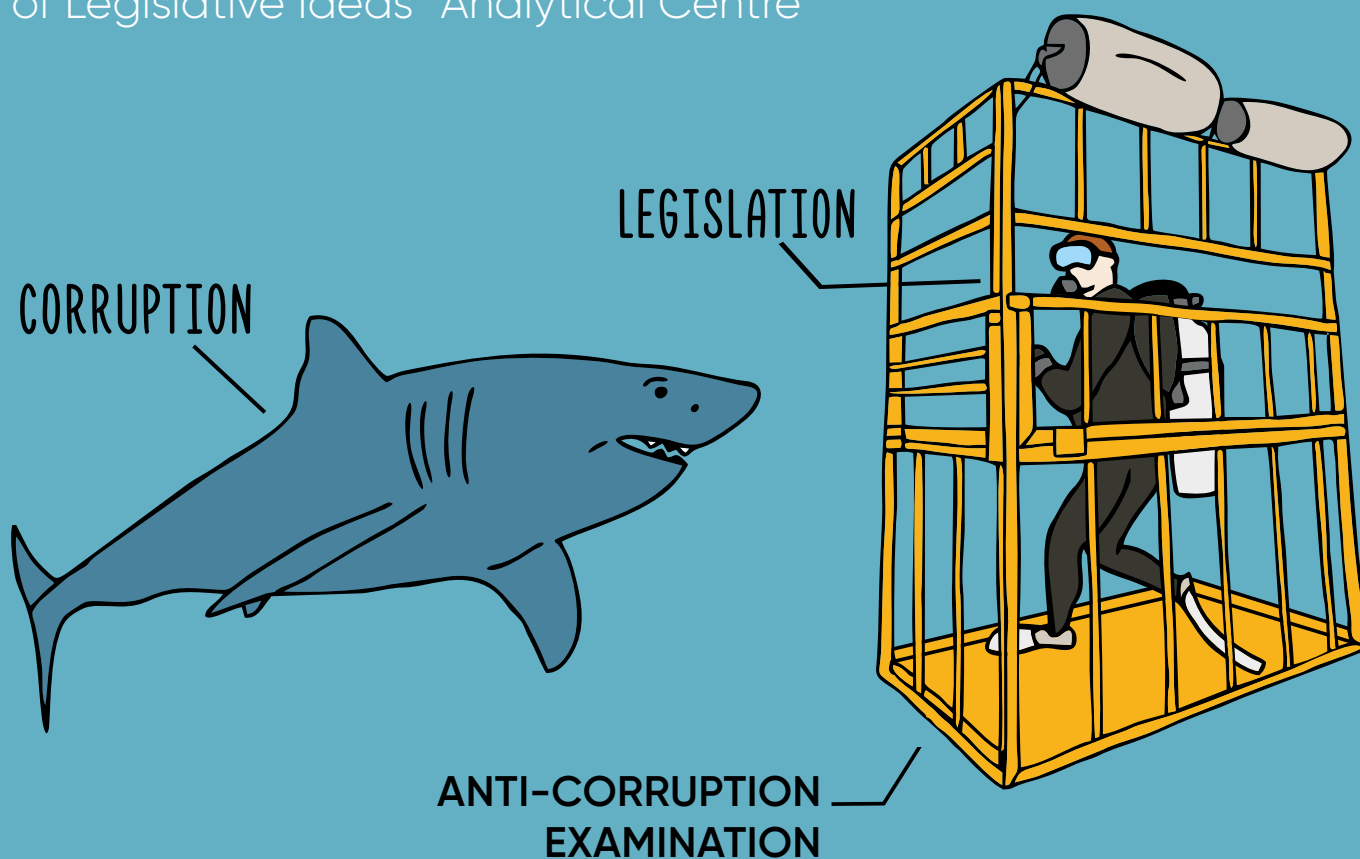


METHODOLOGY

FOR CONDUCTION OF ANTI-CORRUPTION
EXAMINATION OF DRAFT LAWS by "Institute
of Legislative Ideas" Analytical Centre





An anti-corruption examination is a tool for identifying corruption risks in legislation, which is often a litmus test of its quality.

ILI is the leader in conducting civil society anti-corruption examinations in Ukraine. Over the past six years, we have analyzed more than 8000 draft laws and identified corruption-causing factors in 984 of them. 88% of our conclusions are taken into account by state bodies.

We are convinced that the conduction of a quality anti-corruption examination is impossible without solid methodology. The ILI's Methodology of anti-corruption examination turns anti-corruption examination from the desultory process into objective analysis by clearly-defined criteria with reasonable grounding provided.

Our methodology is unique for several reasons:

1. It determines a wide range, in particular **18**, of **corruption-causing factors**.
2. It helps to identify corruption-causing factors employing **87 indicators, i.e., "red flags"**.
3. It includes real-life examples illustrating each **corruption-causing factor**.
4. It is based on the analysis of **10000 conclusions** made by ILI, the Parliament, National Agency on Corruption Prevention, as well as on **analytical and scientific research papers** and best approaches applied by foreign countries.
5. It is the **all-embracing guideline** for anti-corruption examination because it can be adapted to your needs, **starting from the analysis of local legislation to legislation of a different country**.

This methodology is intended to be a desktop book for anyone involved in making and analyzing legislation.

Publisher: Institute of Legislative Ideas

Authors: Tetiana KHUTOR, Andrii KLYMOSIUK, Artur KARVATSKYI

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METHODOLOGY FOR CONDUCTION OF ANTI–CORRUPTION EXAMINATION OF DRAFT LAWS

by

“Institute of Legislative Ideas” Analytical Centre

CHAPTER I

GENERAL PROVISIONS

The methodology is designed to effectively identify provisions of the laws and draft laws that, alone or in combination with other norms, may contribute to the commission of corruption or corruption-related offenses.

The development of the methodology took into account the existing practice of anti-corruption examination of normative and regulatory legal acts, carried out by the Institute of Legislative Ideas, the Verkhovna Rada Committee on Anti-Corruption, the National Agency on Corruption Prevention, as well as relevant foreign and Ukrainian analytical and scientific research papers.

1. The methodology identifies:

- typical corruption-causing factors that exist in draft laws and contribute to the emergence of corruption risks, the ways to identify and eliminate them;
- fundamentals of the anti-corruption examination conducted by the "Institute of Legislative Ideas" Analytical Centre.

2. In the methodology, the following terms are to be interpreted as follows:

the anti-corruption examination of a draft law (hereinafter – examination) is defined as identification of corruption-causing factors;

a corruption-causing factor – the ability of a provision or a combination of provisions, independently or in interaction with other provisions, to contribute to the emergence of corruption risks;

an expert – an individual, who conducts civil society anti-corruption examination;

an indicator of a corruption-causing factor – the characteristic enabling identification of a corruption-causing factor in provisions of a draft law;

corruption risks – the legal, organizational, and other factors that may contribute to the commission of a corruption offense, or a corruption-related offense;

the subject of power – a public authority (including those bodies that are without the status of a legal entity), a local self-governing body, their official or civil servant, other subjects exercising public functions on the ground of legislation, including the delegated powers, or providing administrative services;

terms of corruption, corruption offense, corruption-related offense, conflict of interest are applied in the definitions provided by the Corruption Prevention Law of Ukraine.

CHAPTER II

CORRUPTION— CAUSING FACTORS AND METHODS OF THEIR IDENTIFICATION. ELIMINATION OF CORRUPTION— CAUSING FACTORS

3. This Chapter describes typical corruption—causing factors (their indicators and the methods of their elimination), which are the most commonly found during the conduction of anti—corruption examination. The list of the corruption—causing factors is not exhaustive.

This methodology identifies such typical corruption—causing factors, in particular:

corruption—causing factors indicating an inadequate definition of powers conferred on the subjects of power, including:

- A) excessive discretion;
- B) duplication of powers;
- C) inadequate regulation by by—laws;
- D) unreasonable delegation of powers;
- E) absence of the conflict—of—interest settlement procedure or a flawed nature of this procedure;
- F) combination of rule—making, regulatory, supervisory functions in the powers of one subject of power;
- G) unreasonable state regulation;

corruption—causing factors indicating the shortcomings of public procedures, including:

- A) unclear regulation of the rights, duties, and responsibilities of individuals and legal entities of private law during public procedures;
- B) creating excessive burdens or artificial barriers for recipients of administrative services;
- C) absence or shortcomings of competitive (tender) procedures in the field of public procurement;
- D) discrimination or favoritism in the implementation of public procedures;

corruption—causing factors pertaining to the regulation of internal activity of public authorities and local self—government bodies, including:

- A) reduction of the transparency and openness level of the agency in question;
- B) absence or shortcomings of selection (competition) procedures for management positions in the agency in question;
- C) shortcomings in the regulation of the grounds and procedure for dismissal from management positions in the agency in question;
- D) the lack of a clear division of powers between administrative and political activities in the agency in question;

other corruption—causing factors, including:

- A) legal conflict;
- B) a gap in the law;
- C) unreasonable use of evaluative concepts.

SECTION I

INADEQUATE DEFINITION OF POWERS OF SUBJECTS OF POWER

4.1. EXCESSIVE DISCRETION

4. Inadequate definition of powers of subjects of power may include the following corruption-causing factors:

- excessive discretion;
- duplication of powers;
- inadequate regulation by by-laws;
- unreasonable delegation of powers;
- absence of the conflict-of-interest settlement procedure or a flawed nature of this procedure;
- combination of rule-making, regulatory, supervisory functions in the powers of one subject of power;
- unreasonable state regulation.

4.1.1. Discretion should be deemed excessive if it is established without a legally significant purpose; and in cases when powers are established without the clear procedure of their exercise; the powers being conferred without a legally-binding guarantee against arbitrariness and abuse of functions, which contribute to the emergence of corruption risks.

■ **4.1.2.** The indicators of this corruption-causing factor are:

- establishing several possible options of behavior without providing clear criteria for selecting one of them, which allows the subject of power to choose their manner of conduct at their discretion;

For example, the draft law stipulates that the oversight body may suspend or prohibit the economic activity of the entity in case of violation.

- establishing an open list of powers by using phrasing like "other powers established by law";

Example: the draft law sets forth the powers of the National Regulator by the wording, quote, "exercises other powers stipulated by this and other laws", unquote.

- lack of clear regulation of how the power is exercised, such as an exhaustive list or established reasons to grant or deny a certain decision, the procedural form of decision-making, the time frame of decision-making, which allows the power entity to act at their discretion, etc.;

For example, the draft law defines that the Authorized body may refuse to grant the permitting document, without the grounds of such decision being specified.

- impossibility to establish, from the provision, when the limits of discretion are exceeded, with no liability for the exceeding provided;

For example, the draft law establishes the conditions and reasons for the possible inspection conducted by the National Council, quote, if signs of a possible violation of the law and/or conditions of the license are identified, the National Council decides to schedule an inspection, unquote; quote, the National Council, based on the gravity of potential violations and other circumstances, may appoint on-site or off-site, scheduled or extraordinary inspections under the procedure established by the National Council, unquote.

- lack of control over the exercise of powers or liability for possible abuses during their exercise;

For example, the law determines the powers of the State Bureau of Military Justice to exercise oversight in military formations. But such kinds of oversight and control of the exercise are not defined.

- lack of criteria for choosing between the minimum and maximum sanction (liability), or between different types of sanctions, for the same offense;

SECTION I. INADEQUATE DEFINITION OF POWERS OF SUBJECTS OF POWER

4.2. DUPLICATION OF POWERS

For example, the draft law establishes the option to choose on your own whether to impose, for the commission of one offense, either both, or only one of the additional administrative penalties foreseen by the sanction.

4.1.3. Ways to eliminate the corruption—causing factor:

- establishing one possible behavior or several acceptable behaviors with clear criteria for selecting one of them;
- implementation of clear regulation of the necessary provisions by establishing the forms, deadlines, grounds for granting or refusing certain decisions by authorities;
- establishing mechanisms for verification and control over the exercise of powers, the grounds for liability, the type and extent of punishment, the procedure of legal liability for possible abuses;
- establishing criteria that serve to differentiate the liability for the same offense;
- substantiation of the purpose of discretionary powers by reflecting the need, expediency, and reasons for providing discretion to an authorized agency or individual in the draft law;
- elimination of legislative provisions which establish discretionary powers.

4.2.1. Duplication of powers should be considered a corruption—causing factor if a subject of power has powers that are already granted to another subject of power, which may cause ambiguity in the exercise of such powers and lack of clarity concerning the subject responsible for exercising such powers.

4.2.2. The indicators of this corruption—causing factor are:

- provisions of a draft law, which explicitly or implicitly grant powers, are identical to different subjects of power;

For example, the draft law confers the powers to control certain activities on two public authorities at the same time.

- establishment of the powers that, according to other regulations, are already conferred on a certain subject of power.

For example, the draft law proposes to establish that the public control (oversight) over compliance with the law, regulations, norms, rules of procedure, and standards concerning burial is performed, among others, by communal inspections, though these powers are already conferred on the local state administrations.

4.2.3. Ways to eliminate the corruption—causing factor:

- assign powers to one subject of power;
- make relevant changes to other regulatory acts to ensure that exercise of certain powers is conferred on the definite subject of power;

4.3. INADEQUATE REGULATION BY BY—LAWS

4.3.1. Inadequate regulation by by—laws should be considered a corruption—causing factor if the draft law lacks general guidelines for secondary regulation (arbitrary secondary regulation), when the draft law provides for an excessive number of references to by—laws (excessive secondary regulation), or when the draft law does not regulate issues which can be regulated by primary legislation alone (illegal secondary regulation).

4.3.2. The indicators of this corruption—causing factor are:

- the absence in the draft law of general provisions on the legal status of parties to public relations which are regulated by the draft law (unless specified in acting laws);

For example, the draft law does not detail the status of personnel commissions, which results in them being erroneously considered subjects of power and, also erroneously, defendants in administrative proceedings. It complicates the possibility of appealing their decisions.

- the draft law does not specify the entities responsible for the development of by—laws and/or entities responsible for bringing the by—laws in line with this

SECTION I. INADEQUATE DEFINITION OF POWERS OF SUBJECTS OF POWER

draft law;

For example, the draft law proposes to create a certain state register, but it is not established which agency is obliged to create it.

- absence of deadlines for actions and/or decision-making by authorized entities in the draft law (unless specified in current laws);

For example, the decision of a personnel commission on failure to pass the attestation by a prosecutor entails the dismissal of such a prosecutor from the prosecution office. However, there is no time limit defined for the prosecutor to be dismissed.

- the impossibility to establish the clear list of by-laws that have to be developed based on the given draft law and/or the deadline for development of such by-laws;

For example, it is proposed to develop by-laws for the implementation of a new model of environmental impact assessment. However, the ministry has developed only three by-laws, not covering the entire list of issues that should be stipulated through by-laws.

- the lack of indications of the need to develop/harmonize legislation in the field of regulation of this draft law if necessary;

Example: When a law enters into force, it is necessary to establish the procedure at the secondary legislation level, but the law that is about to enter into force does not indicate the need to develop the relevant by-law.

- establishment of an excessive number of references to by-laws in the provisions of the draft law;

For example, the draft law on the state registration of service providers connected with the circulation of the virtual asset does not stipulate basic aspects of regulation, such as rules of procedure for registration; rules of procedure for deciding on registration on behalf of the authority of executive power; the amount of registration fee, etc.

- establishing the possibility of the secondary regulation of issues that are subject to regulation by laws only under Art. 92 of the Constitution of Ukraine, as well as under Laws of Ukraine "On the Permit System in the Sphere of Economic Activity," "On Administrative Services" and "On Licensing of Economic Activities".

For example, the draft law sets forth that the amount of a registration fee shall be established by the Cabinet of Ministers of Ukraine that contradicts the Law of Ukraine "On Administrative Services" which stipulates that the amount and procedure of payment are established by the law.

4.3.3. Ways to eliminate the corruption-causing factor:

- establishment of the status of parties to social relations who are subject to regulation by the draft law in question (unless specified in current laws) in this draft law;
- specifying the entities responsible for the development of by-laws and/or entities responsible for bringing the by-laws in line with this draft law;
- specifying the deadlines for actions and/or decision-making by authorized entities in the draft law (unless specified in current laws);
- establishing a clear list of by-laws that have to be developed based on the given draft law and/or the deadline for development of such by-laws;
- indication of the need to develop/harmonize legislation in the field of regulation of this draft law if necessary;
- settlement at the level of the draft law of provisions that are not expedient to regulate at the level of by-laws;
- regulation of provisions in the draft law which are subject to laws only under Art. 92 of the Constitution of Ukraine, as well as under Laws of Ukraine "On the Permit System in the Sphere of Economic Activity," "On Administrative Services" and "On Licensing of Economic Activities."

SECTION I. INADEQUATE DEFINITION OF POWERS OF SUBJECTS OF POWER

4.4. UNREASONABLE DELEGATION OF POWERS

4.4.1. Unreasonable delegation of powers is defined to be a corruption—causing factor if such delegation contributes to the emergence of corruption risks.

■ **4.4.2.** The indicators of this corruption—causing factor are:

- delegation of powers accompanied by a decrease in the level of possible control over the exercise of such powers;

For example, the draft law proposes to grant the right, along with Ukrtransbezpeka, which carries out dimensional and weight control on public roads, to carry out such control to the executive committees of city councils on local roads. But the draft law does not distinguish their powers, there are no mechanisms for carrying out the oversight of their exercise of powers.

- the practical impossibility of performing the delegated powers without the transfer of appropriate material, financial and other resources necessary for their implementation;

For example, the draft law stipulates that for the period before the legislative settlement of issues concerning the verification of declarations of public officials (and such a period may last for several months), monitoring of the lifestyle of judges, verification, storage, and publishing their declarations are carried out by the State Judicial Administration of Ukraine, that does not have any technical, human resources for fulfilling those functions.

- unjustified delegation of powers of state authorities and/or local self-governing bodies to subjects of private law for which the exercise of such powers is not natural;

For example, the draft law stipulates that a civilian inspector for control over the use and protection of land, and it is possible for any person to be such inspector, is entitled to draw up protocols on administrative violations.

4.4.3. Ways to eliminate the corruption—causing factor:

- non—delegation of powers, or stipulating provisions ensuring the level of control over the exercise of the delegated powers which is not lower than the level of control before such delegation of powers;
- non—delegation of powers, or stipulating in the draft law that material, financial and other resources necessary for the exercise of the delegated powers are transferred to the subject of delegation of such powers;
- non—delegation of powers of national authorities and/or local self-government to subjects of private law, for which the exercise of such powers is not natural;

4.5.1. Conflict of interest should be considered a corruption—causing factor if the rules governing public relations which can lead to a potential or actual conflict of interest are absent or do not properly regulate procedures to prevent and resolve such conflicts of interest.

■ **4.5.2.** The indicators of this corruption—causing factor are:

- the existence of norms that cause an increased risk of conflict of interest in the absence of clear rules of conduct and algorithm for resolving actual or potential conflicts of interest;

For example, the draft law stipulates that the director of a district prosecutor's office, among others, may be a director of the internship for a future prosecutor, with the director of a district prosecutor's office obliged to approve his pr her concluding report on the results of the internship.

- non—existent or insufficient regulation of the assessment of actions or decisions taken in the context of a conflict of interest, the consequences of such actions or decisions.

For example, the draft law does not provide for the procedure for assessing the decisions made by the prosecutor who provided procedural guidance in the case of a person close to him/her.

4.5.3. Ways to eliminate the corruption—causing factor:

- provisions that would allow for a proper settlement of conflicts of interest;

4.5. ABSENCE OF THE CONFLICT—OF— INTEREST SETTLEMENT PROCEDURE OR A FLAWED NATURE OF THIS PROCEDURE

SECTION I. INADEQUATE DEFINITION OF POWERS OF SUBJECTS OF POWER

4.6. COMBINATION OF RULE–MAKING, REGULATORY, SUPERVISORY FUNCTIONS IN THE POWERS OF ONE SUBJECT OF POWER

- establishing provisions regulating the assessment and consequences of actions or decisions taken in the context of a conflict of interest;
- elimination of norms that may contribute to a conflict of interest.

4.6.1. The combination of rule–making, regulatory, and supervisory functions in one subject of power is a corruption–causing factor if the draft law authorized the subject of power to regulate or supervise its activity, which contributes to the emergence of corruption risks.

■ **4.6.2.** The indicators of this corruption–causing factor are:

- simultaneous empowerment of the same subject of power with rule–making and regulatory functions, when the subject of power independently regulates its activity;

For example, in the draft law, most of the provisions must be regulated at the secondary level by the Cabinet of Ministers of Ukraine, which is one of the parties to a special investment agreement.

- simultaneous empowerment of the same subject of power with regulatory and supervisory functions, when the subject of power independently supervises its activity;

For example, the draft law provides for the prosecutor's office to exercise procedural guidance to their prosecutorial investigators (the prosecutor's office controls itself).

- combination of rule–making, regulatory, and supervisory functions in the powers of one subject of power.

For example, the draft law stipulates that a ministry sets forth the rules of procedure for issuance of licenses for economic activity, independently issues them, and exercises further control over business entities with the possibility of bringing them to justice.

4.6.3. A way to eliminate the corruption–causing factor is to avoid the combination of these functions, which can be achieved by assigning rule–making powers to determine the procedures of activity of the subject of power, as well as supervisory functions over the activities of such subjects to other subjects of power, preferably of a higher level.

4.7.1. Unreasonable state regulation is a corruption–causing factor in the case when the draft law regulates public relations, which are not suitable to be regulated by law, or which should be regulated at the level of government or civil society institutions (self–regulatory organizations if such regulation contributes to the emergence of corruption risks).

■ **4.7.2.** The indicators of this corruption–causing factor are:

- introducing the regulation of public relations which are not subject to regulation by legal norms when there are no sufficient grounds for such regulation;

For example, the draft law proposes to unify the number of donations for church services (baptisms, funerals, weddings, etc.).

- regulation by a draft law of public relations which are already regulated or should be regulated by existing subjects of management or civil society institutions (self–regulatory organizations);

For example, the draft law establishes the rules of professional activity of appraisers, although these relations should be regulated at the level of self–regulatory appraiser organizations.

- introduction of regulation of public relations at the level of law with simultaneous transfer of powers of regulation/control to civil society institutions (self–regulatory organizations) without defining a clear procedure for their creation and functioning.

For example, the draft law proposes to enable a civil society organization to be the owner, administrator, and holder of the Unified Information Database in the field of real estate activities.

4.7. UNREASONABLE STATE REGULATION

SECTION I. INADEQUATE DEFINITION OF POWERS OF SUBJECTS OF POWER

4.7.3. Ways to eliminate the corruption-causing factor:

- elimination of norms that introduce the regulation of public relations which are impractical to regulate by legislative norms;
- defining the necessity to regulate public relations at the level of civil society institutions (self-regulatory organizations) in the provisions of the draft law;
- elimination of legislative norms regulating public relations that must be regulated at the level of civil society institutions (self-regulatory organizations);
- defining the procedure and functioning of civil society institutions (self-regulatory organizations) empowered with regulatory or supervisory functions in the provisions of the draft law.

SECTION II

SHORTCOMINGS OF PUBLIC PROCEDURES

6.1. UNCLEAR REGULATION OF THE RIGHTS, DUTIES, AND RESPONSIBILITIES OF INDIVIDUALS AND LEGAL ENTITIES OF PRIVATE LAW DURING PUBLIC PROCEDURES

5. For this methodology, the public procedure is the procedure of exercising any management functions by public authorities in their relations with natural persons and legal entities subject to private law.

6. The shortcomings of public procedures include the following corruption-causing factors:

- unclear regulation of the rights, duties, and responsibilities of individuals and legal entities of private law during public procedures;
 - creating excessive burdens or artificial barriers for recipients of administrative services;
 - absence or shortcomings of competitive (tender) procedures in the field of public procurement;
- discrimination or favoritism in the implementation of public procedures.

6.1.1. Unclear regulation of the rights, duties, and responsibilities of individuals and legal entities of private law during public procedures is a corruption-causing factor if they are formalized with violation of the principle of legal clarity, which contributes to the emergence of corruption risks.

■ **6.1.2.** The indicators of this corruption-causing factor are:

- the absence of a real mechanism to exercise a certain right;

For example, in practice is impossible to exercise the right to free privatization of a land plot, as the obligation to find such a land plot rests with the citizen, and the relevant authority refuses to provide such a land plot for reasons other than its absence.

- lack of a real possibility to influence the course of a public procedure as a natural person or a legal entity of private law; in particular, the absence or flawed nature of the exercise of the right to be heard, to provide materials, information, evidence; to dispute a decision, etc.;

For example, the rules of procedure for determining a person as an oligarch, with the imposition of certain legal restrictions, does not provide for the real possibility of the subject to, in any way, influence on recognizing him or her as an oligarch.

- unreasonable imposition of obligations on individuals or legal entities of private law;

For example, the draft law stipulates that the heads of enterprises, institutions, and organizations, regardless of the forms of their ownership, are obliged to provide, within ten days in the scope defined by law, the necessary information under a request made by the head of the oblast state administration.

- the vague wording of the obligation of a natural person or legal entity of private law;

For example, the draft law establishes the obligation of a natural person who drives a vehicle to present, quote, other documents required by legislation, unquote.

- formalization of an obligation which is objectively impossible to fulfill;

For example, the draft law establishes that an entity, to become a participant and receive the status of an authorized electronic platform, is obliged to obtain the consent of other market participants, which is objectively impossible.

- the vague wording of the conditions under which rights are restricted (interference with rights);

For example, the draft law stipulates that in respect of a person a decision is made to initiate a special pre-trial investigation and possible absentee proceedings (in absentia) if there is reliable evidence that he or she is outside Ukraine.

SECTION II. SHORTCOMINGS OF PUBLIC PROCEDURES

6.2. CREATING EXCESSIVE BURDENS OR ARTIFICIAL BARRIERS FOR RECIPIENTS OF ADMINISTRATIVE SERVICES

- the inability to clearly and unambiguously distinguish lawful and wrongful behavior;

For example, the draft law provides for the responsibility of a defender in criminal proceedings for abuse of rights (for example, the right to withdraw, appeal, etc.), when it is objectively impossible to establish cases of such abuse.

- the inability to identify the entity that bears legal liability for the offense;

For example, the draft law stipulates that liability for permitting a juvenile person to come into a gambling establishment lies with the guard, the reception, or the owner who failed to properly organize the operation of the establishment and verification of individuals permitted into it.

- lack of a reasonable time between the official publication of the law and its entry into force, which will allow adapting to the proposed changes;

For example, the draft law establishes that an administrative penalty for transporting a child in a car without a car seat enters into force on the day of its publication. In this case, people who travel a long distance will not have time to buy such a car seat.

6.1.3. Ways to eliminate the corruption-causing factor:

- establishment of mechanisms and procedures under which the real exercise of the envisaged right is possible;
- creation of norms that provide a real opportunity to influence the course of public procedure;
- elimination of norms that unreasonably impose additional obligations on natural persons or legal entities of private law, or establish obligations that are objectively impossible to fulfill;
- establishing clear regulation of obligations imposed on natural persons or legal entities of private law;
- defining clear conditions under which rights can be restricted (interference with rights);
- establishing clear criteria to distinguish lawful and wrongful behavior;
- formalizing provisions that allow identifying the subject who bears legal liability for a violation;
- establishing a reasonable time between the official publication of the law and its entry into force, maintaining the principle of predictability of legislative changes.

6.2.1. Creation of excessive burdens or artificial barriers for recipients of administrative services is a corruption-causing factor if such burdens or barriers contribute to the emergence of corruption risks.

6.2.2. The indicators of this corruption-causing factor are:

- introduction of rules and procedures that require the unjustified expenditure of resources and time;

For example, the draft law provides for a long time to verify each separately taken document of a license case, which significantly delays the process of issuing such a license and contributes to corrupt ways to obtain it.

- introduction of rules and procedure increasing in the number of direct contacts between the provider and the recipient of administrative services;

For example, the draft law provides for the issuance of permit documents, for example, not through administrative service centers, but directly in the permitting authority.

- lack of possibility to submit and receive the necessary documents in electronic form as an alternative way of interaction between the recipient and the provider of administrative services;

For example, the draft law contains no possibility to obtain an extract from the register in an electronic form; an applicant must personally apply to the

SECTION II. SHORTCOMINGS OF PUBLIC PROCEDURES

public authority.

- introduction of rules and procedures that cannot be followed due to objectively existing circumstances;

For example, the draft law stipulates the need to cover significant distances during quarantine; cross the contact line; demand to provide documents issued several years ago that do not contain the requirement on mandatory storage.

- division of one administrative service into several paid services;

For example, the draft law provides for payment for a certificate form and payment for filling out the certificate, separately.

- establishing the need to receive supplementary paid services;

For example, the draft law requires making copies, purchasing stationery (e.g. a folder, paper, etc.).

- focus not on the provision of administrative services to natural persons or legal entities, but on formal compliance with the procedure (formalism, overstatement of formal requirements);

For example, without conclusive reasons, the draft law stipulates that the body accepts only color photos for documents and does not accept black and white photos unless they are produced on strict reporting forms.

- establishing a non-exhaustive list of documents and/or requirements for documents required to obtain administrative services;

For example, the draft law, proposing the creation of the state Registry of Veterinary Medication Market Operators, does not establish a list and requirements to documents required to include a veterinary medication market operator to the Registry.

- the need to provide information to which the administrative service provider has access, in particular, data contained in registers, cadasters, and information systems or electronic databases;

For example, the draft law stipulates that to participate in competitive recruitment for the position of a police officer, a person must provide a certificate of no criminal record.

- disproportion of the payment for administrative services and the economically justified costs associated with their provision (disproportion of the benefit and the resources spent on obtaining the benefit);

For example, the draft law establishes disproportionate material costs to obtain a license, thus it is economically more expedient to carry out the economic activity without a license, by giving bribes for covering up such activity, than to legally obtain such a license.

- absence or restriction of the right to appeal against decisions of the subject of administrative service provision;

For example, the draft law stipulates that the decision of the Commission can be appealed within a month after the day when such a decision was made.

- failure to determine the paid/free nature of administrative service;

For example, the draft law does not specify whether the procedure of approval of livestock capacities is to be paid, or free provided.

- failure to determine the deadline for the provision of administrative services.

For example, the draft law does not establish the deadline for inclusion of a veterinary medication market operator to the State Register of Veterinary Medication Market Operators.

6.2.3. Ways to eliminate the corruption-causing factor:

- simplification of rules and procedures as much as possible to optimize the cost of resources and time spent to obtain administrative services;

SECTION II. SHORTCOMINGS OF PUBLIC PROCEDURES

6.3. ABSENCE OR SHORTCOMINGS OF COMPETITIVE (TENDER) PROCEDURES.

- changing rules and procedures to minimize, where possible, direct contact between the recipient and the provider of administrative services;
- providing for a possibility to submit and receive the necessary documents in electronic form as an alternative way of interaction between the recipient and the provider of administrative services;
- revision of rules and procedures that cannot be followed due to objectively existing circumstances and their elimination from the draft law;
- elimination of norms that stipulate the provision of one administrative service as several paid administrative services;
- elimination of norms that stipulate that the recipient of an administrative service is effectively obliged to receive supplementary paid services;
- removal of norms that stipulate excessive formal requirements to recipients of administrative services;
- establishing a clear list of documents required to obtain administrative services;
- elimination of norms which stipulate the need to provide information to which the administrative service provider has access, in particular, data contained in registers, cadasters and information systems or electronic databases;
- establishment of an economically justified fee for receiving administrative services;
- providing for the right to effectively appeal the decision of an administrative service provider;
- defining which services are paid and which ones are free;
- establishment of the deadline for the provision of administrative services.

6.3.1. The absence or shortcomings of competitive (tender) procedures in the field of public procurement is a corruption-causing factor when it contributes to the emergence of corruption risks.

■ **6.3.2.** The indicators of this corruption-causing factor are:

- lack of competitive procurement procedure (tender) where its application is necessary;

For example, the draft law provides for the limitation of the public procurement procedure for services of lawyers who provide free secondary legal aid, as well as interpreters (sign language interpreters), who are engaged to assist with the provision of secondary free legal aid.

- lack or shortcomings of legal, organizational, and information guarantees which ensure the right definition of the cost of goods, works, or services being procured;

For example, the draft law proposes to assign management of financial assets of insolvent banks and/or other banks to the Fund for their sale, quote, at the highest cost in the shortest possible time, unquote, without establishing the criteria of sale.

- lack or shortcomings of mechanisms meant to ensure the participation of an adequate number of participants in the procurement procedure;

For example, the draft law does not stipulate the need to publish information about the tender to attract more participants;

- lack or insufficient definition of formal criteria for the selection of the most economically beneficial tender offer;

For example, the draft law does not provide such criteria as the mandatory availability of the price of the tender offer, or the price together with the terms of payment, deadline, warranty service and so o,n.

- establishment of unjustified privileges for certain participants in the procurement procedure, or, conversely, unjustified restriction of the rights of certain participants in the procurement procedure;

For example, the draft law stipulates that medical masks of the established

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type for military servants are only procured from those tender participants which have already sold such medical masks to public agencies.

- establishing unjustified exceptions to the general rules of public procurement during certain types of public procurement;

For example, the draft law stipulates that the procurement of ventilators takes place under a procedure different from the usual one.

- unjustified delegation of public procurement powers to private law entities;

For example, the draft law provides a private law business entity, that is not defined as a customer by Article 2 of the Law of Ukraine "On Public Procurement", the right to procure on behalf of a state body.

- lack of a procedure for publishing information about the tender participants and its results;

For example, the draft law does not stipulate the need for approval by the Authorized Body of the procedure for publishing information about the tender participants and tender results;

- lack of proper and effective mechanisms for appealing the public procurement procedure.

For example, the draft law prohibits appealing the results of public procurement to the court without prior appeal to the appellate body (Antimonopoly Committee of Ukraine).

6.3.3. Ways to eliminate the corruption—causing factor:

- formalization of the competitive procurement procedure (tender) when it is necessary to implement it;
- ensuring the objective valuation of goods, works, or services being procured;
- ensuring adequate announcement of the tender to engage the necessary number of participants;
- definition of formal criteria for the selection of the most economically beneficial tender offer;
- ensuring the same procedural status of the participants in the procurement procedure;
- elimination of norms that provide for exceptions to the general rules of public procurement during certain types of public procurement;
- elimination of provisions that stipulate unjustified delegation of public procurement powers to private law entities;
- establishing adequate conditions for the publication of information about the tender participants and its results;
- establishing provisions that regulate the procedure for appealing the public procurement procedure.

6.4.1. Discrimination or favoritism is a corruption—causing factor when there are established rules, procedures, requirements, types, and measures of liability that provide for more/less beneficial circumstances for certain individuals (groups or categories of individuals) compared to other individuals (groups or categories of individuals) without justifying the need to establish such rules and procedures.

6.4.2. The indicators of this corruption—causing factor are:

- granting privileges, benefits, patronage to certain individuals (groups or categories of individuals) without proper grounds;

For example, the draft law defines that to participate in the electronic auction, a legal entity is obliged to have 3 (three) or more years of experience in issuing and conducting lotteries.

- development of conditions, without proper justification, which creates an unfavorable legal situation of certain individuals (groups or categories of individuals) compared to other individuals (groups or categories of individuals).

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For example, the draft law stipulates the need to conduct verifications of only foreigners, or stateless persons before granting the organization permission to engage them as volunteers.

6.4.3. Ways to eliminate the corruption–causing factor:

- elimination of norms that establish privileges, benefits, or patronage to certain individuals (groups or categories of individuals) without proper grounds;
- elimination of conditions that creates an unfavorable legal situation of certain individuals (groups or categories of individuals) compared to other individuals (groups or categories of individuals) without justification.

SECTION III

CORRUPTION— CAUSING FACTORS PERTAINING TO THE REGULATION OF INTERNAL ACTIVITY OF PUBLIC AUTHORITIES AND LOCAL SELF— GOVERNING BODIES

7.1. REDUCTION OF THE TRANSPARENCY AND OPENNESS LEVEL OF THE AGENCY IN QUESTION

7. Corruption—causing factors pertaining to the regulation of internal activity of public authorities and local self—government bodies (hereinafter “the agency in question”) are:

- 1) reduction of the transparency and openness level of the agency in question;
- 2) absence or shortcomings of selection (competition) procedures for management positions in the agency in question;
- 3) shortcomings in the regulation of the grounds and procedure for dismissal from management positions in the agency in question;
- 4) the lack of a clear division of powers between administrative and political activities in the agency in question.

7.1. Reduction of the transparency and openness level of the agency in question

7.1.1. Reduction of the transparency level of the agency in question is a corruption—causing factor if there is an unjustified reduction of the level of citizens’ access to public information held by such agencies. Reduction of the openness level of the agency in question is a corruption—causing factor if there are unjustified restrictions to citizens’ participation in the activities of the agency in question.

■ **7.1.2.** The indicators of these corruption—causing factors are:

- establishing restrictions on access to public information available to the agency in question, without proper justification;

For example, the draft law stipulates that the number of convictions and acquittals handed down by the High Anti—Corruption Court is not subject to publication.

- establishing a period when requests for access to public information are not considered or considered in the time frame longer than provided by law, without proper justification;

For example, the draft law stipulates that the public authority may extend the term of consideration of the request for access to public information in case of need to search for such information in the structural subdivisions of the authority.

- restricting the access to public information which is subject to mandatory publication and is held by the agency in question;

For example, the draft law stipulates that the Accounting Chamber does not publish a report (does not provide public access) on the financial performance of the State Financial Monitoring Service of Ukraine.

- reducing the frequency and/or volume of reporting by the agency in question to the public;

For example, the draft law proposes to reduce the number of Prosecutor General’s reports from “at least once a year” to simply “once a year”.

- reduction, in comparison with the current legislation, of the degree of citizens’ direct participation in the activities of the agency in question without proper justification;

For example, the draft law reduces the term for providing comments by the public within the discussion of the information about the planned activity, to be assessed for environmental impact, from 20 to 10 working days.

- narrowing the degree of influence on the activities of the agency in question by public councils (public oversight councils, public advisory bodies, etc.);

For example, under the provisions of the draft law, the public council under the National Agency on Corruption Prevention loses the function to approve the conclusion on the annual report of the Head of the NACP.

7.1.3. The ways to eliminate the corruption—causing factors are:

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- elimination of provisions establishing restrictions on access to public information available to the agency in question;
- elimination of provisions establishing a period when requests for access to public information are not considered or considered in the time frame longer than provided by law;
- elimination of provisions restricting the access to public information which is subject to mandatory publication and is held by the agency in question;
- elimination of provisions reducing the frequency and/or volume of reporting by the agency in question to the public;
- elimination of provisions that impose restrictions on the participation and influence of citizens, public councils in the activities of the agency in question, compared to current legislation.

7.2.1. Absence or shortcomings of selection (competition) procedures for management positions in the agency in question is a corruption—causing factor if such procedures are not available or if the selection can be held unfairly.

■ **7.2.2.** The indicators of this corruption—causing factor are:

- the absence of a selection (competition) procedure for management positions in the agency in question when such a procedure is necessary;

For example, the draft law does not foresee holding an open competition for members of the National Commission for the Protection of Critical Infrastructure.

- the lack of an exhaustive list of requirements for candidates for management positions in the agency in question, the lack of a clear list of documents and their forms that must be provided by candidates for participation in the selection (competition) for management positions in the agency in question;

For example, the draft law proposes to establish a National Anti-Doping Center, headed by a director whose qualification requirements are not established.

- establishment of different procedures for selection (competition) of candidates for management positions in the agency in question during the same competition;

For example, the draft law amends the selection rules for the competition which is already underway.

- establishing objectively insufficient deadlines for submission of documents by candidates to participate in the selection (competition) for management positions in the agency in question;

For example, the draft stipulates that, when its provisions come into force, i.e., on January 1, the acceptance of documents for the participation in the competition begins, and it ends on January 8.

- formalizing the possibility of including additional conditions and/or stages for candidates who take part in the selection (competition) for management positions in the agency in question;

For example, the draft law stipulates that the conditions of the current competition vary depending on the number of candidates who have expressed a desire to participate in such a competition.

- narrowing the degree of influence of the public (public oversight councils, public advisory bodies, etc.) on the selection (competition) procedure.

For example, the draft law stipulates that the public does not participate in assessing the integrity of candidates for the position of judge.

7.2.3. Ways to eliminate the corruption—causing factor:

- establishing the procedure of selection (competition) for management positions in the agency in question when there is an objective possibility to conduct it;
- establishing in the draft law a clear list of requirements to candidates and a clear list of documents that must be provided by the candidates to partici-

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pate in the selection (competition) for management positions in the agency in question;

- unification of selection (competition) procedures for management positions in the agency in question;
- providing for reasonable deadlines for submission of documents by candidates who take part in the selection (competition) for management positions in the agency in question;
- elimination of the norms which provide for a possibility to establish additional conditions and/or stages for candidates who take part in the selection (competition) for management positions in the agency in question on the secondary level;
- developing provisions that enable the public to take part in the selection (competition) procedure and influence its outcome where possible.

7.3.1. Shortcomings in the regulation of the grounds and procedure of dismissal from management positions in the agency in question are a corruption—causing factor if a person can be dismissed arbitrarily.

■ **7.3.2.** The indicators of this corruption—causing factor are:

- the absence in the draft law of an exhaustive list of grounds for dismissal of a person from a management position;

For example, the draft law defines that the head of the state body is subject to his or her dismissal in case of occurrence of, quote, other cases which testify to incompatibility of the person to the post, unquote.

- absence or shortcomings of provisions which stipulate the procedure of official (internal) investigation conducted before the decision is made to dismiss a person from a management position as a result of a disciplinary violation

For example, the draft law stipulates that during the official investigation, the persons in respect of whom it is conducted are not heard and do not provide their explanations.

- the absence of a provision that establishes the grounds for suspension of a person who is under official (internal) investigation;

For example, the draft law establishes a possibility that during an internal investigation on the abuse of power the person under investigation is not suspended.

- the provisions of the draft law, which provides for the evaluation of the performance of an official's duties which may serve as the basis for the dismissal of this person, do not specify the criteria, methodology, and procedures for such evaluation;

For example, the draft law stipulates that the evaluation of the performance of the head of the NACP is carried out by a commission of experts, but criteria of such evaluation are not provided.

- narrowing the statutory guarantees of independence of heads of public agencies.

For example, the draft establishes that, in addition to the Prosecutor General, the head of the Specialized Anti—Corruption Prosecutor's Office is directly subordinate to the first deputy (deputies) of the Prosecutor General.

7.3.3. Ways to eliminate the corruption—causing factor:

- providing for an exhaustive list of grounds for dismissal of a person from a management position in the draft law;
- defining provisions in the draft law that stipulate the procedure of official (internal) investigation conducted before the decision is made to dismiss a person from a management position as a result of a disciplinary violation;
- defining the grounds for suspension of a person who is under official (internal) investigation;
- defining the criteria, methodology, and procedure of the evaluation of an official's performance in the draft law;

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- restoring provisions ensuring the existing guarantees of independence for the leadership of public agencies.

7.4.1. The lack of a clear division of powers between administrative and political activities in the agency in question is a corruption—causing factor if it results in a conflict of interest between political and state (public) interests; the use of administrative powers for the benefit of political interests.

■ **7.4.2.** The indicators of this corruption—causing factor are:

- combination of political and administrative functions in one position;

For example, the draft law stipulates that the Minister of Internal Affairs is authorized to extend the term of pre-trial investigation in criminal proceedings in cases on, particularly grave crimes.

- providing for preliminary or subsequent approval of an appointment for an administrative position from the political leadership in the agency in question;

For example, the draft law stipulates that the heads of territorial police bodies are appointed and dismissed by the head of the police subject to approval by the Minister of Internal Affairs of Ukraine.

- providing for simultaneous replacement of the administrative and political management in the agency in question.

For example, the draft law envisages that the heads of the departments of the ministry are automatically dismissed if the Minister terminates his or her powers.

7.4.3. Ways to eliminate the corruption—causing factor:

- separation of political and administrative positions in the agency in question;
- minimizing the procedures of preliminary or subsequent approval of an appointment for an administrative position from the political leadership in the agency in question;
- clear separation of political and administrative functions in the agency in question;
- introduction of procedures under which a change of political leadership does not entail a change of administrative leadership in the agency in question.

SECTION IV

OTHER CORRUPTION— CAUSING FACTORS

9.1. LEGAL CONFLICT

8. Technical shortcomings are not considered corruption—causing factors, as their presence is not always due to the shortcomings of a particular rule or set of rules of the draft law. At the same time, shortcomings of a draft law that do not combine all characteristics of corruption—causing factors yet contribute to the emergence of corruption risks are viewed equally to corruption—causing factors and are subject to identification and elimination. Such shortcomings often take the form of technical legal flaws of the draft law.

9. Other shortcomings that contribute to the emergence of corruption risks include:

- 1) legal conflict;
- 2) legal gap;
- 3) unreasonable use of evaluative concepts.

9.1.1. Legal conflict is a discrepancy (in particular, a contradiction) between the rules of law, which are enshrined in law and regulate the same social relations.

▣ **9.1.2.** The types of legal conflict are:

- the conflict between the provisions of the draft law (internal conflict).

The indicators of such conflict are:

- formal inconsistency (contradiction) within one provision of the draft law;

For example, the draft law defines that only those substances that are included in the State Register may be used in the components of active materials and objects. At the same time, part 2 of the same article of the draft law contains a list of substances that are not included in the State Registry but can be used in the components of active materials and articles.

- formal inconsistency (contradiction) between different provisions of the draft law.

For example, the draft law establishes that the extraction of minerals in the areas of the amber subsoil is not subject to mandatory environmental impact assessment. The next article of the draft law stipulates that to obtain a subsoil use permit to extract minerals, it is necessary to provide, quote, registration data of the conclusion on the environmental impact assessment, unquote.

- the conflict between the draft law and acting legislation (external conflict).

The indicators of such a conflict are:

- formal inconsistency (contradiction) between the provisions of the draft law and the norms of the acting legislation, to which no changes are envisaged;

For example, the draft law determines that the body of state environmental control, as a precautionary measure, decides to suspend the activities of the business entity for up to 3 working days. This provision contradicts Part 5 of Art. 4 of the Law of Ukraine "On Basic Principles of State Supervision (Control) in the Sphere of Economic Activity", which stipulates that such measures may be introduced only by court decision.

- inconsistency with the provisions of the Constitution and current international obligations and treaties, the binding nature of which has been approved by the Verkhovna Rada of Ukraine;

For example, the draft law obliges the People's Deputies of Ukraine to undergo an annual psychophysiological examination using a polygraph and obliges the candidates to submit a conclusion on passing a voluntary preliminary psychiatric and narcological examination. It was suggested that the results of the examination and conclusions be made public. These provisions contradict the Universal Declaration of Human Rights; International Covenant on Civil and Political Rights; Art. 8 of the European Convention for

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9.2. LEGAL GAP

9.3. UNREASONABLE USE OF EVALUATIVE CONCEPTS

the Protection of Human Rights and Fundamental Freedoms; Art. 32 of the Constitution of Ukraine.

- the conflict between the provisions of the draft law and anti-corruption legislation, which occurs when there is any inconsistency between the provisions of the draft law and the acting anti-corruption standard if the draft law contradicts the international and/or domestic anti-corruption legislation, which may complicate the implementation of anti-corruption measures stipulated by law.

For example, the draft law cancels the restrictions concerning combining their primary job with other activities for rank-and-file officers of civil defense bodies and units, police agencies, and staff of the state penitentiary service.

9.1.3. Ways to eliminate the corruption-causing factor:

- amending the article or part of the article of the draft law which, in combination with another provision (other provisions) generates a legal conflict;
- elimination of the article or part of the article of the draft law which, in combination with another provision (other provisions) generates a legal conflict;
- enshrining in the draft law the changes that are proposed to be made to other laws to avoid contradictions;
- providing for a new provision (provisions) in the draft law which eliminates the identified legal conflict;
- harmonizing the provisions of the draft law with the Constitution and current international obligations and treaties, the binding nature of which has been approved by the Verkhovna Rada of Ukraine;
- bringing the draft law in line with international and/or acts of anti-corruption legislation.

9.2.1. A gap is the complete or partial absence of legislative regulation of certain social relations that are subject to legal regulation.

The lack of instructions on those relations that are outside the scope of legal regulation of the draft law does not constitute a shortcoming.

► **9.2.2.** The indicators of a legal gap are:

- non-regulation in the draft law of social relations that are subject to legal regulation by this draft law and require legal resolution, if such relations are not regulated by the current legislation;

For example, the draft law proposes to confer the powers for appointment or authorization of the body, empowered for registration of technical means, on the Ministry of Agrarian Policy and Food of Ukraine. At the same time, the draft law lacks the procedure for appointing (authorizing) the registration body.

- the absence of proposals in the draft law to amend the acting legislation, or pass new legislation, in connection with the draft law coming into force;

For example, the draft law proposes to assign the function of bringing judges to disciplinary liability for violation of financial control measures to the HQCJ, but it is not proposed to make such changes to the Law of Ukraine "On Judiciary and the Status of Judges" concerning HQCJ powers.

9.2.3. Ways to eliminate the legislation gap:

- regulation of public relations that require legal resolution in the provisions of the draft law;
- formalizing proposals in the draft law to amend the current legislation or pass new legislation in connection with the draft law coming into effect.

9.3.1. The use of evaluative concepts is considered unreasonable in cases when their use in the provisions of the draft law is not justified or when such a concept can be replaced by one that is defined in specific terms.

► **9.3.2.** The indicators of unreasonable use of evaluative concepts are:

- the use of words and phrases like "etc.," "and so on," "may," "has the right," "at... own initiative," "takes care of," "ensures," "facilitates," "helps," "reasonable",

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“proper”, “reasonable ground”, and other linguistic ambiguities which lead to their arbitrary interpretation;

For example, the draft law entitles the State Agency for Tourism Development to exclude an economic entity from the Unified Tourist Register in case of failure to submit a report on tourist activity without grounded reason.

- the use of terms without their specific definition and/or definition of their main characteristics;

For example, according to the provisions of the draft law, less stringent emission limit values (derogation) are not provided if the permitting authority is unable to ensure the absence of significant environmental pollution and achieve a high level of environmental protection in general to prevent harmful effects on public health. At the same time, the draft law does not define the concepts of “significant pollution” and “high level of environmental protection”.

9.3.3. Ways to eliminate the unreasonable use of evaluative concepts:

- elimination of words, phrases, and other linguistic ambiguities which lead to their arbitrary interpretation;
- providing a specific definition to terms and/or defining their main characteristics.

CHAPTER III

RULES OF PROCEDURE AND RESULTS OF ANTI- CORRUPTION EXAMINATION

10. The Rules of Procedure for Anti-Corruption Examination

10.1. Anti-Corruption Examination is conducted following this Methodology.

10.2. In the conduction of the anti-corruption examination, the expert is to:

- analyze the draft law in detail for the presence of corruption-causing factors;
- get acquainted with the accompanying documents to the draft law and other related documents;
- analyze the submitted amendments and proposals to the draft law (before the second reading);
- study the justification and necessity (purpose and expediency) of the draft law;
- analyze the acting legislation, which is proposed to be amended;
- learn the opinions of the circle of professionals and apply to interested persons (stakeholders);
- forms a conclusion on the results of the anti-corruption examination.

11. Interaction with Stakeholders

11.1. 11.1. In the conduction of the anti-corruption examination, the expert is to learn views of public (state authorities, local self-governing bodies, scholars) and non-governmental (associations, civil society organizations, international organizations, businesses) stakeholders.

11.2. Learning views of stakeholders is to be carried out by content-analysis of open information, submitting inquiries for public information, applications, and applying other methods of communication.

11.3. The views of stakeholders are to be generalized and included in a conclusion on the results of the anti-corruption examination. The expert is to make corresponding references to the full context of the stakeholders' views

12. Conclusion on the Results of Anti-Corruption Examination

12.1. The expert is to form a conclusion on the results of the anti-corruption examination.

12.1.1. The conclusion contains:

- 1) the name and registration number of the draft law, the date of its registration, the initiator (initiators) of the draft law, and the name of the Verkhovna Rada Committee, which is determined to be the profile committee for this draft law;
- 2) a description of the draft law which summarizes the proposed amendments;
- 3) list of the identified corruption-causing factors;
- 4) the definite provision of the draft law, in which the corruption-causing factor is identified, and the method of fixing such a factor;
- 5) substantiation and description of the content of each corruption-causing factor;
- 6) an explanation of how the provisions of the draft law may contribute to the commission of corruption or corruption-related offenses;
- 7) recommendations for the elimination of corruption-causing factors;
- 8) other comments on the draft law (if available);

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- 9) the views of stakeholders;
- 10) brief information reference (if necessary);
- 11) key amendments and proposals (until second reading only);
- 12) consideration of previously submitted comments (only before the second reading).

In case of detection of corruption-causing factors that are not defined by this Methodology, the expert points to them, necessarily justifying what exactly this or that provision of the draft law contributes to the emergence of corruption risks.

12.2. In case of the absence of corruption-causing factors, but in the presence of other comments on the substance of the draft law, the comments are specified in the conclusion, and the draft law is to be recognized not to contain corruption-causing factors.

12.3. In the absence of corruption-causing factors, the draft law is recognized to contain corruption-causing factors. The conclusion on the results of the anti-corruption examination is to be not formed, and the information about conduction of such examination is subject to be made public following paragraph 14.3. of this Methodology.

13. Peer Review of the Conclusion on the Results of Anti-Corruption Examination

13.1. All conclusions are to be internally peer-reviewed according to the approved System for Quality Control of Analytical Materials produced by the "Institute of Legislative Ideas" Analytical Centre.

13.2. No later than the next day after the day when the conclusion is formed, the expert is to submit the conclusion for review to one or more experts of the Analytical Centre who did not participate in the analysis of the draft law.

13.3. The reviewer submits his or her comments (if any) within five days from the day of receipt of the expert's conclusion.

13.4. If necessary, to agree on positions, the conclusion can be discussed in a focus group consisting of an expert, a reviewer, the head of the organization, and other experts of the analytical center (if necessary).

13.5. In some cases (at the discretion of the head of the organization) an external review of the conclusion is conducted.

13.6. Comments received as a result of peer review are taken into account by the expert within a period not exceeding three days from the day of receipt of the review.

13.7. All conclusions based on the results of the anti-corruption examination of draft laws are approved by the Chairman of the organization.

14. Publication of the Anti-Corruption Examination Results

14.1. The conclusions on the results of the anti-Corruption examination are to be made public on the official website of the "Institute of Legislative Ideas" Analytical Centre.

14.2. The conclusions on the results of the anti-Corruption examination are to be sent to the initiators of the draft law and the members of the Verkhovna Rada profile committee. The conclusions are also directed to the Verkhovna Rada Committee on Anti-Corruption Policy, and the National Agency on Corruption prevention.

14.3. Information concerning draft laws recognized not to contain corruption-causing factors, and draft laws without comments, in essence, are to be published on the official website of the "Institute of Legislative Ideas" Analytical Centre.

15. Assessment of the Impact of Anti-Corruption Examination

15.1. Assessment of the impact of the anti-corruption examination is to be carried out to monitor the compliance of decision-makers with the recommendations provided by the conclusions.

15.2. Assessment of the impact is conducted by the expert through determining the percentage of those recommendations, among the recommendations given

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following the Methodology for Assessment of the Impact of the Conclusions by the Institute of Legislative Ideas, that are taken into account by the decision-making subjects.

15.3. Information about the impact of the anti-corruption examination by the Institute of Legislative Ideas is obligatory for publication in annual reports in the open data format.





Institute of Legislative Ideas

Kyiv, 24 Shovkovychna Street, office 14

✉ office@izi.institute

🌐 www.izi.institute

📘 [@ILlinUA](https://www.facebook.com/ILlinUA)

