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## PRECOP-RF

**Joint EU/CoE project on Protection of the Rights of Entrepreneurs in the Russian Federation from Corrupt Practices**

### 1<sup>st</sup> Progress Report

Project title and number	2312/Protection of the Rights of Entrepreneurs in the Russian Federation from Corrupt Practices (PRECOP RF)
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Funding	European Union / Council of Europe
Implementation	Economic Crime and Cooperation Unit, DG I, Council of Europe
Duration	1 January 2013 – 31 December 2015 (36 Months)
Reported Period	01/01/2013 - 31/12/2013
Date of Report	20 February 2014

The PRECOP RF is funded through the Partnership for Modernization, a jointly launched initiative by the EU and Russian authorities. One of the priority areas of this initiative is the effective functioning of the judiciary and strengthening of the fight against corruption.

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Disclaimer:

This report has been prepared by the PRECOP RF project team. The views expressed herein can in no way be taken to reflect the official opinion of the European Union and/or of the Council of Europe.

## Abbreviations

<b>CoE</b>	Council of Europe
<b>DoA</b>	Description of Action
<b>ECtHR</b>	The European Court of Human Rights
<b>EU</b>	European Union
<b>EUD</b>	European Union Delegation (In the Russian Federation)
<b>GRECO</b>	The Council of Europe Group of States against Corruption
<b>P4M</b>	Partnership for Modernisation
<b>PRECOP</b>	Protection of Entrepreneurs Rights from Corrupt Practices
<b>RF</b>	Russian Federation
<b>ROM</b>	Result Oriented Monitoring
<b>SC</b>	Steering Committee
<b>ToR</b>	Terms of Reference

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## **1 Description**

### **1.1 Contact Person**

Ms Verena Taylor, Director, Office of the Directorate General of Programmes (ODGProg), Council of Europe.

### **1.2 Name and Partners in the Action**

Council of Europe and European Union

### **1.3 Title of Action**

Project on “Protection of Entrepreneurs Rights in the Russian Federation from Corrupt Practices (PRECOP RF)”.

### **1.4 Contract Number**

CRIS No. 2012/310-269

### **1.5 Start and End Date of the Reporting Period**

1 January 2013 – 31 December 2013 (of total project duration of 36 months)

### **1.6 Beneficiaries**

Main Beneficiary Institution: The office of the Business Ombudsman is the main beneficiary and counterpart for the project; as such the office will play an important role in the coordination of the local institutions and in ensuring their full participation and contribution to the successful implementation of the activities foreseen in the project. Other indirect beneficiaries include: government bodies, business associations, legal associations and the general public through the impact of the project on the increased protection of entrepreneurs rights.

## 2 Executive Summary

This report covers the first year of the project's implementation period, including the inception phase which was extended to nine months and concluded at the end of September 2013. The report outlines the actions undertaken during both the inception and implementation phases of the project. The extended inception phase was used to re-negotiate the Description of Action and with the main counterparts in the Russian Federation. Several meetings with key stakeholders were organized during this phase to ensure that the project has the broad support of institutions in the Russian Federation.

The key activities of the PRECOP RF project during the reporting period were:

- The 1<sup>st</sup> Steering Committee meeting took place on 14 October 2013 in Moscow, Russian Federation;
- The launching conference of the project took place on 15 October 2013 in Moscow, Russian Federation;
- The project facilitated an ad-hoc study visit to the Council of Europe for the staff of the Office of the Federal Business Ombudsman;
- A comparative analysis on "Powers, Competencies and Practices of a Business Ombudsman Institution" was prepared by an international and local expert and was used as basis for discussion at a workshop on 17 December 2013; and
- Organized a workshop on "Powers, Competencies and Practices of Business Ombudsman Institutions".

Throughout the reporting period the beneficiaries actively supported the project activities, furthermore by initiative of the Office of the Federal Ombudsman for the Protection of Entrepreneurs Rights (also referred to as: the Federal Business Ombudsman) the project organized an ad-hoc study visit to the Council of Europe for their staff. All related travel and subsistence costs were covered by the Office of the federal Business Ombudsman. This readiness of the Office of the Federal Ombudsman for the Protection of Entrepreneurs Rights to cover the expenses for the participation in the study visit is a testimony to their strong commitment to the project.

It will be important to maintain this cooperative attitude when it comes to putting into practice of the project recommendations and the concrete use of the deliverables provided by the project

The project will continue to pay special attention to the visibility of its actions and results

### 3 Current Status: Country Situation

#### 3.1 Anti-Corruption developments in the Russian Federation during the reporting period

Since 2008 and onwards the Russian government is actively implementing a wide range of legislative and enforcement measures to combat corruption in different sectors. These efforts have resulted with the creation of new institutions responsible for fighting corruption as well as with changes in legislation and government policy.

In 2013 the Russian authorities have adopted a number Federal Laws on anti-corruption which regulate the procedure for tenders, establish requirements for declaration of incomes as well as restrict the right to hold bank accounts outside Russia for the certain categories of civil servants.

On 30 October 2013 during a meeting of the Anti-corruption Council the President of the Russian Federation discussed with the members of the Council the results of the government's anti-corruption policy.

President Putin noted the positive signs of the anti-corruption policy and the resulting decrease of corruption risks at all levels of governance, however he pointed that there is still a need to illuminate corruption at public, enforcement, judicial and business-government relation sector.

On 3<sup>rd</sup> of December 2013 by the Order of the President of the Russian Federation a Department on combating corruption was established within the President's Administration. The newly established Department on combating corruption will be, *inter alia* controlling the process of implementation of Federal anti-corruption laws and orders of the President, and has the capacity to adopt additional measures aimed to combat corruption.

Corruption in general and especially connected with the activities rendered in the business sector continues to be one of the major problems that Russia and entrepreneurs are facing today.

#### 3.2 Developments relating to the Institution of Business Ombudsman in the Russian Federation

The main objective of the Federal Business Ombudsman as a newly established institution is to protect the rights of entrepreneurs in the Russian Federation. There have been a few important developments during 2013 which relate to the work of the Business Ombudsman at the Federal and Regional levels.

The Federal Law no 78-FZ on Business Ombudsmen in the Russian Federation is in force from 7 May 2013 and was recently amended by the Federal Law no 294-FZ of 2 November 2013. This Law establishes powers, competences and objectives for the Federal Business Ombudsman and regional business ombudsmen. Moreover the law describes the procedure of examining complaints.



Although at an early stage of its functioning as a new institution, the Office of the Federal Business Ombudsman has received around 4000 complaints that have been filed by the representatives of the business community.

As result of a proposal submitted by the Federal Business Ombudsman, the President of the Russian Federation issued a decree in July 2013 which provides for an amnesty of entrepreneurs who were incarcerated on certain charges relating to economic crimes. This is a very positive development, as result of which 461 entrepreneurs were released in September 2013; the number of entrepreneurs released under this amnesty grew to 1500 entrepreneurs released by December 2013.

The Federal Business Ombudsman has expressed his hope that more entrepreneurs who committed economic crime and were not covered by the ongoing amnesty would fall under a new amnesty planned for the forthcoming period.

Another positive result aimed at humanizing the criminal norms - is the judgment of the Supreme Court regarding Article 159 of the Criminal Code of the Russian Federation which relates to fraud. The judgment explains requalification of Article 159 of the Code to Article 159.4 (fraud in the sphere of business activities). That improvement is considered to be of a great importance to imprisoned entrepreneurs since most of them were convicted under Article 159 which is not included into the list of articles that are covered by ongoing amnesty. From the time when amnesty was launched 4000 entrepreneurs filed their applications for requalification of Article 159 to Article 159.4. Due to the rendered judgment of the Supreme Court of the Russian Federation more entrepreneurs expect that they will be released by the provisions of the amnesty.

### **3.3 Developments concerning PRECOP project**

On 11 December 2013 the Federal Business Ombudsman Office announced the registration of participants for the Joint Forum of Yong Entrepreneurs “Entrepreneurship Seasons” in the village Abrao-Durso that will take place in summer 2014.

This event will be organized jointly by the Federal Business Ombudsman, the Federal Agency for Youth Activities and the Federal Agency for Strategic Initiatives.

The “Entrepreneurship Seasons” in Abrao-Durso will become a platform for the exchange of best business knowledge and practices. Forum will host up to 2000 participants including young entrepreneurs, professional businessmen, experts in the field of business and economics.

The project management team of PRECOP project has already approached the Federal Business Ombudsman’s Office and started the discussion regarding the possible presence of the project in the event in Abrao-Durso.

## **4 Assessment of Implementation: 1 January 2013–31 December 2013**

### **4.1 Inception phase (1 January 2013 – 30 September 2013)**

The PRECOP RF project started on 1 January 2013; the inception phase of the project lasted for nine months and concluded on 30 September 2013. The extended nine-month inception phase of the project had been caused by lengthy negotiations and consultations with beneficiaries in the Russian Federation as regards the parameters and content of the project, which was finally approved by the Russian authorities on 28 June 2013. Taking into account the lengthy inception phase, on October 2013, a six month extension of the implementation period was agreed between the CoE and the EUD in Moscow.

Following are the activities that took place during the Inception Phase:

- Recruitment of the project team;
- Set up of a project office in the Council of Europe Programme Office in Moscow;
- Start-up activities with stakeholders and beneficiaries;
- Drafted the workplan and calendar of activities;
- Preparation of 1<sup>st</sup> Steering Committee and Launching event; and
- Prepared a 1<sup>st</sup> draft of the Inception Report.

The start-up activities which took place in March and September 2013 facilitated meetings with beneficiaries and other stakeholders to discuss the DoA in general and the objectives and scope of the project in more detail in view of workplan preparations. These activities have contributed to the acceptance of the project by beneficiaries and a sense of ownership over the project and its goals.

Following the conclusion of the inception phase an inception report with detailed information on the activities which took place during the inception phase was submitted and subsequently approved by the European Union Delegation in Moscow.

### **4.2 Implementation phase: (1 October 2013 – 31 December 2013)**

The implementation phase of the project began on the 1<sup>st</sup> of October 2013, with the organizing of the 1<sup>st</sup> Steering Committee Meeting and the Launching event both organized in Moscow on 14 and 15 October 2013.

Following are the activities which took place during the implementation phase:

- Held the 1<sup>st</sup> Steering Committee Meeting (14 October 2013, Moscow, Russian Federation);
- Held a Launching event (15 October 2013, Moscow, Russian Federation);
- Finalised and subsequently obtained approval of the Inception Report by EUD.
- Organized of an Ad-Hoc Study Visit to the Council of Europe for the staff of the Federal Business Ombudsman (6 December 2013, Strasbourg, France);
- Drafted a “Comparative analysis on the powers, competencies and practices of Business Ombudsman Institutions”; and
- Organized of a workshop on “Powers, competencies and practices of Business Ombudsman Institutions” (17 December 2013, Moscow, Russian Federation).



## 4.3 Overview of the implementation activities by expected result

Expected Result 0	
Activity	Steering Committee Meeting
Actions	<p>The 1<sup>st</sup> Steering Committee meeting took place on 14 October 2013. The meeting was co-chaired by Mr Boris Titov, Federal Ombudsman for the Protection of Entrepreneurs Rights and Mr Michael Web, Deputy Head of the EU Delegation to the Russian Federation.</p> <p>The members of the Steering Committee adopted a number of decisions as follows:</p> <ul style="list-style-type: none"> <li>• Adopted the updated Terms of Reference for the Steering Committee</li> <li>• Reviewed and adopted the workplan and calendar of activities</li> <li>• Reviewed the inception report of the project.</li> </ul> <p>The 2<sup>nd</sup> Steering Committee meeting is planned for April 2014.</p>
Objectively verifiable indicators	<ul style="list-style-type: none"> <li>• Updated ToR for the Steering Committee are available.</li> <li>• Workplan and calendar of activities available and under use for leading project implementation.</li> </ul>
Progress	Meeting took place on 14 October

Expected Result 0	
Activity	Launching Conference
Actions	<p>The launching event of the project took place on 15 October 2013 at the premises of the Federal Ombudsman for the Protection of Entrepreneurs Rights in Moscow.</p> <p>Over 100 participants representing the Federal and Regional Ombudsmen for the Protection of Entrepreneurs Rights, business associations, legal associations, European Union Delegation to Russia, Diplomatic Missions of EU member states and the Council of Europe Secretariat and experts attended the event.</p> <p>Mr Boris Titov Federal Ombudsman for the Protection of Entrepreneurs' Rights in the Russian Federation. Mr Vygaudas Usackas, Ambassador, Head of the EU Delegation to Russia and Mr Ivan Koedjikov Head of the Action against Crime Department, Council of Europe addressed the participants in the opening session of the Launching conference.</p> <p>The presence of the large audience was used to present the CoE Instruments, as well as other international standards in the fight against corruption. Furthermore the last session of the launching event was used to carry out a needs assessment regarding the training needs of the Regional Business Ombudsmen.</p>
Objectively verifiable indicators	<ul style="list-style-type: none"> <li>• Conference report and media coverage;</li> <li>• Needs assessment report;</li> <li>• Activity synopsis.</li> </ul>
Final	Launching Conference



Deliverable[s]	
<b>Expected Result 1:</b> Institutions of regional and public Ombudsmen are informed about international standards and practices of comparable institutions (including in the context of competencies of the Ombudsman for the Protection of Entrepreneurs' Rights under the President of the Russian Federation)	
<b>Activity 1.1</b>	Comparative analysis of International and Russian experience in terms of powers, competencies and practices of a business ombudsman institution
Actions	<p><b>The Comparative analysis</b> of International and Russian experience in terms of powers, competencies and practices of business ombudsman institutions was jointly prepared by one international and one local expert. The document aims to provide best practices from Council of Europe member states or other international examples of successful functioning of Business Ombudsman Institutions and an overview of the functioning of the Business Ombudsman Institution in the Russian Federation at the Federal and Regional Level.</p> <p>The Comparative analysis of “International and Russian experience in terms of powers, competencies and practices of business ombudsman institutions” was finalised. The International part of the Comparative analysis covers four countries as follows: France, Georgia, UK and the United States. On a supra national level the study includes practices of the European Ombudsman.</p> <p>The part of the Technical paper covering the Russian Federation mainly focuses on the Federal level, with some examples of the functioning of Regional Ombudsman Institutions such as: Regional Ombudsman of Tatarstan, Ulyanovsk, Arkhangelsk, Tomsk, Yaroslavl etc.</p> <p>The documents lists a number of recommendations for the Federal and Regional Ombudsmen aiming to capacity building and strengthening of the impact these institutions have in the fight against corruption in the Russian Federation. A draft version of the Comparative Analysis was made available in English and Russian language to the participants of a workshop organized on 17 December 2013.</p> <p><b>The workshop on “Powers Competencies and Practices of Business Ombudsman Institutions”</b> took place on 17 December 2013 in Moscow. The workshop provided a venue for representatives of the Federal and Regional Business Ombudsman to review and discuss the content of the Comparative Analysis and the Recommendations as well as contribute with additional recommendations for strengthening of the role of the Business Ombudsman Institution in the Russian Federation.</p> <p>Following are some of the recommendations, that were included in the final version of the Comparative Analysis, which also take into account the input of the participants of the workshop on “Powers Competencies and Practices of Business Ombudsman Institutions”:</p> <ul style="list-style-type: none"> <li>• There is a need for continuous training of the Regional Ombudsmen including training for the support staff;</li> <li>• Encourage the exchange of experience and sharing of good practices with International counterparts as well as among the Regional Ombudsmen for the Protection of Entrepreneurs Rights</li> <li>• There is a need to further define the admissibility criteria for requests</li> </ul>



	<p>lodged with the Business Ombudsman Institutions;</p> <ul style="list-style-type: none"> <li>• Make efforts to further expand the pro bono assistance to the Regional Ombudsmen;</li> <li>• Identify enforcement mechanisms and instruments that would enable the Federal Ombudsman to exercise the control of federal and regional bodies in the area of the entrepreneur's rights protection, as stipulated by the Law on Federal Ombudsman for Protection of Entrepreneurs Rights; and</li> <li>• To extend powers of the Federal Business Ombudsmen to examine not only complaints filed by individuals and companies but also by business communities in order to solve systemic problems and protect entrepreneurs' that do not want to file claims on their own due to various reasons</li> </ul>
Objectively verifiable indicators	<ul style="list-style-type: none"> <li>• Available comparative analysis in the format of Technical Paper and dissemination to those relevant institutions for use in terms of review of competences and improvement of systems.</li> <li>• Full participation and available advise through a Workshop on "Powers, Competencies and Practices of Business Ombudsman Institutions".</li> </ul>
Final Deliverable[s]	Comparative analysis finalized; Workshop "Powers, Competencies and Practices of Business Ombudsman Institutions" held.

During the next reporting period the project will continue to build upon the achievements delivered since the end of the last reporting period and in accordance with the agreed Workplan. Following a short implementation phase in 2013 the upcoming year provides the opportunity to organize a larger number of activities.

The project will tackle several important issues in the course of 2014, including:

- a) Develop a training programme for Regional Business Ombudsmen;
- b) Providing advice on strengthening measures to prevent the misuse of public authorities in: corporate conflicts, eliminating competition and forced takeovers;
- c) Advising on the ways to improve whistle-blower protection in the Russian Federation;
- d) Expanding of pro bono support by legal associations provided to the Federal and Regional Business Ombudsman Institutions; and
- e) Raise awareness of the business community on the risks of infringement of entrepreneurs rights and the possible methods for their protection;

The project aims to reach a broad audience, for this purpose the project management team is negotiating with the Federal Business Ombudsman's Office the possibility to actively contribute to the "Entrepreneurship Season", an event which is organized by the Office of the Federal Business Ombudsman and will gather around 2000 entrepreneurs in the village of Abrao-Durso at the end of June 2014.

## 5 Evaluation and Result Oriented Monitoring

**P4M Evaluation:** In the early phase of implementation the PRECOP RF has already been part of an evaluation exercise carried out under the framework of the P4M agreement: “Partnership for Modernization”. This exercise focused on the evaluation of the project in terms of its relevance and connections with the Partnership for Modernisation programme of the EU. The EUD contracted evaluator also inquired about the cooperation with the beneficiary institutions in the Russian Federation, their contribution to the design of the project and the ownership of the local beneficiaries over the project. According to the EUD contracted evaluator PRECOP RF is one of the few if not the only project in which there is additional funds to those from the European Union contributed by the Ordinary Budget of the Council of Europe under the Joint Programme funding framework for the Russian Federation.

To date the CoE has not received any feedback on the report prepared by the evaluator.

**ROM Monitoring:** A Result Oriented Monitoring (ROM) of the project took place on 27 November 2013. The project management team has supplied all the project documentation to the ROM monitor. The monitoring focused on the results achieved during the implementation of the project; the level of cooperation between EU/CoE and beneficiary institutions; quality of design of the project.

According to the monitoring report, the extended inception phase of the project has made it difficult to assess output and outcomes at the time of the Monitoring Mission. Though, it was noted that there is in fact an interest and a great ownership which is shown by beneficiaries’ contribution to the project and willingness in active participation in all of the forthcoming activities. The ROM gave the following grading to the project:

Relevance and quality of design	B
Efficiency of implementation to date	B
Effectiveness to date	C
Impact prospects	B
Potential sustainability	B

The overall positive trend of sustainability of the project is viewed through the prism of adoption of new anti-corruption laws, and newly established anti-corruption structures within the Russian government.



## 6 Progress toward Achievements, Conclusions and Risks

### 6.1 Achievements

Up to now the PRECOP team has managed to build a strong working relationship with the staff and representatives of the Federal Ombudsman for the Protection of Entrepreneurs Rights. Project staff is invited to attend various anti-corruption meetings organised by the beneficiary.

Considering the short period of implementation, there is little room to measure the effectiveness of the project to date or list achievement. However the project has already started to deliver some results. Key achievements of the project so far are:

- The launching conference of the project took place on 15 October 2013 in Moscow, Russian Federation;
- The project facilitated an ad-hoc study visit to the Council of Europe for the staff of the Office of the Federal Business Ombudsman;
- A comparative analysis on “Powers, Competencies and Practices of a Business Ombudsman Institution” was prepared by an international and local expert and was used as basis for discussion at a workshop on 17 December 2013; and
- Organized a workshop on “Powers, Competencies and Practices of Business Ombudsman Institutions”.

### 6.2 Conclusions

The implementation phase of the project follows a lengthy inception phase. In the initial three months of implementation the project has progressed steadily and as foreseen in the workplan. All planned activities have taken place; furthermore the project has facilitated an Ad-Hoc Study Visit to the Council of Europe by the staff of the Federal Business Ombudsman.

The initiative of the Federal Business Ombudsman to send staff to a Study Visit to the Council of Europe further underlines the commitment of the institution to the project.

During the period under review in addition to the activities reported above the project team has commissioned the preparation of four Technical Papers. These Technical papers are prepared by expert groups in the subject matter and the results of these papers are expected in 2014.

Taking into consideration the above it may be concluded that the early implementation phase of the project was productive and has built up on the solid basis of cooperation that was created during the inception phase of the project.

The cooperation with the European Union Delegation in Moscow continues to be very good. Representatives of the EU Delegation have always expressed their readiness to participate in the activities organized by the project.



The project remains on track and is considered to be challenging and ambitious while at the same time it has garnered a strong support from stakeholders including the Federal Business Ombudsman Office and the European Delegation in Moscow.

### **6.3 Risks**

Although the implementation of the project has started recently, there is enough evidence to show a strong commitment from the main beneficiary. However, considering the large number of activities and the limited resources (Human Resources) a greater flexibility will be required from the project management team. So far this flexibility was related mainly to postponing the dates of activities. Considering the fact that in the coming period the number and density of activities will increase there is a risk that some of the activities would need to be postponed and held back to back with other activities.

## 7 Visibility

### 7.1 PRECOP RF Website

Project news, upcoming events, and outputs/deliverables will be reported on the Council of Europe Economic Crime website ([www.coe.int/corruption](http://www.coe.int/corruption)), a section of which ([www.coe.int/precop](http://www.coe.int/precop)) is exclusively dedicated to the PRECOP RF project.

The website will provide regular information on all project activities and deliverables as well as news relating to the project. This Council of Europe official project site will have links to other relevant sites (national and international).



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**Action against economic crime**

**"Protection of the Rights of Entrepreneurs in the Russian Federation from Corrupt Practices" (PRECOP RF)**

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**PROJECT DOCUMENTATION & DELIVERIES**

- Project Summary
- Description of Action (DoA)
- Technical Papers

**WORKPLAN/SCHEDULE**

- Workplan

**REPORT / REFERENCES**

- Inception Report

**CONTACTS**

- PRECOP-Project

The Russian authorities have expressed concern that corruption and bureaucratic pressure on business is one of the main causes which hinders national economic growth and development in the country. It has also been recognized that raiding practices are carried out with the participation of bureaucratic structures or individual officials interested in gaining control of a business. Through the joint project on the "Protection of the Entrepreneurs Rights in the Russian Federation from Corrupt Practices" - PRECOP RF - the European Union (EU) and the Council of Europe (CoE) in cooperation with the Business Ombudsman's Office in the Russian Federation and other stakeholder institutions aims to facilitate and contribute to the implementation of mechanisms to prevent corrupt practices affecting the business sector in the Russian Federation. Specifically, the project will strengthen the capacity of the Business Ombudsman institutions and other authorities involved in protecting the rights of entrepreneurs in the Russian Federation from corrupt practices.

The project on "Protection of the Rights of Entrepreneurs in the Russian Federation from Corrupt Practices" is a joint action of the European Union and the Council of Europe. The project is implemented by the Council of Europe and has a foreseen length of 36 months starting from January 2013. The total amount of the budget is 1.3 million EUR jointly contributed by the EU Delegation in Moscow and the Council of Europe.

Following are the expected results:

- 1) Institutions of regional and public Ombudsmen are informed about the role, objectives and competencies of the Ombudsman for the Protection of Entrepreneurs' Rights under the President of the Russian Federation and international standards and practices of comparable institutions
- 2) Overview of good practices in CoE member-states and proposals for protecting whistleblowers in the area of corruption are available
- 3) Proposals are available to strengthen measures to prevent the misuse of public authorities corporate in conflicts, eliminating competition and forced takeovers
- 4) Practice of pro bono legal assistance in the protection of the rights of entrepreneurs is expanded
- 5) Proposals are available on resolving systemic problems of entrepreneurship for the Experts' Council under the Ombudsman for the Protection of Entrepreneurs' Rights under the President of the Russian Federation
- 6) Awareness of the business community is raised with regard to the risks of infringement of entrepreneurial rights and possible methods for their protection
- 7) ECtHR-case law relevant to entrepreneurs rights and related corrupt practices is made available and disseminated

## 7.2 The EU's visibility

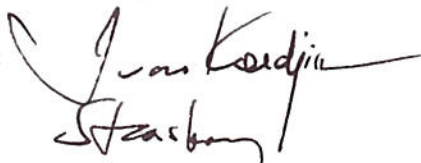
The project has and will continue to ensure the visibility of the EU's contribution at all stages of its activities. The Council of Europe has taken all appropriate measures to publicise the fact that the project funding is being received from a European Union and Council of Europe agreement. All reporting and information used and disseminated acknowledge that actions have been carried out "with funding from the European Union" by also displaying in an appropriate way the European Union logo.

## 7.3 Disclaimer


All publications included the following disclaimer: "This document (*report/publication etc.*) has been produced with the main funding from the European Union and the Council of Europe. The content of this document can in no way be taken to reflect the views of the European Union or of the Council of Europe".

Head of the Action against Crime Department: Ivan Koedjikov

Signature:



Location:



Date report sent:



## 8 Appendixes

### 8.1 Appendix 1: Workplan and indicative calendar

#### 8.1.1 Workplan

#	Description of Expected Result (ER) and Activity (Act)	Description of Action	Participants	Date	Status
All ER	Inception phase			January 2013 - September 2013	Completed
	Steering Committee Meetings	The Steering Committee will meet semi-annually. The first meeting is planned to take place on 14 October 2013. Following meetings are planned for: April 2014; October 2014; April 2015; October 2015	Members of the Steering Committee	Recurrent Semi-annual event	
ER 1	Institutions of regional and public Ombudsmen are informed about international standards and practices of comparable institutions (including in the context of competencies of the Ombudsman for the Protection of Entrepreneurs' Rights under the President of the Russian Federation)				
Act 1.1	Comparative analysis of international and Russian experience in terms of powers, competencies and practices of a business ombudsman institution	Prepare a comparative analysis of international and Russian experience in terms of powers, competencies and practices of a business ombudsman institution.  Details ❖ The study will be prepared jointly by international and local experts. In addition to the comparison the experts will present initial recommendations for reform. (2 experts up to 10 working days each)	2 experts (one international and one local expert)	October 2013 – November 2013	Completed

#	Description of Expected Result (ER) and Activity (Act)	Description of Action	Participants	Date	Status
		<p>Organize a workshop to discuss findings and recommendations of the analysis prepared under Activity 1.1</p> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ Following the submission of final draft by experts (see above), this workshop will provide an opportunity for the representatives of the Federal Business Ombudsman's Office as well as the representatives of the regional offices to discuss the outcomes and the recommendations for reform/changes made in the study.</li> </ul>	20 participants (10 participants from Regional Offices )	17 December 2013	Completed
Act 1.2	<p>Awareness-raising and training activities for regional and public Ombudsmen on international standards and practices of comparable institutions (including in the context of competencies of the Ombudsman for the Protection of Entrepreneurs' Rights under the President of the Russian Federation) and typologies (to be drawn from Activity 3.1)</p>	<p>Develop a training programme and handbook for regional ombudsmen and their staff (typologies to be drawn from Act 3.1)</p> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ A training programme and a handbook for regional ombudsmen will be developed by local experts (2 experts (international and local) up to 15 working days each for the training module and 3 days each for the handbook).</li> <li>❖ The aim of the programme and handbook is to serve as training material and as awareness raising tool. The training program will be adapted to the needs of the participants in the training.</li> </ul>	2 experts (one international and one local)	March 2014 - May 2014	
		<p>Organize six regional training events based on the training programme and handbooks developed under Act 1.2</p> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ Six training events with up to 20 participants. <ul style="list-style-type: none"> <li>○ One (2-3 days) training event will be organized as pilot event to test the</li> </ul> </li> </ul>	100-120 participants.	September 2014 - May 2015	



#	Description of Expected Result (ER) and Activity (Act)	Description of Action	Participants	Date	Status
Act 1.2	Awareness-raising and training activities for regional and public Ombudsmen on international standards and practices of comparable institutions (including in the context of competencies of the Ombudsman for the Protection of Entrepreneurs' Rights under the President of the Russian Federation) and typologies (to be drawn from Activity 3.1)	<p>programme (up to 20 participants of which 10 participants from the Regional Ombudsmen offices). Following this first delivery, the experts will update the programme based on the feedback from the participants (last day to be used for provision of feedback and discussion on how to improve the material).</p> <ul style="list-style-type: none"> <li>○ Five (2 days) training events based on the updated and final version of the training programme and the handbook. The events are organized in five key Federal Districts, with up to 20 participants for each event (16 representatives of regional ombudsmen will travel from nearby regional offices to attend the trainings).</li> </ul>	12 participants	November 2014	
ER 2	Overview of good practices in CoE member-states and proposals for protecting whistle-blowers in the area of corruption are available	Organize a study visit for the Representatives of the Federal and Regional Ombudsmen Offices to analogue institutions in a CoE member state.			
Act 2.1	Comparative analysis of practices in CoE member-states to protect whistle-blowers in the area of corruption	<p>Prepare a comparative analysis of practices in CoE member-states to protect whistle-blowers in the area of corruption.</p> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ The analysis will be prepared by international expert (up to 10 working days) and will cover practices on the protection of whistle-blowers in the area of corruption.</li> </ul>	2 expert (2 International experts)	November 2013 - January 2014	On-going

#	Description of Expected Result (ER) and Activity (Act)	Description of Action	Participants	Date	Status
Act 2.2	Development of proposals to regulate whistle-blower protection in the Russian Federation	<p>Development of proposals to regulate whistle-blower practices in the Russian Federation</p> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ Based on the results from comparative analysis prepared under Act 2.1 a technical paper with proposals and recommendations for regulation of the protection of whistle-blowers in the area of corruption will be prepared jointly by an international and local expert (up to 10 working days each).</li> <li>❖ The technical paper will be discussed at an expert level workshop in which in addition to the two experts who drafted the paper will participate another 20 local and international experts on the subject matter</li> </ul>	3 experts (two international and one local expert)	January 2014 - March 2014	On-going
		<p>Organize an expert level workshop to discuss and finalise proposals to regulate whistle-blower protection in the Russian Federation</p> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ Based on the outcomes of the comparative analysis foreseen in Act 2.1 and the TP with the proposals for regulation of the protection of whistle-blowers in the area of corruption an expert level workshop will be organized to discuss and finalise the two papers.</li> <li>❖ All experts who were involved in the development of the TPs from Act 2.1 and 2.2 will be present in</li> </ul>	20 participants	April 2014 [1 <sup>st</sup> half of April]	



#	Description of Expected Result (ER) and Activity (Act)	Description of Action	Participants	Date	Status
Act 2.2	Development of proposals to regulate whistle-blower protection in the Russian Federation	<p>the workshop. In addition 15-20 local participants will attend.</p> <p>Finalise and make available of the publication incorporating TP from Activity 2.1 and 2.2</p> <p>Organize public event to present the finalised proposals for regulation of whistle-blower protection in the Russian Federation</p> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ Following the finalisation of the publication of Technical paper developed under Activity 2.1 and 2.2 a conference for publication of the results with the participation of 40 representatives from all stakeholder institutions will be organized.</li> </ul>	N/A	April 2014 – May 2014	
ER 3	Proposals are available to strengthen measures to prevent the misuse of public authorities corporate in conflicts, eliminating competition and forced takeovers		40 participants (20 from regional offices)	October 2014 [Preceded by Steering Committee Meeting]	
Act 3.1	Comparative analysis of integrity and rule of law measures in CoE member-states and other international experience to prevent the misuse of public authorities in: <ul style="list-style-type: none"> <li>• corporate conflicts</li> <li>• eliminating competition</li> <li>• forced takeovers</li> </ul>	<p>Prepare an analysis of integrity and rule of law measures in CoE member-states and other international experience to prevent the misuse of power by public authorities in:</p> <ul style="list-style-type: none"> <li>• corporate conflicts</li> <li>• eliminating competition</li> <li>• forced takeovers</li> </ul> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ The analysis is to be jointly prepared by local and international experts and will include good practices, legislative and institutional frameworks as well as typologies (2 experts up to 10 working days each). The study should cover examples from at least 3 other CoE member states.</li> </ul>	2 experts (one international and one local expert)	November 2013 – February 2014	On-going

#	Description of Expected Result (ER) and Activity (Act)	Description of Action	Participants	Date	Status
Act 3.2	<p>Development of proposals to strengthen integrity and rule of law measures to prevent the abuse of public authorities in:</p> <ul style="list-style-type: none"> <li>• corporate conflicts</li> <li>• eliminating competition</li> <li>• forced takeovers</li> </ul>	<p>Develop technical paper with proposals to strengthen integrity and rule of law measures to prevent the abuse of public authorities in:</p> <ul style="list-style-type: none"> <li>• corporate conflicts</li> <li>• eliminating competition</li> <li>• forced takeovers</li> </ul> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ The proposals are to be prepared jointly by local and international experts in the form of technical paper (2 experts up to 5 working days each).</li> <li>❖ This technical paper (act 3.2) and the technical paper from act. 3.1 will be discussed at an expert-level workshop</li> <li>❖ Following the finalisation of the two documents a publication containing the two papers will be prepared and published by the CoE</li> </ul> <p>Organize workshop for the finalisation of proposal aimed at strengthening the rule of law measures</p> <p>Details:</p> <p>The workshop will bring together the experts (international and local) who worked on the drafting of the two technical papers and approximately 20-25 representatives of the beneficiary institutions with expertise on the subject.</p> <ul style="list-style-type: none"> <li>❖ The participants will discuss the findings in the two technical papers (act 3.1 and act. 3.2), and any potential changes or additions to the proposals already prepared.</li> </ul>	<p>2 experts (One international and one local expert)</p> <p>Up to 25 participants including the experts who prepared the TPs</p>	<p>November 2013 – February 2014</p> <p>April 2014</p>	<p>On-going</p>



#	Description of Expected Result (ER) and Activity (Act)	Description of Action	Participants	Date	Status
		Finalise and make available publication incorporating technical papers in Act 3.1 and 3.2 Details: ❖ The publication will be finalised in the period between March and May 2014, taking into account any feedback that is provided in the expert-level workshop	N/A	March – May 2014	
ER 4	Practice of pro bono legal assistance in the protection of the rights of entrepreneurs is expanded				
Act 4.1	Comparative analysis of international and Russian practices and principles for pro bono work, including issues of incentives, as well as professional standards	Prepare a comparative analysis of international and Russian practices and principles for pro bono work, including issues of incentives, as well as professional standards Details: ❖ The analysis is to be prepared jointly by local and international experts. The document will provide detailed information on the principles of pro-bono work, including issues of incentives and professional standards in at least 5 CoE member states and the Russian Federation (2 experts, up to a total of 10 working days).	2 experts (One international and one local expert)	March 2014 – April 2014	
Act 4.2	Proposals for improvement of pro bono services of lawyers and legal associations and professional standards in this area	Workshop (1) to discuss proposals for improvement of pro bono services Details: ❖ Following the preparation of the comparative analysis of international and Russian practices and principles for pro bono work, two workshops will be organized in May 2013 to elaborate proposals for improvement of the pro-bono services. Workshop (2) to discuss proposals for improvement of pro bono services	Up to 20 participants	20 May 2014	Siberia (TBC)  Moscow



#	Description of Expected Result (ER) and Activity (Act)	Description of Action	Participants	Date	Status
		<p>Details:</p> <ul style="list-style-type: none"> <li>❖ Following the preparation of the comparative analysis of international and Russian practices and principles for pro bono work, two workshops will be organized in May 2013 to elaborate proposals for improvement of the pro-bono services.</li> </ul>			
Act 4.3	<p>Conducting seminars and awareness events for legal associations and professionals for purposes of sharing practices of pro bono service</p>	<p>Conduct seminars and awareness raising events for legal associations and professionals for the purpose of sharing practices of pro bono service</p> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ Organize four seminars and awareness raising events (while taking into account results of act 4.1 and 4.2). Each of these events will target regional ombudsmen and representatives of legal associations who already provide or consider the provision pro bono services in the future. The project will ensure that international experts with experience in the field of providing pro bono services attend and share their experience and best practices.</li> <li>❖ One seminar will be organized in Moscow (up to 10 participants from nearby regions will be supported by the project), three seminars will be organized in regions in the Russian Federation. For each regional seminar up to 16 participants from nearby regions will be supported by the project to attend the event).</li> </ul>	20 participants per event; Up to 80 in total	June 2014 – September 2015	
		<p>Study visit on pro bono work for representatives of legal associations</p>	12 participants	September 2014	

#	Description of Expected Result (ER) and Activity (Act)	Description of Action	Participants	Date	Status
ER 5	Proposals are available on resolving systemic problems of entrepreneurship for the Experts' Council under the Ombudsman for the Protection of Entrepreneurs' Rights under the President of the Russian Federation				
Act 5.1	Preparation of research studies / recommendations on 5-10 issues relevant for the protection of rights of entrepreneurs from corruption identified in coordination with the Experts' Council	<p>Preparation of 5-10 research studies/recommendations on issues relevant for the protection of rights of entrepreneurs from corruption identified in coordination with the Experts' Council (organize up to 5 workshops to finalise these studies/recommendations)</p> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ The topics of the studies will be selected in coordination with the Experts' Council. Following the definition of the topics and the preparation of the papers resulting from these studies. Up to five workshops will be organized to discuss the findings and recommendations. The timeline for the preparation of the studies and the workshops will be agreed in meetings of the Steering Committee in April and October 2014.</li> </ul>	5-15 experts (International and local)  5 workshops * 20 participants each (up to 100 participants in total)	April 2014 – November 2015	
ER 6	Awareness of the business community is raised with regard to the risks of infringement of entrepreneurial rights and possible methods for their protection				
Act 6.1	Development of information materials for entrepreneurs on typologies of corruption risks, corruption cases, and on possible protection mechanisms	<p>Development of a handbook with information materials for entrepreneurs on typologies of corruption risks, corruption cases, and on possible protection mechanisms</p> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ The handbook will be developed by international and local experts who will develop the material by taking into account the findings from Act 3.1. two</li> </ul>	2 experts (International and local expert)	April 2014 – June 2014	



#	Description of Expected Result (ER) and Activity (Act)	Description of Action	Participants	Date	Status
Act 6.2	Provide a reference source and compile recommendations on good governance principles in business (compliance and integrity practices, anti-corruption charters, etc.) as a mechanism to reduce corruption risks	<p>experts up to 10 working days each.</p> <p>Develop a handbook with reference sources and recommendations on good governance principles in business (compliance and integrity practices, anti-corruption charters, etc.) as a mechanism to reduce corruption risks.</p> <p>Details</p> <ul style="list-style-type: none"> <li>❖ The handbook will be developed by international and local experts. (Two experts up to 10 working days each)</li> </ul>	2 experts (International and local expert)	October 2014 - November 2014	
Act 6.3	Conducting seminars and other events for the business community to raise awareness of existing forms of participation of entrepreneurs in anti-corruption mechanisms and on implementation of good governance principles and compliance mechanisms	<p>Conducting seminars and other events (eight in total) for the business community to raise awareness of existing forms of participation of entrepreneurs in anti-corruption mechanisms and on implementation of good governance principles and compliance mechanisms</p> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ The seminars will be planned in such manner as to take into account the findings from the TPs in Act 6.1 and Act 6.2.</li> <li>❖ To ensure broad regional coverage and dissemination of the information six of these seminars (30 participants each) will be organized in various regions in the Russian Federation. (the project will support participation of up to 20 participants from nearby regions to each of the six events)</li> <li>❖ One seminar will be organized within the “Young Entrepreneurs Season” in June 2014.</li> <li>❖ One seminar in Moscow (up to 40 participants, the project will support participation of up to 30 participants from nearby regions)</li> </ul>	Various	June 2014 – November 2015	
Act 6.3					

#	Description of Expected Result (ER) and Activity (Act)	Description of Action	Participants	Date	Status
ER 7	ECtHR-case law relevant to entrepreneurs rights and related corrupt practices is made available and disseminated	Review of ECtHR-case law relevant to the area of protection of the rights of entrepreneurs from corrupt practices (case law selected based on typologies from Act. 3.1)	1 expert (International)	May 2014 – September 2014	
Act 7.1	Review of ECtHR-case law relevant to the area of protection of the rights of entrepreneurs from corrupt practices	<p>Details:</p> <ul style="list-style-type: none"> <li>❖ The analysis will be prepared by an international expert (up to 5 working days). The case law reviewed will take into account the typologies from Act 3.1 as well as recommendations that result from the study visit to the ECtHR.</li> </ul>	Up to 12 participants from the office of the Federal Ombudsperson and the regional offices.	11 - 12 February 2014	On-going
Act 7.2	Awareness-raising seminars with business community, federal and regional ombudsperson staff, legal professionals, etc. to disseminate results of ECtHR case law analysis	<p>Details:</p> <ul style="list-style-type: none"> <li>❖ Participants will discuss with representatives of the ECtHR on the case law relevant to the infringement of entrepreneurs rights and related corrupt practices</li> </ul> <p>Awareness-raising seminars with business community, federal and regional ombudsperson staff, legal professionals, etc. to disseminate results of ECtHR case law analysis</p> <p>Details:</p> <ul style="list-style-type: none"> <li>❖ Two seminars will be organized with the aim of disseminating the results of the ECtHR case law analysis. The project will invite as speakers in these events the participants in the study visit to</li> </ul>	40 participants per event; up to 80 in total.		



#	Description of Expected Result (ER) and Activity (Act)	Description of Action	Participants	Date	Status
		<p>the ECtHR who will present their insight from the visit to the court.</p> <ul style="list-style-type: none"> <li>o One seminar will be organized in Moscow (up to 20 regional representatives will be supported by the project)</li> <li>o One event will be organized in a venue outside Moscow (up to 30 participants to be supported by the project).</li> </ul>			



















