Programmatic Cooperation Framework for Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus





CoE/EU Eastern Partnership Programmatic Co-operation Framework (PCF)

Thematic Programme: Theme III

"Fight against Corruption and Fostering Good Governance-Fight against moneylaundering"

2nd Progress Report December 2016

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ABBREVIATIONS

AML/CFT - Anti-Money Laundering/Counter Financing of Terrorism

CSC - Civil Service Commission

CCC - Commission for Combating Corruption

MONEYVAL - Committee of Experts on the Evaluation of Anti-Money Laundering

Measures and the Financing of Terrorism

CoE - Council of Europe

GIZ - Deutsche Gesellschaft für Internationale Zusammenarbeit

EaP - Eastern Partnership

PCF - Eastern Partnership Programmatic Co-operation Framework

EU - European Union ER - Expected Result

GRECO - Group of States against Corruption
NACAP - National Anti-Corruption Action Plan

NABU - National Anti-Corruption Bureau of Ukraine NAPC - National Agency for Prevention of Corruption

NRA - National Risk Assessment

ODIHR - Office for Democratic Institutions and Human Rights
OECD - Organisation for Economic Co-operation and Development

OSCE - Organization for Security and Co-operation in Europe

PCF-REG - PCF Regional Project "Fight against Corruption and Fostering Good

Governance/Fight against money-laundering"

PCF-AZ - PCF Azerbaijan Project "Strengthening capacities to Fight and Prevent

Corruption in Azerbaijan"

PCF-BE - PCF Belarus Project "Good governance and fight against corruption" (PCF-

BE)

PCF-GE - PCF Georgia "Project on Combating Money Laundering and Terrorist

Financing"

PCF-UA - PCF Ukraine Project "Fight against Corruption" – Open Advisory Facility

SIMs - Special Investigative Means

ToT - Training of trainers

UNDP - United Nations Development ProgrammeUNODC - United Nations Office on Drugs and Crime

U.S. DOJ - United States Department of Justice

U.S. DOS/INL - United States Department of State Bureau of International Narcotics and

Law Enforcement Affairs

1 DESCRIPTION

1.1 Contact Person for Corruption Theme

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Council of Europe (CoE)

1.2 Name of Partners in the Action

The Eastern Partnership Programmatic Co-operation Framework is 90% funded by the EU and 10% by the Council of Europe. It is implemented by the Council of Europe.

1.3 **Title of Action**

CoE/EU Eastern Partnership Programmatic Co-operation Framework (PCF) Thematic Programme "Fight against Corruption and Fostering Good Governance/Fight against money-laundering" (2015-2017)

1.4 Contract Number

ENI/2014/037-347

1.5 Start Date and End Date of the Reporting Period

1 January 2015 – 31 December 2017

1.6 Target Countries

Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine

1.7 Beneficiaries

Regional Main Counterparts:

Ministry of Justice of Republic of Armenia, Commission on Combating Corruption under the President of the Republic of Azerbaijan, Department for Combating Corruption and Organised Crime Prosecutor General's Office of Belarus, Ministry of Justice of Georgia, Prosecutor's Office of Georgia, National Anti-Corruption Centre of the Republic of Moldova, and Ministry of Foreign Affairs of Ukraine.

Regional Beneficiaries:

- Governmental bodies at all levels, notably specialised structures within the ministries of justice, interior, and finance;
- Ministry units responsible for public administration and civil service;
- Specialised agencies/bureaux/commissions involved in prevention and fight against corruption and economic crime (i.e., anti-corruption agency);

- Financial intelligence units (FIUs);
- Judiciary and prosecutorial services;
- Training institutions; and
- Civil Society.

Azerbaijan Main Counterpart:

Commission on Combating Corruption under the President of the Republic of Azerbaijan

Azerbaijan Beneficiaries:

- General Prosecutor's Office;
- Civil Service Commission;
- State Agency for Public Service and Social Innovations/ASAN;
- Police Academy;
- Financial Monitoring Service;
- CARA;
- Custom's Academy;
- Justice Academy;
- Ministry of Education; and
- Civil Society.

Belarus Main Counterpart:

Prosecutor General's Office of Belarus.

Belarus Beneficiaries:

- Prosecutor's General Office of Belarus;
- Governmental bodies assigned to risk assessment policy and implementation; and
- Specialised agencies/bureaux/commissions assigned to prevention and fight against corruption and economic crime.

Georgia Main Counterparts:

- Ministry of Finance of Georgia;
- Ministry of Justice of Georgia; and
- Office of the Chief Prosecutor of Georgia.

Georgian Beneficiaries:

- Ministry of Finance of Georgia;
- Ministry of Justice of Georgia;
- Prosecutor's Office of Georgia;
- State Security Agency;
- Insurance State Supervision Service of Georgia;
- Revenue Service legal entity of public law of the Ministry of Finance;
- Georgian Bar Association;
- Georgian Federation of Professional Accountants and Auditors;
- National Agency of Public Registry-legal entity of public law of the Ministry of Justice;

- National Bank; and
- Financial Monitoring Service.

<u>Ukraine Main Counterpart:</u>

Ministry of Foreign Affairs of Ukraine;

<u>Ukrainian Beneficiaries:</u>

- Verkhovna Rada
- Ministry of Justice;
- National Anti-Corruption Bureau;
- National Agency for Prevention of Corruption; and
- Representatives of law enforcement agencies, prosecution service, the judiciary, civil society and media.

2 EXECUTIVE SUMMARY

The CoE/EU Eastern Partnership Programmatic Co-operation Framework (PCF) has been developed pursuant to the Council of Europe and EU Policy priorities in the context of the Eastern Partnership and is a continuation of an earlier Eastern Partnership initiative. The PCF follows the same logic providing the assistance to the Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine) in various areas on both a regional and country specific level. The implementation started on 1 January 2015 and is planned to conclude on 31 December 2017.

The Thematic Programme's Theme III: "Fight against Corruption and Fostering Good Governance/Fight against money-laundering" is one of the PCF pillars focused on supporting reforms and strengthening regional capacities to prevent and fight corruption, money laundering and terrorist financing. It is consists of:

- one Regional Component (involving all six Eastern Partnership countries); and
- four country specific interventions (projects for Azerbaijan, Belarus, Georgia and Ukraine).

The second year of the PCF cycle was characterised by an intensive pace of implementation of PCF Programme activities in accordance with the agreed workplan. In 2016, the PCF Programme successfully implemented 6 activities including 55 actions, involving 1052 EaP officials (of which 290 were women [27.56%] and 755 were men [72.44%]), thereby finalizing 97% of planned actions for 2016. Building-up on initial efforts made in 2015, during 2016 the PCF Programme actions continued assisting EaP countries with legislative and policy changes and building and strengthening corruption prevention and repression tools. Ten expert advisory papers and 3 model laws were produced and made available, contributing to on-going policy and legislative reforms in the EaP region. Furthermore, a total of 27 capacity building actions (workshops, seminars and conferences) for representatives of the preventive and enforcement sector took place. Forty-one international and 12 national experts were engaged in providing advice and training to the EaP.

The <u>PCF Regional Project</u> "Fight against Corruption and Fostering Good Governance/Fight against money-laundering" (PCF-REG) provided the EaP countries with model laws on Liability of Legal Entities, Integrity Testing and Lobbying (with explanatory memoranda) in an effort to support on-going and future legislative reforms in these fields. In addition to the above, practitioners from the EaP region were equipped with the Practical Guide on Investigating and Prosecuting Economic Crime and the Training Module on Whistleblower Protection, aimed at fostering specialisation in these two important areas.

In <u>Azerbaijan</u>, the *PCF Project "Strengthening capacities to Fight and Prevent Corruption in Azerbaijan"* (PCF-AZ) interventions were geared toward supporting the drafting process of the National Action Plan on Promotion of Open Government 2016-2018¹; developing the electronic platform for monitoring and reporting on the implementation of the National Action Plan on Promotion of Open Government; strengthening training capacities of the Commission on Combatting Corruption and Civil Service Commission² by developing tailor-made anti-corruption and ethics curricula and materials for public officials; and reinforcing law enforcement capacities by providing specialised trainings on complex economic crime issues.

The <u>Belarus</u> PCF Project "Good governance and fight against corruption in Belarus", which only started in 2016, contributed to ongoing discussions on development of national risk assessment frameworks for corruption and other types of economic crime. Separately, prosecutors and law enforcement officers increased their knowledge on liability of legal entities which should facilitate smoother implementation of recently introduced administrative sanctioning for legal entities committing economic crimes.

In <u>Georgia</u>, the *PCF "Project on Combating Money Laundering and Terrorist Financing" (PCF-GE)* focused on providing expert recommendations on improvement of the national antimoney laundering/counter terrorist financing (AML/CFT) legislative framework in line with applicable international standards, developing capacities of AML/CFT supervisory agencies, and enhancing specialisation of law enforcement and criminal justice sector institutions on issues including liability of legal entities for economic crime and asset recovery.

In <u>Ukraine</u>, the *PCF Ukraine Project "Fight against Corruption" – Open Advisory Facility (PCF-UA)* continued providing the authorities with expert advice on proposed changes to legislation, continued supporting the National Anti-Corruption Bureau of Ukraine develop its operational capacities and expertise on issues including use of mutual legal assistance, and guided the National Agency for Corruption Prevention in developing key prevention tools such as the national corruption risk assessment methodology.

In year two of the project cycle, the PCF Programme has not experienced any major setbacks. Shift in priorities of beneficiary institutions, emerging duplicative projects and overall donor fatigue continue to have an impact on planning and implementation of activities, albeit to a lesser extent than in 2015 which to a great extend can be attributed to the good working relations between the PCF Project Team and representatives of the beneficiary institutions.

¹ Formerly National Anti-Corruption Action Plan (NACAP)

² As of April 2016, the CSC is under the authority of the State Examinations Centre.

3 DESCRIPTION OF ACTION

3.1 Context of Cooperation

The European Union launched the Eastern Partnership initiative (EaP) on 7 May 2009 at a Summit with its Eastern Partners. The Partnership sets out an ambitious path for tighter relations between Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine, through bilateral and multilateral activities. One component of the Eastern Partnership was the "Eastern Partnership – Council of Europe Facility Project on Good Governance and Fight against Corruption", implemented from March 2011 until December 2014 (www.coe.int/eapcorruption).

The current Project "Fight against corruption and fostering good governance/ Fight against money-laundering", under the CoE/EU Eastern Partnership Programmatic Co-operation Framework (PCF), represents a continuation of the previous Eastern Partnership assistance. It combines a Regional Component (involving all six Eastern Partnership countries) with Country Components for Azerbaijan, Belarus, Georgia and Ukraine. Whereas Country Components for Azerbaijan, Belarus and Ukraine primarily focus on combating corruption, the focus of the Country Component for Georgia is on fighting money-laundering.

The PCF as a whole is composed of five programmatic areas agreed between the European Commission and the Council of Europe. It t stems from the Statement of Intent signed on 1 April 2014 by the Secretary General of the Council of Europe and the EU Commissioner for Enlargement and Neighbour Policy and has been developed pursuant to the Council of Europe and EU Policy priorities in the context of the Eastern Partnership, while relying on the Council of Europe expertise in standard-setting, monitoring and cooperation. "Fight against Corruption and Fostering Good Governance/Fight against money-laundering" is one of the pillars covered by the PCF. It is focused on supporting current reforms in the field of fight against corruption and money-laundering/terrorist financing and building good governance.

3.2 Approach

The Council of Europe has developed multidisciplinary expertise in the economic crime field for over a decade through standards setting, compliance monitoring, and provision of technical assistance. This knowledge has been the backbone of assistance to EaP countries in the previous period and will be used to deliver assistance on the regional and country level under the PCF platform.

In contrast to the previous EaP assistance format which was predominantly regional, with discrete country input, the PCF framework combines an overarching regional component aimed at all six EaP countries with four country specific components (for Azerbaijan, Belarus, Georgia and Ukraine). The regional component itself is a combination of regional and pilot activities. Regional activities engaging all six countries will allow for mobilisation of Council of Europe expertise, peer-to-peer reviews and advice, and the exchange of good practices among participating countries. Pilot activities will provide tailored assistance in response to individual country priorities in all six countries. Being run under the same programmatic platform, the regional and country components will mutually inform one another in an effort to provide individual countries, and the region as a whole, sufficient knowledge and expertise.

This also translates to thematic areas being covered under the programme. In line with identified key country needs and priorities, four country components have been developed to cover corruption/good governance or money laundering/terrorist issues specific for each country, respectively, while the regional component aims at addressing issues that emerge as common themes and address needs in areas outside the focus of country specific projects. Support is being extended in the areas of:

- 1) Policy and legislative reform;
- 2) Development of operational tools and procedures;
- 3) Development/strengthening of institutional operational and professional capacities;
- 4) Development /strengthening of inter-agency cooperation;
- 5) Development/strengthening of educational/training/awareness raising capacities.

4 PROJECT OBJECTIVES

4.1 Regional Project: (PCF-REG)

<u>Overall Objective:</u> Strengthening the capacities of six Eastern Partnership countries to fight corruption and money laundering and foster good governance.

Specific Objectives:

- 1.1. Improve the legal framework and professional capacities for prevention and criminalization of corruption, particularly in terms of implementation of relevant GRECO recommendations;
- 1.2. Strengthen corruption prevention capacities within the public administration, judiciary, prosecution service, and law enforcement;
- 1.3. Improve legal framework concerning ethics/codes of conduct, conflicts of interest, prohibition or restriction of incompatible activity, asset declarations, political activity financing, white collar crime, and immunity of high-ranking public officials;

- 1.4. Focus fight against corruption in specific areas, such as education and health sector; Support the development of prevention mechanisms and increase good governance in delivery of public services;
- 1.5. Facilitate public disclosure (whistleblowing) through development of a sound and applicable normative framework for the protection of whistleblowers and strengthening of professional capacities for its implementation;
- 1.6. Develop regional capacities and cross-border cooperation on common issues in fight against corruption, where cross-border and international cooperation is necessary to combat corruption and other forms of economic crime;
- 1.7. Strengthen national capacities to detect and suppress financial and economic crimes, notably in terms of implementation of applicable MONEYVAL recommendations;
- 1.8. Strengthen the capacities of financial intelligence units, law enforcement authorities, as well as supervisory bodies, in identifying money laundering/terrorism financing activity and other types of violation of applicable legislation.

4.2 Azerbaijan Project: (PCF-AZ)

Overall Objective: Contribute to democracy and the rule of law through implementation of institutional reforms aimed at preventing and combatting corruption.

<u>Specific Objectives:</u> Strengthen institutional capacities aimed at fighting and preventing corruption in the public sector.

4.3 Belarus Project: (PCF-BE)

Overall Objective: Contribute to democracy and the rule of law through strengthening of good governance and anti-corruption mechanisms.

<u>Specific Objectives:</u> Strengthen institutional capacities to prevent and counter corruption in Belarus, in accordance with applicable European standards

4.4 Georgia Project: (PCF-GE)

Overall Objective: Contribute to democracy and the rule of law through prevention and control of money laundering and terrorist financing in Georgia in accordance with European and other international standards.

<u>Specific Objectives:</u> Enhance the capacities of the anti- money laundering and counterterrorist financing system in Georgia in terms of legislation, institutional frameworks, skills and operational capabilities.

4.5 Ukraine Project: (PCF-UA)

Overall Objective: Contribute to democracy and the rule of law through prevention and

control of corruption in Ukraine.

Specific Objectives: Strengthen institutional capacities to counter corruption in Ukraine, in

accordance with European standards, through targeted technical

assistance.

5 WORKPLAN/ACTIVITIES

5.1 Regional Project: (PCF-REG)

Expected Result I: Strengthened anti-corruption preventive measures within public administration

In 2016, the PCF-REG assisted EaP countries in developing and improving legislation on liability of legal persons, integrity testing, and lobbying. Representatives of policy, prevention, and enforcement institutions were informed of international standards and good comparative practices on the above mentioned topics and as result of these efforts, are now equipped with comprehensive legislative proposals on liability of legal entities, integrity testing, and lobbying that can be used as blueprint for on-going reforms in the EaP region. Several EaP countries, including Ukraine and Georgia, have already reached out to CoE seeking further assistance with incorporation of proposed solutions in national legislative and regulatory frameworks.

Expected Result II: National institutions tasked with providing policy advice, coordination and monitoring of anti-corruption- and good governance related reforms are strengthened

First activities in the regional health sector risk assessment, including the development of the assessment methodology, have been finalized creating the basis for country assessments in 2017.

Expected Result III: Independence of the criminal justice institutions and its mechanisms to combat corruption improved

In 2016, efforts were aimed at raising national capacities on investigating complex economic crime and protection of whistleblowers. Through these efforts, representatives of the key national prosecuting, regulatory, and law enforcement agencies were equipped with step-by-step guidance on method used in conducting complex economic crime investigations, working with whistleblowers, and providing whistleblower protection. Training materials were developed and provided and further more a pool of national trainers has been

established following training of trainers organised by the project. This enables the EaP countries to carry in-country follow-up activities.

Expected Result IV: Strengthened national capacities through pilot activity intervention

In 2016, PCF-REG supported five country specific anti-corruption and anti-money laundering/counter terrorist financing initiatives. In Georgia, authorities were provided advice on good practices in using public awareness tools to bolster anti-corruption reform efforts. Guidance given is incorporated in the Anti-Corruption Public Awareness Strategy prepared by the Ministry of Justice of Georgia. Azerbaijani State Agency for Public Service and Social Innovations (SAPSSI/ASAN) was provided know-how on conducting institutional corruption risk assessments in the public sector and development of a risk management system, according to applicable international standards and practices. As a result, SAPSSI/ASAN has begun the process of reviewing its internal policies and development of internal risk assessment guidelines. Republic of Moldova has been provided with expert advice on the draft Law on combating and prevention of money laundering and terrorism financing and draft Law on integrity based on relevant international standards and good comparative practices. The provided input feed into the on-going reform processes in the Republic of Moldova on these matters.

5.2 Azerbaijan Project (PCF-AZ)

Expected Result I: Strengthened training capacities of the Commission for Combating Corruption and the Civil Service Commission

During 2016, PCF-AZ made good progress toward strengthening training capacities of the Commission for Combating Corruption (CCC) by producing a tailor-made training curriculum and handbook on anti-corruption concepts, standards, and practices for the CCC. The training curriculum and handbook will serve as a basis for creating a pool of future anti-corruption trainers of the CCC in early 2017. Similarly, the Civil Service Commission (CSC)³ has been equipped with a curriculum and handbook on "Ethics in Public Service", which will be used in 2017 as a basis for development of an continuing ethics training program for public administration in Azerbaijan.

Expected Result II: Reinforced law enforcement capacities of the Anti-corruption Department of the General Prosecutor

In 2016, PCF-AZ continued developing specialisation of prosecutors of the Anti-Corruption Directorate of the General Prosecutor (ACDGP), law enforcement agencies, and the judiciary on complex economic crime issues. Pursuant to project interventions authorities have acquired skills and knowledge on use of plea bargaining and non-prosecution agreements,

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³ Currently part of the State Examination Centre.

investigation of money laundering, and use of informal and formal mutual legal assistance tools in case investigations and prosecutions. The authorities have moreover been provided expert recommendations on legislative framework and good operational practices through technical papers on "Plea Bargaining, Immunity and "Restricted Use" Agreements, Witness Protection and Deferred Prosecution Agreements" and "Mutual Legal Assistance in Asset Recovery.

Expected Result III: Support the preparation of an expected National Anti-Corruption Action Plan (NACAP)

The PCF-AZ facilitated a large scale public and expert discussion in support of the efforts of the Commission on Combatting Corruption (CCC) to obtain extensive public input on the draft National Anti-corruption and Open Government Action Plans. Furthermore, the CCC was provided with detailed expert advice on ways to improve the draft strategic documents through an Expert Opinion on the Draft National Anti-corruption and Open Government Action Plans. Upon the adoption of the "National Action Plan on Promotion of Open Government 2016-2018", PCF-AZ provided to the CCC a tailor made electronic platform for collecting information on the implementation of the Action Plan and assessment of the rate of implementation, which will also be accessible to the civil society.

Separately, in an effort to further boost implementation of outstanding international anticorruption recommendations in Azerbaijan, PCF-AZ strengthened the awareness raising and training capacities of the Central Election Commission of Azerbaijan through training for political party representatives on financial reporting. As a result, representatives of the majority of political parties in Azerbaijan have been acquainted with international standards, good practices, and national rules regarding political party financial reports.

Expected Result IV: Anti-Corruption training is introduced into the public service and the education sector

In 2016, PCF-AZ established contacts with the Ministry of Education, as well as several higher education institutions such as the Law Faculty at Baku State University and Public Administration Academy, to set ground for the activities under this ER planned for 2017.

5.3 Belarus Project: (PCF-BE)

Expected Result I: Selected sectors of public governance are reviewed for corruption (Risk assessments)

First activities aimed at achieving this expected result were tailored to provide Belarus public sector institutions and the main anti-corruption coordination body, the General Prosecutors Office, understanding of the concept and the methodologies of preventive

corruption risk assessments. Consequentially, 17 public sector institutions in Belarus have developed an understanding of the rationale behind corruption risk assessments, possible risk assessment methodologies, and sectoral specificities relating to risk assessments. Furthermore, the General Prosecutor's Office distributed guidance developed based on provided materials to all regional offices for follow-up.

Expected Result II: Capacities of authorities to prevent, investigate, prosecute and adjudicate corruption and economic crime cases are enhanced

Following the introduction of liability of legal entities into the Belarus system, the criminal justice and law enforcement authorities of Belarus were trained on corporate crime typologies and good practices in investigating and prosecuting companies for economic crimes. This is the first in the series of efforts aimed at developing national capacities regarding corporate economic crime liability, pursuant to domestic legislation. In addition to that, steps were taken to raise Belarus capacities to prevent economic crime, namely money laundering and terrorist financing, through provision of guidance on national money laundering/terrorist financing risk assessments. Recommendations provided will be used by Belarus authorities in conceptualizing the National Risk Assessment, which is planned for 2017.

5.4 Georgia Project: (PCF-GE)

Expected Result I: Legislative proposals available to make Georgian legislation and Sub-legal acts compliant with the applicable European and international standards

During 2016, Georgian authorities were provided with three sets of recommendations on enhancing national anti-money laundering/counter terrorist financing legislation in line with applicable European and international standards. Pursuant to request of the Georgian Ministry of Finance, authorities were provided with the analysis of existing legislation concerning regulation of the non-profit sector and leasing, casinos, and gambling institutions and advice on necessary improvements that would bring the legislation in line with relevant standards and good practices. Recommendations provided were considered during the development of set of amendments by the Georgian Revenue Service. Additionally, beneficiaries were provided with an outline of standards and good practices on regulating dealers in precious metals and stones, a sector currently not regulated, and recommended solutions for Georgia. The Council of Europe input will be used for development of necessary legislation in 2017.

Expected Result II: Risks of money laundering/terrorism financing at the national and sectoral level are understood and mitigating measures are elaborated

Pursuant to recommendations provided by PCF-GE Georgian authorities in 2016 have focused on gathering and analyzing data at the national level. A draft risk assessment is

expected at the beginning of 2017. In order to ensure high level political support to the process, a high-level workshop to discuss the NRA and requirements for harmonizing legislation and practices with international standards, as outlined in MONEYVAL reports, was held with the Georgian Interagency Council for the Development and Coordination of Implementation of the Strategy and Action Plan for Combating Money Laundering and Terrorism Financing. The initiative resulted in heightened awareness of high-level government representatives on the importance of open inter-agency cooperation and communication for the NRA process and faster inter-agency communication regarding the NRA.

Expected Result III: The supervisory and regulatory framework of preventative measures is reinforced for the sectors of insurance, casinos, lawyers, notaries, dealers in precious metals and stones, real estate agents and NPOs; beneficial ownership and transparency of legal persons is enhanced

PCF-GE in the course of 2016 supported beneficiary institutions on developing internal guidelines and practices in line with international standards and good practices. Accordingly, representatives of the insurance sector, the legal profession, and supervisory bodies covering all the sectors have been equipped with knowledge of relevant international standards and good supervision practices, including ways to conduct risk-based assessments of the respective sectors and develop adequate mitigation measures. The insurance sector and the legal professionals sector have also been equipped with training modules and a pool of national trainers capable of replicating sector specific trainings nationally.

Expected Result IV: Capacities of authorities to investigate, prosecute and adjudicate money laundering and economic crime cases are enhanced

Through this component, PCF-GE continues enhancing the capacities of national investigating, prosecuting, and adjudicating authorities on processing money laundering and other types of economic crime. Complementary to efforts taken in the previous year, in 2016, through PCF-GE training and expert assistance, Georgian prosecutors begun developing internal guidelines on corporate prosecutions which are expected to be finalized and adopted by the General Prosecutor's Office beginning of 2017. These efforts will be followed by a set of national trainings to further boost the capacities of the prosecution services. In addition to this, representative of the prosecution service and law enforcement agencies improved their knowledge and skills regarding asset tracing, seizure, and forfeiture through a specialised course provided under PCF-GE. Through a specialised course developed jointly with the Justice Academy, judges were trained on the complexity of the issues considered in money laundering and terrorist financing cases, including layering and placement typologies and use of circumstantial evidence in the absence of direct evidence.

5.5 Ukraine Project: (PCF-UA)

Expected Result I: Increased compliance with anti-corruption legislation

Throughout 2016, PCF-UA continued contributing to on-going anti-corruption reforms in the country by providing three expert opinions on draft/existing legislation based on international standards and comparative good practices. The PCF-UA provided the authorities with review and country specific recommendations on the draft Civil Confiscation Law, proposed changes to legislation concerning the prosecution service (Draft Law 1177), and legislative provisions regulating financial control of asset declarations (Section VII of the Law on the Prevention of Corruption). Advice provided under the PCF-UA has resulted in reconsideration of solutions critiqued by experts and consideration of possible amendments of the existing legislation recommended by CoE experts.

Expected Result II: Strengthen capacities of National Anti-corruption Bureau (NABU)

PCF-UA continued strengthening operational capacities of the National Anti-Corruption Bureau of Ukraine (NABU) focusing on development of specialisation regarding operational good practices, international cooperation and establishment of NABU internal control mechanisms. As a result, NABU detectives have acquired knowledge and skills necessary for gathering case-specific information and evidence located abroad and key for establishing internal operational policies. Similarly, NABU internal controls staff has developed knowledge and understanding of possible internal controls tools, methods on identifying and reporting internal violations, and working with whistleblowers. They were moreover provided with expert recommendations which will be the basis for development of a set of internal operational policies in 2017.

Expected Result III: Strengthen Institutional capacities for (Recovered/Seized) Asset Management

As stated above, in 2016 the PCF-UA support to Ukrainian authorities in regards to asset recovery focused on provision of expert advice concerning the introduction of civil asset recovery (Draft Law 1177). The expected main beneficiary under this ER, the Asset Recovery Office, has not been set-up yet.

Expected Result IV: Support National Agency for Prevention of Corruption (NAPC) and strengthening of anti-corruption prevention measures

PCF-UA has begun providing support to the National Agency for the Prevention of Corruption (NAPC) shortly following its establishment in spring of 2016. Assistance efforts were focused on development of several key institutional instruments, namely the NAPC key performance indicators and internal performance benchmarks, the national corruption risk assessment methodology, and guidelines for development of public sector anti-

corruption programs. Through expert advice provided under PCF-UA, up until the end of 2016, the NAPC prepared its Performance Assessment Framework and the national corruption risk assessment methodological guidelines. Work on formulation of key performance indicators based on the Performance Assessment Framework and finalization of guidelines for development of public sector anti-corruption programs is expected at the beginning of 2017.

Separately, and prior to establishment of the NAPC, PCF-UA supported the efforts of the Presidential Administration and the National Agency for Public Service in developing General Rules of Ethical Conduct for Civil Servants and Local Government Officials of Ukraine. Through meetings between CoE experts and members of the working group tasked with preparing the draft General Rules, and recommendations on the draft text, the Presidential Administration and the National Agency for Public Service working group was equipped with specific guidance on how to proceed with developing the General Rules, in line with international standards and good comparative practices. The process was unfortunately put on hold later in the year due to conflict in legislation regarding jurisdiction over this effort which is yet to be resolved.

6 MODIFICATION[S], ASSUMPTIONS, RISKS AND SUSTAINABILITY

6.1 **Modification**

In 2016, the PCF Programme had only one minor modification regarding PCF-BE activities. The Belarus authorities requested that the initially proposed activity under ER 2 "training on inclusion of NGOs in fight against corruption" be eliminated to provide room for more specialised trainings on economic crime issues for the criminal justice and law enforcement authorities.

6.2 Assumptions, risks and sustainability

Implementation of all five projects largely relies on the following assumptions:

- Overall political will and continuity in carrying out reforms;
- Willingness of national authorities to adapt policies, in line with the EU and Council of Europe norms and standards;
- Capacity of specific beneficiary institutions to absorb assistance;
- Readiness of specific beneficiary institutions to address issues;
- Capacity and readiness of beneficiary institutions to use the acquired knowledge/assistance.

During 2016, the five PCF projects have faced substantive and operational challenges that affected implementation of project activities to a lesser degree due to mitigating measures put in place by the PCF Project Team after year one of the PCF Programme cycle. The below

issues nonetheless continued to be present or had emerged in 2016 requiring further adjustments in order to ensure successful during implementation .

6.3 Substance related issues

<u>Simultaneous and Multiplying requests</u>: The PCF Project Team continues to receive new requests for assistance, which is largely a reflection of emerging issues in the countries. In 2016, the PCF Programme has accommodated a number of such requests where the overall substantive framework, the time-line, and the budget permitted it. However some requests could not be addressed due to overall PCF Programme substantive and implementation constraints;

Rise of twinning projects with substantive overlap: In 2016, the PCF Project Team has witnessed the emergence of a new (post PCF start date) number of EU funded twining projects which overlap, to different degree, with the PCF Programme. This development has created a degree of confusion among beneficiaries, especially where assistance being provided would not be in-sync, and provided room for local beneficiaries to pick and choose the modality of assistance they prefer (e.g. study visits instead of in-country trainings). Steps are being taken to adjust to such new realities as they occur, however this situation seem to persist and create a challenging environment for the programme management and re-design of certain agreed activities.

Slowness of beneficiaries to identify needed assistance: During 2016, the Project Team has faced on at least two occasions (PCF-REG Pilot activities for Azerbaijan and Belarus) inability of beneficiaries to fully and firmly articulate modalities of expected assistance. Although general agreement would be reached on areas of cooperation and first actions would be taken, the beneficiaries would subsequently either abstain from further discussions or the information provided would disable further assistance in the specific area.

6.4 Operational related issues

<u>Local recruitment of project staff/instability</u>: Although to a much lesser extent, the issue of staff recruitment continued to be present in 2016. Due to the lower level of interest and greater percentage of unsuitability of applicants, the PCF Project Team faced significant delay in replacing one staff member who left at the end of 2015. A suitable replacement was hired only in June 2016.

<u>Donor congestion and absorption capacity fatigue</u>: Significant but disconcerted donor community continues to have a noticeable impact on the overall distribution of assistance in Ukraine. Simultaneous requests for assistance to different technical assistance providers continue, as does an atmosphere where rapid delivery and quantity is valued over quality

and thorough analysis. The PCF Project Team continues taking measures to minimize the impact of this setting to implementation of project activities.

7 LEVEL OF PROGRESS: ACTIVITY AND ACTION BASED APPROACH

The achievements relating to the expected results of the projects are assessed below taking into consideration actions effectively delivered, project outcome indicators, and Year II output indicators:

7.1 **PCF-REG**

Expected Result I: Strengthened anti-corruption preventive measures within public		
administration		
Outcome indicators	 Anti-corruption preventative administrative measures are reenforced and streamlined through the use of good governance tools; Control mechanisms within the public sector strengthened; Increase in legislative and implementation regulations concerning anti-corruption and preventative measures; Increase in the number of procedures of monitoring mechanisms/bodies that are reformed and improved. 	
Year II output indicators	 Model law/regulation/operational practices on lobbying, integrity testing, and liability of legal persons for all EaP countries is available; 	
Year II activities	 Regional Workshop on Liability of Legal Entities, 28 - 29 April 2016; Development of model Legislative Toolkit on Liability of Legal Entities; Regional Workshop on Integrity Testing, 23 – 24 June 2016; Development of model legislation on Integrity Testing; Regional Workshop on Lobbying Regulation, 23 – 24 November 2016; Development of model legislation on Lobbying. 	
Progress made under ER 1	National authorities of EaP countries have been provided with: a) model legislation on liability of legal entities, integrity testing, and lobbying, with an explanatory memorandum; and b) guidance on developing liability of legal entities, integrity testing, and lobbying regulation in line with applicable international standards and good practices through regional workshops on respective topics.	
-	II: National institutions tasked with providing policy advice,	
are strengthened	monitoring of anti-corruption- and good governance related reforms	
Outcome indicators	 Anti-corruption preventative administrative measures are reenforced and streamlined through the use of good governance tools; Control mechanisms within the public sector strengthened; 	

Year II output indicators Year II activities Progress made	 Increase in legislative and implementation regulations concerning anti-corruption and preventative measures; Increase in the number of procedures of monitoring mechanisms/bodies that are reformed and improved. Assessment of corruption in the health sector has started with the development of an assessment questionnaire and assessments visits to up to three EaP countries; Regional Workshop on Corruption Risk Assessment in the Health Sector, 14 – 15 December 2016; Development of the Corruption Risk Assessment Questionnaire. First steps have been taken in implementing the regional corruption risk assessment in the health sector. Together with health sector experts from 5 EaP countries (Azerbaijan is not taking part in this
under ER 2	activity), PCF-REG has developed the risk assessment framework and questionnaire. National experts have begun gathering data. First incountry assessments are scheduled for beginning of 2017.
Expected Result	III: Independence of the criminal justice institutions and its
_	mbat corruption improved
Outcome indicators	 Anti-corruption preventative administrative measures are reenforced and streamlined through the use of good governance tools; Control mechanisms within the public sector strengthened; Increase in legislative and implementation regulations concerning anti-corruption and preventative measures; Increase in the number of procedures of monitoring mechanisms/bodies that are reformed and improved.
Year II output indicators	 Training/s on economic crime investigations, standard of proof and whistleblower protection attended by criminal justice sector officials from all EaP countries;
Year II activities	 Regional Workshop on Economic Crime Investigations, 25 – 27 April 2016 Development of the Practical Guide on investigating and prosecuting economic crime; Regional Workshop on Whistleblower Protection, 17 – 18 October 2016; Development of Model Training Module on Whistleblower Protection.
Progress made under ER 3	National authorities of EaP countries have been provided with: a) Practical Guide on investigating and prosecuting economic crime and Model Training Module on Whistleblower Protection; and b) knowledge and skills for conducting complex economic crime investigations and prosecutions and providing whitsleblower

	protection.
Expected Result 1	V: Strengthened national capacities through pilot activity intervention
Outcome indicators	 Control mechanisms within the public sector strengthened; Increase in legislative and implementation regulations concerning anti-corruption and preventative measures; An annual report with comprehensive coverage of the use of Special Investigative Means (SIMs) and the capacity-levels of investigations into corruption/white collar crime is developed.
Year II output indicators	 Anti-corruption and ethics curricula for Armenia developed; Assessment of corruption in the public service delivery in Azerbaijan have started with a questionnaire and interviews; Anti-corruption curricula are developed for Georgia; at least two National Anti-Corruption Action Plan related activities have been implemented; At least one Moldovan piece of legislation on GRECO recommendations has been reviewed.
Year II actions	 Azerbaijan Pilot: Workshop on International Standards and Good Practices with Corruption Risk Assessments and Risk Management, 24 – 25 May 2016; Belarus: Fact finding mission on the secondary vocational sector risk assessment, 14 November 2016; Georgia Pilot: Development of the Technical Paper on Public relations on anti-corruption reforms for the Georgian Ministry of Justice (support to development of a PR Strategy on anti-corruption reforms efforts); Moldova Pilot: Expert Opinion on the draft Law on combating and prevention of money laundering and terrorism financing of the Republic of Moldova; Moldova Pilot: Expert Opinion on the draft Integrity Law.
Progress made under ER 4	Activities under 4.1 (support to policy and legislative development) and 4.2. (capacity building) of the Project Workplan implemented in relation to Azerbaijan, Belarus, Georgia, and Republic of Moldova. Azerbaijan was provided with guidance on development of risk management frameworks based on internal risk assessments. Belarus authorities considered with PCF-REG experts viability of the secondary vocational sector corruption risk assessment. Georgia received advice on conceptualising public relations activities regarding its anti-corruption efforts. Republic of Moldova was given expert recommendations on draft legislation concerning prevention and combating money laundering/terrorist financing and integrity measures.

7.2 **PCF-AZ**

Expected Result I: Strengthened training capacities of the Commission for Combating		
Corruption and t	he Civil Service Commission	
Outcome indicators	■ The Civil Service Commission and the Anti-Corruption Commission have developed standardised anti-corruption and ethics curricula, which are adaptable to the specific needs of different civil service institutions. Eighty (80) active ethics and anti-corruption trainers have been trained to provide training to cover the entire civil service in Azerbaijan, and are conducting trainings using the new curricula in institutions at central and local levels.	
Year II output indicators	Training curricula and materials/handbook on ethics, performance appraisal and anti-corruption are developed and delivered to target beneficiaries (Civil Service Commission and Commission for Combating Corruption); related training including training-of- trainers courses and pilot training courses are delivered to targeted audiences; pool of quality trainers on these issues is developed;	
Year II actions	 Development of the Anti-corruption curriculum and handbook for trainers; Development of Ethics in Public Service curriculum and handbook for trainers. 	
Progress made under ER 1	Under Activity 1.1 and Activity 1.2, Anti-corruption and Ethics in Public Service curricula and handbooks were developed for the Commission for Combating Corruption and Civil Service Commission. In view of the institutional reforms consolidating the Civil Service Commission within the State Examination Centre, it has been agreed with the beneficiaries to deliver training-of-trainers and pilot training courses in 2017.	
-	Expected Result II: Reinforced law enforcement capacities of the Anti-corruption Department of the General Prosecutor	
Outcome indicators	• All prosecutors and investigators in the Anti-Corruption Directorate of the General Prosecutor's Office (ACDGP) have acquired specialised and advanced knowledge on key issues (such as criminal liability for legal persons; asset forfeiture) and skills to investigate and prosecute corruption and other forms CoE/EU PCF: Theme III "Combating Threats to the Rule of Law" of economic crime; relevant training curricula are developed in co- operation with the ACD's training department for future continuous training purposes.	
Year II output	 Tailored training curricula and materials/handbook on specific topics covering economic crime related issues are developed and 	

indicators	trainings to targeted audiences are delivered;
Year II actions	 Training on Challenges and Best Practices in Money-Laundering Investigations on 16 May 2016; Training on Plea Bargaining, Cooperation and Non-Prosecution Agreements on 17 May 2016; Training on Mutual Legal Assistance in Asset Recovery on 31 October – 1 November 2016; Technical Papers on "Plea Bargaining, Immunity and "Restricted Use" Agreements, Witness Protection and Deferred Prosecution Agreements" and "Mutual Legal Assistance in Asset Recovery". Raised capacity of specialised prosecution and investigation bodies,
Progress made under ER 2	judges, financial analysts and auditors in money laundering investigations, plea bargaining and mutual legal assistance in asset recovery including the development of accompanying training materials.
Expected Result Action Plan (NA)	III: Support the preparation of an expected National Anti-Corruption CAP)
Outcome indicators	■ The new NACAP is developed using a participatory approach involving experts and civil society, and takes into account the evaluation of the 2012-1015 Anti-Corruption Action Plan. It incorporates measures to implement outstanding recommendations from the second, third, and fourth GRECO evaluation rounds and other monitoring bodies (e.g. MONEYVAL).
Year II output indicators	 Technical support, advice and expertise to the drafting of the new National Anti-Corruption Action Plan and to the development of a monitoring tool has been provided;
Year II activities	 Public Discussion on Draft Action Plans on Anti-Corruption and Open Government Partnership on 14 March 2016; Technical review of the draft National Anti-Corruption Action Plan for 2016-2019 and draft National Action Plan on Promotion of Open Government for 2016-2018 Action Plan; Developed an IT tool ("e-platform") for Monitoring and Reporting on the Implementation of the "National Action Plan on Promotion of Open Government 2016-2018"; Seminar on Transparency in Political Party Financing: Financial Reporting by Political Parties on 7 June 2016
Progress made under ER 3	Support was provided to the national authorities in drafting the National Anti-Corruption Action Plans by organising a public discussion on the draft Action Plan, with participation of representatives of state agencies and civil society organisations, and providing an expert review of the draft Action Plans. To increase the capacities of relevant state institutions to monitor and report on the

	<u> </u>	
	implementation of the National Action Plan on Promotion of Open	
	Government 2016 - 2018, an electronic platform was developed.	
	Pursuant to request from the authorities, support was provided to the	
	Central Election Commission to ensure financial transparency of	
	political parties through expert input and in line with GRECO	
	recommendations.	
Expected Result	IV: Anti-Corruption training is introduced into the public service and	
the education sec	etor	
	 Up to 15 tertiary education institutions (including universities) 	
Outcome	and public service training centres teach anti-corruption and ethics	
indicators	through mandatory modules in their curricula, and are continuing	
	to deliver these modules without further assistance by the Project.	
	Awareness regarding continuing education on anti-corruption and	
	ethics issues raised among representatives of education	
	institutions and public services training centres; teaching	
Year II output	methodology is developed, curricula and accompanying materials	
indicators	for educational institutions and public service training centres	
	initiated (their finalisation, training courses and impact	
	assessment will continue in 2017); beneficiary/partner institutions	
	are identified.	
	 Meetings with educational institutions and the Ministry of 	
Year II actions	Education to raise awareness and agree on modalities of	
	introducing the anti-corruption training into education sector.	
	The Anti-Corruption curriculum and materials developed under ER 1	
Progress made	will be tailored to the target group of this activity and will be	
under ER 4	supplemented by teaching methodology. The training courses will	
unider ER 1		
	take place in 2017.	

7.3 **PCF-BE**

Expected Result I: Selected sectors of public governance are reviewed for corruption		
(risk assessments)		
Outcome indicators	 Reports of risk assessments containing recommendations are disseminated to all relevant institutions; Public governance sector reforms on prevention of corruption to address issues and gaps identified by the risk assessments. 	
Year I output indicators	 Basic rules and standards related to anti-corruption risk assessments have been presented to Belarus anti-corruption prevention authorities. 	
Year I activities	 Workshop on Corruption Risk Assessment Methodology, 28 September 2016; Workshop on Sectoral Corruption Risk Assessments, 29 September 2016. 	

Progress made under ER 1	Belarus public sector institutions and the General Prosecutor's Office, main anti-corruption body in the Republic of Belarus, provided with knowledge and guidance on development of standardised and sector specific corruption risk assessments and selection of sectors for review.	
Expected Result II: Capacities of authorities to prevent, investigate, prosecute and adjudicate corruption and economic crime cases are enhanced		
Outcome indicators	■ N/A	
Year I output indicators	 Belarus prosecutors and investigators have been trained in typologies and issues associated with corruption in the private sector; Belarus prosecutors and investigators have been trained in good practices with investigating and prosecuting legal entities for corruption and economic crime. 	
Year I activities	 Training on Liability of Legal Entities, 17 – 18 May 2016; Workshop on National Mechanisms to Assess and Manage Money Laundering and Terrorism Financing Risks, 14 – 15 November 2016. 	
Progress made under ER 2	National authorities in-charge of investigation and prosecution of economic crime offences provided knowledge and guidance on best practices in processing corporations for committing economic crime related violations, in line with the introduced liability of legal persons into the Belarus system. Anti-money laundering/counter terrorist financing agencies introduced to good practices in assessing and managing money laundering and terrorist financing risks.	

7.4 **PCF-GE**

Expected Result I: Legislative proposals available to make Georgian legislation and			
sub-legal acts con	sub-legal acts compliant with the applicable European and international standards		
Outcome indicators	 Level of implementation of the national anti-money laundering and terrorism financing strategy and action plan and results, is increased; Progress is made in the implementation of Objectives of the National Strategy ,as attested by the indicative data; Ratings provided in MONEYVAL's fourth report are upgraded. 		
Year II output indicators	 At least three pieces of legislation reviewed vis-à-vis applicable international AML/CTF standards; At least one set of legislative amendments prepared based on the expert legislative review; 		

Year II actions	 Expert Opinion on Anti-Money Laundering/Counter Terrorist Financing mechanisms for non-profit organizations under Georgian legislation with recommendations; Expert Opinion on: Anti-money laundering/counter terrorist financing mechanisms for financial leasing companies, casinos and gambling institutions, and cash couriers under Georgian legislation with recommendations; Technical paper on: Good Practices in Regulating the Dealers in Precious Metals and Stones Sector with Recommendations on Legislative Options for Georgia. 	
Progress made under ER 1	Georgian authorities have been provided with expert recommendations on how to improve existing legislation concerning the non-profit organizations and leasing companies, casinos and gambling institutions, and cash couriers, in line with applicable international standards and good comparative practices. In addition to that, authorities have been given advice on development of legal provisions concerning AML/CFT compliance of dealers in precious metals and stones.	
Expected Result II: Risks of money laundering/terrorism financing at the national and sectoral level are understood and mitigating measures are elaborated		
Outcome indicators	 Level of implementation of the national anti-money laundering and terrorism financing strategy and action plan and results, is increased; Progress is made in the implementation of Objectives of the National Strategy ,as attested by the indicative data; Ratings provided in MONEYVAL's fourth report are upgraded. 	
Year II output indicators	 At least two events organised in support of development and implementation of national and sectoral risk assessments; At least one event organized and one opinion produced in support of the review of the level of implementation of the national AML/CFT Strategy and Action Plan. 	
Year II actions	 Workshop on Combating Money Laundering and Terrorist Financing in Georgia for the Georgian AML/CFT Inter-Agency Council, 6 June 2016 Working meetings of the Georgia NRA Working Group. 	
Progress made under ER 2	The NRA Working Group has spent 2016 gathering data for the NRA, pursuant to guidance received through PCF-GE. PCF-GE has supported the working process in 2016 through an information sharing workshop with representatives of the Georgian AML/CFT Inter-Agency Council, a political body in-charge of implementation of the National AML/CFT Strategy. Discussion of modalities for analysis of risks and development of management systems and expectations	

	from Georgia in this respect under its MONEYVAL evaluation obligations helped foster greater high-level support for the process.		
Expected Result	III: The supervisory and regulatory framework of preventative		
-	forced for the sectors of insurance, casinos, lawyers, notaries, dealers		
	in precious metals and stones, real estate agents and NPOs; beneficial ownership and		
_	egal persons is enhanced		
Outcome indicators	 Level of implementation of the national anti-money laundering and terrorism financing strategy and action plan and results, is increased; Progress is made in the implementation of Objectives of the National Strategy ,as attested by the indicative data; The number and level of trained officers vis-à-vis those involved in the practical implementation of the national strategy, is increased; Ratings provided in MONEYVAL's fourth report are upgraded. 		
Year II output	 Monitoring entities/supervisory bodies have been trained on good 		
indicators	practices regarding AML/CTF supervision;		
Year II actions	 Workshop on AML/CFT obligations for the insurance sector, 31 March – 1 April 2016; Workshop on the role of AML/CFT supervision and good practices, 16 – 17 June 2016; Anti-money laundering and countering of terrorist financing (AML/CTF) compliance training program for lawyers, 1 November 2016. 		
Progress made under ER 3	Representatives of Georgian AML/CFT supervisory institutions, the insurance sector, and the legal profession provided with information and guidance on their roles in implementing and overseeing implementation of AML/CFT regulation. The Georgian Bar Association and the insurance sector equipped with a pool of local trainers on the topic, as well as an outline of a national training programme.		
Expected Result	IV: Capacities of authorities to investigate, prosecute and adjudicate		
money launderin	g and economic crime cases are enhanced		
Outcome indicators	 The number and level of trained officers in operations, including the number and progress of data sharing and financial intelligence operations, is increased; 		
Year II output indicators	 Representatives of law enforcement entities and prosecutors trained on interagency co-operation and good practices in investigating, prosecuting and adjudicating economic crimes, 		

	including money laundering and terrorist financing;
Year II actions	 Expert advice on development of Guidelines/Manual on prosecution of legal entities and recommendations on the draft Guidelines; Adjudication of money laundering/terrorist financing cases for judges, 18 – 19 February 2016; Training on prosecution and investigation of corporations for economic crimes, 8 – 9 September 2016; Training on Good practices with Asset Recovery, 7-8 November 2016.
Progress made under ER 4	Capacities of criminal justice and law enforcement officials to investigate, prosecute and adjudicate complex economic crime enhanced through specialised trainings. The Georgian General Prosecutor's Office provided guidance on developing an internal Manual on prosecution of legal entities to be used by all prosecutors nation-wide in handling corporate crime cases.

7.5 **PCF-UA**

Expected Result I: Increased compliance with anti-corruption legislation	
Outcome indicators	 Level and percentage of implementation of anti-corruption reform is increased; GRECO compliance report recommendations are dealt in an effective manner;
Year II output indicators	 At least three proposed pieces of anti-corruption legislation have been reviewed vis-à-vis applicable Council of Europe and other international standards;
Year II actions	 Expert Opinion on: Draft Law of Ukraine on amendments to certain legislative acts of Ukraine regarding the ensuring of unjustified assets recovery into the revenue of the State; Expert Opinion on: Financial Control of Asset Declarations in Ukraine (Section VII of the Law "On Prevention of Corruption" – LPC); Joint Opinion on the draft amendments to the laws concerned with the functioning of Prosecution in view of the amendments to the Constitution of Ukraine (Draft Law 5177).
Progress made under ER 1	Ukrainian Parliament provided with expert analysis and recommendations concerning Draft Civil Confiscation Law, draft amendments to the laws concerned with the functioning of Prosecution in view of the amendments to the Constitution of

	Ukraine, and the existing provisions of the Law on Prevention of	
	Corruption that cover financial control of asset declarations. Recommendations were developed based on international standards and good practices on each of the issues reviewed.	
Expected Result	II: Strengthen capacities of National Anti-corruption Bureau (NABU)	
Outcome indicators	 Significant increase in the number of trained capacities / people leading and being involved in the implementation of the regulatory framework establishing relevant anti-corruption institutions; 	
Year II output indicators	 Prosecutors and investigators have been trained on anti-corruption and economic crime investigation issues such as asset recovery and mutual legal assistance; Staff of specialised anti-corruption bodies has been introduced to good practices in management and operations of specialized anti-corruption bodies; 	
Year II actions	 NABU mentoring session on operational issues, 25 January 2016; Training on International Cooperation in Case Investigations, 2 – 5 February 2016; Workshop on Good practices with law enforcement anti- corruption internal controls, 27 – 28 October 2016; Workshop on Integrity testing and whistleblower protection within law enforcement internal controls, 21 – 22 November 2016. 	
Progress made under ER 2	NABU senior and middle management provided advice on development of internal operational policies. NABU detectives educated on good practices with using informal and formal mutual legal assistance in case investigations. Internal Controls Department of NABU advised on good practices regarding organizational structures, operational protocols, and tools used for internal control purposed within specialised law enforcement bodies.	
Expected Result III: Strengthen Institutional capacities for (Recovered/Seized) Asset Management		
Outcome indicators	 Significant increase in the number of trained capacities / people leading and being involved in the implementation of the regulatory framework establishing relevant anti-corruption institutions; 	
Year II output indicators	 Expert recommendations, developed in consultations with major stakeholders, are provided to the national authorities; 	
Year II actions	• Expert Opinion on: Draft Law of Ukraine on amendments to certain legislative acts of Ukraine regarding the ensuring of unjustified assets recovery into the revenue of the State.	

In 2016, the focus of support regarding asset recovery was on review of the existing asset recovery regimes and proposed draft non-Progress made confiscation based solutions. The Parliament was given expert under ER 3 recommendations on how to proceed, taking into consideration applicable international standards and good practices. Expected Result IV: Support National Agency for Prevention of Corruption (NAPC) and strengthening of anti-corruption prevention measures Outcome Increase in the number of recommendations issued and addressed indicators in sectorial reforms to prevent corruption; Basis of corruption proofing, integrity testing, and risk assessment Year II output tools are developed; indicators At least one anti-corruption awareness raising activity has been supported. Expert Opinion on: Draft of General Rules of Ethical Conduct for Civil Servants and Local Government Officials of Ukraine; Working meeting on development of NACP corruption risk assessment methodology, 29 – 30 September 2016; Expert comments: on the draft Methodology for assessing corruption risks in operations of authorities; Working meeting on development of NACP key performance Year II actions indicators and internal progress benchmarks, 6 – 7 October 2016; NACP Performance Assessment Framework "Corruption as a threat to the national security: preventing, combating, prosecuting" Conference, 29 November 2016; Introductory training to "Corruption risk assessments and anticorruption programs for the public sector", 30 November 2016; Expert discussion on the NACP Draft Corruption Risk Assessment Methodology for the public sector, 1 December 2016. The NACP provided expert advice in the process of development of the national corruption risk assessment methodology, anti-corruption guidelines for the public sector, and the Performance Assessment Framework (a precursor to development of key performance indicators). Separately, the Presidential Administration and the Progress made National Agency for Public Service Working Group tasked earlier in under ER 4 2016 to develop General Rules of Ethical Conduct for Civil Servants and Local Government Officials were provided with guidance and recommendations on good practices in regulating ethical issues. Separately, PCF-UA supported cross-sector dialogue on implemented anti-corruption reforms and outstanding challenges aimed at building

consensus on ways forward for Ukraine.

8 COOPERATION WITH STAKEHOLDERS

8.1 Regional level

In 2016, cooperation with the PCF-REG coordinating institutions continued in a steady pace. Project Focal Points were responsive to activity planning and implementation requests and facilitated communication between the PCF Project Team and direct beneficiaries. Three country Focal Points were changed during the year, with little effect on implementation of activities. As in the previous year, communication exchange was overall timely, with some cases of slight delays.

8.2 Azerbaijan

During 2016, PCF-AZ developed excellent working relations with key project partners, such as the Commission on Combatting Corruption, who have taken ownership over project outputs from the very beginning. Good cooperation with other project partners, such as the Anti-Corruption Directorate under the General Prosecutor and the Civil Service Commission, provided for smooth and efficient implementation of project activities. In addition, the project also had very good cooperation with the Financial Monitoring Service and Chamber of Auditors in relation to AML activities and with the Central Election Commission with regard to political financing. The project also further developed cooperation with the Ministry of Education and several higher education institutions, such as Baku State University and Public Administration Academy. With regard to international partners, the project maintained regular communication with EUD and took part in bimonthly information meetings. In addition, the project co-chairs the Democracy and Rule of Law Donor Group together with USAID.

8.3 Belarus

In the first year of the project implementation cycle, communication with project beneficiaries exclusively went through the PCF National Coordinator (Ministry of Foreign Affairs) and Focal Point (General Prosecutor's Office). Channelled communication has not had a large impact on implementation of activities as both institutions showed to be reliable and forthcoming partners. Delay in receipt of activity-related information (e.g. lists of participants) was nonetheless present throughout the year, which is a likely the result of complex internal bureaucracy.

8.4 Georgia

Cooperation with Georgian counterparts continues to be positive. The PCF-GE beneficiaries remain active in design and implementation of project activities. National institutional experts are gladly assuming roles of national trainers and activity experts, where needed. Participant turnout at activities is steady and high. No delays in exchange of information have been observed.

8.5 Ukraine

In 2016, cooperation under the PCF-UA has somewhat improved, largely due to the previous PCF National Coordinator and efforts of the PCF-UA National Officer. With the formation of the National Agency for the Prevention of Corruption (NAPC), the beneficiary landscape has also expanded, which led to an increase of strategic activities. Degree of indecisiveness of beneficiaries in terms of priorities and related assistance needs continues, as does the submission of "urgent" assistance requests. Worth of noting is a slight delay in exchange of information.

8.6 Third parties/Partners

The PCF Project Team continues to liaise with international organizations working on the same and similar issues in the EaP countries (e.g. UNDP, UNODC, OECD, GIZ, U.S.DOJ, U.S. DOS/INL, country specific twining projects) in order to ensure complementarity and avoid overlap. This remains most pertinent for Ukraine which is experiencing an influx of technical assistance programs in the field. At least two activities were successfully implemented jointly with partner organizations: a) the Asset Recovery training in Georgia, with cooperation from the law enforcement attaché at the French Embassy in Georgia; and b) the "Corruption as a threat to the national security: prevention, combating, and prosecution" Conference in Ukraine, in cooperation with the OSCE. The PCF Project Team continues to take part in donor coordination groups and continues to exchange information on activities with organisations represented in the five EaP countries. No major challenges regarding cooperation have been observed, but overlap of project portfolios has been noted in Azerbaijan and to a higher extent in Ukraine. Beneficiary inclination to request the same type of assistance from several donors and to go with the first provider continues to persist.

9 VISIBILITY OF THE PROJECT

Visual identity of PCF Programme components' follows the PCF Communications Strategy, agreed between the European Union and the Council of Europe, and is applicable to all programmatic outputs, including official communication, technical papers, activity agendas and presentations, news/media feeds, and project visibility kits (i.e. banners, folders, notepads, and pens).

The PCF-Corruption Programme is paying particular attention to visibility of its interventions. Key Programme documents and information on programmatic events and deliverables (e.g. expert opinions on reviewed legislation) can be found on the webpage of the Council of Europe Economic Crime Cooperation Division (http://www.coe.int/corruption) and webpage sections specifically dedicated to the five PCF Programme components (www.coe.int/PCF-EaP2). Information about specific country activities can also be found on

webpages of Council of Europe offices in respective countries (see, Council of Europe Office in Georgia <u>- http://www.coe.int/en/web/tbilisi;</u> and Council of Europe Office in Ukraine <u>- http://www.coe.int/en/web/kyiv)</u> and office newsletters (see Annex III).

In addition to the two promotional clips on the PCF-Corruption Programme and its interventions in Georgia and Ukraine which were developed in 2015, similar was done in 2016 for the project in Azerbaijan depicting support provided to national counterparts through this initiative (https://www.youtube.com/watch?v=sd1xRIGalvc).

Lastly, information on PCF programmatic interventions continues to be readily available within EaP countries through webpages and media feeds of respective partner and beneficiary institutions (see Annex II).

10 CONCLUSIONS

In the 2nd year of implementation the PCF Programme was fully focused on activity implementation on the regional and country level. Six activities and 55 actions were realized, thereby completing 97% of the planned PCF Programme interventions for 2016. In doing so, the PCF Programme produced 10 expert advisory papers and 3 model laws for the EaP region and conducted 27 capacity building workshops, seminars and conferences.

Among the major contributions of the PCF-REG project has been providing EaP countries with model legislation and operational guidelines on a number of relevant topics, including liability of legal entities, integrity testing, and whistleblower protection. This has been recognised by country authorities, including Ukrainian and Armenian, who are already undertaking specific reforms in relation to these topics. The PCF-REG pilot scheme continues to be a well-designed modality for responding to country specific needs as they arise, a prevailing occurrence in the region due to on-going or frequent reforms.

On the country level, PCF-AZ has provided marked support to strengthening the training capacities of the Commission on Combating Corruption and the Civil Service Commission and specialised operational capacities of the Anti-Corruption Directorate under the General Prosecutor and other judicial, investigative and financial intelligence bodies. It furthermore served as the main facilitator of expert and public dialogue regarding the draft National Anti-Corruption and Open Government Action Plans on Promotion of Open Government 2016-2018 and source of substantive expert advice for the two Working Groups. In Belarus, the PCF-BE provided contribution to ongoing discussions regarding national risk assessment frameworks for corruption and other types of economic crime and begun building law enforcement expertise on liability of legal entities.

The main achievement of PCF-GE in 2016 was the provision of three sets of expert recommendations on improvement of AML/CFT legislation to Georgian authorities that should provide a basis for upcoming amendments and guidelines to supervisory authorities on sectoral implementation and oversight of AML/CFT rules in Georgia. In Ukraine, the PCF-UA provided valuable advice to the legislature on several of pieces of draft legislation which were not fully in conformity with applicable international standards and practices and contributed further to institutional operability of the National Anti-Corruption Bureau of Ukraine and the National Agency for Corruption Prevention through capacity building programs and expert mentoring. Both the PCF-REG and the country interventions are in good direction toward achieving the PCF Programme specific objectives.

Several PCF Programme activities have not progressed in the expected paste, namely the PCF-REG Pilot activities for Azerbaijan and Belarus, due to beneficiary slowness in identifying needed assistance (e.g.).

11 ANNEX I: WORKPLANS OF ACTIVITIES

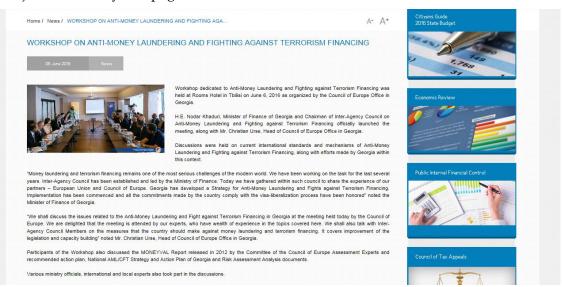
Separate attachment.

12 ANNEX II: VISIBILITY

Council of Europe Economic Crime and Cooperation Webpage



Project beneficiary webpages



* Report on the PCF-GE Workshop on Combating Money Laundering and Terrorist Financing in Georgia posted on the webpage of the Ministry of Finance, 6 June 2016



* Report on the public discussion on the Draft National Anti-Corruption Action Plan posted on the webpage of the Commission on Combatting Corruption of the Republic of Azerbaijan, 16 March 2016



* Information on the training on Plea Bargaining and Non-Prosecution Agreements posted on the webpage of the Anti-Corruption Directorate with the General Prosecutor of the Republic of Azerbaijan, 18 May 2016



Haціональне агентство з питань запобігання корупції - HA3K added 8 new photos.

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В НАЗК працюють над виробленням критеріїв оцінки ефективності роботи

Сьогодні, 7 жовтня, у Національному агентстві з питань запобігання корупції фахівції НАЗК, національні експерти, експерти Ради Європи за участю представників громадянського суспільства обговорили можливі критерії оцінки роботи НАЗК та впливу Агентства на ситуацію з корупцією в Україні.

Як заявила Голова НАЗК Наталія Корчак: «Процес створення нової інституції завжди є не простим, а антикорупційної тим більше. При цьому надзвичайно важливим і невід'ємним елементом будь-якої діяльності — є підведення її підсумків, оцінка ефективності реалізації».

Під час дискусії представники НАЗК поінформували про здійснену роботу та представили перелік основних статистичних показників роботи Національного агентства з питань запобігання корупції. Ці показники характермують діяльність НАЗК за кожним із функціональних напрямів — антикорупційна політика, організація заходів із запобігання та виявлення корупції, моніторинг дотримання законодавства про конфлікт інтересів та іншко обмежень щодо запобігання корупції, фінансовий контроль та моніторинг способу життя, запобігання політичній корупції.

Визначені статистичні дані дозволяють проводити збір кількісних та якісних показників, які використовуватимуться при здійсненні системного аналізу діяльності НАЗК, зокрема при підготовці щорічного звіту про діяльність та проекту щорічної доповіді щодо реалізації засад антикорупційної політики.

В рамках зустрічі експерт Ради Європи Михайло Буроменський представив позицію експертного середовища щодо можливості проведення зовнішнього оцінювання ефективності роботи НАЗК в розрізі впливу на ситуацію з корупцією в Україні.

У свою чергу, інший експерт Ради Європи Мар'яна Трівунович відзначила іноваційність підходу НАЗК щодо оцінки діяльності превентивного антикорупційного органу, сообливо з урахуванням того, що відповідного міжнародного досвіду дуже мало, а також запропонувала деякі підходи до формулювання критеріїв ефективності НАЗК.

Член НАЗК Руслан Рябошапка підкреслив необхідність здійснення внутрішньої та зовнішньої експертної оцінки, зважаючи на те, що проведення лише внутрішньої оцінки не відображає повною мірою ситуацію щодо ефективності роботи НАЗК.

Своїм досвідом моніторингу діяльності антикорупційних органів та можливими критеріями оцінки ефективності їхньої роботи поділились також представники антикорупційної групи РПР.

Національне агентство висловлює подяку Офісу Ради Європи в Україні за підтримку у проведенні експертної дискусії, а також представникам неурядових організацій за участь у обговоренні та надані коментарів.

Ознайомитись із презентаціями можна тут. https://goo.gl/D2Xh55 https://goo.gl/Ms9URD #HA3K #Pада€вропи #PПР

* News on the PCF-UA Working meeting regarding the development of NACP key performance indicators and progress benchmarks, 7 October 2016

Media coverage of PCF actions



* Trend News Agency Report on PCF-AZ Training on Plea Bargaining and Non-Prosecution Agreements, 17 May 2016

Council of Europe Office Facebook Page



^{*} Kyiv Council of Office Facebook page