

Decree of the Government of Georgia №110

On the approval of the Statute and Composition of the Open Government Interagency Coordination Council of Georgia

13 February, 2020
Tbilisi

Article 1

In accordance with Article 29 of the Law of Georgia on the Structure, Authority and Rules of Operation of the Government of Georgia, a consultation body of the Government of Georgia – the Open Government Interagency Coordination Council of Georgia (hereinafter – the Council) shall be established.

Article 2

Permanent Members of the Council are:

- a. Head of the Administration of the Government of Georgia – Chairperson of the Council;
- b. Head of the Prime Minister’s Office (Department) at the Administration of the Government of Georgia – Member of the Council;
- c. Deputy Head of the Administration of the Government of Georgia/Parliamentary Secretary of the Government of Georgia – Member of the Council;
- d. Deputy Minister of Internal Affairs of Georgia – Member of the Council;
- e. Deputy Minister of the Regional Development and Infrastructure of Georgia – Member of the Council;
- f. Deputy Minister of Economy and Sustainable Development of Georgia – Member of the Council;
- g. Deputy Minister of Foreign Affairs of Georgia – Member of the Council;
- h. Deputy Minister of Finance of Georgia – Member of the Council;
- i. Deputy Minister of Education, Science, Culture and Sport of Georgia – Member of the Council;
- j. Deputy Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia – Member of the Council;
- k. Deputy Minister of Environmental Protection and Agriculture of Georgia – Member of the Council;
- l. Deputy Minister of Defense of Georgia – Member of the Council;
- m. Deputy Minister of Justice of Georgia – Member of the Council;
- n. Deputy State Minister for Reconciliation and Civic Equality of Georgia – Member of the Council;
- o. Head of the LEPL – Civil Service Bureau – Member of the Council;
- p. Head of the LEPL – State Procurement Agency – Member of the Council;
- q. Executive Director of the LEPL – Public Service Hall – Member of the Council;
- r. Head of the Policy Planning and Coordination Department of the Administration of the Government of Georgia (Open Government Georgia’s Secretariat) – Secretary of the Council, Member of the Council.

Article 3

The Deputy Chairperson of the Council is appointed from the members of the Council by the Chairperson.

Article 4

1. Participation with the right to vote in the activities of the Council shall be requested from:
 - a. Head of the non-entrepreneurial (non-commercial) legal entity – Transparency International – Georgia;
 - b. Head of the non-entrepreneurial (non-commercial) legal entity – Georgian Young Lawyers’ Association;
 - c. Head of the non-entrepreneurial (non-commercial) legal entity – Institute for Development of Freedom of Information;
 - d. Head of the non-entrepreneurial (non-commercial) legal entity – Economic Policy Research Center;
 - e. Head of the non-entrepreneurial (non-commercial) legal entity – Civil Society Institute;
 - f. Head of the non-entrepreneurial (non-commercial) legal entity – Open Society Georgia Foundation;
 - g. Head of the non-entrepreneurial (non-commercial) legal entity – Partnership for Road Safety.

2. Participation without the right to vote in the activities of the Council shall be requested from:
 - a. Deputy President of the Supreme Court of Georgia;
 - b. Secretary of High Council of Justice of Georgia;
 - c. Auditor General of the State Audit Office of Georgia;
 - d. Chairperson of the Open Governance Permanent Parliamentary Council;
 - e. Chairperson of Tbilisi City Hall Open Government Working Group;
 - f. Representative of the Delegation of the European Union to Georgia;
 - g. Representatives of the United States Agency for International Development and its projects;
 - h. Representative of the United Nations Development Program;
 - i. Representative of the American Chamber of Commerce in Georgia;
 - j. Representative of the German Agency for International Cooperation (GIZ);
 - k. Representative of the non-entrepreneurial (non-commercial) legal entity – National Democratic Institute;
 - l. Representatives of other responsible agencies defined by the Open Government Georgia’s Action Plan in force, approved by the Decree of the Government of Georgia.

Article 5

The enclosed “Statute of the Open Government Interagency Coordination Council of Georgia” shall be approved.

Article 6

The statute shall enter into force upon promulgation.

Primer Minister

Giorgi Gakharia

Statute of the Open Government Interagency Coordination Council of Georgia

Article 1. General Provisions

1. Open Government Interagency Coordination Council of Georgia (hereinafter – the Council) is established by the Decree of the Government of Georgia.
2. The Council, in the conduct of its functions, adheres to the Constitution, International Treaties and Agreements, and other legislative and subordinate normative acts of Georgia.
3. The structure, authority, and rules of operation of the Council is determined by this Statute.
4. The Policy Planning and Coordination Department at the Administration of the Government of Georgia – Open Government Georgia’s Secretariat (hereinafter – the Secretariat) performs the functions of the Council Secretariat.

Article 2. Structure of the Council

1. The composition of the Council is determined by the Decree of the Government of Georgia.
2. The administrative and analytical support of the Council is provided by the Secretariat - acting in accordance with Article 9 of the given Statute.
3. Open Government Georgia’s Forum serves as a permanent working group of the Council and the Appendix enclosed to the Statute – the “Terms of Reference of Open Government Georgia’s Forum”, determines its duties and responsibilities.
4. Non-entrepreneurial (non-commercial) legal entities carrying out activities in relevant fields, representatives of international organizations, experts, and academia, may engage in the Council activities as an invitee or/and in order to perform a specific task, without the right to vote.
5. Pursuant to Article 3 of the Terms of Reference of the Open Government Georgia’s Forum, upon the acceptance of the new organization and in order for them to be enrolled as a member, the Secretariat prepares the amendments to the Statute of the Council and submits it to the Government of Georgia.

Article 3. Objectives of the Council

The main objectives of the Council are as follows:

- a. To Support and to coordinate implementation of the general Open Government policy in the country;
- b. To discuss, support and submit for approval the draft of the Open Government Georgia’s Action Plan (hereinafter – the Action Plan) to the Government of Georgia;
- c. To monitor and evaluate the Action Plan implementation: to present written as well as oral reports on the Action Plan implementation process to the Council;; to identify challenges and determine required actions based on the evaluation of the Action Plan implementation;
- d. To review initiatives and legislative amendments, as well as projects linked to the implementation of the Open Government principles and the Action Plan;
- e. To coordinate the inter-agency activities in order to ensure open governance and facilitate elaboration and implementation of the Action Plan.

Article 4. Authorities of the Council

In order to achieve assigned aims and objectives, the Council is authorized:

- a. To solicit any information necessary in performing its duties from state bodies and agencies of Georgia, in accordance with the rules established by the legislation;

- b. To elaborate proposals and recommendations in order to facilitate the implementation of the Open Government policy;
- c. To approve the Action Plan Monitoring and Evaluation Methodology;
- d. To establish permanent or/and temporary working groups with the participation of the Council member agencies or/and other state agencies, non-governmental or/and international organizations, and independent experts aimed at preparing specific matters, develop conclusions, proposals, recommendations, and draft legislative acts.

Article 5. Accountability of the Council

1. The Council is accountable to the Government of Georgia.
2. Upon the expiration of each Action Plan term, the Council submits the Action Plan Implementation Assessment Report and the Activity Report of the Council and its working groups (if any) to the Government of Georgia and the Open Governance Permanent Parliamentary Council.

Article 6. The Rule for Conducting Council meetings and Making Decisions

1. The Council is led and its meetings chaired by the Chairperson of the Council along with the Co-Chair - the Council member representative of non-governmental organizations.
2. The Co-Chair of the Council is designated jointly by the representatives of the Council member non-governmental organizations at the beginning of a new Action Plan elaboration, for the term of the Action Plan.
3. The same organization cannot be put forward as the Co-Chair for the two consecutive Action Plan terms.
4. In the absence of the Council Chairperson, his or her functions shall be exercised by the Deputy Chairperson.
5. In the absence of the Co-Chair, the Co-Chair nominates pro tempore.
6. The Council meetings are conducted to elaborate the Action Plan as well as to review the Action Plan Implementation Assessment Report. Ad hoc meetings of the Council can be convened upon request of the Chairperson or a joint request of Chairperson and Co-Chair of the Council.
7. The Council meeting is conducted according to the pre-approved agenda. The agenda is approved by the Chairperson and Co-Chair of the Council.
8. Notice of the Council meeting is delivered by the Secretariat at least two weeks before the Council meeting.
9. The Chair of the Council, Co-Chair, council members, representatives of the Secretariat as well as the invited member and independent expert, if need be, have right to propose a topic for discussion at the Council meeting.
10. The Secretariat shall be informed on the proposed discussion topic at least 5 working days prior to the Council meeting.
11. The Council member agencies submit a written response to the Council on a refusal/partial refusal to consider recommendations of local and international organizations with respect to taking new commitments in the framework of the Action Plan.
12. The Council meetings are invited by the Chairperson of the Council or the Secretary of the council, on behalf of the Chairperson.
13. The Council has a quorum if attended by more than half of the members of the Council with the right to vote.
14. Decisions of the Council shall be taken by the majority of the permanent member state agencies and the majority of the permanent member non-governmental organizations. In case of the equally divided votes, additional consultations are held in the time frame defined by the Chairperson and Co-Chair of the Council. Following consultations, the issue is once again submitted to the Council for its decision. The Chairperson as well as the Co-

chair submit a substantiated written position to the Council regarding the issue under consideration.

15. Minutes of the Council meetings shall be prepared and are signed by the Chairperson and the Co-Chair.

Article 7. Council Working Groups

1. The Council working groups are established by the Council with reference to the competences of the Council.
2. The Council working groups discuss particular issues and prepare respective conclusions, recommendations, proposals, and draft legislative acts to be submitted to the Council.
3. Participation in the Council working groups is open to the Council member organizations, other public agencies involved in the open government policy implementation process, non-governmental organizations, independent experts, and representatives of the private sector, academia, and international organizations.
4. The Council working groups are supervised and coordinated by the Council Secretariat.
5. The permanent working group of the Council is the Open Government Georgia's Forum (Terms of Reference – Appendix 1).

Article 8. Council Secretariat

The Secretariat provides analytical and administrative support to the Council and its working groups, and coordinates activities of the Council.

Article 9. Functions of the Council Secretariat

The Council Secretariat:

- a. Organizes the preparation and the process of the Council meeting;
- b. Develops and submits the Agenda and the list of invitees to the Chairperson and the Co-Chair of the Council;
- c. Coordinates activities of the Council working groups;
- d. Reviews and submits conclusions, recommendations, proposals and respective draft legislative acts developed by the Council working groups to the Council for consideration;
- e. Coordinates implementation of the activities of the Council and its working groups;
- f. Coordinates the Action Plan development process;
- g. Requests information from respective state agencies regarding the Action Plan implementation progress;
- h. Prepares reports on the Action Plan implementation progress and determines shortcomings of the implementation process;
- i. Develops the Council activity Report;
- j. Prepares minutes of the Council meetings and submits it to the Council members for their approval;
- k. Ensures that the Reports on implementation of the Action Plan approved by the Government of Georgia, as well as Minutes of the Council Meetings and other documents approved by the Council are duly published on respective electronic resource;
- l. Cooperates with the Open Government Partnership's (OGP) international secretariat (Support Unit) in the process of the elaboration, implementation and monitoring of the Action Plan.

Article 10. Concluding Provisions

The Statute of the Council shall be annulled or amended by the Decree of the Government of Georgia.

Terms of Reference for the Open Government Georgia's Forum

Article 1. General Provisions

1. The Open Government Georgia's Forum (hereinafter – the Forum) is established within the scope of the Open Government Inter-agency Coordination Council of Georgia (hereinafter – the Council) in the form of a permanent working group. The Terms of Reference determine the mandate and the rules of operation of the Forum.
2. Public Administration Unit at the Policy Planning and Coordination Department of the Administration of the Government of Georgia performs a function of the Open Government Georgia's Secretariat (hereinafter – the Secretariat).

Article 2. Composition of the Forum

1. The Forum is composed of the Council member state agencies, as well as other institutions, local and international organizations, representatives of private sector and the academia.
2. The members of the Forum may invite independent experts to engage in the Forum activities.
3. The Forum is led by two speakers, one representing the Forum member state agencies and other - non-governmental organizations.
4. The Speaker representing the state agencies is nominated by the Secretariat. Co-speaker of the Forum is nominated by the Co-chair of the Council.
5. The Co-speaker is appointed at the inception stage of the Action Plan elaboration process for the duration of the term of the Action Plan.
6. The same organization cannot be nominated as a Co-speaker for the two consecutive Action Plan cycles.

Article 3. Forum Membership Rules

1. A State agency that intends to become a member of the Forum shall address the Secretariat with a written request.
2. A Non-governmental organization that intends to become a member of the Forum shall address the Co-Speaker with a written request.
3. Criteria of membership of non-governmental organizations in the Forum, basis for termination of membership and rules for decision making are defined and approved by the Forum member non-governmental organizations.
4. The Co-Speaker of the Forum submits a written statement to the Secretariat on acceptance of a new non-governmental organization or termination of membership of the current member.
5. The Secretariat submits a request to the Council on approval of a new member non-governmental organization. The Chairperson of the Council shall follow Paragraph 5 of Article 2 of the Council Statute.
6. In case of termination of the Forum membership, a non-governmental organization subject to termination is automatically deprived of the Council membership.

Article 4. Objectives of the Forum

The main objectives of the Forum are as follows:

- a. Develop a draft of the Open Government Georgia's National Action Plan (the Action Plan) and submit it to the Council;

- b. Support and monitor the Action Plan implementation process in accordance with the Action Plan Monitoring and Evaluation Methodology approved by the Council;
- c. Prepare proposals, projects, initiatives, legislative amendments and recommendations regarding the Open Government and submit it to the Council;
- d. Identify risks and challenges in the process of the Action Plan implementation and support new initiatives;
- e. Inform stakeholders, determine and ensure ways for their engagement in the Action Plan implementation process.

Article 5. Forum Authority

The Forum is authorized to:

- a. Request information from state institutions and agencies of Georgia necessary to perform its functions, pursuant to subsequent legislation;
- b. Develop proposals and recommendations in order to elaborate and implement the Action Plan;
- c. Coordinate the Open Government Georgia's process at the national level.

Article 6. Functions of the Speaker and the Co-Speaker

The Forum Speaker and Co-Speaker in agreement with the Secretariat:

- a. Coordinate the work of the Forum;
- b. Preside the Forum meetings;
- c. Define meeting Agenda and issues to be discussed;
- d. Participate in the process of reviewing the candidacy for the membership of the forum and submitting it to the Council.

Article 7. Accountability of the Forum

1. The Forum is accountable to the Council and the Council Secretariat.
2. The Forum shall provide the Council Secretariat with any information related to its competence upon request.

Article 8. Rules for conducting the Forum Meeting and preparing the issues to be submitted to the Council

1. The Forum meeting is presided by the Forum Speakers. In their absence – pro tempore nominated by the Speakers.
2. The Forum meetings are conducted at least once in a quarter. If need be, ad hoc meetings can be conducted by the initiative of the Forum Speaker or a joint initiative of Speakers.
3. The Speakers, members of the Forum and Secretariat, if need be, have right to propose a discussion item at Forum meeting.
4. The Secretariat shall inform forum members on a meeting date and distribute Agenda via Open Government Georgia's e-mail, at least 1 week prior to the meeting.
5. The Forum has quorum when attended by the majority of its members.
6. The Forum develops a package of the proposals to be presented to the Council for discussion; The Secretariat is responsible to submit the package to the Council.

Article 9. Functions of the Secretariat

1. The Secretariat manages, coordinates, and provides analytical and administrative support to the Forum.

2. The Secretariat of the Forum:

- a. Coordinates the Action Plan development process;
- b. Prepares reports on the Action Plan implementation progress;
- c. Monitors fulfilment of activities agreed by the Forum;
- d. Prepares the calendar for the Forum meetings and publishes it on the respective website;
- e. Arranges scheduled and ad hoc meetings;
- f. Organizes Forum meetings;
- g. In coordination with the Speakers, prepares meeting Agenda, identifies topics to be discussed, and prepares the list of invitees;
- h. Prepares the minutes of the Forum meeting;
- i. Manages coordination between the Forum and the Council;
- j. In agreement with the Forum, develops the schedule for public consultations on the Open Governance issues;
- k. Coordinates activities raising awareness of stakeholders on Georgia's Open Governance policy.

Article 10. Concluding Provisions

Changes to the Terms of reference of the Forum are made in accordance with the Article 10 of the Statute of the Council.