



# Istanbul Anti-Corruption Action Plan 5th Round of Monitoring

## Pilot Overview and Procedures



At its 24th meeting in March 2019, the ACN Steering Group adopted the outline of the ACN Work Programme 2020-2024, that defines the ACN Performance Indicators as basis for the 5th Round of Monitoring under the Istanbul Anti-Corruption Action Plan. At its 25th meeting in May 2020, the Steering Group decided to test the ACN Performance Indicators in the Pilot to finalise them for the launch of the 5th Round of Monitoring in 2021. This document outlines the methodology and the procedures of the Pilot in line with the IAP peer review methodology. The methodology for the 5th round of monitoring will be developed separately, based on the lessons learnt and the results of the Pilot.

For more information, please contact Mrs. Rusudan Mikhelidze, [rusudan.mikhelidze@oecd.org](mailto:rusudan.mikhelidze@oecd.org).

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## Istanbul Anti-Corruption Action Plan

The **Istanbul Anti-Corruption Action Plan (IAP)** is a peer review programme of ten ACN countries: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Ukraine, Uzbekistan and Tajikistan.<sup>1</sup> Other ACN and OECD members, international organisations and non-governmental partners take part in the implementation of the IAP as experts and donors. Since its launch in 2003, the implementation of the Istanbul Anti-Corruption Action Plan has involved the following stages:

1. **Review of legal and institutional frameworks for fighting corruption.** Istanbul Action Plan countries prepared self-assessment reports on the basis of standard Guidelines, drawn up by the Secretariat. Groups of experts from ACN countries reviewed these self-assessment reports (without on-site visits) and developed recommendations, covering three main areas: (1) anti-corruption policies and institutions, (2) criminalisation of corruption and law-enforcement, and (3) preventive measures in public service. ACN plenary meetings discussed and adopted country assessment reports and recommendations based on consensus. Reviews were completed during 2003-2005.<sup>2</sup>
2. **The 1<sup>st</sup> round of monitoring.** The first round monitoring was based on answers to individual Monitoring Questionnaires prepared by the Secretariat for each country. Groups of experts from ACN countries reviewed these answers and visited the countries to collect additional information. On the basis of the answers to the questionnaire and information gathered during the on-site visits, the experts developed draft monitoring reports, which included assessments of progress and compliance ratings ranging from fully, largely to partially or not implemented. The draft monitoring reports were presented for the discussion and adoption at plenary meetings. The first round of monitoring was implemented during 2005-2007. The summary report about the first round of monitoring was published in 2008.<sup>3</sup>
3. **The 2<sup>nd</sup> round of monitoring.** The second round of monitoring revisited the level of countries' compliance with recommendations given at the initial country review, but included three new elements: (1) it involved the Standard Monitoring Questionnaire based mainly on the UNCAC standards; (2) the monitoring reports based on desk review of questionnaires and on-site visits included updated compliance ratings for the previous recommendations as well as new recommendations; (3) upon the completion of the monitoring, the Secretariat organised return missions to the monitored countries to present the reports to the public officials, civil society and international partners in order to promote the implementation of the recommendations. The second round of monitoring was completed during 2009-2012.<sup>4</sup> The summary report about the second round of monitoring was published in 2013.<sup>5</sup>
4. **The 3<sup>rd</sup> round of monitoring.** The third round of monitoring aimed to promote compliance of the participating countries with the international anti-corruption standards and good practices with the focus on practical implementation of anti-corruption measures and recommendations adopted in

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<sup>1</sup> Armenia, Azerbaijan, Georgia, Tajikistan and Ukraine joined this initiative at the ACN General Meeting in 2003 in Istanbul, Turkey. Kyrgyzstan joined the Action Plan in 2003 and Kazakhstan in 2004. Uzbekistan joined the Action Plan in 2010, Mongolia in 2012 and Moldova in 2020.

<sup>2</sup> Except the reviews of Uzbekistan and Mongolia that took place respectively in 2010 and 2014, based on the standard questionnaire developed for the second round of monitoring.

<sup>3</sup> OECD (2008), *The Istanbul Anti-Corruption Action Plan. Progress and Challenges*, OECD, Paris, <http://www.oecd.org/corruption/acn/42740427.pdf>.

<sup>4</sup> Uzbekistan underwent joint first and second round of monitoring in 2012 and third round in 2015.

<sup>5</sup> Summary Reports are available here: <http://www.oecd.org/corruption/acn/istanbulactionplan/anti-corruption-reforms-eastern-europe-central-asia.htm>

the second round. It involved country-specific questionnaires, on-site visits, adoption of reports with compliance ratings, new or updated recommendations and return missions. The third round was completed during 2013-2015.<sup>6</sup> The summary report about the third round of monitoring was published in 2016.

5. **The 4<sup>th</sup> round of monitoring.** The fourth round of monitoring focused on enforcement and practical implementation, as well as impact of anti-corruption measures. It also included an in-depth examination of a specific sector with high risk of corruption, selected based on defined criteria for each country individually, which assessed the practical application of anti-corruption policy, prevention and enforcement measures in the chosen sector. The fourth round was completed in 2019 and the summary report was published in 2020.<sup>7</sup>
6. **Regular updates.** After the adoption of the country reports, the Istanbul Action Plan countries prepared their updates about measures taken to implement the recommendations and presented them for discussion at each plenary meeting to ensure follow-up. During the third round of monitoring the methodology of progress updates was revised to include the assessment of updates by peers and their adoption by the plenary meetings including the ratings indicating progress or lack of progress in implementing the recommendations. During the fourth round, the methodology was further streamlined and an additional level of assessment of progress was introduced.

The Istanbul Anti-Corruption Action Plan peer review relies on the replies to the monitoring questionnaire provided by national authorities and other stakeholders, including civil society, business and international partners (as alternative (shadow) replies to the full monitoring questionnaire or its selected parts), information and clarifications obtained during and after the onsite visit, research by the ACN Secretariat and the monitoring experts.

Reports are discussed and adopted at the ACN plenary meetings. All monitoring reports and progress updates, as well as summary reports prepared by the Secretariat are published on the ACN website.<sup>8</sup>

## The 5<sup>th</sup> round of monitoring: objectives, principles and novelties

Following the completion of the 4<sup>th</sup> round of monitoring in spring 2019, the ACN Steering Group adopted the outline of the ACN Work Programme 2020-2024 with the main elements of the 5<sup>th</sup> Round of Monitoring, including the introduction of performance indicators as basis for peer review and moving to the annual monitoring.<sup>9</sup> The Steering Group defined the substantive scope that includes 13 Performance Areas (PAs) and mandated the Secretariat to develop draft performance indicators and benchmarks under each PA (see annex 1).

The 5<sup>th</sup> round of monitoring is based on the main principles of IAP monitoring. It also includes major innovations as described below. One of the main novelties is introduction of a set of pre-determined uniform benchmarks that are clearly and narrowly defined and reflect international standards, good

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<sup>6</sup> Mongolia underwent joint first and second round of monitoring in 2015; it will undergo a joint third and fourth round of monitoring under this Work Programme.

<sup>7</sup> OECD (2020), *Anti-Corruption Reforms in Eastern Europe and Central Asia. Progress and Challenges, 2016-2019*, OECD, Paris. <http://www.oecd.org/corruption/acn/Anti-Corruption-Reforms-Eastern-Europe-Central-Asia-2016-2019-ENG.pdf>

<sup>8</sup> Monitoring reports are available here: <http://www.oecd.org/corruption/acn/anti-corruptionnetworkcountrymonitoringreports.htm>.

<sup>9</sup> Work Programme outline is available here: <https://www.oecd.org/corruption/acn/OECD-Anti-Corruption-Network-Work-Programme-2020-2024-ENG.pdf>

practices and previous IAP recommendations in selected areas of anti-corruption policy, prevention of corruption and enforcement of criminal liability against corruption that are relevant to the region, in particular as summarised in the reports prepared after the end of each monitoring round (Summary reports). Previous monitoring rounds did not use a uniform normative framework for assessments and included recommendations individually crafted for each country.

Measuring countries against a uniform set of pre-defined benchmarks will ensure higher objectivity, consistency, standardization, and transparency of assessments. Most of the benchmarks are precise and their application does not require evaluator's assessment and discretion. Where it was impossible to come up with objective and universal measurement, the benchmarks provide for a level of discretion to the monitoring team to assess the countries in their specific context.

Another novelty is the scoring system aimed at higher precision and consistency of country ratings. While previous monitoring rounds included four levels of rating to assess compliance with individual recommendations (partially, largely, fully compliant), the new methodology does not foresee such graded scale for each benchmark. A graded scale is provided for performance areas reflecting compliance with all benchmarks in the area. Each benchmark is assigned a weight (number of points) considering their complexity and relevance of the international standards and good practices. As further explained below, the scoring under each benchmark does not include the scale because it would require additional discretionary judgment of evaluators and complicate the discussion of the reports. However, if a benchmark measures track record in numbers it provides for several levels of enforcement (low, average, high) linked to the country's population to ensure fair and equal approach. Scoring system and ratings are further spelled out below in the relevant part of the document.

The next novelty is the annual monitoring instead of one monitoring report every 3-4 years under the previous rounds. The progress updates that were used in previous rounds did not provide sufficiently substantive evaluation of the progress in meeting monitoring recommendations and, therefore, will be discontinued. Compliance with the country recommendations of the 4th round of monitoring will not be evaluated.

The first (baseline) country report of the 5th monitoring round will cover all the performance areas. The subsequent annual reports will address only those performance areas with positive or negative developments that may affect the country scores. The procedure of selecting the Performance Areas for evaluation in the annual reports will be included in the 5th round monitoring methodology.

The following principles of the IAP monitoring will remain unchanged:

**Comprehensive approach** – the 5th round of monitoring will cover all three areas of anti-corruption efforts, namely anti-corruption policy, criminalisation and prevention of corruption. Continuation of the comprehensive approach will provide additional value to the UNCAC and GRECO examinations and will provide useful inputs for policy makers on the ground.

**Peer review methodology** – the monitoring will be conducted as an intergovernmental peer review process, where experts nominated by ACN countries review each other. Experts from IAP countries will be systematically involved in the monitoring of other countries participating in this initiative, together with experts from other ACN and OECD countries to ensure transfer of experience; representatives of international organisations can also take part in the monitoring.

**Transparent monitoring process** will remain an important feature of Istanbul Anti-Corruption Action Plan. Monitoring reports undergo open discussions during the plenary meeting involving all ACN country delegates, non-governmental and international partners. All reports are published on ACN website.

National Coordinators are invited to translate, disseminate and publish reports on the governmental official websites in the countries.<sup>10</sup>

**Inclusive participation of the non-governmental sector** will continue to be promoted, including contributions from the civil society and business organisations to the preparation of the monitoring report, participation in the on-site visits and in the plenary meetings. Alternative or “shadow” reports from non-governmental partners will be solicited and taken into account in the country assessments. Furthermore, CSOs’ role will be further enhanced: several benchmarks make their assessment a mandatory part of the review. CSOs will also contribute to the selection of performance areas for annual monitoring starting 2022.<sup>11</sup>

**Equal treatment and consensus-based decision-making** – as in the previous monitoring rounds, the assessment and recommendations will be developed in a manner to ensure equal treatment of all countries, applying same rules, standards and procedures and will be adopted on the basis of consensus, whereby countries undergoing the monitoring are included in the decision-making and the reports are adopted with their agreement.

**Co-ordination with other international organisations** will continue to be an important part of the Istanbul Action Plan process, in order to ensure that assessments and recommendations adopted in different international frameworks reinforce each other and resources of the monitored country and of the monitoring experts are used effectively. This co-ordination should aim at avoiding unnecessary duplication of work by the international organisations and by the monitored countries, for example, by coordination of calendars and conducting joint evaluations when possible. The ACN Secretariat will ensure regular coordination with the Council of Europe GRECO and the UNODC. Co-ordination will also be promoted with the representatives of international organisations operating in the Istanbul Action Plan countries to reinforce efforts to support the implementation of the recommendations on the ground.

## Pilot for the 5<sup>th</sup> Round of Monitoring

Given the complexity and novelty of the new methodology, the Steering Group decided to conduct a **Pilot** before launching the 5<sup>th</sup> round of monitoring to test the performance indicators and finalise the Monitoring Tool comprising indicators, guide to indicators and monitoring methodology for the 5<sup>th</sup> round of monitoring. The Steering Group adopted the performance indicators for the Pilot in May 2020 (see Annex 1). The Pilot will be conducted in Armenia, Azerbaijan, Georgia, Moldova and Ukraine with the funding provided by the EU under the EU for Integrity Programme.

The analysis and scores of the Pilot reports will not affect the 5<sup>th</sup> monitoring round. Upon the completion of the Pilot, the Secretariat will finalise the Monitoring Tool for the discussion and adoption by the Steering Group with a view to launch the 5<sup>th</sup> Round of Monitoring after its adoption.

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<sup>10</sup> A different transparency standard will apply to the pilot reports that are designed to improve the Monitoring Tool for the 5<sup>th</sup> Round as described below.

<sup>11</sup> This new aspect of the 5<sup>th</sup> round methodology is not relevant for the Pilot but to the actual monitoring, after the baseline assessment. The concept that the annual reports, subsequent to the baseline report for the 5<sup>th</sup> round will only include areas where there has been a progress or regress, identified in consultation with the monitored country and its civil society, has been adopted by the Steering Group in the outline of the Work Programme for 2020-2024.

## Main stages of the Pilot monitoring

The Pilot will involve the following key stages:

- Sending standard pilot monitoring questionnaire to national coordinators and other stakeholders in 5 pilot countries;
- Receiving country replies to the questionnaire;
- Preparing preliminary draft pilot monitoring reports;
- Virtual country on-site visits;
- Drafting the pilot monitoring reports;
- Adoption of the country monitoring reports at the IAP plenary meeting;
- Publication of the adopted reports.

The Pilot follows the IAP peer review methodology, but it is adapted to reflect the nature of the Pilot and the pandemic circumstances. The main changes concern the schedule of the pilot, nature and length of the country visits and non-publication of the parts of the Pilot reports. These stages are further explained below.

### **Schedule**

The schedule of the Pilot will follow the usual timeline of the IAP monitoring with longer time allocated to the countries for feedback and longer country visits due to their virtual nature. To start preparations, the Secretariat will develop a schedule of the Pilot monitoring for each country on the basis of the model schedule provided below. The Secretariat will propose via e-mail such schedule to the National Coordinator, including the deadline for submitting answers to the questionnaire, dates of the on-site visit and of the plenary meeting. The final schedule will be agreed between the Secretariat and the National Coordinator. If necessary, on the request from the National Coordinator, the Secretariat may send an official letter to the Government of the respective country to request high level support to conduct the Pilot monitoring.

### **Model Pilot Schedule**

<b>Action</b>	<b>Date in 2020-2021</b>
Country schedule approved and the monitoring team set up	December
Pilot monitoring questionnaire sent to the country and main stakeholders	December
Virtual Q&A with the ACN Secretariat: Introduction to indicators and pilot monitoring process for main stakeholders	January
Virtual meeting of all monitoring teams and ACN Secretariat: Introduction to indicators and pilot monitoring process	February
Answers to the questionnaire received from the pilot country and main stakeholders	15 February
Agenda of the virtual country visit agreed with the National Coordinator	15 March
Preliminary draft report prepared and sent to the monitoring team	15 March
<b>Virtual on-site country visits (2 weeks per country)</b>	<b>12 April-11 July</b>
Request of additional information after the onsite, optional	One week after the visit
Answers to the additional information request (if any) received from the country	One week after the request



Draft Report sent to the National Coordinator and stakeholders for comments	30 July
Comments to the draft report received from the Pilot country and other stakeholders	15 September
Updated draft report is distributed to the participants of the plenary meeting	4 October
Flagging the issues for bilateral discussion by the National Coordinator and other stakeholders who participate in the bilateral meetings.	11 October
<b>Adoption of the report at the plenary meeting (virtual or physical)</b>	<b>18-20 October</b>
Publishing the report and the press release	November
Translation of the report by National Coordinator,	November

## Role of the National Coordinator and the ACN Secretariat

The duties of the National Coordinator related to the Pilot include:

- Collection of replies to the pilot monitoring questionnaire from national authorities, preparing consolidated version of replies and their submission to the ACN Secretariat;
- Preparation of the virtual country on-site visit;
- Coordination of the review of draft report by all relevant authorities (collecting feedback of national authorities, preparing consolidated version of comments to draft monitoring report, sending comments to the ACN Secretariat);
- Ensuring participation of the national delegation at the plenary meeting;
- Organising translation of the pilot report and its publication;
- Follow-up, including comments to the Performance Indicators and benchmarks and participation in the discussions of the draft Monitoring Tool for the 5<sup>th</sup> round.

The Pilot monitoring will be conducted in English as agreed with the National Coordinators of the Pilot countries. Thus, all documents and meetings related to the Pilot will need to be in English. The National Coordinator will ensure interpretation during the virtual on-site visit if it is needed by the government representatives participating in the sessions.

The ACN Secretariat will coordinate communication between the Monitoring Team and the National Coordinator, and other stakeholders involved in the Pilot, such as the non-governmental and international partners.

## Monitoring team

The OECD/ACN Secretariat will establish a monitoring team for each Pilot country by selecting experts with necessary qualification and profile required by the Pilot. The pool of possible experts will be formed from nominations by the ACN National Coordinators, other ACN partners (e.g. other OECD divisions, international organisations and partners, including the EU), and experts engaged in other ACN activities.

The monitoring experts should have a significant experience in one or several of the Performance Areas covered by the pilot monitoring, should be familiar with relevant international standards and good practice, should be able to work in multi-cultural groups, and speak and write in English (knowledge of Russian will be an additional benefit). Monitoring teams will be assembled with a view to ensure a balance of expertise, gender and country representation. The Secretariat will seek to ensure that IAP countries are represented in the pilot monitoring teams.

Experts from other ACN and OECD countries monitored by GRECO and OECD Working Group on Bribery will be invited as well to ensure the transfer of experience between countries at different levels of anti-corruption efforts. The Secretariat will aim to involve the experts from the EU member states considering EU for Integrity Programme. Furthermore, each Central Asian IAP country will be represented in the monitoring teams to learn from the experience of the Pilot and prepare for the launch of the 5<sup>th</sup> round of monitoring.

Monitoring experts will:<sup>12</sup>

- review answers to the monitoring questionnaire from the government and non-governmental partners, raise additional questions, if necessary;
- review answers to additional questions, carry out additional research, study any publicly available relevant information<sup>13</sup> and the preliminary draft pilot monitoring report prepared by the Secretariat;
- participate in virtual country on-site visit panel discussions with authorities, NGOs, experts, academia and foreign missions, chair panels on the themes assigned to them;
- contribute to the drafting of the relevant sections of the report, review comments provided to the draft report, and contribute to the finalization of the draft report;
- present the draft report and actively participate in the debate during the bilateral and plenary meetings;
- contribute to the finalization of the report, on the basis of plenary and bi-lateral discussions;
- contribute to developing proposals for the Monitoring Tool of the 5<sup>th</sup> Round.

Representative of the ACN Secretariat will act as a Team Leader for the pilot monitoring. The Team Leader will coordinate the distribution of themes among the experts and chair introductory and closing sessions during the country on-site visit, as well as bilateral consultations during the plenary meeting. The Team Leader is also responsible for coordinating timely drafting of the report and its quality. Finally, the Team Leader will summarise and provide detailed proposals for updating the relevant elements of the draft Monitoring Tool of the 5<sup>th</sup> Round based on the results of the Pilot.

## Questionnaire and preliminary draft report

The Pilot will use a standard monitoring questionnaire that will be later updated based on the pilot results and used for the 5<sup>th</sup> Round of Monitoring. The National Coordinators of the Pilot countries will be invited to provide answers to the questionnaire and supporting documents. The National Coordinators will ensure that all necessary information is provided to the monitoring team. To this end, they will engage with all relevant state bodies to obtain such information on time and ensure that all questions receive a full and substantiated reply, finalise and consolidate replies to the questionnaire and supporting documents and submit them to the Secretariat according to the schedule of the Pilot. The ACN

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<sup>12</sup> Updated manual for the monitoring experts, including the model schedule of tasks, for the 5<sup>th</sup> round of monitoring will be prepared later based on the existing [manual](#) and results of the Pilot.

<sup>13</sup> Any publicly available information on the evaluated country's activities within the scope of the monitoring can be examined by the expert, including official government data, reports by international organisations, academia, media or NGOs.

Secretariat will also invite other stakeholders (civil society, business organisations and international partners) to provide inputs, by answering to all or some parts of the questionnaire.

Answers to the questionnaire should be provided in an electronic form suitable for editing, e.g. as a Word Document. Supporting documentation should be enclosed, numbered according to the numbering provided in the questionnaire. Answers and documents should be submitted in English.

As the 5<sup>th</sup> round of monitoring and its Pilot is largely about implementation and practice, performance indicators include substantial number of benchmarks that will be assessed using administrative or judicial statistics. This is reflected in the questionnaire, which includes request for statistical data under each performance area. Many of these data requests were part of the previous two rounds of the IAP monitoring that heavily relied on statistics as well. In the course of the discussions of the performance indicators, several ACN countries stressed that at this point their statistics systems were not sufficiently developed to ensure submission of data to the level of disaggregation proposed by certain benchmarks. However, it was decided that IAP countries would endeavour to reform their statistics systems to ensure regular and systematic collection of data on variables used in the monitoring. This will have two important results in the long run. Firstly, the workload of the National Coordinators will be reduced substantially as the relevant annual data will become available automatically. Secondly, this reform will contribute to the harmonisation and further advancement of data collection systems related to prevention and fight against corruption and will allow consistent and uniform tracking of tangible progress under set benchmarks. With the launch of the 5<sup>th</sup> monitoring round, the IAP countries will be invited to introduce relevant standard statistical variables in their annual data collection systems.

The Monitoring team together with the Secretariat will review the information provided by the pilot country as well as by non-governmental partners. If necessary, they may raise additional questions and request additional information before the country visit. The Secretariat will prepare an initial assessment in the form of a **preliminary draft Pilot report** that will be further developed and completed at the next stages of the monitoring. Preliminary draft report will highlight issues that have not been sufficiently addressed by written answers and require clarification or additional evidence. The Secretariat will send the draft to the monitoring team prior to the country visit to help the experts prepare for the visit. The Secretariat will also organise a preparatory meeting of the monitoring team to go through the draft report before the on-site if needed.

## Virtual session on performance indicators

In the run up to the virtual country visits, the ACN Secretariat will organise an online Q&A sessions on Performance Indicators for stakeholders involved in the Pilot monitoring, ACN National Coordinators, civil society and international and business partners. A separate session will be organised for the monitoring teams of all Pilot countries. These sessions will aim to clarify performance indicators, benchmarks and the Pilot monitoring methodology.

## Virtual country on-site visits

The country on-site visits for the Pilot will likely be conducted virtually due to the restrictions related to the pandemic, through Zoom, MS Teams or other solutions.

The Secretariat will prepare a draft agenda of the country on-site visit in consultation with the National Coordinator based on the model agenda below. The Secretariat will then set up a virtual meeting link

and request the National Coordinator to invite state bodies and prepare them for the participation in the respective thematic panels. The duration of the country on-site visit will be up to two weeks, due to its virtual nature and due to different time zones. The monitoring team may request additional meetings if the scheduled meetings are not sufficient to obtain necessary information.

The Secretariat will be responsible for the organisation of special panels with representatives of non-governmental organisations, business and international partners engaged in anti-corruption and good governance activities in the country. The National Coordinator may suggest to the Secretariat to invite concrete NGOs, experts, academia, business or foreign partners to these sessions. However, government officials will be asked not to participate in these meetings. During or after the country on-site visit, the monitoring team and the Secretariat may request additional information and documents from the National Coordinator.

The model agenda of the visit includes separate panels for each Performance Area (except for PA-9 which is joined with PA-10). Panels will be chaired by the Team Leader and/or respective expert. Monitoring experts are encouraged to take part in as many sessions as possible to form a holistic view of the country's performance, but they do not have to take part in sessions on topics for which they are not responsible for. The schedule includes preparatory sessions for the monitoring team. Representatives from the monitored country are not invited to these sessions.

The onsite visit discussions will focus on the parts of the preliminary draft monitoring report, where there are gaps of evidence or the monitoring team needs clarifications. Thus, below model agenda will be adjusted to individual country context. The Secretariat will prepare the list of questions according to the benchmarks with evidentiary gaps and clarification needs and share it with the National Coordinator and the non-governmental partners in advance of the respective sessions. During thematic sessions, the monitoring team may also ask other questions relevant to the pilot monitoring.

## Model agenda for virtual country on-site visit

Note: Parts of the model agenda, such as timing and order of panels and its optional elements may be modified for each country

Day/Time (CET)	Morning (up to 3 hours)		Afternoon (up to 3 hours)		Monitoring Team
	Panel/Performance Area	Invited participants	Panel/Performance Area	Invited participants	
Day 1	<b>Preparatory Meeting for the Secretariat and the monitoring experts</b>	Monitoring experts and the ACN Secretariat	<b>Introduction with the National Coordinator</b>	Monitoring team and the state agency serving as a National Coordinator of the ACN	Debriefing for the day and briefing for the next day, optional
Day 2	<b>PA 1 Anti-Corruption Policy</b>  1. Evidence based policy 2. Policy development 3. Implementation 4. Coordination and support 5. Monitoring and evaluation	1. National Coordinator 2. Body responsible for policy 3. President Administration 4. Prime Minister's Office 5. Parliament 6. Other relevant state bodies, including in sectors with high risk of corruption 7. Selected focal points of implementing agencies	<b>PA 2 Conflict of Interest</b>  1. Legal and institutional framework 2. Enforcement 3. Publication of information	1. Institutions responsible for COI policy development and oversight of implementation, including sanctions, methodological guidance and individual counselling 2. Units/officials in line ministries/state bodies, including in sectors with high risk of corruption responsible for enforcement of COI rules 3. Officials responsible for COI policy and oversight in the judiciary, public prosecution service	Debriefing for the day and briefing for the next day, optional
Day 3	<b>PA 3 Asset and Interest Disclosure</b>  1. Personal scope - high corruption risk positions 2. Substantive scope and regularity 3. Electronic system and publication 4. Verification and follow-up 5. Sanctions	1. Institution(s) responsible for asset and interest disclosure, including: <ul style="list-style-type: none"> <li>• collecting asset declarations</li> <li>• electronic system</li> <li>• verification</li> <li>• sanctions</li> <li>• collection, analysis and publication of data.</li> </ul> 2. Judges with the relevant case experience 3. Other relevant state bodies, including in sectors with high risk of corruption 4. Officials responsible for oversight of asset declarations in the judiciary, public prosecution service	<b>PA 4 Whistleblowing</b>  1. Legislation 2. Mechanisms to ensure whistleblower protection in practice 3. Public awareness and trust 4. Practice	1. Institution responsible for the whistleblower protection reform, such as Ministry of Justice, Government Administration, Civil Service Agency 2. Institutions/officials responsible for reporting channels and oversight 3. Selected state bodies/top enforcers of the whistleblower protection 4. Judges with relevant case experience	Debriefing for the day and briefing for the next day, optional

Day 4	<p><b>PA 5 Judiciary</b></p> <ol style="list-style-type: none"> <li>Judicial tenure</li> <li>Judicial appointment and promotion</li> <li>Role of court presidents</li> <li>Budget and remuneration</li> <li>Status, composition, mandate and operation of the Judicial Council</li> <li>Distribution of cases; publication of judicial decisions</li> <li>Judicial accountability</li> </ol>	<ol style="list-style-type: none"> <li>Judicial Council and all other similar bodies (e.g. qualification or disciplinary commission of judges, judicial inspection)</li> <li>Judges of different levels</li> <li>Court administration</li> <li>Ministry of Justice</li> </ol>	<p><b>PA 6 Prosecution Service</b></p> <ol style="list-style-type: none"> <li>Appointment and dismissal of Prosecutor General</li> <li>Appointment and promotion of prosecutors</li> <li>Budget and remuneration</li> <li>Status and composition of the Prosecutorial Council</li> <li>Functions and operation of the Prosecutorial Council</li> <li>Assignment of cases, internal independence</li> <li>Accountability of prosecutors</li> </ol>	<ol style="list-style-type: none"> <li>Prosecutorial Council or a similar body (e.g. qualification of disciplinary body)</li> <li>Prosecutors of different levels</li> <li>HR of the Prosecution Service</li> <li>Officials responsible for budget of the prosecutor's office</li> <li>Unit responsible for review of misconduct of prosecutors</li> <li>Ministry of Justice</li> </ol>	Debriefing for the day and briefing for the next day, optional
Day 5	<p><b>PA 7 Public Procurement</b></p> <ol style="list-style-type: none"> <li>Public procurement legislation, procedure and system</li> <li>Procurement complaints</li> <li>Sanctions</li> <li>Transparency and oversight</li> </ol>	<ol style="list-style-type: none"> <li>Central public procurement body</li> <li>Procurement units/experts from individual agencies (e.g. health, education, public works)</li> <li>Investigators and prosecutors dealing with cases of corruption in public procurement</li> <li>Body(ies) responsible for complaints and oversight</li> <li>Supreme audit institution</li> </ol>	<p><b>PA 8 Business Integrity</b></p> <ol style="list-style-type: none"> <li>Responsibilities of boards of directors of listed/publicly traded companies for the oversight of the management of corruption risks</li> <li>Public disclosure of beneficial ownership</li> <li>Incentives to improve integrity of operations</li> <li>Mechanisms to address concerns related to corruption and bribe solicitation</li> <li>State's role as an owner of SOEs in integrity of their governance structure and operations</li> </ol>	<ol style="list-style-type: none"> <li>Business ombudsman/body responsible for receiving complaints from companies</li> <li>Ministry of Economy (relevant department/s) and other relevant regulatory bodies (audit and financial control institutions,)</li> <li>State agency responsible for SOE policy, monitoring of performance, etc.</li> <li>Specialised anti-corruption body</li> <li>Ministry of Finance</li> <li>Representatives of the biggest SOEs</li> </ol>	Debriefing for the day and briefing for the next day, optional
Day 6	<p><b>PA 9 Enforcement of Corruption Offences</b></p> <ol style="list-style-type: none"> <li>Enforcement of liability</li> <li>Sanctions</li> <li>Statute of limitations and immunities</li> <li>Enforcement statistics</li> </ol> <p><b>PA 10 Liability of Legal Persons</b></p> <ol style="list-style-type: none"> <li>Legislation</li> <li>Sanctions</li> </ol>	<ol style="list-style-type: none"> <li>Prosecution Service</li> <li>Police/Ministry of Interior</li> <li>Specialised anti-corruption investigative/prosecutorial bodies</li> <li>Authorities responsible for criminal statistics</li> <li>Law enforcement officers with the experience of dealing with corporate liability</li> <li>Ministry of Justice or agency responsible for developing related regulations</li> <li>Criminal court judges</li> </ol>	<p><b>PA 11 Asset Recovery</b></p> <ol style="list-style-type: none"> <li>Specialised officials</li> <li>Identification and tracing of corruption proceeds</li> <li>Confiscation measures</li> <li>The return and transparent disposition of corruption proceeds</li> <li>Management of seized or frozen assets</li> <li>Collection, analysis and publication of data on asset recovery and asset management</li> </ol>	<ol style="list-style-type: none"> <li>Institutions responsible for asset recovery and management</li> <li>Prosecutors</li> <li>Asset recovery and asset management practitioners</li> <li>FIU</li> <li>Financial analysts and financial investigators dealing with financial investigations in corruption cases</li> <li>Persons/units responsible for related statistics</li> <li>Authorities responsible for international cooperation and MLA</li> </ol>	Debriefing for the day and briefing for the next day, optional

	<ul style="list-style-type: none"> <li>3. Due diligence (compliance) defence</li> <li>4. Statute of limitations</li> <li>5. Enforcement</li> <li>6. Enforcement statistics</li> </ul>			<ul style="list-style-type: none"> <li>6. State auditors dealing with the audit of the management of assets in criminal proceedings</li> <li>7. Judges with the related case experience</li> </ul>	
Day 7	<p><b>PA 12 High Level Corruption</b></p> <ul style="list-style-type: none"> <li>1. Fight against high-level corruption as a priority</li> <li>2. Publication and use of statistics</li> <li>3. Detection and investigation</li> <li>4. Enforcement</li> </ul>	<ul style="list-style-type: none"> <li>1. Law enforcement officials responsible for detection and investigation of HLC</li> <li>2. Prosecutors specialised in related cases</li> <li>3. FIU</li> <li>4. MLA practitioners with relevant experience</li> <li>5. Asset recovery practitioners with the related experience</li> <li>6. Judges with the related case experience</li> </ul>	<p><b>PA 13 Specialised Investigation and Prosecution Bodies</b></p> <ul style="list-style-type: none"> <li>1. Specialisation of investigators</li> <li>2. Specialisation of prosecutors</li> <li>3. Appointment of heads and their tenure</li> <li>4. Impartiality and autonomy of the staff</li> <li>5. Human and financial resources</li> <li>6. Powers, investigative tools and expertise</li> <li>7. Transparency and audit</li> <li>8. Accountability</li> </ul>	<ul style="list-style-type: none"> <li>1. Specialised anti-corruption bodies, units or persons with law enforcement powers</li> <li>2. Specialised anti-corruption prosecutors (units, bodies, persons)</li> <li>3. Investigative and prosecutorial bodies, units or persons which have anti-corruption or other related jurisdiction (AML, financial crimes, etc.)</li> <li>3. Unit/officials responsible for specialised training</li> <li>4. Unit/officials responsible for budget of the specialised institution</li> <li>5. Unit/official with HRM functions</li> <li>6. Units/persons responsible for public relations/communications of the relevant LE/prosecution bodies.</li> <li>7. External audit committees/commissions, if external audit of AC institutions is performed.</li> </ul>	Debriefing for the day and briefing for the next day, optional
Day 8	<p><b>Session with Civil Society (see separate agenda)</b></p>	<ul style="list-style-type: none"> <li>1. TI local chapter, anti-corruption watchdog NGOs and think tanks</li> <li>2. Media, investigative journalists</li> <li>3. University professors, academics and researchers</li> <li>4. Procurement experts</li> </ul>	<p><b>Session with Civil Society (continued, tbd depending on the country context)</b></p>		
Day 9	<p><b>Session with Business (see separate agenda)</b></p>	<ul style="list-style-type: none"> <li>1. Business associations</li> <li>3. State owned companies (optional)</li> <li>4. SMEs</li> <li>5. Foreign investors</li> <li>6. Audit and legal companies</li> <li>7. Private sector actors as asset managers in criminal proceedings, if any.</li> </ul>	<p><b>Session with International Partners (see separate agenda)</b></p>	<ul style="list-style-type: none"> <li>1. Bi-lateral aid agencies</li> <li>2. Economic and trade attaches</li> <li>3. International organisations and IFIs</li> <li>4. International foundations and internationally funded programmes</li> </ul>	
Day 10	<p><b>Wrap up session of the Monitoring Team</b></p>		<p><b>Closing session with the National Coordinator</b></p>		

## Drafting monitoring reports

After the virtual on-site visit the monitoring team will compile the list of additional information requests (if needed) and send it to the National Coordinator.

Monitoring team will update the preliminary draft report with the additional information received during and after the country on-site visit. Monitoring experts will be invited to prepare written inputs to the preliminary report in the sections of the draft report assigned to them.

The Secretariat will finalise the draft report and, after agreeing on its text with the monitoring team, will send it to the National Coordinator and other stakeholders (civil society, business and international partners) with a request to provide comments in “track changes” mode. The Secretariat together with the monitoring team will finalise the draft report based on comments received, and will circulate it to the delegates of the plenary meeting.

The National Coordinator and other main stakeholders will be invited to review the updated draft report and flag the benchmarks/other parts of the report that require bilateral discussion during the plenary meeting. The bilateral discussion will be limited to issues flagged by the National Coordinator or other stakeholders participating in the bilateral discussion. The National Coordinator and other stakeholders have to inform the Secretariat of the flagged issues before the consultations according to the schedule of the Pilot.

### ***Pilot Reports***

The Pilot report will include 13 chapters, one for each Performance Area. The chapters will be divided into sections, a section for each indicator, which will contain a brief assessment of compliance with benchmarks, as well as recommendations to the country on how to meet outstanding benchmarks (if relevant). The report will also contain a summary table with the information about compliance with benchmarks and scores under each indicator and Performance Area.<sup>14</sup>

### ***Model outline of the Pilot Monitoring Report***<sup>15</sup>

#### **Introduction and monitoring process**

#### **Executive Summary**

#### **Table with scores (not for publication)**

#### **Chapter 1 Anti-Corruption Policy**

- Evidentiary basis of the anti-corruption policy
- Development of the anti-corruption policy
- Implementation
- Coordination and support to implementation
- Monitoring and evaluation

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<sup>14</sup> As the aim of the Pilot is to test the methodology and not to assess the countries, the summary table of the Pilot will have internal use only and will not be reflected in the final reports for publication.

<sup>15</sup> Detailed template will be developed by the ACN Secretariat to ensure consistency across the reports.



## **Chapter 2 Conflict of Interests**

- Legal and institutional framework
- Enforcement
- Publication of information on COI

## **Chapter 3 Asset and Interest Disclosure**

- Personal scope: high corruption risk positions
- Substantive scope and frequency
- Electronic system and publication of information
- Risk-based verification and follow-up
- Sanctions

## **Chapter 4 Protection of Whistleblowers**

- Legal framework
- Effective mechanisms for practical application
- The public awareness and trust in protection mechanisms
- Enforcement and practical application

## **Chapter 5 Independence of Judiciary**

- Judicial tenure
- Judicial appointment and promotion
- Role of court presidents
- Budget and remuneration
- Judicial Council
- Distribution of cases among judges, publication of decisions
- Judicial accountability

## **Chapter 6 Independence of Prosecution Service**

- Appointment and dismissal of the Prosecutor General
- Appointment and promotion of prosecutors
- Budget of the public prosecution service and remuneration of prosecutors
- Status and composition of the Prosecutorial Council
- Functions and operation of the Prosecutorial Council
- Assignment of cases, internal independence
- Accountability of prosecutors

## **Chapter 7 Integrity in Public Procurement**

- Public procurement legislation, procedures and system
- Procurement complaints
- Sanctions
- Transparency and oversight

## **Chapter 8 Business Integrity**

- Boards of directors
- Public disclosure of beneficial ownership
- Incentives for companies

- Complaint mechanisms
- Integrity of SOEs

#### **Chapter 9 Enforcement of Corruption Offences**

- Enforcement of liability for corruption offences
- Application of sanctions
- Statute of limitations and immunities
- Enforcement statistics

#### **Chapter 10 Enforcement of Liability of Legal Persons**

- Standard of liability of legal persons
- Sanctions
- Due diligence (compliance) defence
- Statute of limitations period and investigation time limits
- Enforcement
- Enforcement statistics

#### **Chapter 11 Recovery and Management of Corruption Proceeds**

- Specialised officials for identification, tracing, management and return of illicit assets
- Identification and tracing of corruption proceeds
- Enforcement of confiscation measures
- Return and disposition of corruption proceeds
- Management of seized or frozen assets
- Collection, analysis and publication of data

#### **Chapter 12 Investigation and Prosecution of High-Level Corruption**

- Fight against high-level corruption as a priority
- Publication and use of statistics
- Detection and investigation
- Enforcement

#### **Chapter 13 Specialised Investigative and Prosecutorial Bodies**

- Specialisation of investigators
- Specialisation of prosecutors
- Heads of specialised investigative and prosecutorial bodies
- Impartiality and independence of specialised investigators and prosecutors
- Human and financial resources
- Powers, investigative tools and expertise
- Transparency and performance evaluation
- Accountability

#### ***Scoring and ratings***

The pilot monitoring will test the new assessment and scoring methods proposed for the 5th round of monitoring.

The previous monitoring rounds used graded ratings (“not compliant”, “partially compliant”, “largely compliant”, “fully compliant”) for assessing compliance with each individual country-specific recommendation. The assessment under each individual recommendation included a wide margin of evaluation, with blurred lines between different compliance ratings which were not comparable across countries.

To address this, the new scoring system aims to evaluate compliance with each benchmark in a uniform way with “yes/no”, allowing grades (low, average and high) only for benchmarks with objectively measurable track record. In addition, using the assessment of compliance under each benchmark the country will obtain an aggregate score reflecting its general performance under each Performance Area. It will allow tracking general country’s performance by Performance Areas through time and compare it with its peers.

Under each Performance Area, the level of performance is shown through a score scale of 1-100 as demonstrated below. The score comprises points received by the country under each benchmark included in the Performance Area.

<b>Performance Level</b>	<b>A</b> OUTSTANDING	<b>B</b> HIGH	<b>C</b> AVERAGE	<b>D</b> LOW
<b>Score</b>	81-100	61-80	41-60	<40

The new scoring system is precise and objective, allowing for consistency across all monitored countries and reducing the discretion of the monitoring team. At the same time, allocation of points to each benchmark under each PA ensures the gradation and acknowledgement of progress in reaching the highest performance under the concrete area.

Point allocation to performance indicators and benchmarks is based on the complexity and importance of the issues at hand. More points are allocated to the enforcement benchmarks and less to those related to legal and institutional frameworks. In this way, even if the country has legislation in line with the standards and of high quality, it cannot get more than 60% of the total score if it lacks enforcement.

Points for each benchmark are fixed, thus, if a benchmark is met, a country will get full points, and if not, it will not get any. This approach applies to all benchmarks, including those containing several elements and aims at ensuring a certain minimum level of performance to get these points. Using a binary system of assessment aims at limiting discretion and bargaining over the scores.

If the Pilot country does not provide materials that show its compliance with the specific benchmark in its answers to the questionnaire and/or during the on-site visit or immediately afterwards and relevant information is not available to the monitoring team from other sources, that benchmark will be considered as not met. This approach does not apply to benchmarks that look into the perception of non-governmental stakeholders.

At the Steering Group meeting that adopted the performance indicators for the Pilot, the ACN countries underlined the need to split certain benchmarks to ensure that the progress is acknowledged at a more granular level. Based on the results of the Pilot, the Secretariat may propose changes in the formulation of individual benchmarks and scores assigned to them in the draft 5<sup>th</sup> round Monitoring Tool.

## Cut-off period

Only information provided no later than **one month** before the plenary meeting will be taken into account for the ratings. Information that was submitted after the deadline and that requires additional analysis and verification by the monitoring team may only be reflected in the text of the report but will not affect the ratings.

## Bilateral consultations before the plenary meeting

The outstanding issues flagged in the draft reports circulated to the delegates of the plenary meeting will be discussed at the bilateral consultations just before the plenary meeting. These consultations will involve the country delegations, other stakeholders present at the plenary, the monitoring team and the ACN Secretariat, and may involve Chair of the IAP. The purpose of the bilateral consultations is to resolve the outstanding issues. The monitoring teams will carry out the bilateral consultations in the allocated time-limits. To ensure that all outstanding issues are properly addressed, National Coordinators will be invited to prioritise issues as well as engage in constructive discussions aimed at finding consensus.

## Plenary meeting

Draft Pilot reports will be presented for the discussion and adoption to the ACN plenary meeting. The proposed agenda is based on the assumption that the Plenary Meeting can be organised in a usual physical setting. It may be modified if the meeting is virtual due to the continued pandemic.

The plenary meeting will be held in the summer 2021 and will comprise the monitoring meeting only. The Steering Group meeting will be held later in autumn 2021 (see below). The discussion and the adoption of the reports will include the following: (1) a bi-lateral preparatory meeting between the monitoring experts, Secretariat and the monitored country in order to review outstanding issues and identify possible solutions (3 hours per country, can be extended exceptionally),<sup>16</sup> (2) a plenary reading to review outstanding issues and adopt the reports (2 hours per country). The monitoring meeting participants will include the Steering Group members, country delegations, civil society and monitoring experts. Other main stakeholders may attend the plenary meeting. The reports will be adopted by the plenary meeting on the basis of consensus using the principle of equal treatment (see above).

## Model agenda of bilateral consultations and plenary meeting

Session	Description
bilateral consultations (3 hours per country)	<ul style="list-style-type: none"><li>• Discussion of the flagged benchmarks and proposed changes, inclusion of agreed changes in the draft report</li><li>• Identification of outstanding issues where no agreement was reached for the presentation at the plenary meeting.</li></ul>
Plenary (2 hours per country)	<ul style="list-style-type: none"><li>• General introduction of the draft report (team leader, Government delegation, civil society representative), and the changes introduced during the bi-lateral consultation and any outstanding issues</li></ul>

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<sup>16</sup> Time allocated for bilateral meetings can be adjusted for each country depending on the outstanding issues that will need to be discussed.

- Plenary discussion of the draft report including outstanding issues and adoption of the final report by consensus.

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**Tentative Agenda for the ACN Virtual Plenary Meeting, July 2021**

<b>Day 1</b>	9.00-10.00 Preparatory meeting of the monitoring teams (without national delegations)
	10.00-12.00 Bilateral consultations (Armenia, Azerbaijan)
	14.00-16.00 Bilateral consultations (Ukraine, Georgia)
<b>Day 2</b>	10.00-12.00 Bilateral consultations Moldova)
	14.00-16.00 Additional Bilateral consultations, tbd
<b>Day 3</b>	10.00-12.00 Adoption of the Pilot report on Armenia
	14.00-16.00 Adoption of the Pilot report on Azerbaijan
<b>Day 4</b>	10.00-12.00 Adoption of the Pilot report on Georgia
	14.00-16.00 Adoption of the Pilot report on Moldova
<b>Day 5</b>	10.00-12.00 Ukraine
	14.00-15.30 General discussion of the outcomes of the Pilot
	15.30-16.00 Conclusions, next plenary meeting

**Tentative Agenda for the ACN Physical Plenary Meeting, 19-21 July 2021**

<b>Day 1</b>	9.00-10.00 Preparatory meeting of the monitoring teams
	10.00-12.00 Preparatory meetings (Armenia, Azerbaijan)
	12.00-13.30 Lunch break
	13.30 -15.30 Preparatory meetings (Ukraine, Georgia)
	15.30 – 17.30 Preparatory meeting (Moldova)
<b>Day 2</b>	9.00-10.30 Adoption of the Pilot report on Armenia
	10.30-11.00 Coffee
	11.00-13.30 Adoption of the Pilot report on Azerbaijan

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	13.30-15.00 Lunch break
	15.00-16.30 Adoption of the Pilot report on Georgia
<b>Day 3</b>	9.00-10.30 Adoption of the Pilot report on Moldova
	10.30-11.00 Coffee
	11.00-13.30 Adoption of the Pilot report on Ukraine
	13.30-14.30 Lunch break
	14.30-16.00 General discussion of the outcomes of the Pilot
	16.00-16.30 Conclusions, next plenary meeting
	16.30-17.30 EU for Integrity Programme Advisory Group Meeting (tbc)

## Publication

The Pilot reports adopted by the ACN plenary meeting will be considered final. After linguistic editing and technical corrections, the Secretariat will publish the reports on the ACN website. The automatic full publication and wide public dissemination of the reports remain the principle rule of the OECD/ACN and the IAP, however, exceptionally for the Pilot, the published country reports will exclude the summary table of scores taking into account the main goal of the pilot, which is to test the new methodology, including scoring system, and not to assess countries.

In addition, if as a result of the Pilot, one or several benchmarks will appear to have significant deficiencies, the plenary may decide not to publish the relevant sections of the Pilot reports. The decision about significant deficiencies in the benchmark(s) and related non-publication of the relevant parts of the report can be based on the request by the pilot country, the ACN Secretariat or any member of the Steering Group and the discussion at the plenary.

After the plenary meeting, the Secretariat will prepare a press release on each of the pilot reports. The National Coordinators are encouraged to translate the report into national language, publish it, as soon as possible, on a governmental website(s), disseminate it to each responsible authority and take steps to promote implementation of the report's recommendations.

The Secretariat will send an official letter with a copy of the Pilot report to the Prime Minister/President/Parliament and the National Coordinator of each pilot country, and will invite them to further disseminate the report.

## **Steering Group meeting to discuss and adopt the 5<sup>th</sup> Round Monitoring Tool**

Upon the completion of the Pilot, the ACN Secretariat will review its outcomes and propose necessary changes in the indicators, benchmarks, scoring system and other parts of the methodology. To review outcomes of the pilot monitoring, the Secretariat may organise a virtual meeting with the National Coordinators and an expert seminar (in autumn 2021) to gather feedback of experts.<sup>17</sup>

The Secretariat will finalise the draft Monitoring Tool for the presentation at the Steering Group meeting in autumn 2021, based on the results of the Pilot and feedback from National Coordinators, Monitoring Teams and other partners. Once the Monitoring Tool is adopted, the 5<sup>th</sup> round will commence in 2021 with annual reviews of 10 IAP countries and will last for the duration of the ACN Work Programme for 2020-2024.

### **ANNEXES:**

[Will be attached in separate documents]

- **Annex I Performance Indicators for pilot monitoring**
- **Annex II Standard pilot monitoring questionnaire**
- **Annex III Guide to Performance Indicators**

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<sup>17</sup> The first Expert Seminar on the ACN Anti-Corruption Performance Indicators was held on 30-31 October 2019 in Paris, France. Based on its results the draft document was finalised for consultations with the ACN countries and adopted by the Steering Group for the Pilot in May 2020.

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