



The Eastern Partnership Roadmap to the Vilnius Summit

An assessment of the roadmap implementation by the Eastern Partnership Civil Society Forum, co-ordinated by the Regional Environmental Centre, Moldova, and PASOS – Policy Association for an Open Society, October 2013

GEORGIA: Assessment May 2012 – October 2013

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Civil society gains greater say in policymaking

Georgia's efforts to secure European Perspective fail to secure EU support, but Association Agreement can signal a new era of close integration

Does the government engage with civil society on policymaking?

Is policymaking participatory, e.g. public consultations on draft legislation?

Does the government actively engage in dialogue with EU and civil society?

Is the process of drafting agreements between Georgia and the EU transparent with public consultations?

Does the EU delegation actively engage in dialogue with government and civil society?

Does the EU delegation promote dialogue talks with government and civil society?

	Yes
Partially	
Partially	
No	
	Yes
	Yes

Positive developments:

- Completion of negotiations on Association Agreement between Georgia and EU
- OSCE recognised parliamentary elections as "an important step in consolidating the conduct of democratic elections in line with OSCE and Council of Europe commitments"
- Legislative amendments passed to increase judicial independence
- Visa dialogue launched, and visa liberalisation action plan handed over on 25 February 2013
- Government has taken into account civil society positions in amendments to the law, such as law on broadcasting, and Labour Code, and has broadened human rights dialogue

Negative developments:

- Lack of consultation on content of draft agreements between the government and the EU
- Free assembly continues to be a concern, for instance when protesters assaulted opposition lawmakers on the day of the President's annual address to parliament, and when insufficient efforts were made by police to ensure the right to peaceful assembly of the lesbian and gay community
- The elaboration of a law on energy efficiency and renewable energy has again been postponed.

IN THE RUN-UP to the parliamentary elections in October 2012, the European Union delegation in Georgia worked to ensure trilateral dialogue between civil society organisations, political institutions (political parties, government, and parliament), and the EU delegation on election and post-election issues. The new government has broadened participation in the human rights dialogue in Georgia, and in a range of areas of legislation has increased engagement with civil society and business associations when drafting amendments to the law. The pre-election release of video footage of torture and ill-treatment by guards of prison inmates has led to prosecutions, but the elimination of the

impunity of law enforcement bodies (particularly the police) is one of the areas where the new authorities still need to take decisive measures.

Despite continued polarisation of political forces, a cross-party group in parliament has worked together to formulate proposals to liberalise the party political finance system. The conclusion of negotiations on the Association Agreement and the Deep and Comprehensive Free Trade Area agreement – despite the disappointment for the Georgian side of the exclusion of a provision on a European Perspective for Georgia – will usher in a new chapter of closer integration between Georgia and the EU.



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GEORGIA: Assessment May 2012 – October 2013**Government engagement with civil society**

Since the emergence of the new government after the parliamentary elections of October 2012, there has been a more open approach from the side of the government, but the willingness to engage civil society organisations to monitor the public sector or institutionalise open communications between civil society organisations and government is still not there. Some ministries are more open to civil society, such as the State Minister of European and Euro-Atlantic Integration, the Ministry of Defence, but the means and forms of communications vary from ministry to ministry.

On 30 August 2011, the previous government joined the Open Government Partnership, making a major commitment to transparency in governance. In turn, Georgian civil society actors intensified their activities to make the government more accountable, and to increase the level of engagement of the wider public in decision-making.

With the support of the European Union, the following platforms have been created that bring together civil society and different government agencies:

1. Inter-agency Council on Criminal Justice Reform
2. Human Rights dialogue – which engages civil society actors working on human rights issues and promotes policy dialogue
3. A Civil Advisory unit created by the State Ministry for European and Euro-Atlantic integration to help civil society to engage in dialogue with the government on EU integration issues.

All these were established before the launch of the roadmap, but the initiatives were further developed after October 2012. The Human Rights dialogue was intensified, and became broader and more participatory. The Civil Advisory unit had been a mere formality under the previous government.

Examples of innovative civil society monitoring tools include the creation by the Institute for Development of Freedom of Information (IDFI) of an online database that enables online monitoring of reports, plans, spending, and developments at various public authorities. IDFI is developing an information portal, which will display public information officially requested

from public authorities for the following purposes:

1. to increase the level of transparency and accountability of public authorities;
2. to promote effectiveness and transparency of public expenditure;
3. to promote the development of freedom of information via the establishment of e-democracy standards;
4. to improve public control over public authorities via the involvement of the population, non-governmental sector and media;
5. to increase the level of public awareness and civil engagement in the decision-making process of the public authorities.

Transparency International – Georgia also uses e-technologies in order to reach out to the wider public in proactive and reactive advocacy work to ensure the transparency and direct accountability of state institutions.

Developments in participatory policymaking

The government's approach to participatory policymaking has been mixed. Since October 2012, there has been increased public consultation on a range of policy reforms, but there have been cases where the government rushed into making decisions and did not engage civil society and the wider public in the decision-making process.

Sometimes, the government has been very open to discuss civil society initiatives, such as:

- Government-civil society dialogue on illegal phone-tapping and surveillance of citizens - the government does not share civil society's position on a number of the issues, but the dialogue proved to be helpful (since April 2013)
- New amendments were made to the Labour Code based on consultation with civil society actors (March-June 2013)
- Amendments to the law on common courts took into account recommendations from civil society organisations and experts (December 2012 - May 2013)
- The Strategic Defence Review 2013 was drafted and adopted after consultations made with civil society (2011-2012)
- "This Affects You Too" campaign against pre-election legislative amendments – the campaign succeeded in partially loosening

the restrictions against civil and political activities, property rights, and freedom of expression, before the October 2012 parliamentary elections

- Campaign “Must Carry and Must Offer”, based on which amendments were made to the law on broadcasting (before the October 2012 parliamentary elections).

These activities were all conducted after the roadmap was launched, and the success of the last two campaigns contributed very much to the improvement of the election environment before October 2012.

On the other hand, there have been instances where the government did not engage civil society into the policymaking process. In the case of the construction of hydropower stations in Georgia, environmentalists and the local population are free to express their opinions. However, the decision-making process does not comply with the requirements of the Aarhus Convention, and the current government in violation of existing legislative procedures is seeking to continue the construction projects initiated by the previous government.

Civil society engagement is intense in the areas of defence and security, EU integration, justice, healthcare, agriculture, energy, and environment, while in some cases the government tries to go beyond civil society organisations and experts, and to consult the broader public, for instance local government reforms include active local consultation, and the Ministry of Regional Development is developing a village support programme in 2013.

Constitutional changes and judiciary reforms have also been widely discussed by government, parliament and civil society organisations, including outreach in different cities, not only in Tbilisi. In the case of environmental policy and forestry reform, there is ongoing consultation with experts and specific civil society organisations.

In 2011-2012, agricultural strategy was prepared under the EU sectoral support programme with the involvement of civil society organisations. On the other hand, reforms in the energy, environmental and natural resources sectors were undertaken without any consultations.

Role of EU as catalyst to foster policy dialogue

In the weeks before and after the 2012 parliamentary elections, the EU delegation in Georgia played a key role in ensuring trilateral dialogue between civil society organisations, Georgian political institutions (political parties, government, and parliament), and the EU delegation on election and post-election issues.

The EU has also supported the organisation of conferences with the aim of bringing together the EU and the government with some civil society participation (two conferences were held on elections, and an annual conference, “Georgian European Way”, has been held since 2008, organised by the State Ministry of European and Euro-Atlantic Integration). Despite the fact that the organisers of the conference invite organisations from the non-governmental sector, civil society considers this event more an EU-government event as only a small number of civil society representatives attend it, and the CSO representatives never attended the conference as speakers.

In the case of the draft agreements between Georgia and the EU, for instance the Association Agreement, the Deep and Comprehensive Free Trade Area Agreement, and the Visa Liberalisation Acton, there were never any formal or informal consultations with civil society and the public. According to the government, the EU was strictly against consultation on the agreements (except on the monitoring of the Visa Liberalisation Action Plan, where several discussions in April and May 2013, and also later, involved the Georgian government, civil society organisations, and EU representatives).

The government has reported openly about the outcomes of each stage of negotiations and informed civil society organisations about the results, albeit without going into the specifics of negotiations, and at a point where there is no scope left for civil society to provide opinion on specific/or questionable issues.

Impact of Comprehensive Institution Building Programme (CIB)

The CIB facility was granted to Georgia only after elaboration of the Institutional Reform Plan by the Georgian government, which was accepted by the European Commission. The Institutional Reform Plan envisaged the improvement of a set of Georgian institutions

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primarily responsible for the implementation of the future Association Agreement, namely the Office of the State Minister for European and Euro-Atlantic Integration (OSMEI), the Office of the Prime Minister, the Ministry of Foreign Affairs, the State Services Development Agency, Food Safety Agency (FSA), Georgian Accreditation Centre (GAC), National Agency for Standards and Metrology (GEOSTM), Ombudsman (Public Defender) Office, Parliament, and Chamber of Control.

The most tangible results have been reached to date in the case of GEOSTM through refurbishment and preparation for the future installation of laboratories. Intensive training and assistance with the preparation of legal documents and legal measures regulating different aspects of food safety have been provided for the FSA. The State Services Development Agency received financial assistance to establish so-called village houses ("one-stop shops") in four regions of Georgia.

The support to the Ombudsman's office has also materialised in trainings and assistance in the monitoring of civil rights. The State Services Development Agency also received assistance in acquiring an advanced translation facility, "TRADUS", for translation of European standards, technical regulations and laws to support further harmonisation of Georgia's legal environment with the EU's *acquis communautaire*. In 2013 and 2014, the projects under CIB should also cover assistance of additional "core institutions".

ROADMAP IMPLEMENTATION BY POLICY AREA

POLITICAL ASSOCIATION AND ECONOMIC INTEGRATION

Implementation of common values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law

POLICY OBJECTIVES

- ensure free and fair 2012

parliamentary elections in line with international standards

According to the final report of the OSCE/ODIHR Election Observation Mission on the parliamentary elections in Georgia, "the 1

October parliamentary elections marked an important step in consolidating the conduct of democratic elections in line with OSCE and Council of Europe commitments, though certain key issues remain to be addressed".

In particular, while the mission acknowledged certain positive developments in the legislative framework governing elections, election administration, media coverage of the process, and the activities of certain public bodies, it also noted with concern the polarised political environment, instances of violence, cases of harassment and intimidation of opposition party activists, disproportionate fines imposed on mostly opposition-affiliated campaigners, and misuse of administrative resources by the ruling party.

POLICY OBJECTIVES

- ensure effective implementation of

recently amended election legislation and take further steps to improve the election environment

According to the report of the OSCE/ODIHR mission, the new Election Code - the key legislation regulating the conduct of elections - was generally conducive for democratic elections, although notable shortcomings remained that were at odds with OSCE commitments.

Important previous recommendations by the OSCE/ODIHR and the Venice Commission were implemented, including granting the right to vote to some categories of prisoners, permitting independent candidates, and reducing residency requirements. However, key shortcomings remained, in particular:

- the disparity of population size among single-mandate constituencies, which undermined the equity of the vote;
- the legal potential for post-election disqualification of contestants; and
- a seat allocation method that may not respect voters' choices.

The Election Code underwent substantial amendments shortly before the elections, contrary to good electoral practice.

In addition to the changes to the Election Code, by the end of 2011 major amendments were introduced to the Law on Political Unions. The new legislative framework significantly increased the discretionary power of the State Audit Office (previously Chamber of Control), banned donations from legal entities and

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imposed disproportionate fines and restrictions on companies and individuals with “declared political and electoral goals”.

While the legislation was somewhat liberalised in March 2012, selective application of the law, and the disproportionately large size of fines imposed on the opposition coalition and its supporters without due process guarantees, gave rise to criticism from the Ombudsman and international organisations (Amnesty International, “A lot to contest: Rights abuses in the run up to Georgia’s 2012 Parliamentary Election”).

Efforts to change the election legislation continued after the 2012 parliamentary elections. In particular, the Inter-Fractional Group was established in parliament, composed of representatives of the governing coalition “Georgian Dream”, the previously governing United National Movement, as well as MPs that are not members of any fraction. The Group has finalised its work aimed at the liberalisation of party-financing schemes, but has not yet managed to advance on other important aspects of electoral reform.

POLICY OBJECTIVES

**- continuation of
the justice**

**system reform, ensuring the independence
and impartiality of the judiciary and further
liberalisation of criminal justice policies**

The policy of “zero tolerance” for petty crime, introduced in 2004, has been strictly followed by the prosecutor’s office and the judiciary - which has been dominated by the executive branch. In practice, this policy led to the introduction of a punitive criminal justice system, significant limitation of judicial discretion, imposition of lengthy and arguably disproportional criminal sentences, and overcrowding in penitentiary institutions. From 2003 to 2011, the prison population in Georgia increased by some 370%, and Georgia had the second highest conviction rate in Europe.

Before the 2012 parliamentary elections, several measures were taken towards increasing the independence of the judiciary and liberalising criminal justice policy; however, little change emerged.

Leakage in September 2012 of video footage of ill-treatment of prison inmates at penitentiary

institutions of Georgia exposed systemic problems in the justice system.

The new government came to power with a clear message to implement fundamental changes in the justice sector, and intensified efforts to increase judicial independence and liberalise criminal legislation. In particular, as a result of a wide-scale amnesty, the prison population was significantly reduced from 23,651 to 10,067 inmates.² A package of legislative amendments aimed at increasing judicial independence was passed by the parliament after receiving and taking into account most of the Venice Commission recommendations.

The new regulations ensured the first ever elections of the judges presiding on the High Council of Justice by judges through secret ballot, and election of the remaining members of the High Council by the parliament based on the nomination of civil society organisations. However, the impact of these changes is still to be seen.

In parallel, significant amendments have been introduced to the Criminal Code that have made the sentencing system more liberal. The Ministry of Justice continues to work on the liberalisation of criminal legislation in the framework of the inter-agency Council on Criminal Justice Reform supported by the EU.

POLICY OBJECTIVES

**- continuation of
reform of law**

**enforcement, with focus on respect and
protection of human rights**

The elimination of impunity of law enforcement bodies is one of the areas where the new authorities should take decisive measures. The impunity of law-enforcers for excessive use of force and ill-treatment of those under their effective control was raised as a major concern by the Public Defender in his annual reports.

However, statistics showed that criminal cases initiated on the basis of alleged ill-treatment or torture by law-enforcers were either discontinued or did not result in criminal prosecution of perpetrators. Recently discovered video materials provide evidence of the scale of the problem and the need for immediate action from the authorities, including effective, objective and transparent

¹ <http://www.amnesty.org/en/library/asset/EUR56/005/2012/en/c10c44c5-44cc-443c-b57a-d0214cfa4197/eur560052012en.pdf>

² Figures from May 2013, the Ministry of Corrections and Legal Assistance

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investigation and punishment of those responsible.

The Ministry of Internal Affairs has presented a renewed code of ethics and vowed to develop a new Law on Police in compliance with international human rights standards.

POLICY OBJECTIVES**- co-operation on protecting human rights and fundamental freedoms**

The EU has shown consistent support for the Public Defender's Office, in particular providing assistance to strengthen the National Preventive Mechanism created by the Public Defender's office. The assistance has included capacity development, and expert and financial assistance.

The EU has been supporting civil society organisations in Georgia through the European Instrument for Democracy and Human Rights (EIDHR), with a focus directed at protecting social and economic rights, and EU assistance has been vital for the effective functioning of civil society organisations striving for better protection of human rights in Georgia.

POLICY OBJECTIVES**- promoting freedom of media and freedom of expression**

Media freedom was one of the most challenging issues in Georgia in the period before the 2012 parliamentary elections. Television remained the primary source of information for more than 80% of the population, so there was a strong incentive to control television. The three largest television broadcasters were the state-owned Georgian Public Broadcaster (GPB), and the privately owned Rustavi-2 and Imedi TV, the country's two most popular stations. Before the October 2012 elections, all three reportedly had close ties to the government and generally had a pro-government editorial policy.³ Two other channels, Maestro and Kavkasia, generally regarded to be pro-opposition, reached only a relatively limited segment of the population in Tbilisi.

In a move, perceived as directed against limiting the public's right to have access to

information, thousands of satellite dishes were seized from Global TV and Maestro in order to "prevent further crime being committed". However, on 29 June 2012, in an effort to broaden public access to sources of information and in response to a civil society campaign, parliament passed an amendment to the election code known as "must carry, must offer".

The new regulation required that cable providers carry television channels with public value content (e.g., channels of the public broadcaster, local channels, or channels with national news and current affairs programmes) in their packages during the official, 60-day pre-election period, while television stations must offer their signal to service providers without discriminating against selected companies. Although the legislative mandate expired on 30 September 2012, the day before the election, some cable providers continued to carry more pluralistic programming.

After the parliamentary elections, Imedi TV was returned to the family of the late Badri Patarkatsishvili, the previous owner of the channel. This prompted Freedom House to upgrade Georgia's score in its Freedom of the Press 2013 report from 52 to 49,⁴ saying the country had "benefited from increased political diversity in the television market, including through the return of Imedi TV to its previous private owners".

In response to the allegations that information was being withheld from the public about the real ownership of TV channels, in June 2013 the parliament adopted a package of draft amendments that envisages measures for making broadcasters' finances transparent.

The bill obligates individual and legal entities holding broadcast licenses to fill in and make public their property declarations. In addition, according to the law, nationwide broadcast license holders have to make public information about their funding, including advertisement revenues. The law also obligates cable providers to transmit television channels with news programmes beyond the pre-election period (the "must carry, must offer" principle).

³ US State Department Report on Georgia, 2013

⁴ Countries are given a total score from 0 (best) to 100 (worst) on the basis of a set of 23 methodology questions divided into three subcategories. www.freedomhouse.org

POLICY OBJECTIVES

- promoting labour rights,

freedom of assembly and freedom of association

While the Georgian constitution recognises the right to peaceful assembly and association, the excessive use of force by police, including attacks on journalists and rally participants, and the lack of transparent investigations, had a dampening effect on freedom of assembly.⁵

The year 2012 was marked by large-scale rallies staged by political parties to communicate their messages to the electorate in the run-up to the parliamentary elections. While, in general, these demonstrations were conducted in a calm atmosphere without any impediments from the authorities, there were reported cases of violation of freedom of peaceful gatherings of smaller scale, mostly in the regions. In some cases, it was alleged that the authorities failed to ensure the right to peaceful assembly for opposition supporters.

According to the Amnesty International Report: "it is difficult to avoid the conclusion that at least some of the patterns of abuse . . . point to co-ordinated campaigns of intimidation and obstruction intended to restrict the exercise of the freedom of expression, association and assembly of the "Georgian Dream" and its supporters."

The free exercise of the right to peaceful assembly has continued to be a concern since the October 2012 elections. According to the latest European Commission progress report on Georgia, police did not act effectively when protesters assaulted opposition lawmakers on 8 February 2013 outside the venue for the President's annual address to parliament.

Civil society groups also criticised police for insufficient efforts to ensure the right to peaceful assembly of the LGBT (lesbian, gay, bisexual, and transgender) community in observance of International Day against Homophobia and Transphobia. While four persons have been administratively fined and charges brought against two priests, the measures taken could not be viewed adequate in view of the large number of perpetrators in a demonstration against the LGBT assembly.

According to the European Commission progress report, labour rights have been identified as one of the principal challenges

faced by the new government. The protection of labour rights has been a persistent issue in Georgia, with the authorities obstructing the activities of trade unions and putting pressure on trade unionists. The Labour Code of Georgia has been strongly criticised by the International Labour Organization (ILO), which has pointed out that the Code did not provide any job-security guarantees for employees.

After the parliamentary elections of 2012, numerous work-related conflicts across the country erupted into strikes. However, the new government has made a commitment to bringing labour legislation into line with international and EU standards and to working closely with the ILO and other partners to this end. The ILO was closely involved in preparing revisions of the Labour Code - a process positively assessed by the European Commission.

At a later stage, some of the provisions of the Code were amended after close consultations with the business sector on the economic costs of employees' rights. The draft amendments to the code entered into force in July 2013.

POLICY OBJECTIVES

- ensuring rights

and protection of minorities

The government of Georgia has declared its intention to develop anti-discrimination legislation. In particular, under the leadership of the Ministry of Justice, a law has been drafted on eliminating all forms of discrimination. The draft law envisages the creation of an effective mechanism for fighting discrimination. The draft law has been subject to discussions with civil society organisations, and the consultation process is ongoing.

However, in practice, social acceptance of minorities remains limited. There have been reported cases of interference with the rights of religious minorities to practice their religion in the regions. The scale and the violent nature of the counter-demonstration against the LGBT community on 17 May 2013 underlined the depth of the problem. While there have been encouraging signals from the highest officials, condemning the violent nature of some of the religious figures and underlining the importance of the fundamental principle of equality before the law, police actions were criticised as not fully effective. In particular, while the police managed to ensure the security of the participants in the LGBT assembly, they did not manage to effectively ensure separation of the assembly and the counter-demonstration.

⁵ US State Department Report on Georgia, 2012).

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POLICY OBJECTIVES

**- continuing
combating torture and ill- treatment**

Ill-treatment at penitentiary institutions has been repeatedly raised by the Public Defender in his annual reports over recent years. According to the European Commission Progress Report on Georgia 2012, “prison abuse had been documented by the Public Defender and the issue raised by international organisations and the EU over an extended period, without a substantial official response”.

The US State Department outlined “torture and abuse of prisoners, detainees, and others by government corrections and law enforcement officials before the October change in government, as well as dangerously substandard prison conditions” as the most important human rights problems reported during the year of 2012.

The leakage of video materials in September 2012 showing prison inmates being tortured and ill-treated by prison guards provided evidence of the complete failure of the efforts to combat torture, and inhuman and degrading treatment, at penitentiary establishments. Moreover, the recent release of additional video footage of the torture of detainees at police premises has shown yet another dimension of the problem, refuting the perception that torture was practised only in prisons.

In relation to the prison abuse, 16 individuals charged with inflicting inhuman and degrading treatment and torture were sentenced by Tbilisi City Court in June 2013. The sentences vary from six months to six years and nine months’ imprisonment. Vladimir Bedukadze, a former prison guard who played a major role in the revelation of prison torture, has been released from criminal liability, a move strongly criticised by some civil society organisations (Amnesty International, Human Rights Watch).

In relation to the video footages revealing torture at police premises, nine persons were detained in June 2013, some of them current employees of the Ministry of Internal Affairs. In order to restore public confidence in the system, the investigation should be carried out objectively, impartially and in a timely manner, and consideration should be given to the protection of the interests of torture victims.

POLICY OBJECTIVES

**- stepping up
efforts towards peaceful conflict resolution,
including through engagement**

The Russia-Georgia Geneva Talks are continuing, and the draft amendments to the Law on Occupied Territories will replace criminal liability with an administrative fine for entering the occupied territories without permission of the Georgian authorities. This move has been largely criticised by the parliamentary opposition, but it has been positively assessed by the European Commission Progress Report, according to which: “Following the change of government, there are some encouraging signs of possibly more effective engagement with the breakaway territories, and a more relaxed implementation of the Law on Occupied Territories.”

POLICY OBJECTIVES

**Conclusion of
Association Agreement**

After more than 30 rounds of negotiations between the Georgian government and the European Commission, the Association Agreement negotiations entered into the final stage.

After video-conference sessions to agree the final provisions of the remaining chapter on Services were concluded in June 2013, there was no longer any substantive obstacle left to threaten the initialling of the Association Agreement at the Vilnius summit on 30 November 2013. The Georgian government had been pressing for the Agreement to include recognition of a European Perspective for Georgia, but the EU side did not accept the inclusion of such a provision.

Consultations on the elaboration of the “EU-Georgia Association Agenda” have started. When finished, the Agenda will replace the European Neighbourhood Policy Action Plan.

POLICY OBJECTIVES

- dialogue on 'essential elements' of the Agreement

With the emergence of a new government after the 2012 parliamentary elections, the accountability of the government on the negotiations process improved significantly. In-depth consultations took place after November 2012, especially on provisions related to the Deep and Comprehensive Free Trade Area Agreement (DCFTA).

The text of the Association Agreement should be initialled at the Vilnius summit, and European Commissioner Štefan Füle proposed in July 2013 that the content of the Agreement can be opened for discussion with civil society and wider public. Nevertheless, the provisions of the agreement are already agreed, so the impact of discussion will be limited to facilitating wider understanding among the public about the concrete meaning and outcomes of the Agreement for different sections of society in Georgia.

POLICY OBJECTIVES

- planning of Institution strengthening (migration, oversight institutions, state aids, sanitary- phytosanitary)

The State Strategy on Migration was approved on 15 March 2013, and the State Strategy on Integration of Internally Displaced Persons (IDPs) was updated.

The Food/Feed Safety, Veterinary and Plant Protection Code entered into force May 2012, but in 2013 negative changes are planned to the law on Food Safety - the changes envisage the elimination of the exclusive rights of slaughterhouses to kill the cattle.

The Competition Law (May 2013) subjected control over state aid to the State Competition Protection Agency.

POLICY OBJECTIVES

- public awareness, sensitisation of stakeholders to encourage negotiations

In order to increase public awareness about the Association Agreement and DCFTA agreement and EU-Georgia relations, the EU Information Centre was created with OSMEAI (Office of

State Minister on European and Euro-Atlantic Integration). The 2013 annual activity plan envisages dialogue with stakeholders, including civil society.

Establishment of Deep and Comprehensive Free Trade Area

POLICY OBJECTIVES

Negotiate a DCFTA as part of Association Agreement

In July 2013, the EU and the Georgian government "successfully concluded" negotiations for a DCFTA. As an integral part of the Association Agreement, the DCFTA will be fully initialled at the Vilnius summit on 30 November 2013.

POLICY OBJECTIVES

Address outstanding ILO recommendations and in particular the compliance of Georgian laws with ILO conventions 98 and 87

Georgia concluded all chapters of DCFTA negotiations. The progress was marked in such fields of approximation as competition, food safety, and the Labour Code.

Less progress was made in technical barriers to trade (TBT) - where only three regulations were adopted - and in intellectual property rights, environment, and energy.

The new Labour Code introduced provisions regulating the issues of the right to organise and collective bargaining, as well as other provisions that attract disagreement in society.

POLICY OBJECTIVES

Close dialogue on the reform agenda between Georgia and EU (in regular Co-operation Committees, Trade Subcommittee)

The EU Co-operation Committee, and sub-committees on Trade and Justice, and Freedom and Security (JLS), in particular human rights dialogue, discussed the status of reforms, including in the areas supported by

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CIB (as required by the respective memorandum), in spring and summer 2013. The meetings focused significantly on investigations of cases of abuse of human rights and ongoing reforms in the sphere of justice, migration, and document security, but also on the reform of the food safety system, technical regulations, certification, and other trade-related areas. Progress in all these areas was evaluated as satisfactory.

POLICY OBJECTIVES

Continue trade-related reforms in the area of sanitary and phytosanitary measures (SPS) and strengthen administrative capacity in this regard

The provisions of the Food Safety Law will enter force in 2014. The issue of the administrative capacity of the agency, including weak financing, remains to be tackled, however.

POLICY OBJECTIVES

Continue trade-related reforms in the area of competition and strengthen institutional capacity in this regard

A new competition law was adopted in May 2012. Nevertheless, following pressure from civil society, a new draft law more responsive to the need for the protection of fair competition and in line with EU practice was developed and presented to parliament, where it is now under consideration.

Common Security and Defence Policy

POLICY OBJECTIVES

Explore possibilities for partners' participation in civilian and military EU-led operations

Conclusion of a framework participation agreement as an important step for extending EU-Georgia cooperation to the area of CSDP

Georgia was invited to negotiate a framework agreement. As a first step, Georgia has already received an official invitation from the EU to participate in CSDP missions: EUTM

(European Union Training Mission to Mali) and EUCAP NESTOR - European Union Mission on Regional Maritime Capacity Building in the Horn of Africa in spring 2013, with a view to increasing possibilities for involvement in CSDP operations and missions.

A CSDP European Union Monitoring Mission (EUMM) has continued to play an important role in stabilising the situation at the administrative boundary line with the territories of Abkhazia and South Ossetia, occupied by Russia in 2008.

ENHANCE MOBILITY IN A SECURE AND WELL-MANAGED ENVIRONMENT

POLICY OBJECTIVES

Visa facilitation and readmission agreements

Georgia has a visa facilitation and readmission agreement with the European Union (in force from March 2011), and the government has developed the Readmission Case Management Electronic System (RCMES).

The new government has been actively engaging in visa liberalisation and readmission meetings, and is negotiating Visa Facilitation Agreements with Denmark, Iceland, Norway, Lichtenstein, UK, and Ireland.

Georgia has concluded implementing protocols to the EU-Georgia Readmission Agreement with Bulgaria, Estonia, and Hungary. Draft implementing protocols are under negotiation with Poland, Slovak Republic, Czech Republic, Lithuania, Austria, Benelux (Belgium, Netherlands and Luxembourg), Italy, Germany, and Portugal.

With the aim of concluding readmission agreements with the main countries of origin and/or transit, Georgia has elaborated a model Readmission Agreement, which is undergoing the necessary internal procedures to prepare it for initiating negotiations with Armenia, Azerbaijan, Belarus, Bangladesh, India, Moldova, Pakistan, and Sri Lanka. In this regard, negotiations have already been launched with Serbia, and Bosnia and Herzegovina. Negotiations have been completed with Switzerland, Norway, and Ukraine.

POLICY OBJECTIVES

Launching of visa dialogue and negotiation of visa liberalisation action plans

The visa dialogue was launched on 4 June 2012, and the visa liberalisation action plan was handed over on 25 February 2013.

The following challenges persist to easing the difficulties of obtaining visas to travel to the EU:

- Most Schengen countries do not have consular services in Georgia, and applicants often need to travel to a third country to submit their visa application.
- The Schengen visa refusal rate for Georgian citizens is the highest among Eastern Partner countries (17% in 2009, 15.1% in 2010, 13.3% in 2012).
- Problems are observed in regard with the issuance of short-term (1-2 years) multiple-entry visas as well as long-term (3-5 years) multiple-entry visas to all types of travellers.
- Communication is complicated with the Schengen consular services, and no experience of provision of an explanatory letter in the event that the consulate refuses to issue a visa.
- Only original invitations are acceptable for Schengen member states' consular services, which also complicates the visa issuance process.
- The list of supporting documents varies from one consular service to another, and there is no common rule for applicants

POLICY OBJECTIVES

Implementation of existing Mobility Partnerships and possible launching of new ones

Within the Mobility Partnership initiative, no bilateral agreement on circular migration has been agreed between Georgia and EU member states, but Georgia and France are working on a bilateral agreement on Circular Migration and the Residence of Professional Workers.

In 2013 Georgia, together with the European Commission, updated the Scoreboard of the Implementation Process of joint projects aiming at facilitation of legal migration, including labour migration, and the fight against illegal migration.

As of 2013, ten projects have been finalised:

1. Training on readmission procedures for Georgian officials;
2. Strengthening Georgia's migration management capacities;

3. Supporting the implementation of the EC visa facilitation and readmission agreements in Georgia and Moldova (ReVis);
4. Building training and analytical capacities on migration in Moldova and Georgia (GovAC);
5. Post-arrival assistance to forced returnees from the Netherlands;
6. Seminar on "Learning the Greek Language and Greek Culture";
7. Free legal advice and psycho-social support;
8. Temporary Return of Qualified Nationals;
9. Support for the Authorities of Georgia to implement the Readmission Agreement with the European Union;
10. Enhancing the Role of Georgian Emigrants at Home (ERGEM).

Mobility in a well-managed & secure environment

POLICY OBJECTIVES

Pursue national asylum system in line with international and EU standards, including an IDP protection system

Amendments were made to the Law on Refugee and Humanitarian status on 25 May 2012 and 19 June 2012.

Refugees in Georgia have proper access to travel documents, and the United Nations High Commissioner for Refugees (UNHCR) and United Nations Development Programme (UNDP) co-operate with the authorities on the socio-economic integration of refugees.

The integration of internally displaced persons (IDPs) poses a challenge. The Ministry of Internally Displaced Persons, Refugees and Accommodation is responsible for consideration of asylum applications, but a policy on integration of refugees is not yet in place. The State Commission on Migration works on reintegration and statelessness issues, and the integration of refugees and the repatriated will be challenges to be tackled in the coming years.

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POLICY OBJECTIVES

Fight against irregular migration, including readmission

- **Continue effective implementation of readmission agreement with EU; pursue the issuing of biometric passports and ID cards and measures ensuring security of breeder documents, including a unified electronic population registry; adopt and implement effective legislation ensuring proper protection of personal data.**

The law on personal data protection, approved on 28 December 2011, identifies the prime minister as responsible for appointing the head of the Data Protection Agency. The head of the Agency was appointed on 2 July 2013, but it is planned to review the law regulating the functions of the agency and to increase its independent status.

The government has continued to issue biometric passports and electronic ID cards. The Ministry of Justice provides free ID cards to internally displaced persons in order to allow them to be registered before the presidential elections on 27 October 2013.

According to the legislation, Georgian citizens are allowed to hold multiple passports. The Consular Department and the Public Service Development Agency of the Ministry of Justice intend to develop a clear timeframe for the complete rollout of biometric passports and phasing out of non-biometric passports.

The Ministry of Justice has developed a draft law on anti-discrimination. The draft was discussed with the NGO community on 10 July 2013 (with the active support of UNDP) before its submission to parliament.

POLICY OBJECTIVES

Legal migration and enhancing the link between migration and development

The government adopted a National Migration Management Strategy on 15 March 2013, which states that Georgia plans to establish a unified database for monitoring migration flows. According to the strategy, the body responsible for collecting and management of the data will be established either in the Ministry of Justice or the Ministry of Interior, but the decision has not been made yet.

POLICY OBJECTIVES

Fight against trafficking in human beings

Pursue effective implementation of the 2011-2012 National Action Plan for Combating Trafficking in Human Beings

The Strategy and Action Plan (2011-2012) for Combating Trafficking in Human Beings is in place, and the inter-agency Co-ordination Council on Combating Trafficking has prepared a plan for protection of victims (national referral mechanism) and established the rule of relevant compensation for them.

Georgia has not yet ratified the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the European Convention on Cybercrime.

POLICY OBJECTIVES

Fight against organised crime

Enhance the fight against organised crime in accordance with the National Strategy and the National Programme for fighting against terrorism

Georgia has not adopted a comprehensive strategy to fight organised crime, but legislation on fighting organised crime and corruption are mostly in place.

Following the 2012 parliamentary elections, the Ministry of Internal Affairs carried out a structural reorganisation in response to international recommendations. The main aim of the reorganisation was to depoliticise the police force, to ensure accountability for any wrongdoing in police work, and introduce transparency to police work.

The Counter-Terrorist Centre (CTC), a subunit of the Ministry of Internal Affairs, is the main agency combating terrorism throughout the country, responsible for the conduct and co-ordination of counter-terrorist activities, for the prevention and suppression of terrorism, and the investigation of terrorist acts. In this regard, respective ministry officials undergo systematic trainings, with the support of partner countries and international organisations, to tackle any manifestation of terrorism-related crimes.

Georgia signed the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters on 25 March 2013. The government has started drafting a

Law on International Law Enforcement Co-operation to fulfil the provisions necessary for the implementation of the respective articles of this protocol.

POLICY OBJECTIVES

Tackling illicit drugs

Develop and implement a comprehensive national anti-drug strategy and action plan

In 2012, the interagency Co-ordinating Council Fighting Drug Abuse created four working groups to elaborate the National Drug Strategy and relevant action plan 2013-2015. The groups submitted the draft to the secretariat of the Co-ordinating Council at the end of 2012.

In 2013, the interagency Co-ordinating Council created the working group for the elaboration of the new list of narcotic drugs, psychotropic substances and precursors in line with international standards. The Council developed for enactment a final version of the Action Plan on Combating Drug Abuse.

The interagency Co-ordinating Council created a working group on 10 April 2013 and invited an expert to develop legislative amendments in various laws, including: the Code on Administrative Offences, Criminal Code of Georgia, the Law of the Police, the Law of Prosecution, and the Law on Narcotic Drugs, Psychotropic Substances, Precursors, and Narcotic Assistance.

On 25 June 2013, the interagency Council decided to create an analytical working group to analyse the possible consequences of de-penalisation of drug consumption and, based on the findings, the Council will decide whether to approve legislative amendments for presentation to parliament.

POLICY OBJECTIVES

Fight against corruption

Further implement the Anti-Corruption strategy and Action Plan adopted in 2010

Recent important legislative changes include: constitutional changes aimed at strengthening the independence of the judiciary; amendments to the Criminal Code with regard to criminal liability of legal persons and with regards to corruption as a predicate offence for money laundering; the adoption of the new law on

Chamber of Control; and amendments to the law on Conflicts of Interest and Corruption in Public Service, including measures for protecting public officials who report in good faith suspicions of corruption ("whistleblowers").

SECTOR CO-OPERATION

Energy

POLICY OBJECTIVES

Promote energy security and

sustainability, notably through infrastructure, energy efficiency and renewables

In January 2013, Georgia submitted a full membership application to the European Energy Community, but the major areas of progress in the energy sector have been achieved through internationally funded initiatives rather than country-driven initiatives, and the elaboration of a law on energy efficiency and renewable energy has again been postponed.

In 2012, the energy charter secretariat published the report, "In-Depth Energy Efficiency Review Policies and Programs", stressing the absence of priorities and strategy for energy development. Notwithstanding the merits of, and the absolute requirements for, investment in the refurbishment of large electricity generation facilities, there are concerns that other valuable resources and worthwhile courses of renewable energy development and energy efficiency have been, and continue to be, neglected.

In addition, during 2013 the government has not taken any steps to analyse the gaps between Georgian and EU energy legislation, which is necessary to identify problems and noncompliance, and to develop an action plan for approximation. The construction of the Black Sea Transmission Line might be finalised in 2013, and the European Bank for Reconstruction and Development (EBRD) plans to support the construction of the Khorga-Jvari electricity transmission interconnection.

In September 2013, discussions started on plans to ensure construction of new transmission lines towards Russia and Turkey.

GEORGIA: Assessment May 2012 – October 2013**POLICY OBJECTIVES****Pursue policies conducive to****electricity grids interconnections with neighbouring countries**

In January 2014, the Ministry of Energy and Natural Resources of Georgia (MENR) and the United States Agency for International Development (USAID) will start the programme for the implementation of the Georgian Electricity Market Model 2015 (GEMM 2015). The programme will aim to provide an enabling environment for private sector-led hydropower development, by providing the transmission paths, trading tools and risk mitigation options for hydropower plants to sell electricity into the Turkish and regional competitive electricity markets.

POLICY OBJECTIVES**Development of energy efficiency and activities within the municipalities**

Five cities in Georgia, namely Tbilisi, Gori, Kutaisi, Batumi and Rustavi, have signed the Covenant of Mayors.

In March 2013, USAID announced a tender for a four-year Municipal Energy Efficiency project, aimed to design a low-emission development strategy in 10 municipalities of Georgia. This activity aims to incorporate holistic approaches to economic development on a less than "business-as-usual" emission pathway. Sectors for reducing the rate of emission growth will be targeted, as outlined in a country low-emission development strategy.

US government assistance will support the implementation of incentives, financing, and technical assistance to implement alternative economic development practices. Regional programmes will also support this growth through expertise in modelling energy efficiency, green production marketing, and other widely accepted practices.

According to the tender documentation, mayors who are signatories to the EU Covenant of Mayors' commitments will receive preferential assistance to implement lower-emission development.

Regional development, agriculture and rural development**POLICY OBJECTIVES****Launch or enhancement of regional policy dialogues and development of Pilot Regional Development Programmes (PRDPs)**

On the basis of Georgia's Regional Development Strategy, the EU is implementing a large Sector Policy Support Programme on Regional Development, which can integrate further PRDP funding for the identification of pilot projects.

In March 2013, the Government approved the Decree on the Basic Principles of Decentralisation and Self-Government Reform for 2013-2014, which stipulates the reform measures to be taken before the local elections of May-June 2014. In accordance with the State Strategy of Regional Development of Georgia for 2010-2017, two regional development plans (2012-2017) have been approved and additional ones were officially endorsed and submitted to the government for its approval in July 2013.

In 2013, the EU launched the European Neighbourhood Program for Agriculture and Rural Development (ENPARD) with Georgia, designed to boost the production of food and reduce rural poverty in a country where the rural population amounts to 46.8% of the total, but agriculture's contribution to GDP is below 10%. The first tranche of € 4 million was approved in late June 2013.

An EU-funded report in 2012, assessing Georgia's agriculture sector, concluded that the capacity of the country's stakeholders in agriculture and the rural economy is weak and output extremely low.

In spring 2013, the government of Georgia started an ambitious programme which includes both substantive support for farmers as well as provision of co-investment (thus decreasing the loan component) by commercial banks into agricultural products. A number of initiatives, including a law on agricultural co-operation, have been adopted by the government.

Environment and climate change

POLICY OBJECTIVES

Work on approximating environmental legislation, especially in view of new Association Agreements

In January 2012, the government approved the second National Environmental Action Plan implemented with support of the European Commission. In addition, there was continuing EC support for the elaboration of water and waste legislation, including since 2012 a twinning project in the waste sector.

Georgia has failed to bring its law on environmental impact assessment into compliance with EU standards and the Aarhus Convention. Moreover, during 2011-2013, 15 infrastructural projects have been exempted from the environmental impact law - including construction and operation of the Metallurgical Plant, rehabilitation and construction of Kutaisi airport, construction of transmission lines, waste fills, the construction of the colours and used materials plant, and asphalt production of roads etc.

During November 2011-June 2013, Georgia made no significant progress in approximation of its energy and climate legislation, although a package of legislation was adopted that will allow a strengthening of the administrative and control capacity of the Ministry of Environment, and the introduction of approximation legislation might still be submitted to parliament in 2013.