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PROJECT AGAINST CORRUPTION IN ALBANIA (PACA)

TECHNICAL PAPER

**QUALITATIVE AND QUANTITATIVE INDICATORS TO ASSESS/MEASURE THE
IMPLEMENTATION OF
ANTI-CORRUPTION STRATEGY (ACS), THE ACTION PLAN (AP) AND LINE
MINISTRIES' ACTION PLANS.**

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PRACTICAL GUIDANCE TO THE COORDINATING INSTITUTION AND THE MINISTRIES

Prepared by:

John Heck, Netherlands

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For any additional information please contact:

Corruption and Fraud Unit
Economic Crime Division
Directorate of Co-operation - DG-HL
Council of Europe
F-67075 Strasbourg Cedex FRANCE
Tel +33 388 41 29 76/Fax +33 390 21 56 50
Email: lado.lalicic@coe.int
Web: www.coe.int/economiccrime

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1. Executive Summary

This document provides the Department of Internal Administrative Control and Anti-Corruption (DIACA) with advice and recommendations regarding the qualitative and quantitative indicators, to assess/measure the implementation of the Albanian Anti-corruption Strategy (ACS), the Action Plan (AP) and the line ministries' Action Plans¹. This includes examples of indicators for existing priorities, objectives and measures already contained in ACS and line ministry's work plans/policies. Furthermore, the document provides practical guidance to the coordinating institution DIACA and line ministries.

The document starts by providing DIACA with a reference framework for assessing/measuring the ACS and related Action Plans against international standards. This framework is based on the general criteria GRECO is using for the purpose of country assessments. The result is shown in Annex A.

The content of Annex A enables DIACA to make a comparison between EU member states on the one hand and Albania on the other. Albania may use this comparison as an *indicator in itself* for verifying the extent to which anti-corruption measures have been or should be implemented in compliance with international standards. Seeking compliance already fits well in the main project's first purpose to enhance the implementation of anti-corruption policies and strategies in line with GRECO and MONEYVAL recommendations and European Partnership commitments

Estonia has been selected by the Consultant as this country is one of the first former socialist countries which joined the EU in 2004, while Bulgaria became EU member state in 2007. The information in Annex A about Bulgaria is much more detailed, clearly indicating the various issues to be dealt with during the running-up to EU-accession. The anti-corruption measures of these countries are listed and described in a way that the Albanian authorities get a good understanding of the process and steps which these countries have taken in the so-called pre-accession phase. In the end all these measures are part of an ongoing process.

The Consultant further grouped the GRECO analytical framework to ten *generic* themes with subdivisions, directly related to the priorities and goals in the Albanian Anti-Corruption Strategy (ACS), namely :

- Anti-corruption policy definition in each structure (e.g. a ministry)
- Development of an anti-corruption policy related Integrated Planning System
- Clear definition of the scope of monitoring of anti-corruption monitoring
- Clear definition of the scope of anti-corruption monitoring of officials
- Strengthening and consolidating the coordination and policy role of the central institution responsible for anti-corruption policy
- Introduction of Inspectorates in the ministries
- Anti-corruption measures at regional/local level
- Communication and public information
- Improved Human resource management policy
- Developing tools (risk analysis, integrity audits)

From a methodological view, grouping of issues in the ACS is considered to be necessary. The various Chapters contain many measures, priorities and goals of a similar nature, which require a coordinated and coherent approach.

In the second part of this document, the suggested actions derived from these cross-cutting themes are elaborated. In the Action Plan below measures and indicators are presented, with the purpose to incorporate these in the existing (draft) Action Plans of Albanian ministries.

¹ The findings in this document are based on the "Cross-cutting Strategy for Prevention, Fight on Corruption and Transparent Governance, 2008-2013", October 2008; Line ministries' (draft) Action Plans of Education & Science, Customs, Health, Public Works, Transport and Telecommunication, Defence, Justice.

2. Preface

The Albanian Government has demonstrated its commitment in the field of countering corruption. According to the ACS a Task Force against corruption was established, headed by the country's Prime Minister, responsible for following the process of reforms in the fight against corruption. Various anti-corruption laws have been drafted and approved. Direct procurements were prohibited and more e-services for citizens introduced.

These ongoing activities are continued under the national cross-cutting Strategy for Prevention, Fight on Corruption and Transparent Governance, 2008-2013. This Strategy is focusing on actual reduction of the administrative corruption, as well as of the high level corruption, and on a substantial rise of the confidence in the institutions by setting the goal of achieving of the following main objectives:

1. Prevention, transparency, all inclusion and education
2. Corruption Investigation and Penalisation
3. Consolidation of Cooperation and Domestic and International Coordination

An Action Plan for 2009 was formulated and partially fulfilled, and a second year Action Plan 2010 has been approved.

However, further efforts are needed in this field in view of enhancing the capacity to prevent and counteract corruption both in the public administration and judiciary. The best way to do this is to recommend introducing practices already assessed as successful in other EU countries.

In the end the Albanian authorities will benefit from the application of anti-corruption instruments already evaluated as successful in other countries, as a basis for measuring the implementation of the National anti-corruption strategy and action plans against international standards.

3. Selection of compliance indicators

Based on GRECO' general assessment criteria and the policy guidelines in the Albanian ACS, the identification of issues for further elaboration on the one hand and the identified EU best practices on another, are a necessary step for a further taking of measures to change the situation to the better. The full list of issues the Consultant has selected and grouped for further elaboration by DIACA is shown in Annex A.

- A. Legal frame
 - Compliance with international legal instruments
 - Legal framework for public service
- B. Anticorruption Policy
 - Anticorruption strategy
 - Key Bodies implementing anti-corruption measures
 - Monitoring and evaluation of anticorruption policy
- C. Transparency
 - Legal instruments: access to information
 - Legal instruments: public participation
 - Requirements/ principles on creation, updating and maintenance of state institutions websites
 - E-governance
- D. Control of public administration
 - Internal control of public administration

- External control of public administration
- E. Recruitment
 - Procedures
 - Restrictions
- F. Rotation and Promotion
 - Possibilities
 - Procedures
- G. Training
 - Training provisions / requirements
 - Institutional capacity/establishments
 - Ethical training
- H. Conflicts of Interests
 - Legal framework
 - Assets declaration
 - Monitoring procedures
- I. Codes of Conducts/Ethics
 - Codes in legal framework
 - Applicability/ Dimensions of codes of conducts/ethics
- J. Gifts
 - Legal provisions
 - Sanctions
- K. Reporting Corruption
 - Reporting obligations
 - Protection of whistleblowers
- L. Disciplinary Procedures
 - Legal basis
 - Sanctions against misconduct
- M. Proceeds of Corruption
 - Legal basis and scope
 - Procedures

The review and analysis of selected EU countries best practices and achieved practical results in the area of the implementation of anti-corruption strategies is currently taken care of in the main Project, at least as legal provisions are concerned (Result 1.2). The Consultant strongly recommends DIACA to a further review the content of anti-corruption strategies, design and creation of an electronic archive to document the best practices and make them accessible to the public administration and civil society.

For the purpose of the assignment the Consultant will not go into details regarding a compliance matrix, other than to emphasize that a comparison with other EU countries will provide the Albanian anti-corruption authorities an important reference framework for strategy development.

4. Proposed manageable action plan

The action plan proposed below has the purpose to prescribe in more detail the concrete steps to be taken already identified in the ACS but not yet (systematically) incorporated in the ministerial Action Plans. It describes proposed actions in alignment with the existing format in use by the Albanian ministries². The Consultant is of the opinion that the selected Actions fit well in the current stage of anti-corruption development in Albania. Of course, more actions could be listed, but the feasibility of proposals in the Albanian context needs always to be considered. For example, one could stress the importance of whistle blower protection (what it is), but to embed this effectively in an administrative structure, is quite another thing.

As regards the timing for the implementation of the measures and subsequent activities, this will be highly dependent on the concrete commitment by the Beneficiary and the way it will handle the proposed measures for consultation and decision-making. The proposed actions are in line with the Anti-corruption Strategy 2008-2013 and the best way to ensure their proposed implementation would be by including them in the ministerial Action Plans for the implementation of the Strategy in 2010 and in the next year (2011) planning of activities. The Action Plan reflects activities applicable to the Executive Power and the Judiciary, while these are clearly separate branches of power.

4.1 Actions

Below a brief explanation is presented of each proposed objective and subsequent measures and the modalities needed, with the aim to incorporate these *cross-cutting issues* in *each ministerial action plan, as well as the action plan of DIACA*.

Action # 1: Anti-corruption policy definition in each structure (administrative body)

Objective: Development of an anti-corruption policy in each administrative structure (ministry, regional/local administration).

Measures:

- a. Based on the ACS' guidelines, an anti-corruption policy needs to be developed in, principally, each administrative structure in Albania's public sector: ministries, state agencies, state commissions, executive agencies, regional and local administrations. Legislative amendments (of e.g. a Law regulating the Civil Service) are worth being considered in this respect.
- b. An anti-corruption policy in each structure should be the result of a highly participatory process. In a ministry a Secretary General is in the best position to guide this process. Staff, not only management, should be involved in policy drafting. Pre-conditions: the development of guidelines for anti-corruption policy-making in each structure (how to do) and training(programmes) based on the need to participate in the policy making process.
- c. At some stage the business sector, NGOs, media and the public should be involved, as a pre-condition of effective policy-making and (broad) acceptance of its implementation.
- d. An anti-corruption policy should be drafted in each public structure on central and regional/local level. This means that the division of responsibilities and tasks between the central and regional/local level should be clear, based on the assumption that the regional/local level in itself is involved in policy-making on anti-corruption and not only plays the role of implementer of the national strategy.

Respective/Cooperation institutions: As far as these measures require legislative amendments, the Council of Ministers (CoM) should be in charge of the organisation of the drafting. The implementation

² Technical Paper: Guidelines for Albanian Line Ministries on the elaboration of sectoral anti-corruption Action Plans, prepared by PACA Team Leader Mr. Quentin Reed, January 2010.

of the activities “b” and “d” will be highly dependent on development of generic guidelines for policy-making on anti-corruption, to be prepared by the Inter-ministerial Task Force/DIACA.

Performance deadline: Measure “a” as described above is a precondition to the others, but the other activities proposed could nevertheless start simultaneously. Although depending on the legislative programme(s) it will be appropriate to have them implemented at the time of the adoption of the next anti-corruption Action Plan for the implementation of the ACS. Then following the national action plan, each administrative structure could start its own anti-corruption policy development.

Implementation resources: Respective human and financial resources should be provided to insure implementation of the action in each administrative structure (ministry, regional/local counterparts)

Monitoring indicators: Availability of anti-corruption policy plan in each administrative structure, ministries. Legal and organisational basis (working group) established. Elaborated indicators are shown in Annex B, Questionnaire, section A Organisation/Culture.

Action # 2: Development of a policy related Integrated Planning System

Objectives: To establish a planning system to monitor the anti-corruption policy. This objective is a logical consequence of the development of an anti-corruption policy definition in each administrative structure.

ACS-reference, page 23: “The implementation of this strategy shall be based on indicators and criteria of accountability, monitoring and standard evaluations according to the Integrated Planning System”.

Measures:

According to the ACS the monitoring of the implementation of the anti-corruption policy (strategy) shall be based on a Integrated Planning System. This means that it shall be oriented at the policy-making, and not limited to reporting of results. The purpose of monitoring should be to identify existing problems in the anti-corruption framework, both in terms of laws, practice and vulnerable areas that need specific response (measures planned) in the next AC policy (strategy).

Respective/Cooperation institutions: Starting up the practical process of the “Integrated Planning System” in a ministry (Ministerial Monitoring Plan) is a first responsibility of each Minister, delegated to a Secretary General and of a similar Authority on the regional/local level. As this activity is closely connected with the Action # 1 described above, its implementation will be highly dependent on development of generic guidelines for policy-making and subsequent reporting, to be prepared by the DIACA.

Performance deadline: The relation with Activity # 1 puts it in line with its timing. It serves as a tool for review and anticorruption policy development.

Implementation resources: The obligation to report on the implementation of the anti-corruption policy could be deriving from the law (the legislative amendment as described above) or the subsequent guidelines (referred to above). Respective resources should be provided to insure implementation of the action in each administrative structure and concrete steps should be designed for (electronic) reporting and publication on-line.

Monitoring indicators: Reference document for an Integrating Planning System available and submitted to stakeholders. Quarterly reports from ministries and regional/local public administrations.

Action # 3: Clear definition of the scope of anti-corruption monitoring

Objective(s): To define the scope of anti-corruption monitoring.

This is connected with Measures # 1 and # 2 described above. It follows the approach of anti-corruption policy formulation and monitoring in each structure and is also based on the idea of utmost adhering to international standards.

Measures:

The framework of the anti-corruption monitoring shall be defined by a number of issues closely linked to the organization’s capacity to resist to (corruption) temptations. The set of issues corresponds to the evaluations under GRECO and elaborated in Annex A. The basic monitoring criteria are linked to:

Legal Framework, Anticorruption Policy, Transparency, Control of public administration, Recruitment, Rotation and Promotion, Training, Conflict of Interest, Codes of Conducts/Ethics, Gifts, Reporting Corruption, Disciplinary Procedures, Proceeds of Corruption.

Respective/Cooperation institutions: As the measure proposed is closely interrelated with the Action # 1 and # 2 described above, the details on the scope of the monitoring are to be prepared by DIACA.

Performance deadline The relation with Activity # 1 puts it in line with its timing. The scope for monitoring should be in place for the policy definition in each structure.

Implementation resources: The scope for anti-corruption monitoring should be defined by generic tools (guidelines) developed by DIACA. Necessary sample forms and other tools, as well as correspondent training are welcome to support this action.

Monitoring indicators:

Guidelines for the scope of monitoring available.

Action # 4: Clear definition of the scope of anti-corruption monitoring of officials

Objective(s): To define the scope of anti-corruption monitoring of officials.

This objective is connected with Actions # 3 described above. It follows the approach and policy starting point that a *preventive* strategy should be strictly linked with an *integrity policy*.

This objective relates to ACS' general vision comprises the strengthening of the institutions integrity and promotion of values in the governance. However, the concept of integrity needs to be clarified. Therefore, the following measures are proposed:

Measures:

a. A definition and interpretation broader than corruption as bribing, but specific enough to be limited to relevant violations of moral values, norms and rules shall be used. This stems from the term *integrity* in the meaning of moral quality of behaviour (translated in the international context often as *rules of ethics*). Integrity of civil servants and organizations is a basic value to arm against corruptive behaviour.

b. Monitoring of high and low ranking officials shall embrace the following issues:

- ❖ Corruption/ bribing
- ❖ Corruption: nepotism, cronyism, patronage
- ❖ Fraud and theft
- ❖ Conflict of (private and public) interest
- ❖ Improper use of authority
- ❖ Misuse and manipulation of information
- ❖ Discrimination and sexual harassment
- ❖ Waste and abuse of resources
- ❖ Private time misconduct.

Respective/Cooperation institutions: As the action proposed is closely interrelated with the Action # 3 described above, the details on the scope of the monitoring are to be prepared by DIACA

Performance deadline: The relation with Activity # 3 puts it in line with its timing. Monitoring of officials is an integral part of the scope for anti-corruption monitoring.

Implementation resources: The scope for anti-corruption monitoring of officials should be defined by generic tools (guidelines) developed by DIACA, derived from the definition or description of "integrity". This will put Albania also in line with the UN Convention Against Corruption and other international anti-corruption legislation.

Monitoring indicators

Policy framework available for monitoring officials in the public sector.

Action # 5: Strengthening and consolidating the coordination and policy role of the central institution responsible for anti-corruption policy

Objective(s): To improve cooperation and coordination among the key partners of the state anti-corruption institutions at central and regional level and the civil society.

This objective is considered to be very important for the implementation and improvement of the anti-corruption policy in Albania. The strengthening of the cooperation between the state anti-corruption bodies will ensure sustainability and clear responsibility for all the anti-corruption preventive and repressive measures. An adequately equipped central coordinating body follows the EU best practices assessed and is in line with what was observed in EU countries with good results in prevention of corruption in particular.

Measures:

a. To strengthen the institutional capacity of DIACA to carry out its coordinating operations most effectively.

b. DIACA shall be attributed with its own budget supporting the Council of Ministers

c. DIACA shall implement the task of Policy Advice which consists of:

- ❖ Under the aegis of the CoM, development of anti-corruption policies and instruments aimed at prevention, e.g. Integrated Planning System, codes of conduct, methods for integrity audits (see also Action 10# below)., This includes development of guidelines for (decentralised) risks analysis and on ways to control risks and producing reference frameworks for questionnaires for organisations to determine what their vulnerable functions/jobs are (see Annex B);
- ❖ Acting as a Centre of Expertise (advice on legal issues, reporting, etc.);

d. DIACA shall implement the task of Coordination::

- ❖ Under the aegis of the CoM, coordination of all government administrations, including regional/local authorities involved in the prevention and detection of corruption, in order to design and implement an overall policy for (first of all) the prevention of corruption in Albania; Annex C provides for a Function Analysis to avoid overlaps of activities and responsibilities. This tool will help DIACA to avoid overlaps and to indicate who is responsible for what, in order to establish a clear coordination structure for preparing and implementing anti-corruption measures
- ❖ Act as a Central Registration Office for Integrity Breaches, or Reporting Point, using a broader definition of integrity breaches than just corruption and fraud: e.g. conflict of interest, misuse and manipulation of information, incompatible functions/activities, improper use of authority, waste and abuse of resources, see Action # 4 above);
- ❖ Liaise with international counterparts, Parliament and other stakeholders.
- ❖ Consultations and starting-up procedures for *internal* investigations on integrity violations within the public service in cooperation with Inspectorates (see Action # 6 below), if necessary, with and in consultation with external law enforcement agencies (General Prosecutor's Office, Police, National Auditor, etc.), if a case has to be transferred to law enforcement agencies.

e. DIACA shall implement the task of Monitoring:

- ❖ Under the aegis of the CoM, initiate and monitor an Integrated Planning System in cooperation with Secretary Generals, Inspectorates (see Action # 6) in ministries and the competent Regional/Local authorities;
- ❖ Review Action (sector) plans
- ❖ Reporting to stakeholders (CoM, civil society, etc), analysing, monitoring and policy advice (based on monitoring results, annual trends, etc);

- ❖ Data collection (statistics, national, international, IT systems);

f. DIACA shall implement the task of Communication :

- ❖ Under the aegis of the CoM, stimulation and support on anti-corruption communication/public information
- ❖ Information exchange (organising conferences, website, organising platforms with stakeholders, civil society)
- ❖ Coordination of awareness raising campaigns at general public, civil service and private sector;

g. DIACA shall implement the task of Training advisor :

- ❖ Under the aegis of the CoM delivering inputs for training needs assessments and advice (not conducting) on anti-corruption training(programmes), in co-operation with Albanian and international specialised public and private training institutes;

Respective/Cooperation institutions: Structural regulations determining DIACA's structure, functions, management, staff etc. issues is necessary. The respective budget, (additional) staff, staffing and equipment should be designed and training should be conducted for the staff with the involvement of the CoM,

Performance deadline: The proposed measures and subsequent activities are rather serious and would require a period of time. Perhaps in 2011 is the earliest time when such a full fledged inter-agency structure would be able to start working effectively. Speeding up the process (without lowering the current level of quality of work) would be welcomed, as a strengthened DIACA needs to be in place for drafting policy guidelines (Action # 1), coordination and tools development, necessary for the decentralised policy development in each structure (See the Actions above). The policies in each structure are realistic to be considered, which takes time. Nevertheless, the necessity to attribute budget for DIACA requires that the action should start as soon as possible and to be considered in the 2011 budget planning.

Implementation resources: The necessary actions are: a decision passed by the Council of Ministers (CoM) to strengthen the capacity of DIACA; adoption of structural regulations by the Council of Ministers determining its structure, functions, management, staff, etc. The respective budget, building (premises), staffing and equipment should be designed and training should be conducted for the staff.

Monitoring indicators:

- Proposals for the institutionalisation of the coordination between anti-corruption state institutions and other Partners available. .
- Proposals for strengthening the capacity of DIACA available, additional staff.
- A web-based portal operational for generating feed-back from citizens and other stakeholders on anti-corruption law drafts and policies

Action # 6: To introduce independent anti-corruption Inspections in all administrative structures

Objective(s): To improve anti-corruption inspections and to introduce or strengthen Inspectorates in administrative structures.

This objective comes in a logical connection with the measures described above. It aims at establishing independent Inspectorates through a close relation with the central coordinating mechanism, DIACA.

This objective should not be confused with financial audits, generally carried out by financial auditors. The proposed Inspectorates (in each ministry) in this document are charged with handling with corruption signals/integrity violations and advice on disciplinary or penal sanctions, but *also* with

prevention: the identification of vulnerable, corruption prone spots, activities and advice to strengthen the resistance capability of the ministerial organisation.

Measures:

- a. To establish independent Inspectorates, subordinated to the CoM, but functionally positioned in a ministry. Reporting directly to the central interagency body DIACA, in order to ensure its independent reporting.
- b. The role of Inspectorates shall be extended by giving them additional tasks and tools to implement a preventive anti-corruption policy (see Action # 10)..
- c. A clear distinction between the functions of the Inspectorates linked respectively to prevention and repressions shall be made. On the level of their internal organisation this means splitting Inspectorates in two organizational units.

Respective/Cooperation institutions: As the action proposed would require a change in legal provisions to regulate the relations and subordination of administrative Inspectorates, the Council of Ministers will be in charge to propose amendments to the Parliament.

Performance deadline: The Activity is related with Activity # 5 (DIACA's monitoring task), but requires less effort and time for implementation, so it could easily precede it.

Implementation resources: Amendments in the legislation concerned and in structural regulations of the executive bodies, if necessary.

Monitoring indicators:

Proposals for the establishment of Inspectorates in each ministry (and regional/local administration) available.

Action # 7: Strengthening the fight against corruption at regional and local level

Objectives: To enhance cooperation and coordination of anti-corruption policies at central and regional level, as well as at providing better support (from the central level) to the regional efforts.

A national anti-corruption strategy presumes the input of and cooperation with the regional/local authorities. The central government level will need information about the occurrence of corruption in various geographical areas in Albania. E.g. a town with a port has other (corruption) problems than a town or region where agriculture is dominant. To set priorities it is necessary to have a good and nation-wide picture of the phenomena of corruption and how it develops. This relates to Action # 2 and #5, particularly sub e.

Measures

- a. Prepare guidelines with recommendations and instructions for regional and local authorities on how to interact with and to coordinates the activities of all the regional partners and with DIACA.
- b. The Regional/Local authorities themselves shall take the responsibility for curbing corruption and stimulating the ethics and integrity at their respective administrative level. They shall institutionalise effective integrity programmes of their own, with the support of the central interagency coordination mechanism/DIACA. They shall be in charge of monitoring integrity breaches at a regional level and reporting to Inspectorates (Action # 6);
- c. The establishment of anti-corruption structures in the regional/local administrations shall also provide a basis for support to NGO's, in terms of advice and exchange of information. NGO's shall be involved in the definition and monitoring of a regional anti-corruption policy. This all will contribute to a greater professionalism of the regional/local authorities involved and a single approach to integrity issues and preventive policies, under the guidance and support of DIACA.

Respective/Cooperation institutions: The regional/local authorities should discuss the proposed objective in their meetings and come out with resolutions to be further proposed to the Council of

Ministers for consideration and adoption of respective decisions. Associations of Municipalities or Local Governments need to be involved

Timing: The decision to entrust regional/local authorities with developing anti-corruption policies would go along with proposals to make the necessary adaptations in the legal environment (if necessary).

Implementation resources: Legislative amendments in the Regulations for Regional/Local Governments or at least providing staff and budget for the activities “a” and “b” should be implemented.

Monitoring indicators:

Number of legislative proposals produced to assign regional/local authorities with specific anti-corruption policy tasks.

Regional/local Anti-corruption plans available.

Action # 8: A framework for anti-corruption Communication and public information

Objective(s):To support ministries in the elaboration and implementation of sectoral media campaigns.

Anti-corruption prevention requires a correspondent flow of two-way information, to and from the public. As well, effective prevention of corruption goes closely with public participation which requires more information disclosed. Transparency itself is a measure to prevent corruption and raise public confidence in the public administration. In that respect communication is a policy supporting element and an integral part of policy-making.

Measures:

- a. Develop a Communication Strategy Framework and Action Plan on anti-corruption. Awareness raising campaign addressed to the media shall be focused on preventive measures. This helps to avoid uncoordinated media campaigns.
- b. The departments for public relations in the different administrative structures shall be involved in the process of active disclosure of information related to prevention of corruption. However, they shall be oriented at providing public information (documents, policies) instead of mere PR campaigning. Monitoring results, analyses, reports, conflict of interests declarations etc, shall be disclosed, including by internet, aiming at ensuring as much transparency as possible. This will create an opportunity to maintain public confidence in the civil service and government.
- c. Organise trainings on active communication. Issues: who is the messenger, the receivers, what message, when, which instruments, etc. This includes the need for a inter- ministerial infrastructure for the coordination of communication in ministries and other administrations.

Respective/Cooperation institutions The Council of Ministers, DIACA, policy directorates, departments in charge of communication should be involved.

Timing: The is more easy to be implemented and should support the other actions listed, provided that these measures can be dealt with by a designated coordinating Authority.

Legal means and resources: This Action require mainly organisational steps as to involve the departments for public relations in the process.

Monitoring indicators:

-Communication strategy framework and Action Plan developed for sector media campaigns in priority areas.

-Infrastructure (capacity, budget) for communication available.

Action # 9: Improve human resource management policy

Objective(s): To enhance the knowledge, professionalism and expertise of the employees and heads of the anti-corruption structures in Albania, based on EU HRM-practices (personnel policy).

This objective follows the understanding that training is an important measure of a preventive strategy and should be linked with the *integrity policy*, which on its turn is part of the human resource policies of the public administration.

Measures:

- a. Develop and deliver a training programme for high level public officials and magistrates.
- b. Support the provision of improved anti-corruption education to all levels of public officials and magistrates, by developing a methodology for on-line and off-line training and elaborate training modules for these trainings.
- c. Trainings should be placed on the “demand and supply” approach, which means that the training needs in each administrative structure should be separately and internally assessed.

This includes the embedding of anti-corruption training in a career development plan, focusing on the relevance for a specific (future) job.

Trainings should embrace legal issues, policy making and monitoring of policy implementation, risk assessment and integrity audits, dilemma trainings.

d. In-house information on integrity and ethics of civil service should start immediately after the recruitment of civil servants. Civil servants holding positions that are especially vulnerable to corruption, should receive special awareness training tailored to the specific circumstances of their jobs, such as moral judgement trainings during which participants systematically analyse everyday work dilemmas with their colleagues.

e. In addition, education is also important. In this context, education refers to the raising of recognition for anti-corruption related issues through transfer of knowledge outside the formal training procedure. This may be effected through the collaboration with NGOs and other entities that may undertake programmes to raise the level of knowledge with respect to issues such as anti-corruption prevention and integrity.

Respective/Cooperation institutions: As regards activity “a” the CoM should take necessary steps. An Albanian training institute should be in charge of preparing more “*demand and supply*” oriented programmes, while the administrative HRM-structures (ministries) should be involved in the process of demanding. Coordination role is attributed to DIACA.

Timing: The activity goes together with all the described activities, but should be started once the training programme is adopted and clear. Then the staff of the administrative structures should be trained and involved in the processes.

Legal means and resources: As regards activities “b” and “c” described above, the measures proposed do not require legislative amendments. It requires, besides budgetary provisions, building of sufficient capacity by an Albanian Training Institute for trainings on the *demand and supply* principle. A National anti-corruption training programme should be considered.

Monitoring indicators:

- National Training Programme and training infrastructure available
- Number of officials, magistrates trained
- Modules for on-line, off-line training and methodology for training developed

Action # 10: Prepare strategic tools for implementation of anti-corruption integrity audits at all levels within the central and regional structures of the Executive Power and the Judiciary.

Objective(s): To develop a methodology for conducting anti-corruption integrity audits in all administrative structures in the Executive Power and Judiciary

Measures

Integrity audits should be conducted regularly as a self-assessment of each administrative structure (organization), containing at least three necessary stages:

- stage A an inventory is made of vulnerabilities: the vulnerable activities should be identified;
- stage B: in order to assess whether the potential vulnerabilities identified at stage A are actually vulnerable, an insight is gained into the existing resistance capability against corruption of the organisation;
- stage C: if the vulnerability appears to surpass the resistance capability, recommendations are made to enhance this capability.

Annex B (Questionnaire) relates to such a self-assessment and shows a list of issues to be dealt with. It is a tool for assessing the state of affairs on anti-corruption measures an organisation, e.g. a ministry, has taken.

Respective/Cooperation institutions: DIACA should be mainly in charge of (only) *development* of this generic tool for corruption prevention, while all the executive bodies, particularly their Secretary Generals and Inspectorates (Action # 6) should be involved in *implementing* the integrity audits. Results reported to ministers and DIACA.

Timing: The activity is to be introduced the sooner the better. However, correspondent training should be conducted to prepare the staff involved in the use of this tool.

Legal means and resources: Guidelines for anti-corruption, integrity audits, methodology and action plans are to be prepared. Trainings and pilots are needed.

Monitoring indicators:

- Methodology to identify vulnerable, corruption prone activities, functions, processes developed.
- Reports on anti-corruption surveys conducted in ministries, regional/local administrations.

4.2 Action Plan in a Table

#	Objectives	Measures	Respective/Cooperating institutions	Performance deadline	Implementation resources	Monitoring indicators
1.	To develop an anti-corruption policy in each administrative structure (ministry, regional/local administration).	Anti-corruption (preventive) policy shall be developed in each administrative structure	DIACA, ministries, regional, local governments, civil society	See text above	See text above	Availability of anti-corruption policy plan in each administrative structure, ministries. Legal and organisational basis (working group) established
2.	To establish a planning system to monitor the anti-corruption policy	Introducing a policy related Integrated Planning System	DIACA, ministries, regional, local administrations			-Reference document for an Integrating Planning System available and submitted to stakeholders. -Quarterly reports from ministries and regional/local public administrations.

3.	To define the scope of anti-corruption monitoring	Using the GRECO framework for self-assessment	DIACA			Clear definition of the scope of anti-corruption monitoring developed.
4.	To define the scope of anti-monitoring of officials	Widen the scope of corruption Introducing the term "integrity" in legal documents	DIACA			Clear definition of the scope of anti-corruption monitoring of officials developed
5.	To improve cooperation and coordination among the key partners of the state anti-corruption institutions at central and regional level and the civil society	Strengthen the institutional capacity of DIACA to carry out its coordinating operations most effectively.	DIACA, all institutions in Executive Power and Judiciary, involved in prevention and repression of corruption			-Proposals for the institutionalisation of the coordination between anti-corruption state institutions and other Partners available, -Proposals for strengthening the capacity of DIACA available, additional staff. -A web-based portal operational for generating feed-back from citizens and other stakeholders on anti-corruption law drafts and policies

6.	To introduce independent anti-corruption Inspections in all administrative structures	Establish independent Inspectorates, subordinated to the CoM, but functionally positioned in a ministry.	DIACA, ministries			Proposals for the establishment of Inspectorates in each ministry available
7.	To strengthening the fight against corruption at regional and local level	Develop preventive policy on regional/ level	DIACA, regional and local authorities			
8.	To support ministries in the elaboration and implementation of sectoral media campaigns.	<ul style="list-style-type: none"> -Develop a Communication Strategy Framework and Action Plan on anti-corruption. -To involve the units for public relations in the different administrative structures in the process of active disclosure of information related to prevention of corruption. -Organise trainings on active communication 	DIACA, Authority in charge of coordination government communication, ministries, civil society			<ul style="list-style-type: none"> -Communication strategy framework and Action Plan developed for sector media campaigns in priority areas. -Infrastructure (capacity) for communication available
9.	To enhance the knowledge,	-Develop and deliver a training programme for	DIACA, Training institutes, ministries,			-National Training Programme and

	professionalism and expertise of the employees and heads of the anti-corruption structures in Albania, based on EU HRM-practices	<p>high level public officials and magistrates.</p> <p>-Support the provision of improved anti-corruption education to all levels of public officials and magistrates, by developing a methodology for on-line and off-line training and elaborate training modules for these trainings.</p> <p>-Start In-house information on integrity and ethics of civil service immediately after the recruitment of civil servants</p>	HRM departments.			<p>training infrastructure available</p> <p>-Number of officials, magistrates trained</p> <p>-Modules for on-line, off-line training and methodology for training developed</p>
10.	To develop a methodology for conducting anti-corruption integrity audits in all administrative structures in the Executive Power and Judiciary	Conduct Integrity audits regularly as a self-assessment of each administrative structure	DIACA, Inspectorates, Ministries			<p>Methodology to identify vulnerable, corruption prone activities, functions, processes developed.</p> <p>-Reports on anti-corruption surveys conducted in ministries, regional/local administrations</p>

5. ANNEX A

Table for Review, Assessment and Comparison of the EU best practices on anti-corruption Introduction to the comparison between (selected) EU countries and Albania under the framework of GRECO compliance.

The proposed comparison aims at some kind of assessment of the Albanian situation with regard to the state of affairs on anti-corruption efforts. The reference framework for such an assessment is based on the structure used by GRECO. The assessment and subsequent analysis, needs to be done by comparison with selected EU countries, in this paper Estonia and Bulgaria.

Apparently, a comparison between countries differ also between themselves in their compliance with the framework of GRECO. This in some cases is due to the fact that a country did not ensure the same level of compliance as others. In other cases this is because different countries undertook different measures to achieve the same goal. Consequently the purpose of the proposed analysis is not to duplicate the analysis made under the GRECO evaluations, but to draw out the best compliance with the GRECO framework on the basis of the review of the situation in the selected countries, and to make reference to the situation in Albania on each GRECO criterion. This means that we speak more of discrepancies between the selected EU countries and Albania rather than of a compliance/ non-compliance scheme.

Best compliance with the GRECO framework would mean that even in cases when only one of the selected EU countries presents a higher level of law or practices, this would be regarded as a sample. The purpose of the analysis is not to present a purely abstract speculation, which determines the average position of each country at issue or measures compliance or progress. The only purpose is to make a comparison with regard to proposing best practices to the Beneficiary of the current project helping to improve the Albanian context and to structure better the efforts to prevent and counteract corruption. Therefore the first step for the coordinating body would be to find out discrepancies between the situation in Albania and selected EU countries as reviewed under the GRECO framework and assess them.

A second step would be to propose feasible solutions for Albania, which requires a separate feasibility study (not elaborated in this document).

Criteria	Estonia	Bulgaria	Compliance/discrepancy with EU best practices (to be completed by DIACA)	Indicators/criteria
A. Legal frame				
1. Compliance with International legal instruments	Ratified: - the Convention on Laundering, Search, Seizure, and Confiscation of the Proceeds from Crime; - the Civil Law Convention On Corruption; - the Criminal Law Convention on Corruption. -Participates in the Council of Europe's Agreement Establishing the Group of States against Corruption (GRECO), the Baltic Anticorruption Initiative, the Anticorruption Network hosted by OECD.	Ratified: • Council of Europe Criminal Law Convention • Council of Europe Civil Law Convention on Corruption in 2000 • UN Convention Against Corruption • Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (January 2007) • Criminal code (CC) gradually amended in the last years to ensure a wider scope of corruption		➤ All international legal instruments to fight corruption ratified.

		<p>crimes and liability</p> <ul style="list-style-type: none"> • OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions ▪ Member of GRECO (since 1999) 		
<p>2. Legal framework for public service</p>	<p>The Legal framework for the civil service is set in the Public Service Act. The Act outlines three groups of public servants:</p> <ul style="list-style-type: none"> -officials; -support staff; -non-staff public servants. <p>The Public Service Act applies if not otherwise provided by the Constitution or specific Acts, to: the Auditor General, the Chancellor of Justice; the judges; police officers; border guard officials; prison officers and prosecutors.</p>	<p>The regulatory basis for civil servants (executive) is given by:</p> <ul style="list-style-type: none"> • Law on Civil Servant (including a definition of civil servant). • Law on Public Administration and the Law on Local Self-governance and Local Administration regulates the administration of the executive power also applicable Administration within Legislative and Judiciary regulated by special laws (norms): • Regulation on the 		<ul style="list-style-type: none"> ▪ Civil Service legal framework is based on Public Service Act

	<p>Organization and Activity of the National Assembly,</p> <ul style="list-style-type: none"> ▪ Law on Judicial Power regulates the administration of the judiciary power. <p>Civil servants are split in two categories:</p> <ul style="list-style-type: none"> -Civil servants with managerial functions - Civil servants with expert functions <p>The first category comprises secretary general, chief director and director.</p> <p>Public officials (authorities) and members of collective bodies, advisors and experts to political cabinets and support (technical) staff are not in the scope of civil servants. They</p>		
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		<p>are employed under the Labor code or civil contract by exception</p> <ul style="list-style-type: none"> • Administration in any executive body is split in two categories, general and specialized administration. 		
B. Anti-corruption policy				
3. Adoption of anti-corruption laws	<p>The main legal instruments that address issues related to corruption include the Anticorruption Act, the Public Service Act, the State Procurement Act, the State Property Act, the Money Laundering Prevention Act, the Public Information Act, and the Penal Code.</p>	<p>There is not a single anti-corruption law, but a number of laws refer to the issue:</p> <ul style="list-style-type: none"> • Criminal code (recently amended to embrace larger scope of crimes related to corruption under the international anti-corruption legal framework) • Law on Civil 		<ul style="list-style-type: none"> ➤ Specialised anticorruption laws adopted and/or anticorruption activities are regulated under a general legal framework

	<p>Servants (1999), last amendment 2006; legal service, definition of conflict of interests etc.)</p> <ul style="list-style-type: none"> ▪ Law on Publicity of the Assets and Incomes of High Ranking Officials (2000), last amendment September 2006; transparency and monitoring of income and assets of high ranking officials) • Laws on the measures against the money laundering • Law on the confiscation of property obtained illegally Law on National Audit Office • Law on the State Financial Inspection • Law on internal audit in the 		
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		<p>public sector and Law on the financial management and control of the public sector (2006)</p> <ul style="list-style-type: none"> • Law on Access to Public Information • Law on Public Procurement (2004) last amendment 2006. 		
4. Anti-corruption strategy	<p>Until 2004 the anticorruption issues were talked in the National Strategy for Crime Prevention. In 2004 Estonia adopted the Honest State Strategy 2004-2007 as a main strategic document that outlines the vision of the state for fighting corruption.</p> <p>The strategy gives a brief overview of the already achieved results and marks the tasks that should be implemented by the state in order to sustain and improve</p>	<ul style="list-style-type: none"> • Strategy for Transparent Governance and Prevention and Counteraction of Corruption for the period 2009-2011; Objectives of the current strategy: to increase the public confidence in institutions and the citizens control, improving the effectiveness of prevention of corruptive practices and limitation of the corruption risk, establishing guarantees for transparency and accountability in the 	<ul style="list-style-type: none"> ▪ Cross-cutting Strategy for Prevention, Fight on Corruption and Transparent Governance 2008-2013 is the main strategic document that outlines the vision, strategic priorities and goals of the state for fighting corruption. Action plan is being executed, aimed at: <ul style="list-style-type: none"> -reforms for anti-corruption prevention, -strengthening the integrity of the institutions and promoting the values of governance, -monitoring of corruption -strengthening the role of civil society; -administrative punishment for corruptive officials 	<ul style="list-style-type: none"> ➤ A national anticorruption strategy is adopted, outlining the strategic goals, objectives, priority areas and related activities to fight corruption

	its anticorruption rating.	<p>decision-making process, clear and effective rules for cooperation between citizens and administration, maintenance of integrity within the civil service</p> <ul style="list-style-type: none"> • Responsibilities are attributed to all the structures in the executive, National Audit Office, universities, National Health Fund, Anticorruption commission at Supreme Judicial Council, the National Bank, Public Prosecution and National Investigation Service, Ombudsman, regional structures, local self-government bodies, NGOs 		
<p>5. Key bodies implementing anti-corruption bodies</p>	<p>Prevention</p> <ul style="list-style-type: none"> • The main bodies entitled with anticorruption prevention are the governmental anticorruption commission 	<p>The main anticorruption bodies are</p> <ul style="list-style-type: none"> • The [Governmental] Commission for 	<p>The main anticorruption Bodies are</p> <ul style="list-style-type: none"> ▪ The Government Task Force against corruption, headed by the Prime Minister 	<p>➤ Relevant government bodies to prevent and repress corruption established</p>

	<p>and the Parliamentary Select Committee on the Application of Anti-Corruption Act.</p> <p>Repression</p> <ul style="list-style-type: none"> The bodies entitled with law enforcement of the anticorruption legislation are: the Security Police and the specialized units within the Prosecutors offices; 	<p>Prevention and Combating Corruption supported by the General Inspectorate at the Council of Ministers</p> <ul style="list-style-type: none"> Anticorruption Commission at Supreme Judicial Council [Judiciary] Combating Corruption Committee at the National Assembly [Legislative] Inspectorates in Ministries and other executive bodies Regional Anti-Corruption Public Councils (composed of both officials and members of public) Prosecutor General's Office (Specialized Department for 	<ul style="list-style-type: none"> Inter-ministerial Working Group/DIACA 	
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		<p>“Countering organized crime and corruption” and Inspectorate)</p> <ul style="list-style-type: none"> • National Investigation service 		
<p>6. Monitoring and evaluation of anti-corruption policy</p>	<p>A specialized Parliamentary Select Committee on the Application of Anti-Corruption Act was established in 2003 to monitor the implementation of the Act and to promote preventive measures for fighting corruption</p>	<p>The bodies in charge of monitoring of the anti-corruption policy are:</p> <ul style="list-style-type: none"> • Commission for Prevention and Combating Corruption • Anticorruption Commission at Supreme Judicial Council • General Inspectorate at the Council of Ministers • Inspectorates in Ministries • Combating Corruption Committee at the National Assembly 		<p>➤ Anti-corruption (integrity) monitoring bodies established</p>

		<ul style="list-style-type: none"> • Regional Anti-Corruption Public Councils 		
C. Transparency				
7.1 Legal instruments access to information	<p>The basic legal act that guarantees the free access of the public to information is the Estonian Constitution. Its clauses are further developed in the Public Information Act that aims to create a feasible public monitoring of the performance of the public bodies.</p> <p>The document outlines the proactive approach of the administration that is not only obliged to respond to information requests but to present some data (i.e. draft legislation texts, reports, statistics...)</p> <p>without explicit request from the public</p>	<ul style="list-style-type: none"> • Art.41 of the Constitution ensures the right of everyone to obtain information held by the state and local self-governance authorities and stipulates their obligation to provide access to this data. That right is more clearly determined by Constitutional Court Decision No 7 of 1996. • The Access to Public Information Act (APIA; June 2000) imposes the obligation to disclose information actively or upon request on all the three branches of state power and all 		<ul style="list-style-type: none"> ➤ Public access to information guaranteed by the Constitution and freedom to information Act.

		<p>entities funded by the state budget.</p> <p>APIA lists a few grounds for refusal of a request for access to information, such as state security.</p>		
<p>7.2 Legal instruments public participation</p>	<p>Though public consultations especially regarding the matters with huge effect on the population have become a non regulated practice, the obligation to involve the public into the consultation procedures has been stipulated into various laws.</p>	<ul style="list-style-type: none"> • Art. 2a of the Law for Normative Acts regulates the practice of public participation and consultation • The Administrative Procedure Code (Art. 69) stipulates that interested persons should be involved in the process of the preparation of an administrative decision of general nature <ul style="list-style-type: none"> ▪ The Environmental 		<ul style="list-style-type: none"> ➤ Stipulation in various Laws to involve the public in government consultation procedures (prior to the adoption of legal acts)

		Protection Act relates to mandatory public participation in environmental impact assessment or ecological assessment		
8. Requirements/ principles on creation, updating and maintenance of state institutions websites	<p>The two basic programmes to ensure e-services utility in Estonia are the X-road and ECitizens projects. X-road is a programme for modernising national databases with the aim to turn them into a common, public, service-rendering resource. It allows agencies, legal entities and the public to search data from national databases over the Internet, provided they are entitled to do so.</p> <p>Every citizen can use the system via the citizen portal (see eCitizen project below).</p> <p>E-Citizen is a nationwide project for developing cooperation between Estonian citizens and the public sector using the</p>	<p>There is no general legal regulation on the creation, update and maintenance of websites of public authorities; APIA provides for active publication by all administrative structures (within executive), but does not specify the means of publication (e.g. website)</p> <ul style="list-style-type: none"> • regulations appear in different laws, such as: Administrative Procedure Code, the Tax and Insurance Procedural Code, the Public Procurement Act, the Concessions 		<p>➤ Government information websites/portals operational at various administrative levels.</p>

	<p>Internet. It is a unique solution enabling citizens to participate in the information society.</p> <p>Every citizen have his/her own information system (virtual office), which he or she can access with the ID card.</p> <p>Thus the citizens no longer need to search for services, but have the opportunity to order services and follow the processing of these without leaving their "office".</p>	<p>Act and others</p> <ul style="list-style-type: none"> • Article 63 of the Law on Public Administration obliges all bodies within the executive to publish yearly reports on their activities • Electronic registers of public procurement data and concessions are available online. Draft amendments to the State Gazette Act were introduced to make the official gazette available online 		
<p>9. E-governance</p>	<p>In 1998 an Internet portal called the Estonian State WebCentre was created, containing links to the websites of all governmental institutions and giving access to nearly all official documents.</p> <p>Current election laws include an e-voting option</p>	<ul style="list-style-type: none"> • According to the Law on the Electronic Government (introduced in Parliament in November 2006) the Minister of state administration and administrative reform will 	<p>E-taxes, E-customs and E-procurements have been established.</p>	<p>➤ E-services available in the areas of licensing, permits, application, collection of information and various service provisions in health, education, transport and other main sectors serving citizens.</p>

	<p>as well.</p> <p>In 2001 the Government created a web page "Today I Make Decisions".</p> <p>Ministries upload all their draft bills and amendments there, allowing people to review, comment on and make proposals on the legislative process as well as propose amendments to existing legislation.</p> <p>Proposals made through the web page are forwarded to responsible ministries for compulsory response.</p> <p>According to the latest United Nations Global E-Government Readiness Report Estonia takes the 19th place in the world in introduction of e-government services</p>	<p>establish and maintain a unified e-government services portal. There are neither legal requirements, nor practices to organize online discussions on draft legislation or other documents and thus to ensure participation of the public in the decision making process</p>		
D. Control of Public Administration				

<p>10. Internal control of public administration</p>	<p>The general procedures for challenging administrative act are stipulated in the Administrative Procedures Act. Any complaint regarding administrative act or procedures is generally filed through the administrative authority concerned, who is obliged to forward it to the supervisory body.</p> <p>The internal control of the administrative activities is entrusted to specialized internal units and internal auditors that monitor the compliance of the respective agency to the overall legislation, usage of the financial instruments and protection of the state property.</p> <p>Specialized departments within the Customs and Border Police have</p>	<p>Everyone who feels affected by an administrative decision is entitled to complain before the administrative superior. The complaint is filed through the administrative authority concerned, who is obliged to forward it to the supervisory body</p> <ul style="list-style-type: none"> • Internal checks for compliance with administrative obligations and law are conducted by inspectorates, or by the internal audit units (more financial). <p>Inspectorates are established in every ministry and may be established in any administrative structure. Their work is</p>		<ul style="list-style-type: none"> ➤ Internal control of the administration set in the framework of the Public Administration and Civil Servants Act. ➤ Internal control is carried out by a supervisory body and internal control units within each public authority. ➤ Internal controls cover internal investigations regarding integrity breaches.
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	<p>been established to conduct financial audits and participate in investigating corruption cases of customs officials. (See Best Practice 12)</p>	<p>coordinated by the General Inspectorate at the Council of Ministers.</p> <p>Inspectorates monitor the work of the respective administrative institution and perform controlling functions: they do check-ups on signals or on a schedule.</p> <p>Inspectorates report directly to the head of the institution.</p>		
<p>11. External control of public administration</p>	<p>The Judicial control of the administrative acts is executed by especially established administrative courts.</p> <p>The functions of the Audit office were strengthened and expanded. In 2006, 5 additional audit departments of State Audit Office were created to exercise control over local government assets and funds.</p> <p>A complaint can be</p>	<p>• Cases of Administrative decisions that affect people are brought by the ones affected to the administrative courts, which started work on 1 March 2007, while the highest authorities' decisions are subject to legal review by the Supreme Administrative Court as first instance; five elements of the administrative acts' legality are checked: the competence of</p>		<p>➤ Mechanisms of judicial control, Ombudsman supervision and Audit Office control available.</p>

	<p>filed to the Legal Chancellor (who performs the functions of the Ombudsman), who has the right to supervise the activities of the state authorities and to monitor the conformity of the regulations issued by the state and local authorities with the Constitution and the Laws.</p>	<p>the authority that issued the act, requirements for the form of the act, compliance with substantial law, compliance with procedural law, and compliance with the purpose of the law. The 1st instance court decisions are subject to review on lawfulness [on complaint] before the Supreme Administrative Court (3 or 5 member panel).</p> <ul style="list-style-type: none"> • Other bodies that exercise external control: The National Audit Office (NAO) and the Ombudsman. <p>NAO is formed by and reports to the Parliament and its task is to control</p>		
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		<p>the administration of public funds. Administrative decisions and actions could be appealed before the Ombudsman, whose decisions have no binding effect on the administration.</p>		
E. Recruitment				
12. Procedures	<p>The recruitment in the public service is based on the open competition. The exceptions of this principle are some senior management positions, such as positions in the: Chancellery of the Parliament, Office of the President, Office of the Legal Chancellor, the Supreme Court and the State Audit Office.</p> <p>The recruitment procedure is decentralized and every ministry and executive agency is responsible for recruitment, evaluation and</p>	<p>There are generally two types of legal status of servants within public administration: one regulated by the Law on Civil Servant (civil servants), the other by the Labour code (appointed by labour contract).</p> <ul style="list-style-type: none"> • The recruitment of civil servants is based on open competition with a very limited exception. <p>Available job positions for civil servants and information of the competing procedure</p>		<ul style="list-style-type: none"> ➤ Open based competition recruitment system established. ➤ Decentralised recruitment procedures operational in ministries and executive agencies.

	<p>development of its officials, guided by the legal framework and centrally set advisory guidelines.</p> <p>There is no ministry at the central government level with single powers to develop public service human resources policy.</p> <p>(Coordinative functions are spread among the State Chancellery, Ministry of Interior, and Ministry of Finance</p>	<p>should be announced publicly by the relevant administrative structure;</p> <p>Candidates pass through a two-step procedure: admission ranking; the candidate ranked first is appointed.</p> <ul style="list-style-type: none"> • Political positions are out of the scope of civil service and their recruitment is based on nomination/selection • Staff on labour contract usually does not have responsibilities related directly to the civil service, but supporting functions. 		
<p>13. Restrictions</p>	<p>People who have been imprisoned or have been under investigation for committing criminal offence (intentionally); people who have been deprived from right to work in particular position; people who will fall in a conflict of interest situation</p>	<p>People who have been imprisoned for criminal offence committed; who were deprived from the right to work in particular [public servant] position; who would fall in hierarchical relationship with a spouse or close relative; who occupies certain types</p>		<p>➤ Rules for admittance to the Civil Service available, based on an integrity policy, e.g. on side-line activities that may impede the accomplishment of the official tasks or compromise the impartiality.</p>

	<p>and people who have been punished for corruption under administrative or criminal procedure are restricted from working as public officials.</p> <p>There is no general restriction for civil servants to have second job with their activity but permission is needed from their supervisor.</p>	<p>of business positions directly involved in business.</p> <ul style="list-style-type: none"> • There is a restriction for civil servants to have second job based on labour relationship, except for teaching position in higher schools (university); • There is an obligation on civil servants to declare yearly until 31 March any commercial, financial or other business related interest that he/ she or the people connected with him would have in relation to the administrative structure he/ she works in; • Failure to declare conflict of interests or to refrain from taking part in decision-making which would be in his (or in people's connected with him) private interests is subject to disciplinary sanction. In the latter case it is dismissal. 		
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F. Rotation and Promotion				
<p>14. Possibilities</p>	<p>A competition and evaluation committee evaluates the performance and declares suitability of the official to be promoted on condition that he/she has served the current position for at least six months.</p> <p>A proposal for the promotion of an official may be made by the supervisor, a person or an administrative agency who has appointed the official or by the corresponding competition and evaluation committee.</p>	<p>The evaluation of performance is made on annual basis by the manager to whom the servant is directly subordinated;</p> <ul style="list-style-type: none"> • A civil servant gets next higher rank (promotion) in a period of 3-5 years, based on the assessment of the performance (attestation) and on the training; the period can be shortened if the servant is assessed by the highest marks (Art. 75 of the Law on Civil Servant). • Promotion in the civil service position is based on the assessment of the performance (attestation) and on the training. The position is assigned after competitive 		<p>➤ Mechanisms to assess the individual performance of civil servants.</p>

		<p>selection procedure.</p> <ul style="list-style-type: none"> • There are no legal provisions for staff rotation. Practically rotation was implemented in 2006 in administrative structures with high corruption risk (e.g. customs) • Moving to civil service position from one administration to another is possible 		
<p>15. Procedures</p>	<p>Promotion is possible only after the Competition and evaluation committees assess the performance of the civil servant and gives positive evaluation. The evaluation process and the criteria for selecting the members of the committee are set in the Public Service Act.</p>	<p>The evaluation of performance is made on annual basis by the manager to whom the servant is directly subordinated; his evaluation could be complained with before his superior manager. However, in cases the head of the administrative structure is doing the evaluation, a right to complain is</p>		<p>➤ Job rotation in corruption prone areas is based on legislation and embedded in a human resource management policy</p>

		<p>not in place.</p> <ul style="list-style-type: none">• In principle before being appointed to a higher service grade, the civil servant should wait for a period of time (3 – 5 years). The length of the period is dependent on assessed performance.• Promotion in the civil service position is conducted by a competitive selection based on meeting the position requirements and high score assessment of the performance (attestation). The position is assigned to the candidate who meets best the requirements in comparison with the other.• Moving to equal or higher civil service position from one administration to		
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		<p>another is conducted after agreement between the two administrative structures and the civil servant, if he meets the position requirements and has completed one-year [examination] period as a civil servant</p> <ul style="list-style-type: none"> • There is not a procedure regulated as regards rotation. The promotion procedure is regulated by the Regulation on the procedure and conditions for attestation of civil servants. 		
G. Training				
<p>16. Training provisions, requirements</p>	<p>The public service training system is in principle decentralized. Though the planning and implementation of training activities is largely the responsibility of individual institutions, there are some training activities that are centrally coordinated and funded.</p>	<p>The civil service training system is centralized. According to the Law on State Administration the trainings for civil servants are conducted by a separate institution, i.e. the Institute for Public Administration and European Integration,</p>		<p>➤ Anti-corruption modules incorporated in higher and secondary education</p>

		<p>developing and conducting training for the public administration (Art. 35a of the Law on Civil Servant).</p> <ul style="list-style-type: none"> • There is a special training programme on issues of corruption and conflict of interests • Training requirements are also set forth by the Judicial Power Act as relates the judiciary. It establishes the National Institute of Justice as a specialized institution for training of judges, prosecutors and investigators. 		
17. Institutional capacity/ establishments	The State Chancellery office is setting annual training priorities for the public service, delivering training and elaborating training material in ethics.	<p>Institute for Public Administration and European Integration is responsible for trainings for civil servants in the executive.</p> <ul style="list-style-type: none"> • Obligatory trainings 		➤ Training institutes provide for ethical trainings

	<p>As the public service training system is decentralized, the State Chancellery can only coordinate the training activities and organize central training courses on the basis of set priorities.</p> <p>The Centre for Public Service Training and Development is the executive body that organise the anticorruption training in Estonia.</p>	<p>are provided for newly appointed civil servants and for heads of administrative units within the executive (Art. 35b of the Law on Civil Servant).</p> <ul style="list-style-type: none"> • A special training program is developed by the Institute and the National Association of the municipalities in Bulgaria focused on issues of corruption and conflict of interest. • National Institute of Justice is responsible for training in the judiciary; • Mandatory training on ethics is provided by the National Institute of Justice for newly appointed judges and prosecutors, and for administrative staff within judiciary. 		
18. Ethical training	A comprehensive ethics study material in digital form was disseminated and	Institute for Public Administration and		<p>➤ Training programmes and curricula for ethical training for relevant target groups</p>

	<p>training of trainers was conducted. Specialized training courses on ethics offered to civil servants are carried out by the Centre for Public Service Training and Development.</p> <p>Further training on ethics with regard to the implementation of the structural funds projects.</p> <p>It is expected that for the period 2007-2013 the number of the officials being trained will have increased from 28 000 to 60 000. (the numbers include the obligatory anticorruption training that is part of the curricula for the new civil servants).</p>	<p>European Integration is responsible for trainings for civil servants in the executive and the institute includes training on ethical subjects in its curricula</p> <ul style="list-style-type: none"> • National Institute of Justice is responsible for training in the judiciary; Professional ethics is part of the program for mandatory Initial qualification for newly appointed judges and prosecutors in accordance with Art. 35e and Art. 35g, Para. 6 of the Judicial Power Act 		<p>developed.</p>
H. Conflict of Interests				
19. Legal framework	<p>The Anticorruption act sets the legal framework of the conflict of interest and identifies the procedures for submitting and monitoring of the assets declarations.</p> <p>The law prohibits to the officials entering</p>	<ul style="list-style-type: none"> • The definition of “conflict of interests” is given by the Civil Servant Act (Art.29a, Para. 4.). This law sets forth measures to avoid conflicts of interest by determining cases of incompatibilities (Art.7, 	<ul style="list-style-type: none"> ▪ Law on conflicts of interests in place 	<ul style="list-style-type: none"> ➤ Comprehensive legal framework on conflict of interests in place.

	<p>into relationships involving risk of corruption and from receiving income derived from corrupt practices.</p> <p>The heads of the public authorities are obliged to organise the work of the state institution in a manner where the legality of the officials' activities and the restrictions on employment and activities and procedural restrictions established for officials are monitored.</p> <p>Officials who have Relationships involving the risk of corruption should inform the head of the agency who should undertake the necessary measures to assure the impartiality of the administrative process.</p>	<p>para.2), obliging any civil servant to declare business interests (Art.29a, para.4) and assets (Art.29), and to refrain from participation in decision-making if this would be in his (or in people's connected with him) private interests. Obligation for high-ranking officials to declare their assets is regulated by the Law on the Publicity of the Assets of the Highranking Officials.</p> <ul style="list-style-type: none"> • Every year until the end of March civil servants are obliged to declare any commercial, financial or other business interest that he/she or people connected with him/her do have and to declare their assets. • Declaration on incompatibilities is submitted by everyone who is running for civil servant's position and civil servants are obliged to notify about new 		
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		<p>incompatibilities within 7-days of their occurrence.</p> <ul style="list-style-type: none"> • Conflict of interests issues for highranking officials in the executive are included in the Ethical code for high-ranking officials in the executive 		
20. Assets declaration	<p>General obligation for all officials to submit declarations for conflict of interests end economic interests is set in the Public Service Act and the Anticorruption Act. A declaration shall be submitted every year one month after expiry of the term for submission of income tax returns or within one month after the date of commencement of work in an office. If, after the submission of a declaration, the composition of the declared property changes significantly,</p>	<ul style="list-style-type: none"> • Civil servants are obliged to declare yearly until the end of March (Art. 29 of the Law on Civil Servants). • In a separate declaration every year until the end of March civil servants are obliged to declare to the appointing official any commercial, financial or other business related interest that he/ she or the people connected with him would have in relation to the administrative structure he/ she works in. • Incomes and assets (property) are to be 	<ul style="list-style-type: none"> ▪ Law on the declarations of assets in place 	<ul style="list-style-type: none"> ➤ Obligation for submitting periodical assets declarations

	<p>the official shall submit a new declaration within one month after the change occurs.</p>	<p>declared by high-ranking officials before the President of National Audit Office until 30 April every year, as well as within one month after taking and, respectively abandoning office, under the Law on the Publicity of the Assets of the Highranking Officials.</p> <p>The obligation extends to the closer relatives' assets as well. The declarations should be submitted to the National Audit Office, which maintains a respective register.</p> <p>The information declared is subject to verification and check-ups.</p> <p>Submission of false data in declarations is criminalized under Art. 313, para.1 of the Criminal code.</p> <p>Failure to submit declarations is also subject to administrative and disciplinary sanctions.</p>		
<p>21. Monitoring procedures</p>	<p>The depositaries of the civil servant's declarations are appointed usually by the head of the agencies and</p>	<ul style="list-style-type: none"> • Data of income and property of highranking 		<p>➤ Institution responsible for the monitoring of assets declarations and ethic</p>

	<p>are the one who are entitled with the monitoring compliance.</p> <p>The declarations of high-ranking officials (including MPs, magistrates and ministers) are submitted to the Parliamentary Anticorruption Committee for review and are published in the State Gazette.</p>	<p>officials is checked by the President of National Audit Office (Law on the Publicity of the Assets of the Highranking Officials, 2006) and is crosschecked (verified) with data from the National Revenue Agency within 6 months after the period of the submission of declarations; there is a general right of access to the declarations since 2006. All the declarations submitted by highranking officials should become available online.</p> <ul style="list-style-type: none"> • The General Inspectorate in the Council of Ministers monitors conflict of interests issues related to highranking officials; • Data submitted by non-high-ranking officials is monitored by the appropriate inspectorate (Law on Civil Servants). 		<p>compliance established</p>
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I. Codes of Conducts/Ethics				
<p>22. Codes in legal framework</p>	<p>Apart from the ethical guidelines provided in the Anti-corruption Act and the Public Service Act, a Civil Service Code of Ethics was adopted as indispensable part of the anticorruption act.</p>	<ul style="list-style-type: none"> • Civil servants are obliged by the Civil Servant Act to behave in a manner that does not impair the civil service's prestige and complies with the Code of Conduct of Civil Servants (Art. 28, para.1); the Council of Ministers has adopted the code in 2004 • A separate Code of Conduct was adopted for highranking officials within the executive (2005) • Some public administrations have developed and adopted their own codes of conduct (e.g. ministry of interior) • Separate codes of conduct are adopted for the different institutions within the judiciary. There are codes of conduct for judges, another for public 		<p>➤ Ethical values or Code of Ethics incorporated in Civil Servants Act.</p>

		prosecutors, a third for investigators and a fourth code relates to the judiciary administration.		
23. Applicability/ Dimensions of Codes of Conduct, Ethics	The Public Service Code of Ethics gives the basic values and the general framework, while different governmental institutions are entitled to create their own codes of conduct according to their specific needs.	<ul style="list-style-type: none"> • The Code of Conduct of Civil Servants (2003) is applicable to all civil servants regardless the administration they work in. It gives the basic values and provides provisions on relations with the citizens and colleagues, professional conduct and gifts, conflicts of interest • The Code of Conduct for highranking officials applies only to that scope, while sector codes apply to the relevant ministry or agency. • Within the judiciary, codes of ethics are adopted separately for judges, public prosecutors, investigators and judicial administration. • The code of conduct becomes legally binding on civil servants by virtue of the Civil Servant Act or by virtue 		➤ Each single public authority has developed its own specific Code of Conduct, tailored to the specific needs and field of work.

		<p>of the labour Contract respectively (for those who work on that basis);</p> <ul style="list-style-type: none"> • The codes of conduct in principle are not subject to regular review or update. No analysis of their application is prepared and reported. 		
24 Disciplinary mechanisms	<p>A specialized Ethics Council within the State Chancellery has been established to assist in implementing the public service code of ethics and monitor its implementation</p>	<ul style="list-style-type: none"> • Non-compliance with the rules of the Code of Conduct of Civil Servants is subject to disciplinary sanction, which could be also dismissal from job (Art. 89, Para. 2, Sub-Para. 5 of the Law on Civil Servant). • Similar application could be realized under the Labor code for servants who work on a labor contract. <p>This comes out of the practice to refer in the contracts to the Code of Conduct of Civil Servants.</p>		<p>➤ Breaches of ethical values are subject to disciplinary measures</p>

		<ul style="list-style-type: none"> • The bodies who monitor the civil servants' behaviour and compliance with the code are superior managers and some (overlapping) functions of the inspectorates exist. <p>Disciplinary sanctions are proposed by inspectorates or the superior manager and imposed by the employer (often it is the public authority)</p> <ul style="list-style-type: none"> • The facts finding and hearings in disciplinary proceedings are performed by a disciplinary council appointed in every administrative structure; <ul style="list-style-type: none"> • The disciplinary sanction is imposed by a the authority who did the appointment; <ul style="list-style-type: none"> • Breaches of the Code of conduct are considered as disciplinary and are sanctioned respectively; 		
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		<ul style="list-style-type: none"> • Within the judicial system breach of the ethic rules as regulated by the respective codes of conduct is a disciplinary offence, which is subject to disciplinary proceedings and responsibility (Art. 168, Para. 1 of the Judicial System Act). 		
J. Gifts				
25. Legal provisions	<p>The Anticorruption act and the Civil service Act sets the legal framework.</p> <p>Acceptance of gifts or consent to the benefits which are made or granted to the civil servants and/or their close relatives is strictly prohibited.</p>	<ul style="list-style-type: none"> • The Criminal Code prohibits acceptance of gifts for conducting or omitting to do anything required by service (Art. 301, Para. 1, Bribery). • Codes of conduct of the civil servants and high-ranking officials also contain restrictions on the acceptance of gifts and services by public officials and servants. • According to the Code of Conduct of Civil Servants the servant may not request or receive gifts, services, money benefits or other advantages that could 		<ul style="list-style-type: none"> ➤ Legal framework for accepting gifts available

		<p>influence the exercise of his/her duties or decision-making or could affect his/her professional attitude (Art. 8). It also prohibits the receiving of such benefits that could be considered as a reward that forms part of the official duties.</p> <ul style="list-style-type: none"> • Receiving of gifts or services, which could raise a reasonable suspicion within society, is prohibited by the Code of Conduct of High-ranking Officials. Only customary gifts received by relatives or other gifts in amount not exceeding 200 BGL (100 EUR) per year are permitted. • Gifts received by high-ranking officials in the official capacity are registered by the secretary general of the respective administration 		
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		<ul style="list-style-type: none"> • Prohibition to receive gifts or other benefit is regulated also by the codes of conduct of judges and public prosecutors. • Members of the parliament are permitted to receive gifts in amount that does not exceed 1/5 of their salaries or otherwise they become part of the parliamentary budget). 		
26. Sanctions	<p>Gifts received in violation of the restrictions belong to the employer of the corresponding official, unless otherwise provided by an international custom or diplomatic etiquette</p> <p>Violation of the prohibition constitutes misdemeanour.</p>	<ul style="list-style-type: none"> • Non-compliance with the rules of the Code of Conduct of Civil Servants, including the rules on the gifts is subject to disciplinary sanction (Art. 89, Para. 2, Sub-Para. 5 of the Law on Civil Servant). • Similar responsibility could be realized under the Labour code for servants who work on a labour contract. • Disciplinary sanctions are 		<ul style="list-style-type: none"> ➤ Rules for (consequences of) non-compliance available.

		<p>not a constraint to Impose administrative or criminal sanctions as well.</p> <ul style="list-style-type: none"> • It is not very clear how high-ranking officials could be held disciplinary responsible, if they are not appointed as civil servants. The same question applies to MPs. • If the conduct represents criminal offence, then the Criminal Code is applicable • Within the judicial system breach of the ethic rules as regulated by the respective codes of <p>conduct is a disciplinary offence, which is subject to disciplinary proceedings and responsibility (Art. 168, Para. 1 of the Judicial System Act).</p>		
K. Reporting corruption				
27. Reporting obligations	<p>The Anticorruption Law sets the general obligation for reporting the knowledge of “any offering, giving or acceptance of a bribe”. In 2004 the Anticorruption act was amended and obligation for</p>	<ul style="list-style-type: none"> • Every public servant, including civil servants, is under the obligation to immediately report criminal offences witnessed to investigating authorities, as well 		<ul style="list-style-type: none"> ➤ General obligation to report any corruption suspicious act set in legal framework. This includes rules on disciplinary sanctions in case of failure to report.

	<p>reporting not only bribery but any corruption act was introduced. Failure to report may result in release from office .</p> <p>The Estonian auditors have the general obligation to report their suspicions of acts of money laundering to the Financial Investigation Unite,</p> <p>but do not have the same obligation regarding bribery. The auditors are however obliged to discover any indication of illegal acts in their annual reports</p>	<p>as to take the necessary steps to preserve the evidence of crime (Art. 205, Para. 2 of the Criminal Procedure Code).</p> <ul style="list-style-type: none"> • Inspectors, entrusted with exercising control over the implementation of legislation in the field of civil service, are obliged to notify the public prosecutor about any violations found during their inspections. • The internal audit units have the obligation to inform the head of their administration when they find data of fraud committed during their inspections, and if no action is taken afterwards to inform the public prosecutor (Art. 30 of the Internal Audit Act). • An obligation to inform the public prosecutor is imposed on the National Audit Office in cases when the 		
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		<p>performed audit reveals data of crime committed. In such cases the materials of audit or the audit report is submitted to the public prosecution office by decision of the National Audit Office (Art. 52 of the National Audit Office Act).</p> <ul style="list-style-type: none"> • Reporting obligation is introduced in the Code conduct of civil servants in the Ministry of interior, but not in the general Code of conduct of civil servants 		
<p>28. Protection of whistleblowers</p>	<p>The general protection of the whistleblowers that report in good faith is provided by the Criminal Code. According to the provisions of the Anticorruption Act, the identity of the whistleblower</p>	<p>At present, no whistleblower protection is afforded to those who report corruption. A draft law is under preparation.</p> <p>- guidelines of the</p>		<ul style="list-style-type: none"> ➤ Legislation to protect whistleblowers developed and adopted ➤ Organisational provisions and procedures established to assure that all corruption signals are handled in an impartial manner in cases that the

	<p>should not be revealed unless the report is made in bad faith.</p>	<p>Ministry of Interior give some protection to persons who reported crime</p> <p>- some slight protection could be read in Art.198 of the Penal Procedure</p> <p>Code stating that the materials of the preliminary investigation shall be imparted without a consent of the public prosecutor</p>		<p>whistleblower has doubts about the impartiality of the organisations entitled with the investigation.</p>
L. Disciplinary Procedures				
29. Legal basis	<p>The Disciplinary sanctions are set in the Public Service Act. Disciplinary</p> <p>Punishments imposed on officials are:</p> <ol style="list-style-type: none"> 1) a reprimand; 2) a fine not exceeding ten times the daily wage of an official; 3) removal from the service with suspension of salary for not more than ten consecutive scheduled working days; 4) transfer to a lower salary grade by up to three grades for not 	<ul style="list-style-type: none"> • The disciplinary sanctions are set in the Civil Servant Act • Specifically designed Councils work to enforce disciplinary proceedings (facts findings and hearings) under the Law on Civil Servant. Their composition and functions are prescribed by Art. 95. • Inspectorates propose disciplinary sanctions when find 		<p>➤ Disciplinary sanctions stipulated in relevant laws</p>

	<p>longer than one year; 5) release from the service.</p>	<p>breaches during their audits/ check-ups</p> <ul style="list-style-type: none"> • The disciplinary sanctions are: <ol style="list-style-type: none"> 1) remark, 2) reproach, 3) postponement of promotion in rank for a year, 4) demotion to a lower rank for a period of 6 months to 1 year and 5) dismissal from job (Art.90). • The disciplinary sanctions are imposed by an order of the public authority who appointed the civil servant; • Disciplinary sanctions are imposed for breaches of the service (official) obligation including those deriving from the Code of conduct; 		
<p>30. Sanctions against misconduct</p>	<p>The disciplinary procedures related to corruption related situations are carried by the internal control units. The sanctions are set</p>	<ul style="list-style-type: none"> • Disciplinary proceedings are to be started in one or more of the following cases: <ol style="list-style-type: none"> a) failure to fulfil official 	<p>A task force against corruption and economic crime was established which has penalised "a considerable number of officials".</p>	<p>➤ Procedures for investigating integrity violations and follow-up actions developed.</p>

	<p>in the Anticorruption Act and Civil service Act.</p> <p>The criminal or administrative court proceeding toward an employee does not prevent the imposition of disciplinary sanctions.</p>	<p>obligations,</p> <p>b) delay of the fulfillment of official obligations,</p> <p>c) acting beyond the circle of authority,</p> <p>d) violation of the duties to citizens (prompt and accurate administrative service),</p> <p>e) failure to comply with the code of conduct,</p> <p>f) failure of a superior to react on a citizen's complaint.</p> <ul style="list-style-type: none"> • The imposition of disciplinary sanction is not a constraint to impose another civil, administrative or criminal sanction (Art. 89, Para. 4 of the Law on Civil Servant). • In cases of disciplinary proceedings the civil servant could be temporarily removed from office, while in cases where criminal proceedings are instituted this removal is obligatory (Art. 100, Para. 2 of the Law on Civil Servant). 		
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		<ul style="list-style-type: none"> • The civil servants are also responsible for damages caused to the state or citizens and is subject to compensation payment (Art.101 of the Law on Civil Servant). • There are no separate provisions for disciplinary sanctions related to corruptive conduct. Such investigations are usually conducted by inspectorates. 		
M. Proceeds of corruption				
Legal basis and scope	The Criminal Penal Code provides procedures for freezing, seizure of bank, financial and commercial records relevant to corruption offences.	<ul style="list-style-type: none"> • Confiscation of proceeds of crime is a mandatory sanction for aggravated cases of passive bribery (Art. 302b of the Criminal Code). • As differed from confiscation, forfeiture is a deprivation measure applied notwithstanding 		➤ Legal provisions to allow confiscation, confiscation of property received by third parties available.

		<p>criminal 307a therein).</p> <ul style="list-style-type: none"> • In 2005 a Law on the Forfeiture of Property Acquired in a Criminal Manner was adopted. Measures under this law are to be undertaken when it is established that property in considerable amount (above 60 000 BGL, i.e. 30 000 EURO) was acquired by one or more criminal offences as determined by the law. The scope is 25 categories of crimes including bribery. The Law on Measures against Money Laundering was adopted in 1998, but amended several times, last amendment in December 2006. The law obliges 30 categories of bodies and persons to monitor financial transactions and report in cases of doubt of money laundry. 		
32. Procedures	Property is seized at the request of a Prosecutor's	<ul style="list-style-type: none"> • Confiscation and forfeiture in criminal cases is 		➤ Organisation and procedures for

	<p>Office on the basis of an order of a preliminary investigation judge or of a court ruling..</p> <p>The decision of the prosecutor or preliminary investigation judge to perform such procedural acts is discretionary.</p> <p>Confiscation is discretionary and is considered a non punitive measure, decided together with conviction, but not to be taken into account in the determination of the punishment.</p> <p>The Penal Code stipulates criminal liability not only for persons but for legal persons involved in corruption offences as well.</p>	<p>conducted by the procedures established by the Criminal Procedure Code.</p> <ul style="list-style-type: none"> • A separate procedure was introduced in cases of legal persons that acquired property by criminal offence. <p>The Law on the Forfeiture of Property Acquired in a Criminal Manner establishes a Commission to apply it. 3 of the 5 members are elected by the parliament, one is appointed by the President and the head is appointed by the Prime Minister. The law provides procedures for establishing (identification) of property acquired in a criminal manner, issuing a warrant on such property and its confiscation.</p> <p>The last two are implemented through court proceedings. The Law on Measures against Money Laundering is applied by the Financial Intelligence Agency, which is in the system of the Ministry of finance.</p> <p>The law provides</p>		<p>implementation of legal provisions on (types of) confiscation developed.</p>
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		procedures of identification of clients and information collection and disclosure.		
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7. ANNEX B

Reference framework questionnaire

Introduction

In many EU-countries anti-corruption authorities have developed and introduced methods or tools to enable organisations in the public sector to gain insight in those parts of their organisation that are potentially vulnerable to violations of integrity. It also helps the organisations to arm themselves against such violations. The method has now successfully been applied at various levels of public administration, including ministries, regional and local administrations, as well as within police forces and public prosecutions offices..

The method is based on three starting points:

1. It is a *preventive investigation*. The method is not focused on the detection of corruptible persons. It is not intended to test the personal integrity of the employees in any way. It's aim is to identify the potentially vulnerable spots within *the organisation* and to reduce their vulnerability in the future by various measures. In other words, to optimise the capability of the organisation to withstand temptations that might lead to integrity violations and to prevent integrity violations in the future.
2. It is a *self-examination*. This means that it is an organisation's own decision and responsibility to use the method. So the organisation itself should want it and implement it. The management commits itself to the implementation and the employees carry it out. It is also the organisation itself that determines the standards for the required level of integrity.

Experience has shown that the greater the involvement of the organisation in the actual use of the method,

-the more the management will feel responsible for it;

-the greater the chance that integrity awareness within the organisation will really sink in;

-the broader-based the support will be for the conclusions and recommendations;

-the greater the chance that these will actually be implemented.

3. The method is mainly focused on possible improvements to the *organisational structure*. So this is about rules, procedures and systems and to integrity related instruments, such as codes of conduct, personnel policy.

The Questionnaire below shows main areas of attention of this method, starting with a reference framework (indicators). It is noted that training for the assessors/interviewees is highly recommendable before using the method, In a ministry a Secretary General is in the best position to initiate and organise the integrity audit process, for the reason that all Heads of Departments are involved in such an exercise.

Areas of Attention	General points of attention	S(structure) P(rocess) C(Culture)	Additional points public procurement
A. Organisation culture	1. An updated, documented anti-corruption policy is available, based on existing legislation	S	A specific integrity policy exist for units involved in purchases, procurement
	2. This general policy provides for additional provisions for	S	A specific risk analysis have been carried out for procurement.

	vulnerable areas in the organisation		Attention should be paid to job rotation, to avoid too friendly relations with suppliers.
	3. Anti-corruption policy is part of the Quality and Control procedures	S	
	4. Anti-corruption policy comprises concrete and measurable objectives	S	
	5. Management has identified vulnerable positions/areas	P	Specifically aimed at risks in the procurement procedure.
	6. Based on this identification, adequate measures have been taken	P	
	7. A Code of Conduct is available, paying attention to existing anti-corruption legislation	S	A Code of Conduct related to purchases, procurement is available.
	8. Code of Conduct is available for all staff	P	
	9. Staff is familiar with the Code	C	
	10. A procedure exists for notifying breaches of integrity		
	11. An integrity counsellor exists, with documented tasks and authority	S	
	12. Management is aware of corruption risks	C	
	13. Staff is aware of corruption risks	C	
	14. Integrity gets attention in consultations between management and staff	C	
	15. Internal communication about anti-corruption exist		Special training is provided
	16. A procedure for handling breaches of integrity is available	P	

B. Adm. Organisation	1. Responsibilities and authorities in financial processes are documented	S	Same for purchase and procurement process.
	2. Clear procedures for the control of goods are available	P	
	3. Staff is familiar with the procedures	C	
	4. Vulnerable acts are controlled	P	Short-list of suppliers
	5. All vulnerable acts are subject to written reporting	S	
	6. Enforcement of AO monitored	P	
	7. Independent budgetary control is carried out	S	
	8. In general, sufficient attention to checks and balances	S	
C. Personnel policy	1. In recruitment and selection procedure attention to aspects of corruption/integrity (references, info about conduct)	P	
	2. Attention to anti-corruption in introduction programme	C	
	3. Job descriptions available	S	
	4. Attention to possible conflict of interest	P	
	5. Performance assessments carried out, integrity issues discussed	P	
	6. Private problems of staff can easily be discussed	C	Due to private problems staff could be more vulnerable in relation to third parties
	7. Job rotation exists		Supplier not always contacted by the same purchaser
D. Security	1. Adequate physical security available (registration visitors, etc.)	S	

	2. Norms, regulation on document security available	S	
	3. Regulations for private use of goods available	S	
	4. Registration of valuable good available		

Annex : Assessment framework

A professional assessment will have to be made for every assessment point in the assessment framework below. It is not the intention that the assessment points to be answered with a “yes” or “no”, but that one examines for every assessment point how the directorate/department has implemented it as the basis of a risk analysis (implicit or explicit). This can be shown in the Comments. Above all the framework should be an aid (reference framework) not a straightjacket.

Questionnaire

Ministry:

Date interview:

Interviewee:

Position:

Interviewed by:

A	Organisation/culture	Y/N/n.a.	Comment
1	<ul style="list-style-type: none"> ▪ Anti-corruption plan/programme available, containing an anti-corruption policy? ▪ Is this plan regularly updated? ▪ Does this plan contain all existing and relevant anti-corruption rules and regulations? 		
2	<ul style="list-style-type: none"> ▪ What is briefly your vision on corruption? ▪ Could you indicate vulnerable areas? ▪ If yes, did you formulate a specific anti-corruption policy for these areas? 		
3	<ul style="list-style-type: none"> ▪ Did you formulate anti-corruption objectives? ▪ If yes, are these concrete enough? ▪ Are these objectives measurable? 		

4	<ul style="list-style-type: none"> ▪ Are anti-corruption measures mentioned in the annual plan? ▪ Are these measures measured and evaluated by you? ▪ Are the results mentioned in the annual plan? 		
5	<ul style="list-style-type: none"> ▪ Who in your organisation is responsible for development, implementation, monitoring and coordination of the anti-corruption policy? ▪ What kind of instruments/provisions are allocated for realizing the anti-corruption policy? ▪ What kind of activities prove that there is an operational anti-corruption policy? ▪ How is the enforcement of the (control) measures guaranteed? ▪ How is the implementation if the measures visualised? ▪ Who is responsible for the audit of anti-corruption measures? 		
6	<ul style="list-style-type: none"> ▪ Is the anti-corruption policy based on a risk analysis? ▪ 		
7	<ul style="list-style-type: none"> ▪ Do you have an overview of anti-corruption measures? ▪ Are these measures in line with the implemented risk analysis? 		
8	<ul style="list-style-type: none"> ▪ Has been identified which work activities have a connection with corruption risks? ▪ Is an overview on staff positions/activities available which can be considered as (extra) vulnerable for corruption? 		
9	<ul style="list-style-type: none"> ▪ Does a procedure in your organisation exist aimed at identifying and maintaining legislation and regulations on anti-corruption? 		
10	<ul style="list-style-type: none"> ▪ Does a Code of Conduct exist in your organisation? ▪ Does this Code refer to the applicable legislation/regulations? 		
11	<ul style="list-style-type: none"> ▪ Is staff regularly informed about the existence of this Code? ▪ Do you know where you can find the Code? ▪ Do you think that staff is familiar with this Code? 		
12	<ul style="list-style-type: none"> ▪ Is there a procedure for notifying corruption or breaches of integrity? ▪ Does this procedure comprise <ul style="list-style-type: none"> ➢ How a breach of integrity can be notified? ➢ Who is responsible for handling the notification and monitoring the follow-on procedure? ➢ How is the information to the person(s) processed who has notified a breach of integrity? ➢ Who else will be informed (internal, external?) ➢ How is the registration and reporting organised? ➢ When and how are the breaches of integrity assessed/evaluated? ▪ Do you know where in your organisation breaches of integrity/corruption cases are registered? ▪ Who is analysing a corruption case and how is the information about the result organised? 		

13	<ul style="list-style-type: none"> ▪ Does your organisation have a person who has been specifically nominated for receiving and handling confidential information? ▪ If yes, is there a job description for this person? 		
14	<ul style="list-style-type: none"> ▪ Has this person also an advisory role on anti-corruption measures? 		
15	<p>In addition to question 1:</p> <ul style="list-style-type: none"> ▪ Do you know the anti-corruption plan/policy of your organisation? ▪ Do you know relevant legislation, regulations on this area? ▪ Are you aware of corruption risks within your organisation? 		
16	<ul style="list-style-type: none"> ▪ Do you have the impression that staff is aware of corruption risks? ▪ If yes, how does this appear? ▪ Is corruption a discussion item in your organisation and how does this appear? ▪ Has the subject of corruption been discussed during staff meetings? 		
17	<ul style="list-style-type: none"> ▪ Do you think that individual staff members feel themselves free to notify corruption cases? ▪ Have they done this till so far? ▪ If yes, which steps have been taken? 		
18	<ul style="list-style-type: none"> ▪ Have you organised awareness raising activities around corruption? ▪ If yes, what kind of activities? ▪ What kind of subjects ? ▪ Are there reports about these activities? ▪ What is the percentage/number of your staff which participated in awareness raising activities? ▪ Has a budget been allocated for these activities? ▪ Who is responsible for organising awareness raising activities? ▪ Is attention on corruption paid in public information material? 		
19	<ul style="list-style-type: none"> ▪ Is there an internal procedure for the handling of integrity breaches? ▪ Is there an point of contact/information for external people notifying (possible) corruption by your staff/ ▪ Is there a procedure for punishments? 		
20	<ul style="list-style-type: none"> ▪ Has any corruption case occurred? ▪ Has staff been informed about the proceedings of this case? 		
21	<ul style="list-style-type: none"> ▪ Do you have the authority to initiate all relevant investigations on violations of the obligations to integrity matters? 		
B	Administrative organisation/internal culture	Y/N/n.a.	Comments
1	<ul style="list-style-type: none"> ▪ Has the Administrative Organisation been described and regularly updated? ▪ Is in the AO special attention paid to vulnerable actions, positions? ▪ Has it been made clear to everyone what can be invoiced? Any (written) guidelines on this area? ▪ Are expenses to be substantiated by invoices? ▪ Are claims for reimbursements checked and by 		

	<ul style="list-style-type: none"> whom? ▪ Who is checking the claims for reimbursements from the management? 		
2	<ul style="list-style-type: none"> ▪ Are you familiar with the procedure for the control of goods? ▪ Have the responsibilities and authorities in this procedure been described? 		
3	<ul style="list-style-type: none"> ▪ Do you think that staff is sufficiently informed about these procedures? ▪ Based on what kind of information? 		
4	<ul style="list-style-type: none"> ▪ Is it possible to check afterwards riskful acts of staff? 		
5	<ul style="list-style-type: none"> ▪ Is monitoring of enforcement of the AO part of a regular cycle? ▪ If yes, who is implementing this monitoring? 		
6	<ul style="list-style-type: none"> ▪ Does the accountant/financial controller pay attention to aspects of integrity? ▪ Are always two persons involved in case of riskful actions with external individuals/organisations? 		
C	Personnel policy	YN/n.a.	Comment
1	<ul style="list-style-type: none"> ▪ In case of recruitment of new staff (internal, external) a selection and recruitment procedure will be followed? ▪ Is this based on a written procedure? ▪ Who is responsible for the enforcement of this procedure/ ▪ Is integrity part of the application meeting with the candidate? ▪ Are external applicants for a vacancy obliged to submit a CV? ▪ Do they have to add information about references? ▪ Are these references checked? ▪ Are original diploma's checked? 		
2	<ul style="list-style-type: none"> ▪ Are there positions which could be classified as positions dealing with confidential information? ▪ Any additional measures taken for these positions? E.g. screening. 		
3	<ul style="list-style-type: none"> ▪ Does new staff follow an introductory programme? ▪ Is integrity part of this programme? 		
4	<ul style="list-style-type: none"> ▪ Has every staff member a job description? ▪ Do they provide for a complete overview on activities to be performed? ▪ Is staff in the possession of the job description? 		
5	<ul style="list-style-type: none"> ▪ Do performance assessments with staff take place? ▪ If yes, is integrity/corruption one of the issues to be discussed? What kind of issues? 		
6	<ul style="list-style-type: none"> ▪ Are private circumstances of staff discussed as far as they could influence their functioning? 		
7.	<ul style="list-style-type: none"> ▪ Is there a provision for the protection of whistleblowers? 		
8	<ul style="list-style-type: none"> ▪ Is there any provision for reporting additional employment/outside activity that may endanger adequate performance of a function? ▪ If yes, is this activity recorded and periodical updated? ▪ Are there procedures for assessing this activity? ▪ Who is recording the activity? 		

9.	<ul style="list-style-type: none"> ▪ Is staff prohibited from accepting gifts and donations in connection with their duties? ▪ Are written guidelines available? ▪ Is there an obligation to report gifts? ▪ If yes, to whom? ▪ Are there any reports on (attempts to) extraordinary gifts/invitations ▪ How is enforcement in this field checked? 		
10	<ul style="list-style-type: none"> ▪ Are there provisions in place concerning periodical rotation of staff, particular for functions that may be especially vulnerable for corruption? ▪ If yes, who is responsible for rotation of positions? 		
11	<ul style="list-style-type: none"> ▪ Is there an obligation to take an oath of office? 		
D	Security	J/N/n.a.	Comment
1.	<ul style="list-style-type: none"> ▪ Is there any policy developed on how to deal with classified information? ▪ Is there a description about what kind of information is supposed to be classified? ▪ Are there any special measures taken to minimize the misuse of classified information? ▪ Are there any reports of misuse of classified information? ▪ Who is responsible for the adequate handling of classified information? ▪ Have there been cases of theft/misuse of e.g. computers/value office equipment? ▪ Is there a central provision for the registration of goods/office equipment and which goods should be registered? 		
E	Procurement	J/N/n.a.	Comment
1	<ul style="list-style-type: none"> ▪ Does a procurement policy exist? ▪ Are anti-corruption aspects part of this policy? 		
2	<ul style="list-style-type: none"> ▪ Has an assessment carried out regarding the risks on corruption? ▪ Risks per organisation unit? ▪ Risks per contract? ▪ Is there an overview on the external process and/or project risks? 		
3	<ul style="list-style-type: none"> ▪ Is there an overview on vulnerable positions related to purchases and procurement (who has contact with third parties, authorized to take decisions and sign contracts)? 		
4	<ul style="list-style-type: none"> ▪ Does a Code of Conduct exist on this area? ▪ If yes, where can you find this Code? ▪ What is the contents of this Code? 		
5	<ul style="list-style-type: none"> ▪ Is there a special procedure for notifying breaches of integrity? ▪ Are these breaches registered and where? ▪ Does a “black list” exist of companies who tried to circumvent the procurement rules? ▪ Did you ever notice a bribe case? 		
6	<ul style="list-style-type: none"> ▪ Are you aware of the risks related to purchases and procurement? Please give examples. 		
7	<ul style="list-style-type: none"> ▪ Has the subject of integrity/corruption ever been discussed during internal staff meetings? 		
8	<ul style="list-style-type: none"> ▪ Has the procurement department been involved in anti-corruption training? 		
9	<ul style="list-style-type: none"> ▪ Has the organisation been informed about the 		

	European procurement rules?		
10	<ul style="list-style-type: none"> ▪ Are agreements with suppliers about prices documented? ▪ Does the Administrative Organisation provide for regular checks on the performances of the supplier (control of invoices, orders, receipt of goods)? ▪ Do procurement contracts provide for a description of conditions and norms? ▪ How is fair competition in awarding contracts organised? 		
11	<ul style="list-style-type: none"> ▪ Is there an overview on potential suppliers? ▪ Are selection criteria clearly formulated? ▪ Is always more than one supplier involved? ▪ Who are involved in the final selection process of the supplier? Based on the procedures as laid down in the Administrative Organisation? 		

6. ANNEX C

Functions mapping table for Albania bodies dealing with anti-corruption

Methodology

It is recommended by the Consultant that the functions of the main anti-corruption bodies in Albania are mapped in order to avoid potential problems, e.g. overlapping of functions of different bodies, gaps etc. Twelve main functions are listed and on that basis of which an assessment can be made of the role of different bodies involved in the fight against corruption. The mapping helps to identify the operation of DIACA and other relevant bodies in the field of anti-corruption, possible overlaps and discrepancies. The functions are:

1. Anticorruption policy definition/planning
2. Monitoring/assessment of the anti-corruption strategy implementation
3. Anticorruption instruments development
4. Risk detection/assessment
5. Audit (self-assessment) planning
6. Audit (self-assessment) implementation
7. Findings analysis/Recommendations
8. Reporting on signals
9. Investigation on signals
10. Awareness raising
11. External advice
12. Training

DIACA needs to decide which bodies involved in anti-corruption should be part of the functions mapping.. As a next step the functions of each body should be listed. Examples are shown in the tables below.

Explanatory notes to the functional assessment table:

1. **Anti-corruption strategy** (policy) definition/ planning: This is the function connected with the planning of anti-corruption strategy on national level, but also of policies on central and

regional level. The definition of strategy (policy) embraces also important distinctions and definitions, priority setting etc.

2. **Monitoring/ assessment of the Anti-corruption strategy implementation:** This function goes after the implementation of the strategy (policy) and is understood as including not only statistics, results, reporting, but also analysis.
3. **Anti-corruption systems and procedures establishment/ update:** The function is oriented at legislation making, developing of rules, guidelines, and procedures to implement the purposes set forth in the strategy (policy).
4. **Risk detection/ assessment:** It is part of the integrity/ anti-corruption auditing. The objective of this kind of auditing exercise is to firstly assess and evaluate the institutional environment, context, procedures and controls in order to secondly properly proceed with the risk detection mechanism elaboration and application.
5. **Audit design:** The audit design revolves around the audit programme formulation based on the risk detection/ assessment phase. An “audit programme” is a procedural manual of predetermined procedures and questions for gathering information and data.
6. **Audit planning:** Once the design has been effected the actual field/ institutional audit work must be planned in a coordinated manner from both the auditor and auditee perspectives.
7. **Audit performance:** This aspect is a direct consequence of the above audit design and planning stages and is influenced directly by the qualifications, objectivity and impartiality of the audit team.
8. **Finding analysis/ recommendations:** All audit findings are to be submitted for an analysis and will form the basis for reporting these findings and recommendations to the stakeholders.
9. **Reporting on signals:** Refers to the question to which body the signals are (to be) submitted by people who report on corruption or other cases of breach of integrity cases.
10. **Investigation on signals:** This is the typical repressive function of investigating on and clearing of the facts alleged in the received signal
11. **Awareness raising:** All measures directed at active informing of the public about anti-corruption issues and activities.
12. **External advice:** Counseling provided to other public bodies either on request or by own initiative.
13. **Training:** Raising training needs on the basis of needs assessment.

Functions Mapping Table (identification of organisations involved in anti-corruption)

No.	Function	DIACA	Police	Inspectorates	Etc, etc.	
1	Anticorruption policy definition/planning	YES ³				
2	Monitoring/assessment of the Anticorruption strategy implementation	YES ⁴				
3	Anticorruption instruments development					
4	Risk detection/assessment					
5	Audit (self-assessment) planning					
6	Audit (self-assessment) implementation					
7	Findings analysis/Recommendations					
8	Reporting on signals					
9	Investigation on signals					
10	Awareness raising					
11	External advice					
12	Training					

³ Function elaborated in next table (example)

⁴ Same

Functions elaborated for each identified anti-corruption body.

Anti-corruption body: DIACA, (example)

Function: Anticorruption strategy definition/planning								
Scope/area of responsibilities	Activities	Roles involved	Input	Output	Systems/Tools	Relevant legislation	Frequency	Interface with other bodies
National Structures of the Executive	<ul style="list-style-type: none"> • Elaboration of the priorities of the National Anti-corruption Strategy • Elaboration of mechanisms for effective counteracting and prevention of corruption • Development of an annual Action Plan 	<ul style="list-style-type: none"> • Analysis and summary of information) •Development and proposal to Council of Ministers) 	Reports on the implementation of the action plans	Annual action plan	System of indicators for assessment of the implementation of the national anti-corruption strategy	Council of Minister's Decision	Annual	Council of Ministers •Inspectorates at Ministries
Regional/local structures								
Function: Monitoring/assessment of the Anticorruption strategy implementation								
	Semi-annual reporting on the implementation of the national anticorruption strategy	Analyzing and summarizing information	Reports from central and regional administrations Collection and	Semi-annual (6-months) and yearly report to Council of Ministers	Anti-corruption strategy Electronic data Base	Council of Minister's Decision	6 months reporting Monthly meetings with...	Council of Ministers Inspectorates in ministries NGO's

	Development of a system of indicators for assessment of the implementation of the national anticorruption strategy		analysis of information on anti-corruption measures undertaken	System of indicators for assessment of the implementation of the national anti-corruption strategy	System of indicators for assessment of the implementation of the national anti-corruption strategy			

To be continued with the other listed functions and in connection with the other identified bodies.