its promulgation.

2. Chapter IV of this Law shall become effective from 1 January 1998.

President of Georgia **Eduard Shevardnadze**

Tbilisi

17 October 1997

No 982–Ilს