



EU Grant Agreement number: 645852

Project acronym: DIGIWHIST

Project title: The Digital Whistleblower: Fiscal Transparency, Risk Assessment and the Impact of Good Governance Policies Assessed

Work Package: 1 - Legal and regulatory mapping

Title of deliverable: D1.2 Database of legal and regulatory norms

Due date of deliverable: 01/03/2016

Actual submission date: 01/03/2016

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Organization name of lead beneficiary for this deliverable: Hertie School of Governance

Dissemination Level		
PU	Public	X
PP	Restricted to other programme participants (including the Commission	
RE	Restricted to a group specified by the consortium (including the	
Co	Confidential, only for members of the consortium (including the	

I. Overview

European Public Accountability Mechanisms (EuroPAM) is a database of legal and regulatory norms for 34 European countries. EuroPAM is an extension of the Public Accountability Mechanisms Initiative (PAM) of the World Bank, which is a primary data collection effort that produces assessments of in-law and in-practice efforts to enhance the transparency of public administration and the accountability of public officials. The EuroPAM database serves as a European transparency legislation observatory that is based on the PAM indicators for financial disclosure, conflict of interest restrictions, and freedom of information, while also adding data on public procurement, and updating the International Institute for Democracy and Electoral Assistance (IDEA) database on political financing.

The EuroPAM database includes the following countries: Armenia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom. The European Parliament and/or European Commission are also included for each mechanism.

II. Methodology

European Public Accountability Mechanisms (EuroPAM) is a primary data collection effort on transparency and accountability in the legal frameworks of European countries. It is part of an EU-funded digital whistleblowing project (DIGIWHIST) that aims to improve trust in governments and efficiency of public spending across Europe.

In-law data. EuroPAM in-law data measures the comprehensiveness of a country's legal framework in four spheres of administrative transparency and accountability: financial disclosure, conflict of interest, political finance, and freedom of information. Indicators for these mechanisms are based on internationally-accepted legal standards, established by organizations such as the World Bank, Article 19, Access Info Europe, Global Integrity, and the Institute for Democracy and Electoral Assistance. For public procurement, EuroPAM in-law data assesses both the extent of the procurement framework and its adherence to norms established by the European Commission.

To ensure the reliability of in-law data, a rigorous and systematic approach is applied to data collection and analysis. Researchers produce summaries of the legal provisions collected from primary source documents, in the original language where possible. In cases where further consultation is required to clarify legal codes, the data is sent to technical in-country experts for feedback on accuracy and relevance. Country experts are intended to have either in-depth legal knowledge of the mechanism being examined in a specific country or expertise in a related field. The final data is released in both quantitative and qualitative form for policy and research purposes. Several rounds of data collection are envisioned from 2012 onwards. The exception to this is public procurement, for which data collection began in 2015.

Scoring for financial disclosure, conflict of interest, political finance, and freedom of information

Data is quantified on a simple 0-1 scale, with most indicators falling into a binary of 0 or 1 that reflects whether a provision exists within the law. Scores for each country are then aggregated into categories for each mechanism, and an overall country score is produced on a 0-100 scale for each mechanism.

Scoring for public procurement

A more detailed scoring framework is employed that captures normative dimensions (For more details see Chapter 5). Scores for each country are then aggregated into categories, and an overall country score is produced on a 0-100 scale.

Qualitative data for the most current year of data collection will be displayed on the www.europam.eu website (under construction). Quantitative data for categories is

displayed on the website for all years, but underlying scores are only available for download. For financial disclosure and conflict of interest restrictions, two separate metrics have been applied in order to present a comprehensive picture of these mechanisms within countries.

All qualitative and quantitative data, for all years and all countries, will also be available for download on www.europam.eu. Scoring frameworks for all mechanisms are included in these files.

In-practice data. Work on in-practice data will commence at a later date, once the content of data collection has been determined by consortium partners.

Table 1: EuroPAM in numbers

	Individual qualitative indicators	Aggregated quantitative indicators	Mechanism subcomponent	Country scores
Financial disclosure	120	37	5	1
Conflict of interest restrictions	60	19	3	1
Freedom of information	36	12	3	1
Political finance	99	12	3	1
Public procurement	51	17	5	1
Total	366	97	19	5

III. Mechanisms

1. Freedom of Information/Right to information

The right to information guarantees access to information or records held by government bodies. It may also prescribe proactive disclosure of official data or documents, specify the procedures for access, and outline exemptions for purposes of national security and other concerns. These obligations establish a method of accountability for governments that is upheld by civil society and individual citizens.

Main areas of in-law indicator coverage:

- Scope and Coverage of law
- Information access and release
- Exceptions and Overrides
- Sanctions for non-compliance
- Monitoring and Oversight

EuroPAM in-law indicators on Freedom of Information

Freedom of Information (right/access to information)	
Qual-1	Scope and Coverage
Qual-2	Scope of disclosure
Qual-3	Right to information enshrined in law
Qual-4	Information is defined
Qual-5	Proactive disclosure is specified
Qual-6	Coverage of public and private sectors
Qual-7	Executive branch
Qual-8	Legislative branch
Qual-9	Judicial branch
Qual-10	Other public bodies
Qual-11	Private sector
Qual-12	Access to specific documents (subject to reactive and/or proactive disclosure)
Qual-13	Draft legal instruments
Qual-14	Enacted legal instruments

Qual-15	Annual budgets
Qual-16	Annual chart of accounts (actual expenditures)
Qual-17	Annual reports of public entities and programs
Qual-18	Information access and release
Qual-19	Procedural access
Qual-20	Universal access (agencies, citizens and non-citizens)
Qual-21	Type of request is specified (written, electronic, oral)
Qual-22	Assistance to requesters must be provided by law (includes barriers due to language differences, illiteracy, complexity of requests, etc.)
Qual-23	Cost of access is specified (free, request fees, photocopying costs, other administrative costs)
Qual-24	Deadlines for release of information
Qual-25	20-day response deadline
Qual-26	Agency granted right to extend response time
Qual-27	Maximum total response time of no more than 40 days
Qual-28	Exceptions and Overrides
Qual-29	Exemptions to disclosure
Qual-30	Existence of secrecy/states secrets law
Qual-31	Existence of personal privacy/data law
Qual-32	Exemptions to disclosure are specified
Qual-33	Balancing tests in the public interest Specified exemptions to disclosure may be overridden (dismissed ex ante) in cases where disclosure of information benefits the public interest.
Qual-34	Appeals
Qual-35	Appeals allowed within public entities
Qual-36	Independent, non-judicial appeals mechanism, e.g., information commissioner. Does not include Ombudsman unless appeals decisions are binding.
Qual-37	Judicial appeals mechanism
Qual-38	Sanctions for non-compliance
Qual-39	Administrative sanctions are specified for violations of disclosure requirements
Qual-40	Fines are specified for violations of disclosure requirements

Qual-41	Criminal sanctions are specified for violations of disclosure requirements
Qual-42	Monitoring and Oversight
Qual-43	Information officers must be appointed in public agencies
Qual-44	A public body is responsible for applying sanctions
Qual-45	A public body is responsible for public outreach (raising public awareness)
Qual-46	A nodal agency for RTI is specified (implementation support/compliance within public sector). Does not include Ombudsman.
Qual-47	Ombudsman involvement in implementation is specified by law
Qual-48	Data on requests and appeals must be released to the public

*Red font = not included in scoring

2. Conflict of Interest Restrictions

Conflict of interest refers to a situation in which an individual is in a position to exploit an official capacity for personal benefit, but *has not done so yet*. In short, the presence of a conflict of interest is not an indicator of improper conduct, but rather a warning of its possibility. Conflict of interest restrictions prohibit public officials from participating in any number of activities that may be seen to compromise their impartiality. The operating principle of a conflict of interest system is to assist public officials in avoiding situations where a conflict of interest can arise.

Main areas of potential conflict of interest that may be restricted:

- Accepting gifts
- Private firm ownership and/or stock holdings
- Ownership of state-owned enterprises (SOEs)
- Holding government contracts
- Board member, advisor, or company officer of private firm
- Post-employment
- Simultaneously holding policy-making position and policy-executing position
- Participating in official decision-making processes that affect private interests
- Assisting family or friends in obtaining employment in public sector

EuroPAM in-law indicators on Conflict of Interest Restrictions

Conflict of Interest Restrictions	
Qual-1	Head of State
Qual-2	Restrictions
Qual-3	General restriction on conflict of interest
Qual-4	Accepting gifts
Qual-5	Private firm ownership and/or stock holdings
Qual-6	Ownership of state-owned enterprises (SOEs)
Qual-7	Holding government contracts
Qual-8	Board member, advisor, or company officer of private firm
Qual-9	Post-employment
Qual-10	Simultaneously holding policy-making position and policy-executing position

Qual-11	Participating in official decision-making processes that affect private interests
Qual-12	Assisting family or friends in obtaining employment in public sector
Qual-13	Sanctions
Qual-14	Fines are stipulated for violations of COI regulations restricting behavior
Qual-15	Administrative sanctions are stipulated for violations of COI regulations restricting behavior
Qual-16	Penal sanctions are stipulated for violations of COI regulations restricting behavior
Qual-17	Monitoring and Oversight
Qual-18	Monitoring body specified (guidance, training, data tracking)
Qual-19	Enforcement body specified (sanctions, hearings)
Qual-20	Ministers
Qual-21	Restrictions
Qual-22	General restriction on conflict of interest
Qual-23	Accepting gifts
Qual-24	Private firm ownership and/or stock holdings
Qual-25	Ownership of state-owned enterprises (SOEs)
Qual-26	Holding government contracts
Qual-27	Board member, advisor, or company officer of private firm
Qual-28	Post-employment
Qual-29	Simultaneously holding policy-making position and policy-executing position
Qual-30	Participating in official decision-making processes that affect private interests
Qual-31	Assisting family or friends in obtaining employment in public sector
Qual-32	Sanctions
Qual-33	Fines are stipulated for violations of COI regulations restricting behavior
Qual-34	Administrative sanctions are stipulated for violations of COI regulations restricting behavior
Qual-35	Penal sanctions are stipulated for violations of COI regulations restricting behavior
Qual-36	Monitoring and Oversight
Qual-37	Monitoring body specified (guidance, training, data tracking)
Qual-38	Enforcement body specified (sanctions, hearings)

Qual-39	Members of Parliament
Qual-40	Restrictions
Qual-41	General restriction on conflict of interest
Qual-42	Accepting gifts
Qual-43	Private firm ownership and/or stock holdings
Qual-44	Ownership of state-owned enterprises (SOEs)
Qual-45	Holding government contracts
Qual-46	Board member, advisor, or company officer of private firm
Qual-47	Post-employment
Qual-48	Simultaneously holding policy-making position and policy-executing position
Qual-49	Participating in official decision-making processes that affect private interests
Qual-50	Assisting family or friends in obtaining employment in public sector
Qual-51	Sanctions
Qual-52	Fines are stipulated for violations of COI regulations restricting behavior
Qual-53	Administrative sanctions are stipulated for violations of COI regulations restricting behavior
Qual-54	Penal sanctions are stipulated for violations of COI regulations restricting behavior
Qual-55	Monitoring and Oversight
Qual-56	Monitoring body specified (guidance, training, data tracking)
Qual-57	Enforcement body specified (sanctions, hearings)
Qual-58	Civil servants
Qual-59	Restrictions
Qual-60	General restriction on conflict of interest
Qual-61	Accepting gifts
Qual-62	Private firm ownership and/or stock holdings
Qual-63	Ownership of state-owned enterprises (SOEs)
Qual-64	Holding government contracts
Qual-65	Board member, advisor, or company officer of private firm
Qual-66	Post-employment

Qual-67	Simultaneously holding policy-making position and policy-executing position
Qual-68	Participating in official decision-making processes that affect private interests
Qual-69	Assisting family or friends in obtaining employment in public sector
Qual-70	Sanctions
Qual-71	Fines are stipulated for violations of COI regulations restricting behavior
Qual-72	Administrative sanctions are stipulated for violations of COI regulations restricting behavior
Qual-73	Penal sanctions are stipulated for violations of COI regulations restricting behavior
Qual-74	Monitoring and Oversight
Qual-75	Monitoring body specified (guidance, training, data tracking)
Qual-76	Enforcement body specified (sanctions, hearings)

3. Financial Disclosure (combination of income, assets and conflicts of interest)

The purpose of obtaining the declarations of public officials depends on the aim of the overall accountability regime. When focusing on conflict of interest, disclosures can be used to identify potential bias in public activities. For regimes that aim to prevent illicit enrichment [and to punish public officials for improper behavior], disclosures may be used to identify assets or incomes that are not attributable to salary, gift, or loan. Both types of disclosure regimes aim to prevent the occurrence of financial misconduct in public office, such as bribery or theft, while also maintaining records of the financial activities of public officials for future use in prosecution.

Main areas where disclosure may be required:

- Income and Assets
 - Real estate
 - Movable assets
 - Cash
 - Loans and Debts
 - Income from outside employment/assets
- Incompatibilities
 - Gifts received as a public official
 - Private firm ownership and/or stock holdings
 - Ownership of state-owned enterprises (SOEs)
 - Holding government contracts
 - Board member, advisor, or company officer of private firm
 - Post-employment
 - Simultaneously holding policy-making position and policy-executing position
 - Participating in official decision-making processes that affect private interests
 - Concurrent employment of family members in public sector

EuroPAM in-law indicators on Financial Disclosure

Financial Disclosure	
Qual-1	Head of State
Qual-2	Disclosure items
Qual-3	Spouses and children included in disclosure

Qual-4	Income and Assets
Qual-5	Real estate
Qual-6	Movable assets
Qual-7	Cash
Qual-8	Loans and Debts
Qual-9	Income from outside employment/assets
Qual-10	Incompatibilities
Qual-11	Gifts received as a public official
Qual-12	Private firm ownership and/or stock holdings
Qual-13	Ownership of state-owned enterprises (SOEs)
Qual-14	Holding government contracts
Qual-15	Board member, advisor, or company officer of private firm
Qual-16	Post-employment
Qual-17	Simultaneously holding policy-making position and policy-executing position
Qual-18	Participating in official decision-making processes that affect private interests
Qual-19	Concurrent employment of family members in public sector
Qual-20	Filing frequency
Qual-21	Filing required upon taking office
Qual-22	Filing required upon leaving office
Qual-23	Filing required annually
Qual-24	Ad hoc filing required upon change in assets or conflicts of interest
Qual-25	Sanctions
Qual-26	Sanctions stipulated for late filing (fines, administrative, and/or criminal)
Qual-27	Sanctions stipulated for non-filing (fines, administrative, and/or criminal)
Qual-28	Sanctions stipulated for false disclosure (fines, administrative, and/or criminal)
Qual-29	Monitoring and Oversight
Qual-30	Depository body explicitly identified
Qual-31	Enforcement body explicitly identified

Qual-32	Some agency assigned responsibility for verifying submission
Qual-33	Some agency assigned responsibility for verifying accuracy
Qual-34	Public access to declarations
Qual-35	Public availability
Qual-36	Timing of information release specified
Qual-37	Location(s) of access specified
Qual-38	Cost of access specified
Qual-39	Ministers
Qual-40	Disclosure items
Qual-41	Spouses and children included in disclosure
Qual-42	Income and Assets
Qual-43	Real estate
Qual-44	Movable assets
Qual-45	Cash
Qual-46	Loans and Debts
Qual-47	Income from outside employment/assets
Qual-48	Incompatibilities
Qual-49	Gifts received as a public official
Qual-50	Private firm ownership and/or stock holdings
Qual-51	Ownership of state-owned enterprises (SOEs)
Qual-52	Holding government contracts
Qual-53	Board member, advisor, or company officer of private firm
Qual-54	Post-employment
Qual-55	Simultaneously holding policy-making position and policy-executing position
Qual-56	Participating in official decision-making processes that affect private interests
Qual-57	Concurrent employment of family members in public sector
Qual-58	Filing frequency
Qual-59	Filing required upon taking office

Qual-60	Filing required upon leaving office
Qual-61	Filing required annually
Qual-62	Ad hoc filing required upon change in assets or conflicts of interest
Qual-63	Sanctions
Qual-64	Sanctions stipulated for late filing (fines, administrative, and/or criminal)
Qual-65	Sanctions stipulated for non-filing (fines, administrative, and/or criminal)
Qual-66	Sanctions stipulated for false disclosure (fines, administrative, and/or criminal)
Qual-67	Monitoring and Oversight
Qual-68	Depository body explicitly identified
Qual-69	Enforcement body explicitly identified
Qual-70	Some agency assigned responsibility for verifying submission
Qual-71	Some agency assigned responsibility for verifying accuracy
Qual-72	Public access to declarations
Qual-73	Public availability
Qual-74	Timing of information release specified
Qual-75	Location(s) of access specified
Qual-76	Cost of access specified
Qual-77	Members of Parliament
Qual-78	Disclosure items
Qual-79	Spouses and children included in disclosure
Qual-80	Income and Assets
Qual-81	Real estate
Qual-82	Movable assets
Qual-83	Cash
Qual-84	Loans and Debts
Qual-85	Income from outside employment/assets
Qual-86	Incompatibilities
Qual-87	Gifts received as a public official

Qual-88	Private firm ownership and/or stock holdings
Qual-89	Ownership of state-owned enterprises (SOEs)
Qual-90	Holding government contracts
Qual-91	Board member, advisor, or company officer of private firm
Qual-92	Post-employment
Qual-93	Simultaneously holding policy-making position and policy-executing position
Qual-94	Participating in official decision-making processes that affect private interests
Qual-95	Concurrent employment of family members in public sector
Qual-96	Filing frequency
Qual-97	Filing required upon taking office
Qual-98	Filing required upon leaving office
Qual-99	Filing required annually
Qual-100	Ad hoc filing required upon change in assets or conflicts of interest
Qual-101	Sanctions
Qual-102	Sanctions stipulated for late filing (fines, administrative, and/or criminal)
Qual-103	Sanctions stipulated for non-filing (fines, administrative, and/or criminal)
Qual-104	Sanctions stipulated for false disclosure (fines, administrative, and/or criminal)
Qual-105	Monitoring and Oversight
Qual-106	Depository body explicitly identified
Qual-107	Enforcement body explicitly identified
Qual-108	Some agency assigned responsibility for verifying submission
Qual-109	Some agency assigned responsibility for verifying accuracy
Qual-110	Public access to declarations
Qual-111	Public availability
Qual-112	Timing of information release specified
Qual-113	Location(s) of access specified
Qual-114	Cost of access specified
Qual-115	Civil servants

Qual-116	Disclosure items
Qual-117	Spouses and children included in disclosure
Qual-118	Income and Assets
Qual-119	Real estate
Qual-120	Movable assets
Qual-121	Cash
Qual-122	Loans and Debts
Qual-123	Income from outside employment/assets
Qual-124	Incompatibilities
Qual-125	Gifts received as a public official
Qual-126	Private firm ownership and/or stock holdings
Qual-127	Ownership of state-owned enterprises (SOEs)
Qual-128	Holding government contracts
Qual-129	Board member, advisor, or company officer of private firm
Qual-130	Post-employment
Qual-131	Simultaneously holding policy-making position and policy-executing position
Qual-132	Participating in official decision-making processes that affect private interests
Qual-133	Concurrent employment of family members in public sector
Qual-134	Filing frequency
Qual-135	Filing required upon taking office
Qual-136	Filing required upon leaving office
Qual-137	Filing required annually
Qual-138	Ad hoc filing required upon change in assets or conflicts of interest
Qual-139	Sanctions
Qual-140	Sanctions stipulated for late filing (fines, administrative, and/or criminal)
Qual-141	Sanctions stipulated for non-filing (fines, administrative, and/or criminal)
Qual-142	Sanctions stipulated for false disclosure (fines, administrative, and/or criminal)
Qual-143	Monitoring and Oversight

Qual-144	Depository body explicitly identified
Qual-145	Enforcement body explicitly identified
Qual-146	Some agency assigned responsibility for verifying submission
Qual-147	Some agency assigned responsibility for verifying accuracy
Qual-148	Public access to declarations
Qual-149	Public availability
Qual-150	Timing of information release specified
Qual-151	Location(s) of access specified
Qual-152	Cost of access specified

4. Political financing

Political financing is about the role that money plays in the political sphere. Money is necessary for inclusive democracy and effective governance, allowing candidates and parties to reach out to voters and for the building of long term political platforms organizations. However, it can also lead to politicians listening to their donors rather than their voters and to government contracts awarded not to the company with the best bid but to the one that provided most money during the last election campaign. Countries around the world have introduced various provisions limiting who and how much can be contributed to political parties and electoral candidates; how such funds can be used; how actors have to report on their finances; and how oversight and enforcement is to be achieved.

Main areas of in-law indicator coverage:

- Bans and limits on private income
- Public funding
- Regulations on spending
- Reporting, oversight and sanctions

EuroPAM in-law indicators on Political Financing

Political Finance	
Qual-1	Bans and limits on private income
Qual-2	Bans on donations from foreign interests
Qual-3	Is there a ban on donations from foreign interests to political parties?
Qual-4	Is there a ban on donations from foreign interests to candidates?
Qual-5	Bans on corporate donations
Qual-6	Is there a ban on corporate donations to political parties?
Qual-7	Is there a ban on corporate donations to candidates?
Qual-8	Is there a ban on donations from corporations with government contracts to political parties?
Qual-9	Is there a ban on donations from corporations of partial government ownership to political parties?
Qual-10	Is there a ban on donations from corporations with government contracts to candidates?
Qual-11	Is there a ban on donations from corporations of partial government ownership to candidates?
Qual-12	Bans on donations from trade unions
Qual-13	Is there a ban on donations from Trade Unions to political parties?
Qual-14	Is there a ban on donations from Trade Unions to candidates?
Qual-15	Bans on anonymous donations
Qual-16	Is there a ban on anonymous donations to political parties?
Qual-17	Is there a ban on anonymous donations to candidates?
Qual-18	Other bans on donations

Qual-19	Is there a ban on state resources being given to or received by political parties or candidates (excluding regulated public funding)?
Qual-20	Is there a ban on any other form of donation?
Qual-21	Donation limits
Qual-22	Is there a limit on the amount a donor can contribute to a political party over a time period (not election specific)?
Qual-23	Is there a limit on the amount a donor can contribute to a political party in relation to an election?
Qual-24	Is there a limit on the amount a donor can contribute to a candidate?
Qual-25	Public funding
Qual-26	Are there eligibility criteria for direct public funding to political parties?
Qual-27	Eligibility criteria for direct public funding to political parties: Share of votes in previous election
Qual-28	Eligibility criteria for direct public funding to political parties: Representation in elected body
Qual-29	Eligibility criteria for direct public funding to political parties: Participation in election
Qual-30	Eligibility criteria for direct public funding to political parties: Number of candidates
Qual-31	Eligibility criteria for direct public funding to political parties: Share of seats in previous election
Qual-32	Eligibility criteria for direct public funding to political parties: Share of votes in next election
Qual-33	Eligibility criteria for direct public funding to political parties: Registration as a political party
Qual-34	Eligibility criteria for direct public funding to political parties: Share of seats in next election
Qual-35	Eligibility criteria for direct public funding to political parties: Number of members
Qual-36	Eligibility criteria for direct public funding to political parties: Other
Qual-37	Are there allocation calculations for direct public funding to political parties?
Qual-38	Allocation calculations for direct public funding to political parties: Proportional to votes received
Qual-39	Allocation calculations for direct public funding to political parties: Equal
Qual-40	Allocation calculations for direct public funding to political parties: Proportional to seats received
Qual-41	Allocation calculations for direct public funding to political parties: Flat rate by votes received
Qual-42	Allocation calculations for direct public funding to political parties: Share of expenses reimbursed
Qual-43	Allocation calculations for direct public funding to political parties: Proportional to candidates fielded
Qual-44	Allocation calculations for direct public funding to political parties: Number of members
Qual-45	Allocation calculations for direct public funding to political parties: Other
Qual-46	Are there earmarking provisions for direct public funding to political parties?
Qual-47	Earmarking provisions for direct public funding to political parties: Campaign spending
Qual-48	Earmarking provisions for direct public funding to political parties: Ongoing party activities
Qual-49	Earmarking provisions for direct public funding to political parties: Intra-party institution
Qual-50	Earmarking provisions for direct public funding to political parties: Other
Qual-51	Are there allocation criteria for free or subsidized access to media for political parties?
Qual-52	Allocation criteria for free or subsidized access to media for political parties: Equal
Qual-53	Allocation criteria for free or subsidized access to media for political parties: Number of candidates
Qual-54	Allocation criteria for free or subsidized access to media for political parties: Share of seats
Qual-55	Allocation criteria for free or subsidized access to media for political parties: Share of votes in preceding election
Qual-56	Allocation criteria for free or subsidized access to media for political parties: Other
Qual-57	Are there provisions for free or subsidized access to media for candidates?
Qual-58	Are there provisions for any other form of indirect public funding?
Qual-59	Provisions for any other form of indirect public funding: Premises for campaign meetings

Qual-60	Provisions for any other form of indirect public funding: Space for campaign materials
Qual-61	Provisions for any other form of indirect public funding: Tax relief
Qual-62	Provisions for any other form of indirect public funding: Free or subsidised transport
Qual-63	Provisions for any other form of indirect public funding: Free or subsidised postage cost
Qual-64	Provisions for any other form of indirect public funding: Other
Qual-65	Is the provision of direct public funding to political parties related to gender equality among candidates?
Qual-66	Are there provisions for other financial advantages to encourage gender equality in political parties?
Qual-67	Regulations on spending
Qual-68	Is there a ban on vote buying?
Qual-69	Are there bans on state resources being used in favour or against a political party or candidate?
Qual-70	Are there limits on the amount a political party can spend?
Qual-71	Are there limits on the amount a candidate can spend?
Qual-72	Reporting, oversight and sanctions
Qual-73	Reporting standards
Qual-74	Do political parties have to report regularly on their finances?
Qual-75	Do political parties have to report on their finances in relation to election campaigns?
Qual-76	Do candidates have to report on their campaign finances?
Qual-77	Is information in reports from political parties and/or candidates to be made public?
Qual-78	Must reports from political parties and/or candidates reveal the identity of donors?
Qual-79	Are institutions specified to receive financial reports from political parties and/or candidates?
Qual-80	Institutions receiving financial reports from political parties and/or candidates: Electoral Management Board
Qual-81	Institutions receiving financial reports from political parties and/or candidates: Auditing agency
Qual-82	Institutions receiving financial reports from political parties and/or candidates: Ministry
Qual-83	Institutions receiving financial reports from political parties and/or candidates: Special institution
Qual-84	Institutions receiving financial reports from political parties and/or candidates: Court
Qual-85	Institutions receiving financial reports from political parties and/or candidates: Other
Qual-86	Political finance oversight
Qual-87	Is it specified that a particular institution(s) is responsible for examining financial reports and/or investigating violations?
Qual-88	Institution responsible for examining financial reports and/or investigating violations: Court
Qual-89	Institution responsible for examining financial reports and/or investigating violations: Ministry
Qual-90	Institution responsible for examining financial reports and/or investigating violations: Auditing agency
Qual-91	Institution responsible for examining financial reports and/or investigating violations: Electoral Management Body
Qual-92	Institution responsible for examining financial reports and/or investigating violations: Institution for this purpose
Qual-93	Institution responsible for examining financial reports and/or investigating violations: Other
Qual-94	Are there other institutions with a formal role in political finance oversight?
Qual-95	Institutions with a formal role in political finance oversight: Court
Qual-96	Institutions with a formal role in political finance oversight: Ministry
Qual-97	Institutions with a formal role in political finance oversight: Auditing agency
Qual-98	Institutions with a formal role in political finance oversight: EMB
Qual-99	Institutions with a formal role in political finance oversight: Institution for this purpose

Qual-100	Institutions with a formal role in political finance oversight: Other
Qual-101	Are there sanctions for political finance infractions?
Qual-102	Sanctions for political finance infractions: Fines
Qual-103	Sanctions for political finance infractions: Loss of public funding
Qual-104	Sanctions for political finance infractions: Penal/Criminal
Qual-105	Sanctions for political finance infractions: Forfeiture
Qual-106	Sanctions for political finance infractions: Deregistration of party
Qual-107	Sanctions for political finance infractions: Loss of elected office
Qual-108	Sanctions for political finance infractions: Suspension of political party
Qual-109	Sanctions for political finance infractions: Loss of nomination of candidate
Qual-110	Sanctions for political finance infractions: Loss of political rights
Qual-111	Sanctions for political finance infractions: Other

*Red font = not included in scoring

5. Public Procurement

Public procurement is the process whereby governments buy goods and services. They can buy practically anything from fruit to nuclear power plants. Still, the same set of procedural rules apply to the selection of suppliers and information published on tenders and contracts. The public procurement procedure starts with a call for tenders and ends with a contract award unless there is also an announcement about the completion of contract implementation. While each key phase of the procurement procedure has to take place according to the regulations, not everything is published in a central online place. By implication, we often miss information from some phases. Most importantly, the contract award announcement is always published.

Public procurement requires interaction among three major actors, with a range of external actors intervening under some circumstances. The three actors internal to the public procurement process are 1) issuers of tender [government agencies/departments], 2) public procurement advisors or brokers, and 3) bidder companies [private sector firms]. There are external actors within the state such as 4) politicians who can also take on senior civil service positions; and 5) review bodies such as courts, state audit institutions, and competition agencies.

Main areas of in-law indicator coverage:

- Scope
- Information availability
- Evaluation
- Open competition
- Institutional arrangements

EuroPAM in-law indicators on Public Procurement

Public Procurement	
Qual-1	Scope
Qual-2	Threshold - lowest PP
Qual-3	What is the minimum contract value above which the public procurement law is applied? (Product type GOODS)
Qual-4	What is the minimum contract value above which the public procurement law is applied? (Product type WORKS)
Qual-5	What is the minimum contract value above which the public procurement law is applied? (Product type SERVICES)

Qual-6	Threshold - by PP type
Qual-7	What are the minimum application thresholds for the procurement type? (Entity: PUBLIC SECTOR)
Qual-8	What are the minimum application thresholds for the procurement type? (Entity: UTILITIES)
Qual-9	What are the minimum application thresholds for the procurement type? (Entity: DEFENCE)
Qual-10	Threshold - by product type
Qual-11	What are the minimum application thresholds for the procurement type? (Product type GOODS)
Qual-12	What are the minimum application thresholds for the procurement type? (Product type WORKS)
Qual-13	What are the minimum application thresholds for the procurement type? (Product type SERVICES)
Qual-14	Information availability
Qual-15	Publishing and record keeping
Qual-16	Which are the documents which are published in full?
Qual-17	Are any of these documents published online at a central place?
Qual-18	Is it mandatory to keep these records? Public notices of bidding opportunities, Bidding documents and addenda, Bid opening records, Bid evaluation reports, Formal appeals by bidders and outcomes, Final signed contract documents and addenda and amendments, Claims and dispute resolutions, Final payments, Disbursement data (as required by the country's financial management system)
Qual-19	Are contracts awarded within a framework agreement published?
Qual-20	Sub-contracting
Qual-21	Is it mandatory to publish information on subcontractors in some cases?
Qual-22	If yes, above what proportion of subcontracted value is it mandatory?
Qual-23	Evaluation
Qual-24	Preferential treatment
Qual-25	Is there a ban on mentioning specific companies or products in tender specification/call for tender?
Qual-26	Are there restrictions on allowable grounds for tenderer exclusion?
Qual-27	Is there a preferential treatment for small-to-medium enterprises (SMEs)?
Qual-28	Is there a preferential treatment for local/national companies? (companies from other EU MS are considered foreign companies)
Qual-29	Is there a specific set of rules for green/sustainable procurement?
Qual-30	Are some bids automatically excluded such as lowest/highest price; unusually low price, etc.
Qual-31	Bid evaluation

Qual-32	Is scoring criteria published and explicit?
Qual-33	Can evaluation decision be made by a single person (as opposed to a committee)?
Qual-34	Are there regulations on evaluation committee composition to prevent conflict of interest?
Qual-35	If yes, what is banned?
Qual-36	Is some part of evaluation committee mandatorily independent of contracting authority?
Qual-37	Are scoring results recorded and publicly available?
Qual-38	Under which conditions can the tender be cancelled?
Qual-39	Open competition
Qual-40	CFT publication
Qual-41	Where should the call for tenders be published? (Procedure type: OPEN)
Qual-42	Where should the call for tenders be published? (Procedure type: RESTRICTED)
Qual-43	Where should the call for tenders be published? (Procedure type: NEGOTIATED)
Qual-44	Minimum # of bidders
Qual-45	If there is a minimum number of bidders stipulated, under what conditions? RESTRICTED
Qual-46	If there is a minimum number of bidders stipulated, under what conditions? NEGOTIATED
Qual-47	If there is a minimum number of bidders stipulated, under what conditions? COMPETITIVE DIALOGUE
Qual-48	Bidding period length
Qual-49	What are the minimum number of days for advertisement required? (Procedure type: OPEN)
Qual-50	What are the minimum number of days for advertisement required? (Procedure type: RESTRICTED)
Qual-51	What are the minimum number of days for advertisement required? (Procedure type: NEGOTIATED)
Qual-52	Institutional arrangements
Qual-53	Institutions and regulations
Qual-54	What are the main EXCEPTIONS preventing the application of the public procurement law for tenders/organisations?
Qual-55	What are the main types of institutions which have to apply the public procurement law?
Qual-56	What are the main procedure types or procurement methods permitted by law?
Qual-57	Is there a procurement arbitration court dedicated to public procurement cases?
Qual-58	Is there a procurement regulatory body dedicated to public procurement?

Qual-59	Is the procurement regulatory body independent?
Qual-60	Is the procurement advisors' profession legally defined (i.e. degree to be obtained, official list of members of the professional association) and its role in the tendering procedure described (e.g. right to draft tender documentations, conduct market research identifying bidders)?
Qual-61	Is disclosure of final, beneficial owners required for placing a bid?
Qual-62	Complaints
Qual-63	Is there a fee for arbitration procedure?
Qual-64	If yes, how much
Qual-65	Is there a ban on contract signature until arbitration court decision (first instance court)?
Qual-66	What is the maximum number of days until arbitration court decision from filing a complaint?
Qual-67	Are arbitration court decisions required to be publicly released?

*Red font = not included in scoring

5.1. Scope Threshold

The indicators used for comparing the minimum application thresholds of the public procurement laws are based on the rules set out in the national regulation, while the EU threshold are given to the countries lacking national thresholds. In case of no national level regulation (i.e. only EU thresholds apply) the indicator has the lowest (0), while in case of the lowest national level threshold has the highest (100) values. All countries have a score based on their relative position between this lowest and highest threshold. Two types of transformations had to be made for this comparison. Firstly, the values given in national currencies had to be converted into EUR.¹ Secondly, in order to have a meaningful comparison, the threshold values had to be adjusted for price levels. The price level adjustment is based on the World Bank's International Comparison Program's price level index, as it provides values for each country (including Armenia and Georgia).² As relative price levels are stable over time, and the indicator only adjusts for the countries' relative stance, using the WB's index calculated for 2011 leads to a comparable ranking.

Indicators: **Qual-3-6; Qual-7-9; Qual-11-13**

5.2. Information availability Publishing and record keeping

Qual-16 can have 6 values. 0 in case of nothing is published, 0.2 if something is published, but either the call for tender (CFT) or contract award (CA) document is missing, 0.4 if both the CFT

¹ This is based on the average 2015 exchange rates published by Eurostat, and other sources in case of Armenia and Georgia (indicated in the calculation file).

² Price levels: http://siteresources.worldbank.org/ICPEXT/Resources/ICP_2011.html

and CA document is published, 0.6 if CFT, CA, pre-tender information and modifications are also available, 0.8 if CFT, CA, pre-tender information, modifications and information on the signed contract are available, while 1 if information on contract completion is also available besides the announcements covering all other stages of the contract.

Qual-17 can have three values. 0 if the announcement documents are not published, 0.5 if the announcements are published, but only in local or regional sites, while 1 if the documents are available in central sites.

Qual-18-19 are 0 if the answer is no, while 1 if it is yes.

Subcontracting

Qual-21 is 0 if there is no mandatory publication regarding sub-contractors, while 1 if there is.

Qual-22 is 0 if there is no regulation (n.s.) or no mandatory threshold on sub-contractor publication, while 100 if all subcontractors have to be disclosed. Interim values are (e.g. publication only if subcontracting is more than 30% of contract value) rated proportionately between 0-100.

5.3. Evaluation

Preferential treatment

Qual-25-26 and **Qual-29** are 1 if the answer is yes, while 0 otherwise (including n.s.).

Qual-27-28 and **Qual-30** has the value of 1 if the answer is no, while 0 otherwise (including n.s.).

Bid evaluation

Qual-32, **Qual-34** and **Qual-36-37** are 1 if the answer is yes, while 0 otherwise (including n.s.).

Qual-33 is 1 if the answer is no, while 0 otherwise (including n.s.).

Qual-38 is 0 in case of a closed list of objective and well defined reasons are given (e.g. no bids received, no bidder meets requirements, no bids are within the financial constraint of the buyer), while 1 in case of no regulation or loose regulation is given (i.e. contrary to the general interest, no conclusion of contract within the bid validity period).

5.4. Open competition

CFT publication

Qual-41-43

The indicator on the publication of open, restricted and negotiated procedures can have three values: 0 if no publication is needed (i.e. invitation), 0.5 if the announcement has to be published in a local or other specialised site, while 1 if it has to be published in a central website. In case of no regulation is specified (n.s.), the indicator's value is 0.

Minimum # of bidders

Qual-45-47 is 0 in case of no minimum bidders are required (or not specified), 0.5 in case of 2 or 3 minimum number of bidders required, while 1 if at least 4 or 5 bidders are required.

Bidding period length

Qual-49-51 is 0 in case of no regulation or regulation with less than 20 days of advertisement period, 0.5 in case of a bidding period between 20 and 30 days, 0.75 in case of a bidding period between 30 and 40 days, while 1 in case of an advertisement period longer than 40 days.

5.5. Institutional arrangements

Institutional arrangements

Qual-54 is 1 in case of having vague exemptions from the application of the PP law (e.g. art, services of constitutional representatives, expert services, utilities, textbooks, greenhouse emission rights, cultural activities etc.), while 0 in case of only having regular and widely used exemptions (defence, legal services, media related purchases, employment contracts, central bank purchases, research and development, telecommunications, purchases governed by international rules/organizations, classified information, land acquisition and rent, financial services etc.)

Qual-57-58 is 1 if there is an i) arbitration court and i) regulatory body dedicated to public procurement.

Qual-59 is 1 if the regulatory body is independent, while 0 if not.

Qual-60 is 1 if there is a procurement advisor profession legally defined.

Qual-61 is 1 if the final beneficial owner have to be disclosed when placing a bid, while 0 otherwise.

Complaints

Qual-63 is 1 if there is no fee for the arbitration procedure, 0 otherwise (including n.s. cases).

Qual-65 is 1 if there is a ban on contract signature in case of an ongoing arbitration procedure, while 0 otherwise.

Qual-66 is 100 for the country having the fewest days until arbitration court decision from filing a complaint, while 0 for the country having the most (including n.s. cases). All other countries are ranked based on their relative stance within the min/max range.³

Qual-67 is 1 if arbitration decision are publicly released, while 0 otherwise.

³ Country score=1-(difference between country A's maximum number of days and the minimum number of days)/range of maximum number of days).