

The decision on establishing Coordination Body for the application of the Action Plan for implementation of National Strategy for fight against corruption for the period from 2013 to 2018, is not precise enough in regards to the powers given to this body, leaves room for interpretation in regards to extending the jurisdiction of the government to other branches of government and independent state authorities and may create confusion for parties bounded by the Strategy in regards to making reports on the implementation of the Action plan.

This decision, on one hand, does not provide answers to questions as to whether there were any problems in the current implementation of the Strategy and Action Plan within the executive government that could not be solved in another way other than relocating coordination at the level of prime ministers. The only thing we could read is that "this was the EU requirement." The decision does not give the Coordination Body clear authorization in the event of any problems in the implementation of the Action Plan that should be solved –e.g. when a ministry fails to prepare a review or a bill within the stipulated time, when a ministry notices that the Action Plan is incomplete, when several ministers publicly present opposing views on how to resolve the same issue (e.g. on implementation of the Law on Public Enterprises) and the like.

On the other hand, the decision leaves room for interpretation that it was an intent of executive government to coordinate implementation of tasks within the jurisdiction of bodies that are not subject to the government - judicial bodies, local self-government, independent state bodies (including the Anti-Corruption Agency which is, by law, in charge of monitoring the implementation of the Strategy and Action Plan), and the National Assembly which adopted the Strategy (and which is also bounded by the Action Plan). If this was not the intention, Government Decision should be specified as soon as possible, so that it clearly refers to coordination within the executive government, which is undoubtedly needed.

The cause of this problem stems from the text of the Strategy (Section 5.2.) to which the TS warned during drafting phase and provided specific recommendations to overcome the problem, which were not taken into account (TS remarks can be seen on our website at <http://goo.gl/Y2KBAP> in the document named Strategy for fighting corruption in April 2013.doc, while summarized comments and corrected TS remarks are included in the document Strategy 11 3 2013.doc). According to both the Strategy and the Law (on the Anti-Corruption Agency), monitoring of the implementation of the Strategy and Action Plan is exclusive jurisdiction of the Agency for fight against corruption. All parties bound by the Action Plan report on their progress to this independent state body. On the other hand, Section 5.2. of the Strategy stipulates that coordination within the Government is implemented by the Ministry of Justice, and that this coordination includes "mutual communication and exchange of experiences and information". The same Section makes reference to "quarterly meetings with state authorities", which, bearing in mind the responsibility of the Ministry for coordination "within the government", could only apply to those government bodies that act within the executive branch. However, there have already been wrong interpretations that this obligation of coordination also includes other government bodies.

Government Decision elevates this coordination from the level of the Ministry of Justice to the Government level. Such a solution is contrary to the Strategy, but can make sense in general - for

example, if the Ministry of Justice have ever had a problem in coordinating anti-corruption activities which were in charge of several ministries (and which was not disclosed to public), it is expected that such problems among the ministers could be solved by coordination which would involve the Prime Minister. However, the essential problem with the Decision is of a different nature - it refers to talking about "directing operations from the scope of state authorities," not limited to that the executive government (Section 2).

The Coordination Body consists of Prime Minister, Minister of Justice, Minister of Finance and a member of the Government Council for the fight against corruption, while Section 3 also states that "other members of the Government and heads of relevant state bodies may also participate in the work of the Coordination Body". Section 4 addresses participation of state secretaries in the Ministries of Justice and Finance, as well as the fact that the State Secretary in the Ministry of Justice "coordinates relevant state authorities for the purposes of the Coordination Body" that meets once every six months, which could imply that the State Secretary conducts this coordination in the period between the two Body meetings, although this is not explicitly stated. Section 5 states that "the authorities responsible for the implementation of the Action Plan "are required to appoint" one of their officials as contact persons for the State Secretary in the Ministry of Justice and that the State Secretary and the contact persons are required to hold meetings at least once every three months" in order to monitor and fulfill the obligations stipulated by the Action Plan, "and that the State Secretary may hold bilateral meetings with contact persons (Section 6). As can be seen, these provisions do not distinguish between bodies that are part of the executive government and other state authorities.

Section 7 addresses the "reporting on the fulfillment of measures from the Action Plan," the term "competent national authorities" is used again, without distinction between the executive government or all parties bound by the Action Plan. This reporting is conducted "through" the Ministry of Justice and the Government Council for the fight against corruption, which would imply that the notifications are sent to both the Ministry and the Council (as a reminder, the Strategy and the Law already stipulate the obligation of reporting to the Agency for fight against corruption).

When it comes to the powers of the Coordination Body, only one thing is clearly specified - "The Coordinating Body may propose decision to the Government for the purpose of implementing the Action Plan "(Section 8).

Administrative and technical support to the work of the Coordination Body are provided by the Ministry of Justice and the Government Council for the fight against corruption (Section 9). Section 10 also states that state secretaries, a member of the Council and the contact persons from other bodies will be appointed "within eight days from the date the decision entered into force".