

# **Law of Georgia on the Conflict of Interests and Corruption in Public Service**

## **Chapter I**

### **General Provisions**

#### **Article 1.**

This law establishes the ways to prevent, reveal and suppress conflicts of interests and corruption in public services and general principles of the responsibility of persons involved in corruption and the basis and mechanism of legal regulations. The law also regulates the legal basis and mechanism of submission of the property status declaration by public officials. (27.03.2009 N. 1157 shall enter into force from 1 June 2009).

#### **Article 2.**

For the purpose of the present Law the term “official” means the following persons:

- a. President of Georgia;
- b. Members of the Parliament of Georgia;
- c. Members of the Supreme Representative Organs of the Autonomous Republic of Abkhazia and Adjara; (25.05.2007 N.4818)
- d. Heads and Deputy Heads of the Executive Government of Supreme Organs of the Autonomous Republic of Abkhazia and Adjara;
- e. Minister of Georgia and his/her deputy;
- e<sup>1</sup>. State Minister of Georgia and his/her deputy; (17.05.2011. N4675)
- f. Head and Deputy Head of the Chancellery of the Government of Georgia;
- g. Head of the President’s Administration and his/her deputy;
- h. Head of the Structural Sub-division of the Ministry, and his/her equal officials;
- i. Head of the Structural Sub-division of the Ministry, his/her deputy and their equal officials; (29.06.2012 N 6612 to be enforced after 60 days from publication)
- j. Chairman of the State Department, Chief and his/her deputies of the State Inspection;
- k. Taxation Ombudsman and his/her deputy; (13.10.2011. N5129)

- l. Head of the Structural Sub-division of the President's Administration, and his/her equal officials;
- m. Head of the Administrative Department of the Parliament of Georgia, his/her deputy, Heads of the Departments and their equal officials; (29.06.2012 N 6612 to be enforced after 60 days from publication)
- n. Head of the State Structural Sub-division of Georgia;
- o. Heads of the Departments, Bureaus, Main Divisions and Divisions, their deputies and equal officials of the Ministry of Internal Affairs and Ministry of Defence of Georgia;
- p. Head of the Revenue Services, his/her deputies and Head of the Taxation Division of the Revenue Services; (15.05.2012 N6174)
- q. General Auditor, his/her deputy, Presidium Member of the State Audit Service, Heads of Departments, Regional and City Bureaus, Heads of the Structural Sub-division of the Autonomous Republic of Abkhazia and Adjara; (22.06.2012 N 6550 to be enforced from July 1, 2012)
- r. President of the National Bank and Council members;
- s. Members of the Presidential Discussion Board;
- t. Members of the High Council of Justice of Georgia;
- u. Members of the Independent Regulation Commission of Georgia;
- v. Head of the Central Election Commission, his/her deputies and the members of the Commission;
- w. [State Representative-Governor](#) and his/her deputy;
- x. Heads of the local self-government districts and cities (Tbilisi, Batumi, Rustavi, Sokhumi, Foti, Qutaisi, Tskhinvali);
- y. Heads of the executive branch of the local self-government districts and cities (Tbilisi, Batumi, Rustavi, Sokhumi, Foti, Qutaisi, Tskhinvali), and their first deputies;
- z. Heads of the Self-Government Cities and Municipalities; Heads of the Councils and their deputies (Tbilisi, Batumi, Rustavi, Sokhumi, Foti, Qutaisi, Tskhinvali), and their deputies, Heads of the Council Commission and Secretaries. (29.06.2012 N 6612 to be enforced after 60 days from publication)

z<sup>1</sup>. Mayors of the self-government cities (Tbilisi, Batumi, Rustavi, Sokhumi, Foti, Qutaisi, Tskhinvali), and their deputies; governors of the municipalities and their Deputies; (29.06.2012 N 6612 to be enforced after 60 days from publication)

z<sup>2</sup>. Judges;

z<sup>3</sup>. Chief Prosecutor and his/her deputies; Heads of the Departments of the Main Prosecutors Office and equal officials, Regional and District Prosecutors of Tbilisi and Autonomous Republic of Abkhazia and Adjara;

z<sup>4</sup>. Any other Georgian officials elected, appointed or approved under the Constitution of Georgia. 2. For the purpose of the Chapter IV of this Law, "officials" also mean Heads of some Legal Entities of Public Law, which is directly determined by the President Decree.

**Article 2<sup>1</sup>.** (27.03.2009 N. 1157 shall enter into force from 1 June 2009)

1. For the purposes of this law, the meaning of public official is the same as determined under the Law on the Public Services and a person working in the institution equal to the public institutions shall also be considered as public official.

2. For the purposes of this law, the subsidiary employees shall not be considered as public officials.

**Article 2<sup>2</sup>.** T (27.03.2009 N. 1157 shall enter into force from 1 June 2009)

1. For the purposes of this law, the institutions equalised with the public institutions are the following entities:

a) Independent national regulatory organs:

b) Non-commercial legal entities - foundations and the legal entities of public law, which:

b.a) which are entrusted with important governmental or other public authorities;

b.b) whose activities are subject to governmental control;

b.c) whose source of income is established by the law;

b.d) entities which dispose public property;

2. The list of the institutions stated in the paragraph b of present Article, is determined and renewed by the Government of Georgia annually.

**Article 3.**

1. Corruption in the public services is the abuse of power and the opportunities related to that power by a public official for the purpose of obtaining property or other material benefits forbidden by the law, also transfer of this benefit to him/her or providing assistance in its obtaining and legalisation. (27.03.2009 N. 1157 shall enter into force from 1 June 2009).
2. "Offence of Corruption" is an action, which contains elements of corruption and entails a disciplinary, administrative or criminal liability prescribed by Law.
3. "Conflicts of interests in public services" is the conflict between private or property interests of a public official with the interests of public service.
4. "Unreasonable property" is the property, including received income from this property, shares which cannot be legally certified with documents by the official, member of his/her family or close relative, or is purchased with received financial resources by alienation of illegal property.
5. "Certification of property origin" is an indication of documents on declaration property and financial resources obtained as the property or providing verbal explanation with indication of a source. (13.02.2004 N 3314 shall enter into force from 1 July 2004).

#### **Article 4.**

For the purpose of the present Law:

- a. "Family member" means a person's spouse, minor and stepchild, also persons living with him/her on a permanent basis;
- b. "Close relative" means a member of a person's family, straight blood relative in ascending and descending line, stepchild, sister and brother, also stepchildren of parents and child.

#### **Article 5.** (27.03.2009 N. 1157 shall enter into force from 1 June 2009)

1. For the purposes of this article a present is a free or privileged property or service given, in partial or full release from the property obligation to a public official or his/her family members, which appears as an exception from the general rule.

2. Throughout the whole year, the sum of the received presents shall not exceed 15% of the whole year wages. A present received once shall not exceed 5%, if these presents are not received from the same source.

3. Throughout the whole year, the sum of the received presents (gifts) shall not exceed 1,000 GEL by each member of the public official's family. A present (gift) received once shall not exceed 500 GEL, if these presents are not received from the same source.

**Article 5<sup>1</sup>.** (27.03.2009 N. 1157 shall enter into force from 1 June 2009)

For the purposes of this law, a present shall not be considered as a:

- a) Grant, scholarship, reward and bonus given by the state or international organisation;
- b) Diplomatic present, which is given to a public official during an official or working visit within the protocol rules, which the market price does not exceed 300 GEL;
- c) Symbolical mark or a souvenir given by Georgia or other state or domestic self-governing organ or institution, to a public official or his/her family members of which the personal property market price does not exceed 300 GEL and is received from one source during an official event.
- d) A free or privileged property or service given, in partial or full release from the property obligation to a public official or his/her family members, which does not appear as an exception from the general rule;
- e) A free or privileged property or service given, in partial or full release from the property obligation to a public official or his/her family members;
- f) Printed publications given as presents, except those cultural heritages which are determined by the Georgian law on Cultural Heritage.

**Article 5<sup>2</sup>.** (27.03.2009 N. 1157 shall enter into force from 1 June 2009)

If a public official or his/her family members ascertains after receiving the present that the value of the present exceeds the permissible demands of this law and/or through the distinct purposes (present received by mail, present given publicly) it was impossible to refuse the present, then she/he is obliged to declare the name of the present, estimated or exact price/quantity, indicate the relationship of the grantor, and give the forbidden present to the legal entity of public law- financial agency.

**Article 6.**

1. For the purpose of the present Law, "enterprise control" means the authority of a person (body) to any concrete enterprise (entrepreneur), through him/her personally or through

a person under his/her supervision to check the enterprise's activity or to establish any restriction or favour on entrepreneurial activity, or to issue a license, certificate or other types of permission in relation to his/her entrepreneurial activity.

2. For the purposes of the present Law a person under the supervision of an official means a person (public servant) in relation to whose issued act or conducted action the official has authority to issue a written instruction regarding elimination of drawback of issued act or conducted action, terminate an act's execution or conducting of an action, abolish an act's execution. (05.02.99. N1801)

## **Chapter II**

### **Restriction on Activities**

#### **Article 7.**

An official has no right to apply the authorities gained from public service or its relevant opportunities against the interests of public service or for solution of an issue, which does not fall under the capacity of the public service.

#### **Article 8.**

An official has no right to disclose or use for any other purposes information containing an official secret or any other type of confidential information which has become known to him/her during conducting his/her official duties and publicity of which is limited under the acting legislation.

#### **Article 9.**

1. An official who is obliged to serve or make decisions free of charge under the public service has no right to receive or require the compensation or any other type of benefit for such a service.

2. An official who for the public service is obliged to render a service or make a decision for consideration in the officially fixed amount is prohibited to receive or require more than the stipulated amount.

3. An official has no right to get any compensation from information created or searched by the State Treasury Organ as well as for publication of work, report or any other material made on grounds of such information.

4. The restriction prescribed by paragraph 3 of the present Article does not apply in case where the information is public and any interested person has an access to it.

### **Article 10.**

1. An official has no right to make a property deal with the Treasury Establishment where s/he holds position.
2. An official has no right to make a property deal with close relatives or their representative as a public servant.
3. The agreement (deal) concluded with a violation prescribed by paragraph 2 of the present Article is void.

### **Article 11.**

1. An official whose obligation within the board agency is to make decisions regarding his/her property or private interests is obliged to inform other members of the board or his/her direct supervisor about it and has to refuse to participate in decision-making.
2. An official whose obligation is to make the sole decision regarding his/her property or other private interest has to declare self-recusal and to inform his/her supervisor (supervisory agency) about this in written form, who has to make an appropriate decision or entrust another official to make the decision.
3. In case of the paragraph 2 of the present Article, an official has a right to sign a decision on a basis of the written permission of his/her direct supervisor (supervising agency) and this has to be underscored in the decision.
4. Requirements stipulated by the present Article do not apply to the President of Georgia, Members of the Parliament of Georgia, Members of the Supreme Representative Organs and Heads of the Executive Organs of the Autonomous Republics of Abkhazia and Adjara. (25.05.2007. N.4818)

### **Article 12.**

Revoked (27.03.2009 N.1157 shall enter into force 1 June 2009)

### **Article 12<sup>1</sup>. (21.07.2010 N3548)**

1. The Anti-Corruption Council (Council) should be created, in order to ensure an effective and coordinated fight against corruption.

2. The main functions of the council are to determine the general politics, create a national anti-corruption strategy and action plan, renovation and ensure monitoring on implementation.
3. Members of the Council are determined by the President of Georgia.
4. Beside the Governmental Sector, members of the Council can also be representatives from local NGOs and international organisations, independent experts, scientists and representatives from non-commercial legal entities;
5. The Structural Sub-division of the Ministry of Justice of Georgia coordinates and ensures the organisational issues of the Council.
6. Authority and other organisational issues are determined by the Council Statute, which is approved by the President of Georgia.

### **Chapter III**

#### **Positional Incompatibility**

##### **Article 13.**

1. The issues regarding positional conflicts are regulated by the Constitution of Georgia, Organic Law, the present Law and other normative acts.
2. An official has no right to implement any kind of paid work except scientific, pedagogical or creative or to hold any position in any other treasury establishment or treasury enterprise or to implement any kind of paid work or to hold a position in the agency or institution of a foreign country.
3. An official, or a member of his/her family has no right to hold a position or implement any kind of work in an enterprise registered in Georgia, the control of which is conducted by an official or falls under his/her capacity.
4. An official has no right to hold any position in an enterprise.
5. An official, or a member of his/her family has no right to own shares or part of a stock in an enterprise where the control of which is implemented by an official or falls under his/her capacity.
6. An official has no right to be a representative of a natural or legal person or commissary or represent or defend in criminal, civil or administrative offences cases against the Treasury establishment except in a case when s/he is a trustee of the natural person.



7. A close relative of an official cannot be appointed to the position of a public servant except by the competition, which is under the supervision of an official. (13.02.2004 N3314 shall enter into force from 1 June 2004).

8. An official, or a member of his/her family is obliged to retire from a incompatible position or to terminate incompatible work within 10 days after the appointment on the position if the Constitution of Georgia or the present Law does not prescribe anything else.

9. An official shall present documents certifying the eradication of his/her or a member of his/her family's incompatibility to his/her direct superior official (agency), also to the corresponding staff agency.

10. If the Constitution of Georgia or Organic Law does not prescribe anything else, an official shall be released from the occupied position if:

a. S/he or a member of his/her family has violated requirements of position incompatibility set forth in the present Law;

b. It can be confirmed by the Court's decision that an official owns illegal or/and unreasonable property (13.02.2004.N3314 shall enter into force from 1 June 2004).

## **Chapter IV**

### **Declaration and Publication of Economic Interests**

#### **Article 14. (21.07.2010 N3548)**

1. An official is obliged to fill in and present a property declaration to the Civil Service Bureau within two months after his/her appointment. Rules of Asset Declaration Submission are determined by the President of Georgia.

2. During the term of the position, an official is under annual obligation to complete and submit a property declaration one year from the date of filling in each prior declaration, of which will contain data concerning alterations of any prior declarations.

3. An official is under obligation to fill in and submit a property declaration within two months after leaving a position.

4. A person obliged to fill in the declaration who is delegated a fulfilment of obligations of an absent public servant for three-month term in the same establishment system pursuant to the Law of Georgia on Civil Service is exempt from an obligation to submit a property declaration of an official.

6. The data on a property declaration of an official shall be inserted before the first number of a month when it was filled in and incomes – pursuant to condition of the prior calendar year of filling declaration, except from cases determined by the paragraph 7 of this Article.

7. Deposits or/and accounts opened in Georgian or foreign banks or/and other credit institution on his/her behalf or on behalf of members of his/her family, cash amounts at his/her disposal or at the disposal of his/her family members the amount of which exceeds 4 000 GEL shall be declared for the period of the declaration submission.

8. An official is obliged to submit an asset declaration once a year. If a person has already submitted a declaration and during the same year the obligation of filling in the declaration has emerged again, this person is exempt from filling in a further property declaration.

9. The Civil Service Bureau informs senior public officials about approaching deadlines and warns about the liability for the non-submission of property declaration, determined by the Georgian legislature, 20 days before the declaration submission deadline;

#### **Article 15.**

The property declaration of an official shall contain information on him/her and members of his/her family regarding the following:

a. A person's first name, family name, a permanent place of living, telephone number, mobile number, e-mail; (21.07.2010) N3548)

b. A person's occupation, an occupied position, address of an occupation, telephone number;

c. A person's, or a member of his/her family's first name, family name, birth place, date of birth, relative connection or any other relation with a person;

d. Real estate owned by a person, or a member of his/her family – owner of property (if property is in common possession, another owner of the property shall be indicated also; if property is in common possession also it should be indicated the percentage of ownership of a person, member of his/her family, a total extent of property and its location);

e. Movable property owned by a person, or a member of his/her family (securities, bank deposits, except case amounts) which calculated separately exceeds 10 000 GEL – owner of property (if property is in common possession, another owner of the property shall be indicated also; if property is common possession also it should be indicated the percentage of ownership of a person, or member of his/her family);

f. Securities owned by an official and members of his/her family – type of securities, nominal value and quantities of securities;

g. Deposits and/or accounts opened in Georgian or foreign banks and/or other credit institutions on his/her behalf or on the behalf of members of his/her family,- mentioning essential elements of bank or credit institution, account or deposit holder, account number and amount of a deposit or account; (21.07.2010) N3548)

h. Cash amounts at his/her disposal or at the disposal of members of his/her family the amount of which exceeds 4 000 GEL – mentioning an owner and amount of cash sums in the corresponding currency;

i. His/her involvement or involvement of members of his/her family in entrepreneurship in Georgia or abroad, mentioning a person involved in entrepreneurship and form of partnership, full name and legal address of the enterprise, mentioning the registering body and date of registration, income received within the reporting period of the enterprise's activity;

j. Any type of paid activities fulfilled by him/her or member of his/her family in Georgia or abroad, except working in an enterprise, mentioning the person who fulfils the work, position or content of the work-engagement as well as mentioning where the person holds position or is engaged, received income within reporting period by fulfilment of work;

k. Any concluded agreement by a person or member of his/her family in Georgia or abroad where the contractual amount exceeds 3 000 GEL (including an agreement of entrustment of share irrespective of prize) – mentioning the contractual parties of the agreement, subject of the agreement and its prize, date of the conclusion of the agreement and its duration, body that made the State's registration or certification, material outcome received within reporting period from the agreement;

l. During the reporting period gifts received by a person or member of his/her family which the prize exceeds 500 GEL – mentioning a person's name who received the gift, who presented the gift, relationship with the receiver, type of the gift, market prize of the gift;

m. During the reporting period any income and/or loss by a person or member of his/her family which the prize in separate cases does not exceed 1 500 GEL except other incomes and/or losses prescribed by the present Article – mentioning the person, or member of his/her family who had income and/or loss, type of income and/or loss, amount (prize) of income and/or loss;

n. Secret column – type of property (content) a name of a person, a member of his/her family related to property, market prize or/and amount of property;

o. Date of filling in declaration.(23.02.2010.N2669)

**Article 16.**

Revoked (2.10.2008 N311)

**Article 17.**

1. Revoked (13.02.2004 N3314)

2. If information to be inserted in a declaration is a State or an official secret or is confidential, the publicity of which is limited under the acting legislation, this information shall be reflected only in the special (secret) column of the declaration mentioning the relevant source of the type (content) of property, relation of an official and members of his/her family with property, amount or/and market price of property.

3. In case prescribed by paragraph 2 of the present Article, a person who fills in the declaration shall attach a written notice on the legal act on the basis of which information that to is be inserted into the declaration belongs to the State or official secret or represents other confidential information the publicity of which is limited.

**Article 18.** (12.06.2009 N1179 shall enter into force from 1 August 2009)

1. In order to receive a declaration, provide publicity of the property declaration of an official and maintain control over the timely submission of the declaration, also to carry out other functions prescribed by the Georgian legislation, shall be fulfilled by the legal entity of public law – the Civil Service Bureau (hereinafter: the Bureau).

2. For the purposes of the present Law the Bureau ensures:

a. Providing a technical instruction on the proper completion of a property declaration of an official;

b. Accessibility of Asset Declaration database on Online Asset Declaration System; (04.12.2009 N2226)

c. Accepting and keeping of the filled property declaration of an official;

d. Publicity of the content of property declaration of an official;

e. On the basis of list provided in the Article 2 of the present Law, an establishment of officials' agency who are under obligation to fill in the declaration and submission to the

President of Georgia for approval as well as a preparation of amendments and additions to the agency and submission to the President of Georgia for approval;

f. Performing other functions prescribed by the Georgian legislation.

#### **Article 19.**

1. Any natural and legal person has a right to request, obtain a copy of a property declaration of an official in full with the exception of the personal number, permanent address, telephone number and secret page. (04.12.2009 N2226 to be enforced from February 1, 2010)

2. No obstacle shall be established and created for the receipt of a copy of declaration; (13.12.98 N1733)

3. In order to receive a copy of a declaration and copies of other materials relating to a declaration submitted by an official in the Bureau prescribed by the Georgian legislation, s/he shall pay fee in compliance with established rule of the Law of Georgia on "Tax for Obtaining a Copy of Public Information". (13.05.2005 N1439 shall enter into force after the Law of Georgia on "Tax for Obtaining a Copy of Public Information" enters into force.)

### **Chapter V**

#### **Liability for Corruptive Offence**

#### **Article 20.**

1. In case of non-submission of property declaration of an official within time limits prescribed by Article 14 of the present Law, a person shall be fined the amount of 1000 GEL on which individual-administrative acts shall be issued – a resolution on fine.

2. A head of the Bureau issues a resolution on fine pursuant to simple administrative procedure. A person shall pay a fine within a period not exceeding 30 days from the moment when s/he officially familiarise with resolution. The fine shall be considered paid after a submission of certified documents of payment to the Bureau. The payment of fine does not exempt an official from an obligation to present the declaration. (12.06.2009 N 1179 shall enter into force from 1 August 2009)

3. The appeal of the resolution on fine does not terminate its execution.

4. After two weeks from the date of the resolution of the fine or the Court's decision comes into force without submission of the property declaration of an official will entail criminal liability. The imposition of criminal liability does not exempt a person from an obligation to submit the declaration. In this case the person is under the obligation to submit the declaration within two weeks after the Court's decision on guiltiness.

5. An official who violates requirements prescribed by the present Law which does not contain criminal or administrative offences, entails a disciplinary liability in accordance with the rule established by Law.

6. If an official who has committed a corruptive offence and against him/her a disciplinary measure was applied for that action, except from a case when s/he is dismissed, and s/he again commits a new corruptive offence within a year shall be a subject of an obligatory dismissal from the position. (2.10.2008 N311)

## **Chapter V<sup>1</sup> (27.03.2009 N1157 shall enter into force from 1 June 2009)**

### **Protection of Whistleblowers**

#### **Article 20<sup>1</sup>**

The terms used in this chapter shall have the following meanings:

a) Whistleblowing- To inform the public institution which examines the complaints against the public official (exposed) about the infractions of the law or the rules of due conduct of the public employees, which caused harm to public interests or reputation of public institutions.

b) Institution that examines the complaints- Structural subdivision of the corresponding public institution, which performs the control, audit and work inspection.

#### **Article 20<sup>2</sup>**

1. This law shall afford the protection of whistleblowing, which:

a) in essence comes to conformity with reality and is confirmed by the shown evidence;

b) is done honestly and with believing that whistleblowing will contribute to the suppression of the infractions of law and the rules of due conduct of public officials, protect public and private interests and the protected value outweighs the harm caused by the whistleblowing.

2. Whistleblowing is not protected under this law, if:

- a) The information received from a whistleblower is wrong in essence, which was known or should have been known by the whistleblower;
- b) A whistleblower acts for his personal profit unless there exists the case where granting special reward is established by the law.

### **Article 20<sup>3</sup>**

1. It is prohibited to intimidate, oppress or threat a whistleblower in discriminatory ways.
2. The whistleblower may not be subject to disciplinary or administrative procedures, civil action or prosecution or be held responsible otherwise for the circumstances related to the acts of the whistleblowing, until the end of the investigation. It is also forbidden to worsen the conditions of the agreements, license and grant and to release or temporarily release from the job, derangement of legal relationships, until proving the untruthfulness of the information provided by whistleblowing.
3. The disciplinary, civil, administrative and criminal procedures shall be suspended if such takes place unless there exist one of the following circumstances:
  - a) Disciplinary, civil, administrative and criminal procedures are not related to the conditions of whistleblowing of the exposed person.
  - b) It is necessary in the democratic society for the interests of justice, protection of the state, commercial and personal information.
  - c) The purpose of enjoying the protection guaranteed by this article is aimed to infringe the state sovereignty and public order, coup d'état, to kindle ethnical and religious discord.
4. During disciplinary, civil, administrative and criminal procedures against a whistleblower, public institution must prove, that:
  - a) The fact of whistleblowing is not a reason for disciplinary, civil, administrative and criminal procedures.
  - b) There are bases foreseen in the legislation to impose disciplinary responsibility and the initiation of the procedures under the same conditions would be fair for a third individual.

### **Article 20<sup>4</sup>**

In extraordinary circumstances, during any stage of the proceedings, when the plaintiff's or witness' or their close relative's life or health is under danger because of their participation in the case, the plaintiff or the witness may address to the Criminal Court according to the special measures of the protection, which are set forth in the Georgian Code of Criminal Procedures.

## **Article 20<sup>5</sup>**

The complaint about whistleblowing should not be examined by the person, who has been exposed or who personally, directly or indirectly is interested in the outcome of the case, or if there exists substantial objective circumstances which question the impartiality of this person.

## **Article 20<sup>6</sup>**

### 1. Exposed person

(a) Should be given information about the complaint against him and the evidence of the case.

(b) Should be able to respond to the complaint concerning his exposor before the final judgment is rendered.

(c) His/her position should be reflected in the judgment of the organ, which examines the case.

2. An exposed person may not be given information about the identity of the whistleblower and the witnesses thereto, for the purpose of the protection of the rights and legal interests of these persons.

## **Article 20<sup>7</sup>**

1. The organ competent thereto should examine the case within the shortest reasonable terms, as established under the legislation and its statute. In case of absence of such rules, the case should be examined according to formal administrative procedure provided in Georgian General Administrative Code.

2. If the organ, which examined the case, decides that the violation committed by the exposed person can serve as the bases for the imposition of civil, administrative or criminal responsibility, it should refer the case to the competent authorities.

## **Article 20<sup>8</sup>**

1. If the complaint concerns the exposure of the official of structural sub-division responsible for the internal control, audit or inspection in the state institution, the whistleblower may take the complaint directly to the head of this public institution.

2. If the complaint is addressed against the head of the state institution, the whistleblower may present the complaint before the superiors of the head of this state institution.

## **Article 20<sup>9</sup>**



1. The organ, which examines the complaint, shall issue judgment in the written form. The judgment should contain the following:

(a) The description of factual evidences of the complaint;

(b) The list and description of explored evidence;

(c) The substantiation of the judgment.

2. The judgment about the complaint is an administrative act. The entry into force of the administrative act, as well as the execution and its appeal is regulated under Georgian Administrative Legislation.

3. The judgment shall not be based on the circumstances, facts, evidence and arguments, which were not judged substantially during the examination of the complaint.