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ANNEX III

Of the Commission Implementing Decision on the Individual measure in favour of Georgia for 2021

Action Document for “Support to the Implementation of the EU-Georgia Association Agreement and Migration Management”

ANNUAL MEASURE

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and action plan/measure in the sense of Article 23(3) of NDICI-Global Europe Regulation.

1. SYNOPSIS

1.1. Action Summary Table

1. Title CRIS/OPSYS Basic Act	Support to the Implementation of the EU-Georgia Association Agreement and Migration Management Annual measure in favour of Georgia for 2021 OPSYS reference: ACT-60617 linked to JAD.943430 Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI-Global Europe)
2. Team Europe Initiative	No
3. Zone benefiting from the action	The Action shall be carried out in Georgia
4. Programming document	Multiannual Indicative Programme (MIP) 2021-2027 ¹
5. Link with relevant MIP(s) objectives/expected results	Priority 2: Accountable institutions, the rule of law and security – SO 1: Strengthen the Rule of Law and accountable institutions – SO 2: Support public administration and economic governance reforms – SO 3: Increase security Priority 5: Resilient, fair and inclusive societies – SO 1: Consolidate democracy and strengthen the role of civil society – SO 2: Support to protection and promotion of human rights – SO 3: Support migration management and mobility

¹ To be adopted first half 2022

PRIORITY AREAS AND SECTOR INFORMATION				
6. Priority Area(s), sectors	Accountable institutions, the rule of law and security and resilient, fair and inclusive society: DAC code 151			
7. Sustainable Development Goals (SDGs)	Main SDG (1 only): <ul style="list-style-type: none"> - SDG 16: Peace, Justice and Strong Institutions Other significant SDGs (up to 9) and where appropriate, targets: <ul style="list-style-type: none"> - SDG 4: Quality Education - SDG 5: Gender Equality - SDG 10: Reduced Inequality 			
8 a) DAC code(s)	15110 Public Sector Policy and Administrative Management – 100%			
8 b) Main Delivery Channel	12000 – Recipient Government			
9. Targets	<input checked="" type="checkbox"/> Migration <input type="checkbox"/> Climate <input checked="" type="checkbox"/> Social inclusion and Human Development ² <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input checked="" type="checkbox"/> Human Rights, Democracy and Governance			
10. Markers (from DAC form)	General policy objective	Not targeted	Significant objective	Principal objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nutrition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Principal objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

² For the Neighbourhood, activities related to education shall be marked as part of the “Social Inclusion and Human Development” target, in line with the NDICI-GE programming guidelines.

	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Internal markers	Policy objectives	Not targeted	Significant objective	Principal objective
	Digitalisation Tags: digital connectivity digital governance digital entrepreneurship job creation digital skills/literacy digital services	<input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	<u>Connectivity</u> Tags: transport people2people energy digital connectivity	<input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Migration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	COVID-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	BUDGET INFORMATION			
12. Amounts concerned	<p>Budget line: 14.020111- Eastern Neighbourhood</p> <p>Total estimated cost: EUR 34 775 000</p> <p>Total amount of EU budget contribution EUR 31 500 000</p> <p>This Action is co-financed in joint co-financing by Georgia for an amount of EUR 3 150 000;</p> <p>This action is co-financed by potential grant beneficiaries for an indicative amount of EUR 125 000.</p>			
MANAGEMENT AND IMPLEMENTATION				
13. Implementation modalities (type of financing and management mode)	<p>Project Modality</p> <p>Direct management through:</p> <ul style="list-style-type: none"> - Grants - Twinning grants - Procurement <p>Indirect management with the entity(ies) to be selected in accordance with the criteria set out in section 4.3.3.</p>			

1.2. Summary of the Action

Georgia remains committed to the implementation of the EU-Georgia Association Agreement³ (AA) and the legislative reforms associated to it. Through this Action, the EU is supporting the country's approximation with the EU *acquis* as well as Georgia's reform efforts as regards particular challenges in the area of justice, migration management and public administration in line with Member States' competences.

The goal of this Action is to improve the living conditions of Georgian citizens by gradually aligning Georgian legislation to European standards. Furthermore, this Action aims at strengthening the country's migration management system and increasing institutional transparency and effectiveness in the justice sector. The Rule of Law as well as Public Administration Reform (PAR) and Public Accountability are at the core of this Action. As a whole, the programme supports Georgia's continued commitment to the Association Agreement and helps the country reap the full benefits of the Deep and Comprehensive Free Trade Area.

The following components are planned:

- Support for further legislative approximation and reforms within the EU-Georgia Association Agreement/Deep and Comprehensive Free Trade Area (DCFTA);
- A consolidated migration package will build on current support, support the new national Migration Strategy for 2021-2030, and focus on the continuous implementation of the visa liberalisation benchmarks. It will also address the recommendations in the Commission's reports under the visa suspension mechanism, in particular the issue of unfounded asylum applications;
- Enhancing the capacity of the justice sector/law enforcement at various levels and increasing accountability of sector specific institutions, watchdog organisations. This component is subject to the outcome of the ongoing dialogue on judiciary and other justice reforms in particular a demonstration of genuine will to carry out sustainable, comprehensive and meaningful reforms in the justice sector in line with European standards, outcomes of the implementation of ongoing EU funded programmes and ongoing work with the Council of Europe;
- Support to Public Administration Reform (PAR) and Public Accountability, as reliable, accountable and transparent institutions are crucial for sustainable growth and a well-functioning economy;
- Support for Georgia's participation in selected EU programmes in order to bring Georgia and the EU closer together and improve opportunities for Georgia.

2. RATIONALE

2.1. Context

Association Agreement

The European Union and Georgia have further intensified their relations over the last years. Georgia is a key partner in the region and has the ambition to further develop its relations with the EU. The Georgian society

³ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, OJEU, L261, 30.8 2014

continues to show support for Georgia's aspiration of political association and economic integration with the European Union, based on the Association Agreement (AA).

Overall, progress in the implementation of commitments under the AA including the Deep and Comprehensive Free Trade Area (DCFTA) is uneven, marred by negative developments in the rule of law and human rights areas. The Association Agenda for the next implementation period (2021-2027) is currently under preparation. This programme is furthermore rooted in the Multiannual Indicative Programming Document (MIP) 2021-2027, indicating priorities for EU financial support to the implementation of the AA and key structural and institutional reforms.

Political developments in Georgia 2020-2021

As all over the world, 2020 was an exceptionally challenging year for Georgia due to the COVID-19 pandemic. At the same time, the overall stability of the region was challenged by the Nagorno Karabakh war. Georgia held the first round of its 2020 Parliamentary elections on 31 October, under a revised electoral system and with high voter turnout. According to international observation missions, the elections were competitive and, overall, fundamental freedoms were respected. The observers noted, however, that the conduct of the elections was impacted by pervasive allegations of pressure on voters and blurring of the line between the ruling party and the state throughout the campaign and on election days, reducing public confidence in some aspects of the process. The opposition parties collectively questioned the overall outcome and refused to take their seats in Parliament. Street protests led to clashes between police and protesters on several occasions.

Efforts to solve the political crisis, at first facilitated by the EU and US Ambassadors, and from early March mediated by the President of the European Council, are ongoing. The decision of the Georgian Government to withdraw from the agreement of 19 April 2021 (“A Way Ahead for Georgia”⁴) has been evaluated as a setback.

2021 was an important year for Georgia to overcome the political and economic crises. Georgia should also use 2022 to demonstrate its reform commitment and continuous alignment to the EU *acquis* as well as to European standards in the area of human rights, in order to deliver on its ambition to advance further on its European path. It is important for Georgia to continue fostering an open dialogue with all political actors and civil society. Depolarisation is necessary to further strengthen democratic institutions, consolidate pluralistic democracy, advance reforms and ensure the full and sustainable implementation of new legislation. It will be important that Georgia demonstrates sufficient commitment to the obligations under the EU-Georgia Association Agreement.

Judiciary reform

Rule of Law/judiciary reform continues to be a key issue in Georgia. Further implementation of the third and fourth waves of judicial reforms will remain essential in the coming years, as will renewed commitment to the highest standards of ethics and integrity in the judiciary in general. It will be particularly important to bring the selection procedure for Supreme Court judges fully in line with European standards by following all Venice Commission recommendations. Further structural reforms of the High Council of Justice and other judicial institutions should be put in place. Furthermore, it is important for Georgia to ensure timely publication of judgements as well as high-quality justifications for appointments and rejections of judges to common courts. Finally, the institutional set-up and capacity of prosecutors and investigators should be enhanced to increase the quality of judicial cases.

Gender equality

⁴ https://eeas.europa.eu/sites/default/files/210418_mediation_way_ahead_for_publication_0.pdf

This Action Document was elaborated based on previous EU support in this field and taking into account the conclusions and recommendations provided in the Country Gender Equality Profile of Georgia⁵ elaborated by United Nations (UN) WOMEN and published in June 2020. Besides continues efforts and progress of the Government of Georgia to eliminate gender based violence and address discrimination, there are still substantial gender gaps in various areas. Under this Action the EU will support addressing the following issues: support implementation of the EU *acquis* in the field of gender equality and non-discrimination as agreed in the framework of the EU-Georgia Association Agreement and beyond it, further strengthening capacities of the law enforcement agencies to better address gender based violence and domestic violence cases, facilitation of gender mainstreaming in public administration and national policies as well as building relevant capacities of the public institutions. In addition, further efforts will be made to support Georgian authorities in improvement and use of sex-disaggregated data for policy-making as currently in many fields also of the EU intervention such data is missing or is relatively outdated.

Migration

As a result of long-term cooperation and efforts, the visa-free travel to the EU for Georgian citizens holding a biometric passport entered into force on 28 March 2017, aiming at a substantial enhancement of mobility and people-to-people contacts between the two sides. One remaining issue is the number of asylum requests from Georgian citizens in the EU although Georgia made significant efforts including the approval and entry into force of the law on exit controls. Further improvements are needed on the Georgian side in particular regarding the strengthening of migration and border management capacities, including early identification of victims of trafficking, legislative measures and awareness raising. The new challenges which emerged in the past year require greater support in areas such as asylum and migration management, trafficking in human beings, re-integration of returning migrants and other human rights and gender equality related aspects. Therefore, in line with the priorities of the European Commission under International Partnerships, the EU will continue supporting migration and border management in Georgia aiming for effective migration management, safe borders, enhancing legal migration in the context of Talent Partnerships and maintaining visa-free travel for Georgian citizens as also reflected in the new Migration Strategy of Georgia for 2021-2030⁶ and in line with Georgia's own interests'.

Public Financial Management (PFM)

During the last decade, Georgia has demonstrated progress in Public Financial Management (PFM) and Domestic Resource Mobilisation (DRM) through expansion and strengthening of fiscal discipline and budgeting, rolling out the rules and procedures for the internal financial control and audit, application of public sector accountability standards and enhancing external audit and oversight. Despite this positive performance, Georgia's financial system has to pass the "COVID-19" stress test that requires maintaining balanced attention between the immediate needs and medium term policy reforms. The 2019-2022 PFM⁷ strategy remains relevant, the crisis context will however require close monitoring of exceptional spending, procurement procedures, financial management and control safeguards.

According to International Monetary Fund (IMF), GDP growth remains on track to reach 7.5%. As the implementation of the IMF programme is satisfactory, it was extended for one additional year.

Complementarity with EU and other Donors/Partners

⁵ <https://georgia.unwomen.org/en/digital-library/publications/2020/05/the-country-gender-equality-profile>

⁶ [Migration Commission :: Migration Strategy](#)

⁷ https://www.mof.ge/images/File/strategia/2020/PFMRS_2018-2021_ENG.pdf

For the purpose of ensuring complementarity, synergy and coordination, the Commission may sign or enter into joint donor coordination declarations or statements and may participate in donor coordination structures, as part of its prerogative of budget implementation and to safeguard the financial interests of the Union.

The EU-Georgia Association Agreement (AA), including the Deep and Comprehensive Free Trade Area (DCFTA)⁸, sets out the foundation for political association and enhanced economic integration between Georgia and the EU for the benefit of the citizens of Georgia, first and foremost. The next Association Agenda for 2021-2027⁹ is under preparation with adoption planned for 2022, and will set future priorities for joint work and reaffirm both sides' commitment to closer association.

Migration Management

In the context of visa liberalisation and the efforts to reduce the number of unfounded asylum applications, the cooperation with Europol and the European Border and Coast Guard Agency (FRONTEX) has been stepped up considerably in recent years, as has the fight against crime. In 2021 the working arrangement between FRONTEX and Georgia was renewed.

Coordinated actions among various EU actors and implementing partners (EU Delegation, FRONTEX, Prometheus International Centre for Migration Policy Development (ICMPD) and International Organisation for Migration (IOM) teams) led to the successful introduction of the new law on exit controls for Georgians departing to the EU, which is being enforced since the beginning of 2021. Besides that, the EU is providing financial assistance in all fields covered by the visa liberalisation benchmarks in coordination with EU Member States (EUMS). Regular donor coordination meetings are held twice a year including also non-EU donors to share information and coordinate EU-led actions. These meetings are also followed by the USA and IOM.

EU support provided to Georgia in the field of migration and border management is in line with the new EU Pact on Migration and Asylum¹⁰ introduced in 2020. Important new aspects in this pact are the priority to address current gaps in the EU migration management system, which would contribute to effective EU-Georgia cooperation in this field. Furthermore, following the comprehensive approach towards migration management presented in this pact, EU support to migration management is proposed to be expanded also to asylum, immigration, reintegration system development and improvement to complement the assistance provided under the Resilience Facility of the Annual Action Plan (AAP) 2020.

Justice Sector

Monitoring of developments as well as further policy dialogue in these fields are carried out through different projects as well as through policy dialogue. This includes justice related indicators defined in the macro-financial assistance programme. Monitoring and dialogue take also place within the frameworks of the Association Agreement/DCFTA and the Visa Suspension Mechanism. Exchanges are also carried out in the framework of the Mobility Partnership as well as at regular EU-Georgia sub-committees on Justice, Freedom and Security, Public Administration, Human Rights.

In the justice sector, the EU closely coordinates its actions with the EUMS, the Council of Europe (CoE) and the US Embassy. The EU-CoE judicial reform and criminal justice project was extended until August 2022. Two technical assistance projects on criminal justice and the judiciary ended in June 2021.

⁸ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, OJEU, L261, 30.8 2014

⁹ No reference available at this stage since negotiations on the final Association Agenda are ongoing.

¹⁰ [New Pact on Migration and Asylum \(europa.eu\)](https://europa.eu)

Several regional programmes continue to operate in the field of fighting organised crime, such as the one with the European Union Agency for Law Enforcement Training (CEPOL, capacity building and analytical skills of investigators), the European Union Agency for Law Enforcement Cooperation (EUROPOL), the European Multidisciplinary Platform Against Criminal Threats (EMPACT) (project cycle and regional Serious and Organised Crime Threat Assessment (SOCTA)), the United Nations Interregional Crime and Justice Research Institute UNICRI (recovery of assets proceeding from crime) and the CoE (CyberEast). The country-specific Technical Assessment project has ended in January 2022.

Public Administration Reform and Public Accountability

In the framework of post-2020 programming, the EU Delegation and EU Member States present in Georgia have developed “joint European messages” on key policies, including on good governance. They cover territorial governance and PAR, Integrity and Anti-Corruption. The priorities under this programme are fully in line with these messages.

As mentioned above, the Organisation for Economic Co-Operation and Development (OECD)/EU joint initiative SIGMA (Support for Improvement in Governance and Management) has had a crucial role in ensuring the right methodological approach to PAR in Georgia for several years. With EU support, SIGMA continues to play an instrumental role in PAR monitoring and development of the new strategy, in public finances and audit.

Donor coordination is very dynamic in PAR, with the UK through the United Nations Development Programme (UNDP), the United States Agency for International Development (through Community Generated Indicators), the North Atlantic Treaty Organisation (NATO), and several Member States (Germany through *Gesellschaft für Internationale Zusammenarbeit* (GIZ), Sweden through UNDP) participating actively in donor coordination, ensuring complementarity between programmes and joint messaging for policy priorities.

Institutions such as the EUD, the Department for International Development (DFID), the World Bank (WB), United States Agency for International Development (USAID), GIZ and the Swedish International Development Cooperation Agency (SIDA) are involved in PFM-related reform coordination. The PFM Council - the main arena for reform discussions and progress monitoring is chaired by the MoF and consists with the members of SAO and Parliament. The PFM Council meets on a quarterly basis.

The PAR Council, chaired by the Head of Administration of the Government, is the main policy steering mechanism for PAR. The Anti-Corruption (AC) Council has been chaired by the Ministry of Justice, until the recent transfer of the AC Council secretariat to the Administration of Government. Donors and civil society are involved in both mechanisms.

EU support for gender equality has been increasing at the regional level and could be complemented with further assistance under this Action. The EU4 Gender Equality Reform Helpdesk will be complemented with further support to Georgian authorities to strengthen their capacities in addressing gender gaps, improving gender statistics, and women empowerment in particular in the field of political participation.

Support to Georgia’s participation in Horizon Europe will be complementary to the ongoing Twinning project “Supporting inter-sectoral collaboration possibilities between Research and Industry” and in very good synergy with the pipelined service contract aimed at promoting cooperation among EU Member States’ and Georgia’s research communities, increase the mobility of Georgian researchers and innovators and contribute to their integration in the European Research Area. EU support to revenue mobilisation is ensured by the EU4 Economic Governance and Fiscal Accountability programme. The action is financed under the AAP 2018 and has a large budget support component (EUR 15 million).

2.2. Problem Analysis

Component 1 - Strengthen capacity for legislative approximation and implementation of the Association Agreement

Short problem analysis

Georgia is progressing with the implementation of its commitments under the Association Agreement (AA) and continuing the process of approximating its legislation and institutional structures to EU standards and requirements. According to Georgia's EU Integration Roadmap¹¹ (2020), a unified annual European Integration Action Plan of Georgia will include measures planned for the implementation of the AA and the Association Agenda, as well as additional measures incorporated in the Roadmap.

The Association Agreement foresees the approximation of the legislation of Georgia to the EU *acquis* in many areas. According to the AA the process of approximation will be gradual, dynamic and subject to monitoring¹². The Annexes to the Association Agreement, including the legal acts specified in the legislative approximation list agreed between the parties within the framework of the Deep and Comprehensive Free Trade Area, envisage the approximation of up to 600 EU legal acts.

Legal approximation is a continuous process for at least another decade ahead. EU support is essential for the implementation of the new Association Agenda 2021-2027 and the unified annual European Integration Action Plans of Georgia. Along with support for the legal approximation and enforcement process in the areas of Market Surveillance, Capital Markets' Supervision and Accounting and Auditing Supervision, this intervention shall also involve support to reforming the election system in Georgia, enhancing youth, social and labour policies, as well as support to enhancing products testing capacities and ad-hoc policy advice in the areas of AA/DCFTA.

There is a mechanism for involving civil society in the implementation and monitoring of the Association Agreement. Further strengthening and reinforcement of the mechanisms for the dialogue with the civil society is needed.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the Action:

The Georgian Government and Parliament, as the actions planned aim directly at supporting their efforts to achieve closer approximation to the European Union *acquis*.

Potential beneficiaries of overall support for the implementation of the AA could include, but are not limited to:

- Ministry of Finance and its agencies;
- Ministry of Economy and Sustainable Development and its agencies;
- Ministry of Foreign Affairs and its agencies;
- Ministry of Regional Development and Infrastructure and its agencies;
- Ministry of Environment Protection and Agriculture and its agencies;
- Ministry of Justice and its agencies;
- Ministry of Education, Science, Culture and Sport and its agencies;
- Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs and its agencies (such as the National Centre for Disease Control and Public Health);
- Prime Minister's Office and Administration of Government;
- Civil Service Bureau;
- Parliament of Georgia;
- National Bank of Georgia;

¹¹ Released in February 2019 by the Ministry of Foreign Affairs of Georgia

¹² Association Agreement, Articles 417- 419

- Georgian National Statistics Office (GEOSTAT);
- Central Elections Commission;
- State Procurement Agency of Georgia;
- Office of the State Minister for Reconciliation and Civil Equality and its agencies.

Component 2 - Enhanced Migration Management

Short problem analysis:

The EU has been supporting a comprehensive approach to migration and border management in Georgia since 2011. A visa-free regime is in place for Georgian citizens to visit Schengen and Schengen-associated countries. Georgian citizens have made over 1,150,000 visits since its entry into force in March 2017¹³. The third report under the Visa Suspension Mechanism adopted on 4 August 2021 confirmed that visa liberalisation benchmarks continue to be fulfilled. It also indicated some areas which need to be further addressed. The high number of unfounded asylum applications remains a concern. While the number of unfounded asylum applications decreased in 2020 in the context of the introduction of COVID-19 related travel restrictions, 2021 showed a clear upward trend, coinciding with the re-opening of borders. Georgia has undertaken a number of actions in this regard with EU support, including the adoption of the Law on the Rules and Procedures for Georgian Citizens exiting and entering Georgia. The EU also contributed to equipping and training border police for fraud detection, among others. Further support and oversight are needed.

The EU has been providing support for the effective operation of border police, starting from building border crossing points to providing mainly high technology supplies and vehicles/boats. However, there are still weaknesses and gaps, in particular on border control due to insufficient means for detecting and responding to cases of illegal border crossing as well as in identification of victims of trafficking. In December 2020 the Migration Strategy for period 2021-2030 was approved. It is aligned with the EU-Georgia cooperation priorities.

Overall, the migration flows in Georgia remain negative, with the net migration in 2019 at -8,243¹⁴, showing a decrease due to the COVID-19 crisis. However, this should be seen as a temporary change, as migration flows were mainly influenced by economic and social factors, which were aggravated by the pandemic. In the future the EU will most likely remain an attractive direction for emigration due to low income and long lasting dependence on remittances of an important share of the Georgian population; limited jobs and better job opportunities with the foreign education diplomas; as well as weak health care system. Therefore, border management, including through cooperation with Frontex, remains a priority for EU support in this field. It addresses irregular migration to the EU, supports prevention by targeting the root causes of unfounded asylum requests. In addition, legal migration opportunities should be promoted in particular in the context of the Talent Partnerships proposed under the New Pact on Migration and Asylum, in line with the shared competence with Member States. To leverage more positive effects in both Georgia and EU country and reduce the risk of brain drain, mobility schemes with circular movements and additional elements of support (internships, vocational training, mentoring, business development and diaspora engagement) as well as a dual track for training, can be promoted.

The number of immigrants remained stable (96,864 in 2019, 89,996 in 2020¹⁵), and, according to the Public Service Development Agency, 52,000 foreign citizens held valid Georgian residence cards. As of September 2020, there were 1,185 persons in Georgia with granted international protection, and 1,294 asylum-seekers

¹³ Migration Strategy 2021-2030, http://migration.commission.ge/index.php?article_id=216&clang=1

¹⁴ <https://www.geostat.ge/en/modules/categories/316/population-and-demography>

According to UN DESA, the number of migrants born in Georgia and residing outside the country (i.e. Migrant Stock) surged to around 852,000 in 2019 (51% women, 49% men). According to various studies remittances from foreign countries form an important part of livelihood for many migrant families remaining in Georgia and are mostly used to cover healthcare and education costs.

¹⁵ <https://www.geostat.ge/en/modules/categories/322/migration>

were going through procedures. 538 individuals were recognised stateless persons, registered in the Public Service Development Agency database. The overall recognition rate of asylum seekers by 30 September 2020 was 7%, which is very low.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the Action:

Relevant stakeholders include the State Commission on Migration Issues (SCMI) Secretariat, which is part of the Public Service Development Agency under the Ministry of Justice, and its member institutions:

- The Ministry of Justice, which is chairing the SCMI and hosting the SCMI secretariat and dealing with trafficking in human beings, document security, citizenship and residence permits, civil acts;
- Ministry of Internal Affairs (co-chair), including:
 - Border Police, which is responsible for securing the Green Borders of Georgia;
 - Coast Guard, which is responsible for securing the Blue Borders of Georgia and search and rescue operations; and
 - Patrol Police, which is responsible for international protection, fight against illegal migration, immigration control at international airports and recognised border crossing points.
- Ministry of Foreign Affairs;
- State Security Service;
- Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs;
- Ministry of Economy and Sustainable Development;
- Ministry of Education, Science, Culture and Sport;
- Ministry of Finance;
- National Statistics Office.

Component 3 - Advancing reforms in the Justice sector

Short problem analysis:

Despite several legislative reforms undertaken and an overall improvement of judges' capacities and work over the past years, the issue of independence, transparency, efficiency and accountability of the judiciary remains one of the biggest challenges in the implementation of the EU-Georgia Association Agreement. Overall there has been backsliding in the area of judicial independence and also regarding the public perception of the functioning of the highest judicial institutions including the High Council of Justice. There is significant scepticism in society as to the independence and impartiality of the judiciary.

The level of trust has mainly been negatively affected by the way the High Council of Justice conducted the appointments for lifetime of judges to common courts, and in particular how it nominated judges to the Supreme Court but also by the detention of the main opposition leader.¹⁶

There is a need for further legislative and policy changes even after the recently adopted fourth wave of judicial reform has entered into force. Key powers of the High Council of Justice should be transferred to new bodies, the composition of which is determined with international participation, and which can perform tasks independently such as disciplinary proceedings and effective integrity/ethics checks, in particular for the members of the High Council of Justice. More work is needed to revise the process of appointment of High Council of Justice members and their mandates, to strengthen capacities of judges and other judicial personnel, to rationalise selection procedures for judges, and to ensure a fairer and more effective periodic system for

¹⁶ Urgent Opinion on Selection and Appointment of Judges of the Venice Commission, 16 April, 2019; OSCE Report on the First Phase of the Nomination and Appointment of Supreme Court Judges in Georgia, September 10, 2019; Opinion on the Draft Organic Law Amending the Organic Law on Common Courts, 8 October 2020.

judicial appraisal and promotion with clear criteria. In addition, it is necessary to streamline the judicial case-flow and management of case-load, including by digital processes and a more efficient system of access to court decisions.

Further reforms are needed to enhance analytical and operational capabilities of the investigation and prosecution services. The separation of their mandates should be fully implemented while ensuring efficient mutual coordination. Management structures should be enhanced, and so should legal and other skills of individual investigators and prosecutors. This should include the introduction of full-fledged intelligence-led and possibly community-oriented policing. Standard operating procedures should be improved to allow for efficient, victim-centred and human rights based investigations. It will also be important to capacitate civil society actors to monitor and assess the judicial and criminal justice system reform processes.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action:

The main stakeholders under this component are the Justice Sector institutions:

- Ministry of Internal Affairs of Georgia;
- Ministry of Justice;
- General Prosecutor's Office;
- State Inspector's Service;
- High Council of Justice;
- High School of Justice;
- General Courts of Georgia;
- Public Defender's Office.

Component 4 – Public Administration Reform and Public Accountability

Short problem analysis:

Georgia remains committed to Public Administration Reform (PAR) in line with the EU Principles of Public Administration. The 2018 SIGMA (Support for Improvement in Governance and Management) baseline assessment on policy development showed the need to further strengthen policy planning, coordination, monitoring and reporting¹⁷. In line with these recommendations, a Government decree¹⁸ was adopted at the end of 2019, which lays the regulatory and procedural foundation for evidence-based policy development. Nevertheless, its implementation requires comprehensive training and support, to ensure better integration between policy and budget planning, and building the right capacities, structures and processes in the relevant ministries.

Some key issues in the area are inter- and intra-institutional coordination, capacities in data analysis, policy oriented budgeting, gender budgeting and results monitoring. Latest and forthcoming assessments in the area of PFM demonstrate that continued progress is needed for more inclusive policy development and medium-term budgeting, performance oriented external audit and follow up of audit recommendations by the Parliament, managerial and internal control mechanisms for policy monitoring, public investment and assets management and public procurement.

The introduction of a mandatory Regulatory Impact Assessment for specific legislation in January 2020 is also an important milestone. At the same time it requires extensive training for proper implementation. In February 2020, amendments to the Law on Public Service (LPS) allowed for internal competitions to fill civil service vacancies, aimed at increasing career development opportunities and staff retention within each public institution. Separation of civil service from political influence is a long process, and more needs to be done

¹⁷ <http://www.sigmaweb.org/publications/Baseline-Measurement-Report-2018-Georgia.pdf>

¹⁸ The Decree of the Government of Georgia No.629 “On the Approval of the Rules of Procedure for Development, Monitoring and Evaluation of Policy Documents” (adopted on 20 December 2019 and in force from January 1, 2020).

with regards to professional development of civil servants, remuneration and appraisal systems. One more major milestone has been the adoption of the law on Decentralisation at the end of 2019 and the start of its implementation in 2020, despite COVID-19. Applying PAR to regional and local governance is the next step and challenge.

At the end of 2019, the responsibility for the legislation on freedom of information has been moved from the Ministry of Justice to the Administration of Government, creating an additional delay in the reform of the legislation. In terms of public participation, the present framework and practices show a lack of unified approach, and a lack of consistent and meaningful processes. On 16 March 2021, through an amendment to the law on conflict of interest, the Anti-Corruption Council secretariat was also moved from the Ministry of Justice to the Administration of Government. These changes may be seen by some observers as creating a new window of opportunity for a more strategic “whole of government approach” in accountability and anti-corruption policy.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the Action:

All ministries are key stakeholders for the implementation of PAR and accountability, as well as local authorities and regional administration. The following stakeholders play a major role in PAR and Public Accountability:

- The Administration of Government is in charge of the overall PAR coordination, as well as specifically of Policy Development and Coordination, Open Government Partnership, and freedom of information. The transfer of the Anti-Corruption coordination from the Ministry of Justice to the Prime Minister’s office, under the Administration of Government, has happened on 16 March 2021 by law.
- The Ministry of Justice is in the lead for Regulatory Impact Assessment (RIA), with an active involvement of several ministries, such as the Ministry of Economy and Sustainable Development of Georgia. Through its Public Service Development Agency, it is also in the lead for public service delivery. The Legal Entity under Public Law (LEPL) Digital Governance Agency is also under the Ministry of Justice.
- The Civil Service Bureau is leading on Civil service development, and the Asset Declaration system and monitoring.
- The Decentralisation strategy is under the auspices of the Ministry for Regional Development and Infrastructure.
- The Ministry of Finance has a key role in the policy development process in ensuring proper budgeting of policy by other institutions.
- The Public Procurement Agency of Georgia.
- The State Audit Office of Georgia monitors budgetary funds and financial activities of political associations and election campaigns.
- The General Prosecutor’s Office and the State Security Service of Georgia have an important role in investigation of corruption.
- Civil society organisations have been active in monitoring PAR and transparency in Georgia, and their oversight has contributed to the quality of PAR monitoring.

Component 5 – Support for Georgia’s participation in selected EU programmes

Short problem analysis:

Georgia has previously benefitted from the participation in European Union programmes such as Creative Europe, Erasmus+ and Horizon 2020. Due to the financial situation of the country, the entry tickets to programmes (including Horizon Europe, Fiscalis and Customs) can sometimes be too high for Georgia to pay.

Georgia has benefitted from partial reimbursement of the entry tickets for the participation in Horizon 2020. Considering the significance of the science internationalisation and Georgian researchers’ integration in the

European Research Area (ERA), further support to Georgia to participate in “Horizon Europe” for the next three years should be envisaged. This will be achieved by means of reimbursement of up to 50% of the corresponding annual participation fee required from Georgia for being part of this new programme.

In the past years, Georgia has updated the taxation system and administration, including the Customs Code that was adopted in September 2019. The Value Added Tax (VAT) chapter of the Tax Code has been harmonised with EU VAT, but work still needs to be done on secondary legislation. Approximation with the Energy directive, as well as harmonisation of excise duties on fine cut tobacco require further work.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the Action:

All ministries are key stakeholders for the Horizon Europe Calls, especially:

- Ministry of Education and Science of Georgia (MOES) and its agencies as coordinator of policy-making for Education and Research;
- Ministry of Economy and Sustainable Development (MoESD) and its agencies in charge of innovation and technology transfer;
- Georgia’s researchers and innovators community as potential applicants for the Horizon Europe Calls.

In case of EU Fiscalis and Customs programmes, the main beneficiary administrations shall be the Ministry of Finance and the Revenue Service of Georgia.

3. DESCRIPTION OF THE ACTION

3.1. Objectives and Expected Outputs

The Overall Objective of this Action is to support Georgia in the implementation of EU related commitments, notably the Association Agreement/DCFTA – with a particular focus on reforms on the area of the Visa Liberalisation Action Plan (VLAP) requirements, justice reform, PAR and public accountability.

This action will also enhance Georgia's resilience to respond to urgent needs by the Georgian central and local authorities as well as the population that are resulting or could result from the war situation following the Russian aggression against Ukraine.

The Specific Objectives of this Action are to

- SO 1. Strengthen capacity for legislative approximation and implementation of the Association Agreement;
- SO 2. Support to further enhancement of the Migration Management system of Georgia;
- SO 3. Advancing reforms in the Justice sector;
- SO 4. Support to Public Administration Reform and Public Accountability;
- SO 5. Support to Georgia’s participation to EU programmes.

Outputs to be delivered by this Action contributing to the corresponding Specific Objectives (Outcomes):

Contributing to SO 1 – Strengthen capacity for legislative approximation and implementation of the Association Agreement

- 1.1 Draft laws and amendments to the Georgian legislation for the implementation of the EU *acquis* produced;
- 1.2 New regulations are enforced and implemented in line with agreed plans and procedures;
- 1.3 The annual European Integration Action Plans of Georgia for the respective period is implemented;
- 1.4 Civil Society participation in the implementation of the Association Agreement is strengthened;

- 1.5 Producers awareness on testing requirements for their products is enhanced;
- 1.6 Companies' capacities is strengthened in certification of their products in line with EU/industry standards.
The output will contribute to the implementation of Flagship 3 of the Economic and Investment Plan for the Eastern Partnership, supporting SMEs to reap the full benefits of the DCFTA;
- 1.7 Georgia is advanced in addressing gender equality gaps.

Specific sectorial priorities under Specific Objective 1 will be further discussed and agreed along with the development of the Association Agenda 2021-27 and the definition of project modalities.

Contributing to SO 2 – Support to further enhancement of the Migration Management system of Georgia:

- 2.1 Migration and migration related issues are better managed and capacities to manage are further strengthened;
- 2.2 VLAP benchmarks and recommendations are implemented;
- 2.3 International borders are better equipped and more effectively managed;
- 2.4 Labour migration schemes are being facilitated;
- 2.5 Immigration and emigrant return management improved, including reintegration of returning emigrants.

Contributing to SO 3 – Advancing reforms in the Justice sector

- 3.1 Compliance with European standards as regards the appointments to the Supreme Court is assessed;
- 3.2 Assessments of the implementation of the fourth^f wave of judiciary reforms and Judiciary Strategy and action plan;
- 3.3 Draft legislation on the fifth wave of judiciary reforms available;
- 3.4 Capacities of key justice institutions further strengthened;
- 3.5 Analytical and operational capabilities of the investigation and prosecution services are enhanced;
- 3.6 Separation of the mandates between prosecutors and investigators is defined, while ensuring an efficient mutual coordination and enhancement of management structures and individual legal and other skills of investigators and prosecutors;
- 3.7 A full-fledged intelligence-led and possibly community-oriented policing is introduced;
- 3.8 Standard operating procedures for efficient, victim-centred and human rights based investigations are elaborated;
- 3.9 Shadow reports presented by civil society, and
- 3.10 Awareness raising activities carried out.

Contributing to SO 4 – Support to Public Administration Reform and Public Accountability

- 4.1 Policy Planning Coordination Department (PCD) reform implementation, through support for evidence-based and results-based policy development, including in: data gathering and data analysis, linking policy to budgeting; gender responsive budgeting; RIA;
- 4.2 Consolidation of civil service reform, further implementation of the Civil Service law; revision of the CS concept;
- 4.3 Decentralisation and PAR at local level: strategy implemented and capacity is built;
- 4.4 Public accountability and anti-corruption frameworks and practices are improved, including through support to Open Government Partnerships (OGP) implementation, a new legal framework for freedom of information and public participation is developed.

Contributing to SO 5 – Support to Georgia's participation in selected EU programmes

- 5.1 Georgia's participation in the "Horizon Europe" Programme is supported;
- 5.2 Georgia's participation in the EU Fiscalis and Customs programme is supported.

3.2. Indicative Activities

Activities related to Outputs under SO 1:

- Preparation of draft laws and amendments to the Georgian legislation;
- Enforcement and implementation of new regulations in line with agreed procedures;
- Implementation of the annual European Integration Action Plans of Georgia for the respective period;
- Awareness raising on European standards in priority sectors of industry;
- Technical support to private companies for achieving product compliance;
- Strengthening capacities of the Government of Georgia and other state bodies to address gender gaps, in particular regarding gender-sensitive policy-making and gender responsive budgeting;
- Improving statistical sex-disaggregated data, necessary for gender sensitised policy-making and gender responsive budgeting;
- Supporting women empowerment and greater participation in politics, decision making and labour market.

Activities related to Outputs under SO 2:

- The international expert support will be provided to the state authorities for preparation of policy decisions, elaboration of relevant legislation, surveys, research, etc. in particular aimed at implementation the VLAP benchmarks;
- Capacity building activities such as training, exchange of experience, coordination and cooperation for relevant state authorities and non-state actors (e.g. media, diaspora, etc.);
- Awareness raising activities including on regular migration to the EU, as well as promotion of voluntary return;
- Supply of equipment aiming to further strengthen integrated Georgian border management.

Activities related to Outputs under SO 3:

- Organise events, consultations with experts, and working groups to initiate and draft legislative amendments;
- Monitor judicial processes, including court trials and appointments to courts;
- Provide training to relevant stakeholders, including institution's managers, judges, prosecutors and (senior) investigators.

Activities related to Outputs under SO 4:

- Capacity building of relevant staff in PPCD, data gathering and data analysis, linking policy to budgeting; gender responsive budgeting; Regulatory Impact Assessments (RIA);
- Provide technical advice and trainings, organise events for further implementation of the CS law and revising the CS concept;
- Decentralisation and PAR at regional and local level: support to strategy implementation and capacity building through targeted assistance;
- Organise events and provide expertise for the update of the public accountability and anti-corruption framework, thus contributing to OGP implementation;
- Advice and support to the implementation of public procurement reforms in line with DCFTA;
- Provide advice and capacity building to strengthen the mandate and institutional capacity of accountability institutions (SAO);
- Monitoring of PAR and public accountability by civil society.

Activities related to Outputs under SO 5:

- Reimbursement of up to 50% of the corresponding annual financial contribution required from Georgia for being part of the “Horizon Europe” programme for 2021-2023;
- Reimbursement of up to 50% of the corresponding annual financial contribution required from Georgia for being part of the the EU Fiscalis and Customs programmes for 2022-2024.

3.3. Mainstreaming

Environmental Protection, Climate Change and Biodiversity

The environmental and climate change risk screenings carried out in the design stage concluded that no further Action was required.

Based on the Environment Impact Assessment (EIA) carried out during design phase, the Action was classified as Category C. The Action has strong potential for positive impact in the environmental sector mostly, through:

- Strengthened capacity for legislative approximation which will also help to facilitate transposition of the environmental chapter of the AA, which is a very important and long chapter of the Agreement;
- Environmental considerations (besides natural disasters) would not have a substantial impact on the migration component, therefore, the Action can be considered neutral in this regard;
- Enhanced operation of justice and security sector institutions (including independence and efficiency of the judiciary) that has potential for better environmental supervision and better application of relevant legislation in the sector of environment;
- Support to Public Administration Reform and Public Accountability which will ultimately contribute to making the Georgian authorities more efficient at fulfilling their commitments in the fields of environmental protection and fight against climate change. Under component 1 and 4, best environmental management practices for public administrations can be encouraged. Best environmental management practices are those techniques, measures and actions that can be implemented by public administrations to minimise their direct and indirect impact on the environment¹⁹;
- Support to the participation of Georgia in the “Horizon Europe” programme will ultimately contribute to the increased success rate of applications from Georgia in future calls in the areas of environment protection and climate change.

Outcome of the Climate Risk Assessment (CRA) screening (relevant for projects and/or specific interventions within a project)

The CRA screening concluded that this Action is no or low risk (no need for further assessment), as the Action focuses on policy and legislative reforms, not impacting the climate.

Gender equality and empowerment of women and girls

As per OECD Gender DAC codes identified in section 1.1, this Action is labelled as G1. This implies that gender equality will be mainstreamed across this programme. The components also include specific activities aiming at gender equality. Under this Action, a specific technical assistance project is envisaged under specific objective 1, which will complement the EU4 Gender Equality Help Desk. Besides supporting more gender sensitive national policy-making and capacities to address gender gaps in Georgia, it will also provide assistance to increasing women’s participation in politics, leadership and improvement of gender and sex-disaggregated data and its use for policy-making.

Activities under the migration component will be more gender tailored, taking into account needs and priorities of women and men in all their diversity. For example, similar numbers of women and men migrate from Georgia, however, they are employed in different sectors and target different countries (e.g. most Georgian

¹⁹ <https://publications.jrc.ec.europa.eu/repository/handle/JRC116121>

emigrants to Greece are women working in households and social care, while men are mainly going to Turkey to work in the construction sector). This will be taken into account when defining activities with the diaspora and when planning illegal migration prevention as well as legal regular migration promotion. Returnees require a differentiated kind of support depending on their financial situation, gender and specific situation. As more women and children are victims of trafficking for sexual exploitation (including transit) and more men are victims of forced labour, this will be taken into account when defining measures to fight against trafficking in human beings. The gender dimension will also be integrated in awareness raising activities.

Regarding support to judiciary reform, substantial work has been done in terms of better enforcement and capacities of gender specific cases of gender based violence and domestic violence, and this component will contribute to further improvements in this field.

The support to public administration reform will contribute to gender sensitising national policies and strategies as well as pursuing a better gender balance and non-discrimination. Also support will be provided to awareness raising and capacity building of the civil servants in gender mainstreaming. Further efforts will be made towards the introduction of gender impact assessments of policy and legislation, and gender responsive budgeting at the national level.

Georgia's participation in "Horizon Europe" will contribute to an increased access of women researchers and scientists to future calls.

When defining specific activities and indicators under other components of this programme, sex-disaggregated data and analyses will be used.

Human Rights

The proposed Action potentially impacts the whole population of Georgia, including migrants (immigrants to and emigrants from Georgia) and even temporary visitors to Georgia, since the Action is addressing the right to a fair trial, migrants' rights and a range of human rights relevant for the EU-Georgia Association Agreement.

New areas of EU support were introduced in the migration component taking into account the vulnerabilities of migrants revealed by COVID-19, which will start to be addressed under this programme, such as support to addressing immigrant status related issues and state support to returning migrants. Under this programme the EU will continue supporting the fight against trafficking in human beings and support to victims.

All people under the jurisdiction of Georgian courts are impacted by the proposed Action, as they have the right to access to justice and a fair trial. The Action will promote the human rights based approach in conducting investigations, prosecutions and judicial trials. The projects will refer to the international human rights standards enshrined in the EU *acquis*, conventions of the Council of Europe, jurisdiction of the European Court for Human Rights and other relevant sources. The activities will include the implementation of the human rights aspects in specific areas of fighting crime in Georgia.

All efforts to further public administration reform in Georgia will be based on the principles of good governance and human rights, equality and the inclusion of socially or economically deprived groups. The capacity building aspect of this programme will focus on supporting and strengthening the commitment of the Georgian Government to the principles of public administration developed by the European Commission in close cooperation with the OECD/SIGMA20.

Disability

²⁰ http://sigmaweb.org/publications/Principles-of-Public-Administration_Edition-2017_ENG.pdf

As per OECD Disability Development Assistance Committee (DAC) codes identified in section 1.1, this Action is labelled as D1. This implies that this Action also targets the inclusion of people with disabilities as a cross-cutting element of all activities foreseen, since all components have a direct impact on the social life in the country.

Democracy

The common values on which the EU is built, namely democracy, respect for human rights and fundamental freedoms, and the rule of law, lie also at the heart of political association and economic integration as envisaged in the EU-Georgia Association Agreement; all interventions proposed under this Action are designed and shall be implemented in line with general principles of democracy and rule of law.

Institutional capacities for migration management will be strengthened to ensure secure and well managed borders as well as respond to any migration related issues without prejudice to human rights and international best practices.

Institutional support, in particular to the Parliament of Georgia, as well as PAR, accountability and transparency will contribute to strengthening democracy by ensuring a reliable, transparent and effective representation and administration as a basis for further democratic development.

Conflict sensitivity, peace and resilience

Georgia is a multi-cultural and multi-ethnic country. Many remote areas are home to ethnic and/or religious minorities. In order to help prevent tensions, it is necessary to address the need of these minorities, deal with the challenges of illegal migration, work on vulnerabilities in the justice sector, and promote public accountability and Public Administration Reform. Advancing the implementation of the EU *acquis* can also contribute to democracy consolidation and further improving life standards.

As regards migration, strong and capable institutions along with long term policies in place is the answer to risk reductions related to this field, and this is one of the key elements to the EU support under this component.

Disaster Risk Reduction

The “National Threat Assessment Document 2015-2018” of Georgia identifies the following natural and man-made disaster risks as relevant for Georgia: floods, flash floods, landslides, mudflows, biological hazards, earthquakes, hails, avalanches, strong winds, forest and valley fires, chemical threats, soil erosion by water, draught, hydrodynamic accidents etc.; all these risks are addressed in the National Disaster Risk Reduction (DRR) Strategy of Georgia 2017-2020. The follow up National DRR Strategy for 2022-24 is still under preparation. Georgia, as a signatory country of many international treaties, ensures the implementation of the goals of three global framework documents of the United Nations: Sendai Framework for Disaster Risk Reduction 2015-2030 (March, 2015), Sustainable Development Goals (September, 2015; SDGs) and United Nations Framework Convention on Climate Change (June, 1992; UNFCCC) in the Strategy. The Strategy also covers the implementation of Georgia’s obligations taken under the above documents and the EU-Georgia Association Agreement in the sphere of prevention, preparedness and effective response to natural disasters. The present programme indirectly addresses DRR through support to the implementation of the EU-Georgia Association Agreement and support to the capacity building of relevant government administrations, including through the Public Administration Reform and promotion of public accountability.

3.4. Risks and Lessons Learned

Category	Risks	Likelihood (High/Medium/Low)	Impact (High/Medium/Low)	Mitigating measures
1 - External environment	External political tensions, social or economic in Georgia or a further downturn in the global economy divert the Government's attention and resources away from the reform agenda	M	H	Continued policy dialogue with the Georgian authorities; support to the implementation of EU-Georgia Association Agreement
2 - Planning, processes and systems	Weakening of Government's commitment to reforms related to the EU-Georgia Association Agreement	L	H	Continued political and policy dialogue with the authorities; information campaigns targeting the institutions and the general public
2 - Planning, processes and systems	Sustaining the momentum for judicial reforms	M	H	Continued political and policy dialogue with the authorities; information campaigns targeting the institutions and the general public
3 - People and the organisation	High turnover of staff in public institutions and associated loss of institutional memory	M	M	Continuous policy dialogue with the government; efforts aimed at sustainable institution building rather than exclusive training measures for individuals
2 - Planning, processes and systems	Limited capacity of Government to effectively perform functions of policy coordination, policy analysis and impact assessments, inter-ministerial coordination and public consultations, strategic budgeting	M	M	Policy dialogue and assistance to ensure effective implementation of the strategic framework on PAR, including strengthening of policy coordination function, improve inclusive and evidence-based policy and legislative development and improve monitoring and reporting on implementation of laws and policies; follow-up to SIGMA baseline assessment in the area of policy development and coordination against the Principles of Public Administration

Category	Risks	Likelihood (High/ Medium/ Low)	Impact (High/ Medium/ Low)	Mitigating measures
4 - Legality and regularity aspects	Visa free travel for Georgian citizens to the EU is suspended	M	M	Need to ensure the continuous implementation of the VLAP benchmarks, including addressing the recommendations by the Commission in the reports under the visa suspension mechanism.

Lessons Learned:

In terms of technical support to the **implementation of the Association Agreement and the Association Agenda**, this programme was designed based on the lessons learnt from the implementation of the Comprehensive Institution Building (CIB) programme as well as its predecessors, the Technical Cooperation Facility (TCF) I, TCF II and TCF III. Furthermore, recommendations of the evaluation of the European Union's cooperation with Georgia (2007-2013) as well as the evaluation of the Twinning projects in Georgia (2007-2014) were considered.

One of the main lessons learnt from previous EU support programmes, as highlighted in both evaluations, is the need to allow for flexibility in the implementation of the programme. Under this programme, the specific amounts for individual actions will be adjusted in view of the latest developments and updated needs assessments. A needs-based approach making use of various tools, such as technical assistance, twinning and direct grants, has proven to be successful in the past and will be applied in the design of this programme. The same approach has been successfully applied in TCF III.

Another lesson learnt from the implementation of CIB and the first two phases of TCF was the need for an inclusive approach. Rather than focusing support on a limited number of institutions, which are holders of Institutional Reform Plans, it is essential to cooperate with public institutions in the same or related policy areas. This inclusive approach was already applied under TCF II and TCF III and has proven effective in extending the outreach to actors on the regional and local level. Assistance under the Technical Assistance and Information Exchange instrument of the European Commission (TAIEX) has proven effective; however, this cooperation needs to be boosted by longer-term strategic cooperation under, for example, Twinning projects.

Based on long standing EU-Georgia cooperation in the field of migration and border management it can be concluded that EU support is still needed in both areas. It is clear that in terms of border management and continuous efforts and commitment of Georgian state authorities there are no sufficient budgetary resources to address the existing gaps in terms of infrastructure and equipment in the medium-term. As regards migration management, the SCMI has been built with the EU's direct grant support, which is being phased out. However, the SCMI's capacities would require further strengthening. International expert support is still needed and should be provided through this programme. In the context of visa-free travel, arrangements between the EU and Georgia imply a broad scope of measures that need to be considered and require support, such as migration management and reintegration.

In the justice sector, the so-called four waves of legislative reforms improved importantly the legal basis for the functioning of the courts. However, they did not address the fundamental problem of the concentration of large powers in the high council of justice, which is perceived to apply them in a largely arbitrary way and with delays. The skills of the investigators continue to be rather low, which delays the separation of mandates between the prosecutors and investigators, and hence seriously affects the quality of investigation and delivery of justice in the country.

While the results of the evaluation of the **PAR** support programme including budget support (2017-2019) are pending, a few lessons learnt can be drawn. The Georgian counterparts have underlined that the most effective tool to implement good governance reform is a mix of budget support and technical assistance, to ensure a comprehensive approach and buy-in. Also, political will and consistent support are both necessary for long term reforms such as civil service reform, which requires time for mentality change and predictability. A high degree of flexibility is also necessary to ensure adequacy with a swiftly changing political environment, providing EU cooperation with the possibility to seize opportunities to support politically sensitive reforms. Monitoring of PAR and transparency by civil society has contributed to higher accountability and better policy planning, monitoring and reporting.

In the area of Accountability, policy dialogue and cooperation confirm a good progress but at the same time point to the need to move the dialogue to a higher, more political level and work on the checks and balances system. This includes a need to strengthen the capacity of the State Audit Office and the Parliament as well as continued reforms in public procurement (in line with the DCFTA requirements).

Experience on the one hand highlights the importance of being progressive in accountability reforms and the importance of a sustained long-term commitment and policy dialogue on the other hand.

One of the lessons learned from the support to Georgia's participation in Horizon 2020 is the need of improving the quality of applications and better coordination and networking with potential partners. Despite a quite high number of applications submitted (over 450) from Georgia, only 57 have been awarded in 2014-2020. This is being addressed under a technical assistance project from the ongoing 'TCF III'²¹, which aims at supporting researchers mobility and envisages capacity building in project writing for researchers and scientists.

3.5. The Intervention Logic

The underlying intervention logic for this Action is that the Georgian authorities and society will be better equipped and the AA further implemented, contributing to better living conditions, a well-functioning migration management system, more transparent and effective justice sector institutions, continued commitment by Georgia to the AA/DCTFA and to the rule of law.

The intervention logic for this Action is based on the context and problem analysis described under Section 1 of this document. Georgia and the EU enjoy a close relationship and are both committed to further deepening and strengthening their partnership. This programme envisages interventions under four components, all contributing to the overall goal of deepening the political, economic and trade relations between the EU and Georgia.

Component 1: Strengthening capacity for legislative approximation and implementation of the Association Agreement.

Output: Based on actual needs, capacity building measures will be conducted for state institutions and expertise provided for legal drafting.

Outcome: Capacity for legislative approximation and implementation of the Association Agreement is strengthened.

Impact: Implementation of the commitments set out in the Association Agreement and other joint EU-Georgia documents will deepen the political relations and economic integration between Georgia and the EU.

²¹ Decision no: ENI/2018/041-415

Component 2: Enhanced Migration Management.

Output: Capacities of the institutions responsible for migration and border management built and migration and border management system improved.

Outcome: Visa-free travel arrangements for Georgian citizens to the EU are maintained and Migration Strategy for 2021-2030 implemented in particular as regards more secure borders, enhancing migration management system, facilitating labour migration schemes, improving migration and emigrant return management, including reintegration, and other.

Impact: The migration management system of Georgia is effective and aligned to the EU-Georgia cooperation priorities.

Component 3: Advancing Justice and Security Sectors.

Output: The fourth wave of judiciary reform is assessed, the judiciary strategy and action plan further developed and the fifth wave draft legislative amendments prepared. Further capacity building of the core justice sector institutions based on assessment of actual needs.

Outcome: Judiciary reform process continues in compliance with respective European standards to ensure independence and efficiency of Judiciary. Justice sector reform continue in compliance with relevant European standards and best practises.

Impact: Independence and efficiency of judiciary system in Georgia is enhanced. Efficiency and transparency of justice system in Georgia is enhanced.

Component 4: Support to Public Administration Reform and Public Accountability.

Output: Targeted support is provided for the capacity building of civil servants and the consolidation of reforms in PAR and public accountability.

Outcome: Updated legal/regulatory framework and increased capacity of civil servants more conducive to accountability and professionalism.

Impact: More professional, reliable, accountable and transparent institutions

Component 5: Support to Georgia's participation in selected EU programmes.

Output: Reimbursement of Georgia's entry tickets to Horizon Europe, Fiscalis, and Customs.

Outcome: Georgia's participation in selected EU programmes is ensured.

Impact: Increased success of Georgia in Research and Innovation and in harmonisation on fiscal and customs matters.

Assumptions:

The Government of Georgia remains committed to the fundamental values of democracy, rule of law and human rights. Georgia continues to support and pursue actions for political, economic and trade integration with the EU. Also, the Government pursues public administration reform in line with international and EU good practice.

Georgia remains committed to maintain visa-free travel arrangements with the EU and built strong and effective migration management system as well as strengthen its borders.

The EU and the Government maintain their high level of cooperation and continue to communicate and coordinate reform efforts.

The beneficiary institutions are willing and able to implement and benefit from the proposed actions. The institutions' capacity in maintaining staff, planning and coordination is sufficient for a sustainable implementation of the actions.

3.6. Indicative Logical Framework Matrix

PROJECT MODALITY

	Results chain: Main expected results (maximum 10)	Indicators (at least one indicator per expected result)	Baselines 2020	Targets 2026	Sources of data	Assumptions
Impact	To support Georgia in the implementation of EU related commitments, notably the Association Agreement/DCFTA and the VLAP requirements.	Progress in implementation of Association Agenda expressed in percentage of achievement and DCFTA Action Plan ²²	Association Agenda: State of 2021 (0% in 2021 on the basis of the newly negotiated Agenda for 2021-2027)	Association Agenda: 80% by 2027	Association Council (Government, EU reports); Association Committee and relevant Sub-Committees (Government, EU reports); Commission reports	<i>Not applicable</i>

²² The government of Georgia is currently working on the development of electronic tools which shall allow for defining more precise data for baselines and respective targets, therefore, upon availability of the tool in 2022 the log-frame of the Action might be respectively updated. Upcoming electronic tools of the Georgian Government are: (1) **Government-wide Policy Planning, Monitoring and Evaluation Electronic System (PDCems)** that will unite all policy documents (national and sectoral level) of the Government of Georgia in a single space. The system will have 3 separate modules on planning, monitoring and evaluation. It will also include a database of indicators bank and will display detailed information on the implementation rate of particular policies. The business analysis process of the platform is mostly finalised and the development stage will commence soon. The system is supposed to become operational in 2022 and (2) **Upgraded Electronic Monitoring System on the AA/DCFTA Implementation (EMS), including its newly designed component for Tracking and Monitoring of the Legal Approximation Process** which is already conceptualised with the support of the EU-funded project (AA Facility II), and which will be based on the AA Facility-developed Legal Approximation Inventory showing a precise, detailed and comprehensive picture of the legal approximation progress as per the EU-Georgia agreements (i.e. AA/DCFTA, EEC, ETC), LA deadlines as well as indication of line ministry(ies)/state agency(ies) in charge. The relevant intra-governmental consultations are being conducted and the development stage is to commence shortly. The upgraded EMS is also to incorporate the register of tables of concordance and reveal the gaps and unfulfilled obligations related to the approximation process. Indicators (baselines and targets) to be further elaborated/revised for components 3, 4 and 5.2.

Outcome(s)	SO1: Strengthen capacity for legislative approximation and implementation of the Association Agreement	1.1 Number of measures implemented under AA/DCFTA	1.1 Quantitative references used in Monitoring Reports on AA and DCFTA 2020 and Reports of relevant Sub-Committees under the AA 1.2 State of reforms in relevant priority areas as per	1.1/1.2 Progress in implementation of EU-Georgia Association Agreement and level of legal approximation to the EU <i>acquis</i> in line with the priorities defined in Association Agenda 2021-2027	Minutes of negotiation rounds, Cooperation Committees and Councils, etc.; AA and DCFTA implementation monitoring reports by the EU and shadow reports; Final reports by institutions	The Government of Georgia remains committed to the fundamental values of democracy, rule of law and human rights. Georgia continues to support and pursue actions for political, economic and trade integration with the EU. Also, the Government pursues its public administration reform in line with international and EU good practice. The EU and the
	SO2: Support to further enhancement of the Migration Management system of Georgia	2.1 Visa-free travel arrangements for Georgian citizens to the EU is maintained with VLAP benchmarks and recommendations being effectively addressed.	2.1 Quantitative references and data provided in the National Migration Strategy 2021-2030 as well as latest Migration Profile and Report under Visa Suspension Mechanism.	2.1 The visa-free travel arrangements for Georgian citizens to the EU are maintained and VLAP benchmarks and recommendations being addressed. 2.1 Capacities of the SCMI	Visa Suspension Mechanism reports, other relevant EU reports and assessments National Migration Strategy 2021-2030 implementation reports	

		<p>2.2 % of migrants, including returning migrants, satisfied with services provided by Migration Management system of Georgia (disaggregated by sex)</p> <p>2.3 Identification and support of trafficking victims</p>	<p>2.2 Baseline survey on migrant satisfaction shall be performed in the framework of this programme</p> <p>2.3 Early identification of victims and gender specific support</p>	<p>member institutions further improved, including provision of equipment and supplies.</p> <p>2.2 Target value of migrant satisfaction shall be defined after the baseline is set.</p> <p>2.3 Associate Agenda</p>	<p>Georgia Migration Profile</p> <p>Baseline and follow up survey performed in the framework of the projects.</p>	<p>Government maintain their high level of cooperation and continue to communicate and coordinate reform efforts.</p>
	<p>SO3: Advancing reforms in the Justice Sector</p>	<p>3.1 The law on common courts is brought in line with all Venice Commission recommendation. [The selection process follows the standards set in the amended legislation.]; The independent reports show that the so called third and fourth waves of judiciary reforms have been largely implemented. The legislative package</p>	<p>3.1 The legislative package of the third and fourth waves amendments were adopted in the Parliament in 2017 and 2019; external</p>	<p>3.1 Both reform stages shall be carried out by the end of implementation of the decision</p>	<p>AA and DCFTA implementation monitoring reports by the EU and alternative reports;</p>	

		for further reforms (5 th wave) have been drafted in compliance with respective European standards;	reports call for further reforms incl. career development system in the judiciary ²³ .		Regional Justice Survey by World Bank Other public perception surveys on Justice and Security system efficiency.
	SO4: Support to Public Administration Reform and Public Accountability	4.1 The quality of policy documents and reporting 4.2 Civil service reform implementation status 4.3 Status of the decentralisation reform 4.4 Level of public participation and access to information for citizens	4.1-4.4 Quantitative reporting from PAR monitoring report 2020 and PAR roadmap evaluation (to be available in 2021)	4.1-4.4 OGP, PAR and decentralisation strategy's targets by 2027	PAR monitoring reports and PAR Council minutes, decentralisation monitoring reports
	SO5: Support to participation in selected EU Programmes	5.1 Number of successful applications for "Horizon Europe" Calls from Georgia 5.2 Number of directives, methodological instructions adopted in tax and customs legislation (through participation in Fiscalis and Customs programmes)	5.1 57 awarded applications within Horizon 2020 (2014-2020) <i>5.2 To be checked before start of projects</i>	5.2 increase number of successes applications by 5% for 2023 <i>5.2 To be defined once the baseline is specified</i>	Association Agreement Implementation report; report for AA Su-Committees

²³ UNDP's Report of 17 October, 2019, on 'Implementation of the national strategy for the protection of human rights in Georgia, 2014-2020'.

Outputs	<i>SOI: Strengthen capacity for legislative approximation and implementation of the Association Agreement</i>					
	<p>1.1 Draft laws and amendments to the Georgian legislation for the implementation of the EU <i>acquis</i> produced;</p> <p>1.2 New regulations are enforced and implemented in line with agreed plans and procedures;</p> <p>1.3 The annual European Integration Action Plans of Georgia for the respective period is implemented;</p> <p>1.4 Civil Society participation in the implementation of the Association Agreement is strengthened;</p> <p>1.5 Producers awareness on testing requirements for their products is enhanced;</p> <p>1.6 Companies capacities strengthened in certification of their products in line with EU/industry standards;</p> <p>1.7 Georgia is advanced in addressing gender equality gaps.</p>	<p>1.1-1.2 number of draft laws (including amendments) prepared under Association Agenda 2021-2027</p> <p>1.3 number of reform initiatives/strategy papers planned under Association Agenda 2021-2027</p> <p>1.4 number of Civil Society organisations involved in dialogue on the AA implementation on regular basis</p> <p>1.5-1.6 Number of quality schemes adopted by economic operators with EU support</p> <p>1.7 number of institutions supported in addressing gender equality gaps</p>	<p>1.1 – 1.3 The baselines have to be defined according to the Association agenda 2021-2027 which has not been adopted yet</p> <p>1.4 – 150 CSOs are part of the AA implementation dialogue</p> <p>1.5-1.6 – 4</p> <p>1.7 - 0</p>	<p>1.1 – 1.3 80% planned legislative changes and reform documents are adopted/approved</p> <p>1.4 – at least to maintain number of civil society organisations involved in the dialogue</p> <p>1.5-1.6 15</p> <p>1.7 – all member institutions of the Government Gender Equality Commission</p>	<p>AA and DCFTA implementation monitoring reports by the EU and Georgian Government, and shadow reports;</p> <p>Project progress reports for projects planned under this Decision and any external reports, where relevant.</p> <p>Results reporting</p> <p>Project progress reports and donation/tran</p>	<p>The government shows progress in implementing reforms in the programme priority areas. The beneficiary institutions are willing and able to implement and benefit from the proposed actions. The institutions' capacity in maintaining staff, planning and coordination is sufficient for a sustainable implementation of the actions.</p>

<i>SO2: Support to further enhancement of the Migration Management system of Georgia</i>					sfer of assets documents	
2.1 Migration and migration related issues are better managed and capacities to manage are further strengthened;	2.1-2.5 Number of persons and institutions, which received training, advice, support in the framework of this programme	0	At least 500 persons and all key institutions responsible for migration and border management in Georgia			
2.2 VLAP benchmarks and recommendations are implemented;						
2.3 International borders are better equipped and more effectively managed;						
2.4 Labour migration schemes are being facilitated;	2.1-2.5 Means (equipment and other supplies) provided for better border and migration management delivered and used	0	100% of equipment delivered based on the needs identified and committed in the framework of specific projects.			
2.5 Immigration and emigrant return management improved, including reintegration.						
<i>SO3: Advancing the Justice sector</i>					Legislative Herald of Georgia, LEPL www.matsne.gov.ge	Project documentation; technical
3.1 Compliance with European standards as regards the appointments to the Supreme Court is assessed.	3.1 – 3.3 Draft laws initiated in compliance with established European standards;	3.1 – 3.3 Implementation of the 3 rd and 4 th wave reforms is ongoing	3.1 – 3.3 By the end of the decision implementation on 5 th wave of judiciary reform is finalised			
3.2 Assessments of the implementation of the 4 th wave of judiciary reforms and Judiciary Strategy and action plan;						
3.3 Draft legislation on 5 th wave of judiciary reforms available;	3.4 – 3.8 Trainings provided.	3.4-3.10- 0				

<p>3.4 Capacities of key justice institutions further strengthened;</p> <p>3.5 Analytical and operational capabilities of the investigation and prosecution services, are enhanced;</p> <p>3.6 Separation of the mandates between prosecutors and investigators is defined, while ensuring an efficient mutual coordination and enhancement of management structures and individual legal and other skills of investigators and prosecutors;</p> <p>3.7 A full-fledged intelligence-led and possibly community-oriented policing are introduced;</p> <p>3.8 Standard operating procedures for an efficient, victim-centred and human rights based investigations are elaborated;</p> <p>3.9 Shadow reports presented by civil society, and</p> <p>3.10 Awareness raising activities carried out.</p>	<p>3.9-3.10 Number of shadow reports produced by civil society</p>		<p>3.4-3.10- to be defined per initiated project</p>	<p>and financial analysis reports</p> <p>Government and Civil Society monitoring reports</p> <p>Reports from the TV broadcasters; social network data; project reports</p>	
<p><i>SO4: Support to Public Administration Reform and Public Accountability</i></p>					
<p>4.1 PPCD reform implementation, through support for evidence-based and results-based policy development, including in: data gathering and data analysis, linking policy to budgeting; gender responsive budgeting; RIA;</p>	<p>4.1.1 Number of policy documents per institutions that are evidence-based</p> <p>4.1.2 Number of policy documents per institutions including gender responsive budgeting</p>	<p>2021</p> <p>1 policy document at national level;</p> <p>9 policy documents at</p>	<p>2027</p> <p>At least 50% increase in number</p>		

	<p>4.2 consolidation of civil service reform, further implementation of the CS law; revision of the CS concept;</p> <p>4.3 decentralisation and PAR at local level: strategy implemented and capacity is built;</p> <p>4.4 public accountability and anti-corruption frameworks and practices are improved, including through support to OGP implementation, a new legal framework for freedom of information and public participation is developed.</p>	<p>4.1.3 Number of RIA conducted per institutions before legislative work</p> <p>4.2 Revised Civil Service Concept (CSC)</p> <p>4.3 Number of self governing entities fully implementing the decentralisation strategy</p> <p>4.4 Number of legislative or regulatory initiatives implemented related to FAIO and public participation</p>	<p>sub national level</p> <p>CSC not revised yet</p> <p>25 sub-legal acts</p>	<p>1</p> <p>At least 50% increase in number</p>		
<i>SO5: Support to participation in selected EU Programmes</i>						
	<p>5.1 Georgia is supported in participation in “Horizon Europe” Programme</p> <p>5.2 Georgia is supported in participation in EU FISCALIS and CUSTOMS programme</p>	<p>5.1 – 5.2 Status of Georgia’s participation in the programmes</p>	<p>5.1 Georgia participates in Horizon Europe 2017-2020</p> <p>5.2 Georgia joins EU Fiscalis and Customs programmes</p>	<p>5.1 Georgia continues participation annually for three years, 2021-2023</p> <p>5.2 Georgia continues participation annually for three years, 2022-2024</p>		

4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

In order to implement this Action, it is envisaged to conclude a financing agreement with the partner country.

4.2. Indicative Implementation Period

The indicative operational implementation period of this Action, during which the activities described in section 3.1 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of entry into force of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

4.3. Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the Action with EU restrictive measures²⁴.

4.3.1. Direct Management

4.3.1.1. Twinning Grants

a) Purpose of the grant(s)

The Twinning projects will contribute to the specific objectives 1 (Strengthen capacity for legislative approximation and implementation of the Association) and Specific Objective 4 (Support to Public Administration Reform and Public Accountability).

b) Type of applicants targeted

Participation in Twinning calls for proposals is limited to public administrations of the EU Member States, being understood as central or regional authorities of a Member State as well as their bodies and administrative structures and private law bodies entrusted with a public service mission under their control provided they act for the account and under the responsibility of that Member State.

4.3.1.2. Direct grant (Grant for Georgia's participation in EU Programmes)

a) Purpose of the grant(s)

The purpose is to co-finance the three-years participation of Georgia to EU Programmes, including (but not limited to) "Horizon Europe" for the period 2021-2023 and in Fiscalis and Customs for the period 2022-2024. This will be achieved by means of reimbursement of a share of the annual financial contribution required from Georgia for being part of these programmes. This project will contribute to the SO5, which will boost competitiveness and innovation, as well as improve fiscal and customs capacity of Georgian administrations.

b) Type of applicants targeted

Potential applicants will be the specific government administrations of Georgia in charge of the relevant EU programme.

(c) Justification of a direct grant

²⁴ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the Ministry of Education and Science (MoES) and the Revenue Service of the Ministry of Finance of Georgia. Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because, in accordance with Article 195(f) of the Financial Regulation, the Action has specific characteristics requiring a specific type of beneficiary for its technical competence, specialisation or administrative power.

4.3.1.3. Direct Management (Grants)

a) Purpose of the grant(s)

The grants will contribute to the implementation of the SO3 (civil society oversight of the justice system reform) and SO 4 (civil society oversight to PAR and public accountability).

b) Type of applicants targeted

The potential applicants eligible for funding will be: non-profit-making legal entities falling under the following categories: non-governmental organisations, local authorities, educational institutions, media organisations and/or public sector operators.

4.3.2. Direct Management (Procurement)

The procurement will contribute to achieving the following Specific Objectives:

- SO1. Strengthen capacity for legislative approximation and implementation of the Association Agreement;
- SO3. Advancing reforms in the justice sector;
- SO4. Support to Public Administration Reform and Public Accountability.

4.3.3. Indirect Management with pillar-assessed entities²⁵

A part of this Action may be implemented in indirect management with an entity, which will be selected by the Commission's services using the following criteria:

- Specific expertise and experience in respective field and in specific areas specified at the selection stage.
- Experience and presence in the country. In depth understanding of the situation, its strengths and weaknesses in Georgia in respective field of operation. Available necessary organisational, human and management capacity also to mobilise specific expertise in short time.
- Adherence to EU values and principles such as transparency, absence of conflict of interests and attention to cross-cutting issues, in particular as regards gender and human rights.
- Added value as well as innovative approaches proposed by the organisation to effectively reach sustainable results.

The implementation by this entity entails the implementation of the Specific Objective 1: Strengthen capacity for legislative approximation and implementation of the EU-Georgia Association Agreement (delivery of outputs: Enhanced awareness of producers on testing requirements for their products and Number of companies supported in certification of their products in line with EU/industry standards) and the Specific

²⁵ The signature of a contribution agreement with the chosen entity is subject to the completion of the necessary pillar assessments

Objective 2: Support to further enhancement of the Migration Management system of Georgia, as described under section 3.

4.3.4. Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances (one alternative second option)

The alternative option for implementing Action or part of the Action described in sections 4.3.1, and 4.3.2 is Indirect Management with entrusted entity (ies), if the preferred implementation modality (direct management) cannot be implemented due to circumstances outside of the Commission's control. Selection Criteria described in section 4.3.3 shall be applied in this case.

The alternative option for implementing Action or part of the Action described in section 4.3.3 is procurement as described under section 4.3.2, if the preferred modality (indirect management) cannot be implemented due to circumstances outside of the Commission's control.

4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this Action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

4.5. Indicative Budget

Indicative Budget components	EU contribution (amount in EUR)	Third-party contribution, in EUR
Implementation modalities – cf. section 4.3		
Grants		
Twinning Grants (direct management) – cf. section 4.3.1 <i>Contributing to SO1 and SO4.</i>	N.A.	
Grant for Georgia's participation in EU programmes (direct management) – cf. section 4.3.1 <i>Contributing to SO5.</i>	N.A.	3 150 000
Grants (direct management) – cf. section 4.3.1 <i>Contributing to SO3 and SO4.</i>	N.A.	125 000
Procurement (direct management) – total envelope under section 4.3.2 <i>Contributing to SO1, SO3 and SO4.</i>	13 300 000	
Indirect management with entrusted entities – cf. section 4.3.3 <i>Contributing to SO1 and SO2.</i>	5 850 000	
Grants – total envelope under section 4.3.1	12 150 000	

Evaluation – cf. section 5.2	200 000	
Audit – cf. section 5.3		
Communication and visibility – cf. section 6	N.A. (will be covered by another decision)	
Totals	31 500 000	3 275 000

4.6. Organisational Set-up and Responsibilities

The Delegation of the European Union to Georgia will be responsible for the management of the programme and will monitor its overall implementation. It will also be the focal point for any communication with the contractors or the beneficiary institutions. The Commission and the partner country will regularly review progress made in the overall implementation of the Action through regular working meetings. Each project under the programme establishes governing structures – steering committees for the regular overview and discussion of the progress and/or challenges of implementation. Apart from steering the overall process the PSCs also aggregates information about progress in implementation which will be made available to relevant stakeholders.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the Action.

5. PERFORMANCE MEASUREMENT

5.1. Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this Action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the Action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the Action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Roles and responsibilities for data collection, analysis and monitoring:

Each individual contract under the programme will have its own dedicated logical framework which will include clear indicators with baselines and targets. These individual logical frameworks will be aligned with the general logical framework of the programme and it will serve as a basis for the projects' ongoing monitoring, evaluation and reporting. The reports (narrative and financial) will be drafted in accordance with the relevant templates.

The reports shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the Action. The final reports, narrative and financial, will cover the entire period of the Action implementation.

5.2. Evaluation

Having regard to the nature of the Action, a final evaluation will be carried out for this Action or its components via independent consultants.

It will be carried out for accountability and learning purposes at various levels (including for policy revision). The Commission shall inform the implementing partner at least 1 month in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Evaluation services may be contracted under a framework contract.

5.3. Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this Action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

6. COMMUNICATION AND VISIBILITY

Communication and visibility is a contractual obligation for all entities implementing EU-funded external actions to advertise the European Union's support for their work to the relevant audiences.

All implementing partners and contractors must comply with the instructions given in the [Communication and Visibility Requirements of 2018](#) (as updated by the communication and visibility requirements in force under the current programming period 2021 - 2027), notably with regard to the use of the EU emblem and the elaboration of a dedicated communication and visibility plan, to be completed for every action at the start of implementation.

These requirements (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations. Additional Visibility Guidelines developed by the Commission (European Neighbourhood Policy and Enlargement Negotiations) and the Delegation to Georgia will be strictly adhered to.

These obligations apply equally, regardless of whether the actions concerned are implemented by the Commission, the partner country, contractors, grant beneficiaries or entrusted entities. In each case, a reference to the relevant contractual obligations must be included in the respective financing agreement, procurement and grant contracts, and delegation agreements.

Communication and visibility measures may be funded from the amounts allocated to the action. For the purpose of enhancing the visibility of the EU and its contribution to this action, the Commission may sign or enter into joint declarations or statements, as part of its prerogative of budget implementation and to safeguard the financial interests of the Union. Visibility and communication measures should also promote transparency and accountability on the use of funds.

Effectiveness of communication activities on awareness about the action and its objectives as well as on EU funding of the action should be measured.

Implementing partners shall keep the Commission and concerned EU Delegation/Office fully informed of the planning and implementation of specific visibility and communication activities before work starts. Implementing partners will ensure adequate visibility of EU financing and will report on visibility and communication actions as well as the results of the overall action to the relevant monitoring committees

Furthermore, implementing organisations shall coordinate all communication activities with the regional communication initiatives funded by the European Commission to the extent possible. All communication strategies developed as part of this action shall ensure they are in line with the priorities and objectives of regional communication initiatives supported by the European Commission and in line with the EU Delegation's communication strategy under the "EU4Georgia" umbrella initiative.