

Unofficial translation

**ORDER
OF MINISTER OF JUSTICE OF THE REPUBLIC OF UZBEKISTAN**

**ON APPROVAL OF THE REGULATION ON THE PROCEDURE FOR CONDUCTING
ANTI-CORRUPTION EXPERTISE OF NORMATIVE LEGAL ACTS AND THEIR
DRAFTS**

**[Registered by the Ministry of Justice of the Republic of Uzbekistan on February 24, 2021,
registration number 3287]**

In accordance with the laws of the Republic of Uzbekistan «On normative legal acts», «On combating corruption» and the Resolution of the President of the Republic of Uzbekistan dated April 13, 2018 No. RP-3666 «On organizational measures to further improve the activities of the Ministry of Justice of the Republic of Uzbekistan», I hereby order:

1. To approve the Regulation on the procedure for conducting anti-corruption expertise of normative legal acts and their drafts according to Annex 1.
2. To recognize as invalid some departmental normative legal acts in accordance with Annex 2.
3. This order shall come into force from the day of its official publication.

Minister R. DAVLETOV

Tashkent city,
February 24, 2021,
No. 2-mh

ANNEX 1

to the Order of the Minister of Justice of the Republic of Uzbekistan No. 2-mh dated February 24, 2021

**REGULATION
on the Procedure for Conducting Anti-corruption Expertise of Normative Legal Acts and
their Drafts**

This Regulation shall determine the procedure for conducting anti-corruption expertise of normative legal acts and their drafts.

Chapter 1. General Provisions

1. The following basic concepts shall be used in these Regulation:

anti-corruption expertise means a set of measures aimed at identifying corruption-generating factors in normative legal acts and their drafts, developing recommendations and taking measures aimed at eliminating the identified corruption-generating factors;

corruption factor means legal norms generating an opportunity for manifestations of corruption, the commission of corruption offenses;

checklist means a standard form questionnaire to identify corruption-generating factors in normative legal acts and their drafts;

developer means a state body and organization which develops a draft normative legal act (hereinafter referred to as a draft);

justice bodies mean the Ministry of Justice of the Republic of Uzbekistan, the Ministry of Justice of the Republic of Karakalpakstan, departments of justice of regions and the city of Tashkent, departments of justice of districts (cities).

2. Anti-corruption expertise shall be carried out in order to identify corruption-generating factors that create the possibility of committing corruption offenses, a general assessment of the consequences of the adoption of a draft that creates an opportunity for corruption manifestations, predicting the possibility of corruption risks in the process of applying normative legal acts,

developing recommendations and taking measures aimed to eliminate the identified corruption-generating factors.

3. The main principles of anti-corruption expertise shall be deemed:

legality which means the implementation of anti-corruption expertise in accordance with the [Constitution](#) of the Republic of Uzbekistan, the laws «[On normative legal acts](#)», «[On combating corruption](#)», this Regulation and other acts of legislation;

full coverage which means mandatory anti-corruption expertise of all drafts;

openness and transparency which mean ensuring public participation in the processes of conducting anti-corruption expertise;

objectivity which means conducting anti-corruption expertise objectively and impartially, on a strictly legislative, theoretical and practical basis, within the relevant specialty, comprehensively and in full;

independence which means carrying out anti-corruption expertise by an independent person, preventing influence on the person conducting anti-corruption expertise in order to obtain an opinion in favor of interested parties;

validity which means the validity, objectivity and verifiability of the results of anti-corruption expertise;

priority of measures to prevent corruption, which means the development of recommendations and the adoption of mandatory measures to eliminate corruption-generating factors, if they are identified.

4. The main sources of information for conducting anti-corruption expertise shall be:

normative legal acts;

international treaties;

judiciary practice;

official statistics and reports;

data from government agencies and organizations;

scientific and analytical materials and publications, materials of scientific and practical seminars, conferences and meetings;

results of social surveys conducted by authorized organizations and the developer;

publications posted in mass media, including official resources of the world information network Internet;

data obtained (identified) in the course of the studies, including studies conducted directly on site, by state bodies and organizations as part of the anti-corruption expertise.

5. Anti-corruption expertise of drafts shall be carried out according to the scheme in accordance with [Appendix 1](#) to these Regulations.

6. Legal Services of state bodies and organizations on a systematic basis in the relevant field of activity shall:

organize the implementation of anti-corruption expertise of drafts;

carry out an analysis of the current normative legal acts in order to identify corruption-generating factors in their content.

Chapter 2. Corruption-generating Factors

7. Corruption-generating factors shall be identified on the basis of the Methodology, in accordance with [Appendix 2](#) to this Regulation (hereinafter referred to as the Methodology), while during the anti-corruption expertise, an analysis of each norm or provision of a normative legal act or draft shall be carried out.

8. Corruption-generating factors related to sustainability and legal compliance shall be:

misuse of words;

inaccurate and unreasonable application of reference norms;

presence of contradictions in normative legal acts.

9. Corruption-generating factors related to powers, rights and obligations shall be:

breadth of discretionary powers;

uncertainty of authority;

presence of overlapping powers and tasks of state bodies;
adoption by a state body of normative legal acts on issues that are not within its competence;
lack of the necessary powers and resources for the executor to complete the task or assignment;

deferred regulation;

conflict of interest;

unjustified establishment of advantages;

unjustified postponement of the entry into force of a normative legal act;

disproportion of rights and obligations.

10. Corruption-generating factors associated with administrative procedures shall be:

absence or incompleteness of administrative procedures;

unreasonable application of exceptions to the established rules;

establishment of unnecessary and unreasonable requirements;

uncertainty of time limits;

uncertainty in the amount of payments;

disproportionate sanctions;

uncertainty in the sources of funding for activities.

11. Corruption-generating factors associated with control shall be:

lack of a complaint procedure;

gaps in transparency and public scrutiny;

lack of forms and types of control over the activities of state bodies.

Chapter 3. Procedure for Conducting Anti-Corruption Expertise of Drafts

12. Anti-corruption expertise of drafts shall be carried out by the developer and, when the draft is submitted for legal expertise, by the justice authorities.

Anti-corruption expertise can be carried out by state bodies and organizations that adopt a normative legal act, as well as with which drafts must be coordinated.

13. Anti-corruption expertise of drafts shall be carried out by the developer by filling out a checklist based on the [Methodology](#) in the form, in accordance with [Appendix 3](#) to these Regulations.

14. If a corruption-generating factor is identified in the draft, the developer shall take one of the following actions:

adopt measures to eliminate the identified corruption-generating factor;

affixing a «yes» sign in the corresponding part of the «corruption factor» column of the checklist, an indication of a legal norm that includes a corruption factor, justification for the impossibility of stating this norm in a different way, as well as a statement of the measures taken to contain corruption risks that may arise due to the presence of this corruption-generating factor.

15. If the developer has not identified any corruption-generating factors in the draft, then in the corresponding part of the «corruption-generating factor» column of the checklist, a «no» sign shall be put down.

16. The checklist shall be drawn up with the signature of the first manager of the developer (in exceptional cases — his first deputy).

17. The checklist, filled out following the results of the anti-corruption expertise, shall be attached by the developer to the draft at the stages of its public discussion, interdepartmental agreement and legal expertise.

18. The public can evaluate drafts posted on the portal for discussing draft normative legal acts ([regulation.gov.uz](#)) in terms of identifying corruption-generating factors by filling out a checklist.

19. Proposals and comments expressed during public discussion shall be subject to consideration by the developer, and shall be also submitted to the justice authorities (for legal expertise) with the obligatory indication of the results of consideration of proposals received from the public.

20. The draft, checklist, as well as other necessary materials, finalized after public discussion and interdepartmental agreement, shall be submitted to the appropriate justice authority for legal examination.

21. The justice bodies shall carry out anti-corruption expertise of drafts submitted by the developer, based on the [Methodology](#).

22. The results of the anti-corruption expertise of the justice body shall be separately reflected in the conclusion prepared following the results of the legal expertise.

If corruption-generating factors are identified in the draft, the conclusion shall contain recommendations and measures aimed at eliminating them.

23. Comments on the results of the anti-corruption expertise of drafts shall be mandatory and must be eliminated when the draft is re-submitted for legal expertise.

24. In the event that norms containing corruption-generating factors are identified in departmental normative legal acts, the Ministry of Justice of the Republic of Uzbekistan shall refuse their state registration in accordance with the Rules for the preparation and adoption of departmental normative legal acts (reg. No. 2565 of February 28, 2014).

Chapter 4. Procedure for Conducting Anti-Corruption Expertise of Existing Normative Legal Acts

25. Anti-corruption expertise of existing normative legal acts shall be carried out by state bodies and organizations, as well as by the justice bodies on the basis of the Methodology.

26. Anti-corruption expertise of existing normative legal acts shall be carried out by state bodies and organizations within the framework of legal monitoring of the implementation of normative legal acts in accordance with the [Decree](#) of the President of the Republic of Uzbekistan dated November 2, 2019 No. DP-4505 «On measures to improve the efficiency of the implementation of acts of legislation based on modern legal monitoring mechanisms».

27. The justice bodies shall carry out anti-corruption expertise on their own initiative, as well as on the following grounds:

instruction from the Administration of the President of the Republic of Uzbekistan and the Cabinet of Ministers;

plans of work of the justice authorities;

applications of physical persons and legal entities;

proposals and recommendations of subjects of public control;

results of the study of publications and other materials received from the media;

data obtained (identified) in the process of studies, including studies conducted directly on site.

28. Based on the results of the conducted anti-corruption expertise, state bodies and organizations, as well as justice bodies, shall develop recommendations and take measures to eliminate identified corruption-generating factors or contain corruption risks.

29. Based on the results of the anti-corruption expertise of the existing normative legal acts by the justice authorities in accordance with [subparagraph 5](#) of paragraph 12 of the Regulation on the Ministry of Justice of the Republic of Uzbekistan, approved by the decree of the President of the Republic of Uzbekistan dated April 13, 2018 No. RP-3666, appropriate binding submissions can be sent to government bodies, local state authorities, law enforcement and controlling structures.

Chapter 5. Rights and Obligations of an Employee of a Justice Body Conducting an Anti-corruption Expertise

30. The basic rights of an employee of a justice body conducting an anti-corruption expert examination shall be as follows:

get acquainted with the documents related to the subject of drafts on which an anti-corruption expert examination is carried out in accordance with the procedure established by legislation;

request from state bodies and organizations the necessary documents and information necessary for conducting anti-corruption expertise;

31. The main duties of an employee of a justice body conducting anti-corruption expertise shall be:

comply with the requirements established by legislation for organizing and conducting anti-corruption expertise;

if there are grounds for self-recusal, immediately declare this to his manager; ensure the safety of the submitted documents.

Chapter 6. Final Provisions

32. Independent experts and specialists of narrow profile areas may be involved in the process of conducting anti-corruption expertise.

33. Persons guilty of violating this Regulation shall be liable in the prescribed manner.

34. These Regulations shall have been agreed with the Anti-Corruption Agency of the Republic of Uzbekistan.

APPENDIX 1

to the Regulations on the procedure of conducting anti-corruption expertise of normative legal acts and their drafts

SCHEME of conducting anti-corruption expertise of legal acts and their drafts

| Stages | Responsible | Action | Time Limit |
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| Stage 1 | Developer | Drafting normative legal act, conducting of anti-corruption expertise, filling the checklist on its results. | If necessary |
| Stage 2 | Developer | Conducting public discussion of the draft and checklist. | During the period of public discussions |
| Stage 3 | Developer | Submission to the justice authorities for legal examination of the draft, checklist, as well as other necessary materials, finalized following the results of public discussion. | After public discussions and an interdepartmental agreement |
| Stage 4 | Justice bodies | Conducting an anti-corruption expertise, submitting an opinion on its results. | Within the term of the legal examination |
| Stage 5 | Developer | Submitting the draft, checklist and other necessary materials to the Cabinet of Ministers or the state body that adopts the normative legal act. | After legal expertise |

APPENDIX 2

to the Regulations on the procedure of conducting anti-corruption expertise of normative legal acts and their drafts

METHODOLOGY OF identifying corruption-generating factors in normative legal acts and their drafts

| Direction | Corruption-generating factor | Meaning | Examples |
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| Corrupt factors related to sustainability | Incorrect use of words | Words, concepts and terms used in a normative legal act or its draft (hereinafter referred to as a normative legal act) may have different meanings or | <i>Example # 1:</i> normative-legal act: Jurisdiction shall be established according to the place of residence of citizens. |

and legal compliance of norms

contribute to ambiguous interpretation/

Concepts and terms should be applied uniformly not only in one normative legal act, but also in all legislation. If the uniform application of the same concepts and terms in different normative legal acts is impossible, it is necessary that they can be accurately and simply distinguished.

Misuse of singular or plural words also contributes to misinterpretation.

Also, referring to the person, number, place and event indicated in the previous sentence using a pronoun, as well as misuse of phrases formed using the words "and/or", may lead to discrepancies.

Therefore, each word must have a meaning that everyone can understand, or have a clear legal description.

Problem: Does "**place of residence**" refer to the person's place of residence or to the place of permanent registration.

Decision: normative legal act:

jurisdiction shall be established at the **place of actual residence of** citizens.

Example No. 2: normative legal act:

The Ministry shall determine the **procedures** for filing the **applications** referred to in this article.

Problem: In this case, it is not clear whether the ministry should establish a separate procedure for each type of application or a single procedure for all types of applications.

Decision: Normative legal act: The Ministry shall determine the **procedure** for filing the **applications** referred to in this article.

Example # 3: Normative legal act:

The official and the applicant must agree on the terms of the contract, **he** confirms the contract in writing.

Problem: It is not clear who is meant by the word "he".

Decision: Normative legal act:

The official and the applicant must agree on the terms of the contract, **the official** confirms the contract in writing.

Example # 4: Normative legal act:

Risk is the risk that customers will engage in transactions to legalize the proceeds of crime, financing terrorism **and the** financing of

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| | | | <p>the proliferation of weapons of mass destruction.</p> <p>Problem: it is unclear when the risk arises in the case of “money laundering”, “terrorist financing” and “financing the proliferation of weapons of mass destruction”, the risk arises when these actions are performed simultaneously or in a single operation.</p> <p>Decision: normative legal act:</p> <p>Risk - is the risk of clients to conduct operations in order to legalization of proceeds of criminal activity, terrorism financing and (or) the financing of proliferation of weapons of mass destruction ..</p> |
| | <p>Inaccurate and unwarranted use of reference norms</p> | <p>References in one normative legal act to norms of this or other normative legal act must be clear, logically consistent and indicate the normative legal act or its individual provisions.</p> <p>Also, filling gaps in legislation with bylaws, in the absence of appropriate powers, may lead to cases of application of a narrow departmental approach.</p> <p>In addition, the application of norms that do not allow determining the boundaries of legal normative legal act, in particular, the use of phrases such as "and others", "etc.", establish enforcement officers unreasonably wide margin of appreciation.</p> <p>For this reason, it is necessary to abandon the use of vague and unfounded references, and the adoption of a normative legal act should be carried out within the competence of the relevant state bodies.</p> | <p>Example No. 1: normative legal act:</p> <p>A public authority shall adopt a decision within the time frame established by legislation.</p> <p>Problem: it is not clear which normative legal act sets the deadline.</p> <p>Decision: normative legal act: a public authority shall adopt a decision within the time period specified in <u>article 10 of the Code of Administrative Responsibility</u>.</p> <p>Example No. 2: The Tax Code establishes that value added tax benefits are provided only by this Code.</p> <p>At the same time, this Code establishes that technological equipment, analogues of which are not produced in the Republic of Uzbekistan, imported into the territory of the Republic of Uzbekistan according to the approved list, is exempt from payment of value added tax.</p> <p>This list is approved by by a-law.</p> |

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| | | | <p>Problem: Although the Tax Code states that exemption from the payment of value added tax is provided only by this Code, the list of technological equipment exempted from VAT is approved by by-law.</p> <p>At the same time, as a result of the independent formation of this list by the executive body, there is a risk of including technological equipment in this list in the interests of certain persons.</p> <p>Decision: The list of technological equipment exempted from the payment of value added tax must be approved directly by the Tax Code</p> <p>Example No. 3: normative legal act:</p> <p>A control measure is carried out during a routine inspection, when a source of pollution is detected in a certain area (region), when importing products and in other cases.</p> <p>Problem: Due to the fact that the circumstances under which a control event can be carried out are not clearly defined, the inspector unreasonably has discretionary powers.</p> <p>Decision: a control measure is carried out during a routine inspection, when a source of pollution is detected in a certain area (region) and (or) when importing goods.</p> |
| | <p>Presence of contradictions in normative legal acts</p> | <p>Norms of normative legal acts must correspond to each other. Contradictions between the norms of normative legal acts lead to various misunderstandings in enforcement of law.</p> | <p>Example: in accordance with the standard documents approved by the Government, the opening of bids is carried out 10 — 15 days after the date of the announcement of the tender.</p> |

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| | | | <p>According to the Law "On Public Procurement", this period is 30 — 45 days.</p> <p>Problem: the establishment of different deadlines in the resolution of the Cabinet of Ministers and the Law will lead to the fact that the performers will act at a convenient time limit for themselves, as well as the formation of contradictory enforcement of law practice.</p> <p>Decision: It is necessary to bring the terms established by the decision of the Cabinet of Ministers in line with the Law.</p> |
| <p>Corrupt factors related to powers, rights and obligations</p> | <p>Breadth of discretionary powers</p> | <p>There is a high risk of corruption as a result of unreasonable provision of opportunities for state bodies and other organizations or their officials (hereinafter - state bodies) to make decisions at their own discretion, make several types of decisions and determine the ways of their execution.</p> <p>The breadth of discretionary powers is mainly manifested in the following:</p> <ul style="list-style-type: none"> in the absence of conditions or grounds for making a decision; in allowing state bodies, at their discretion, to assess a legal fact and independently determine the procedure for the performance of appropriate actions by individuals and legal entities; determination of competence according to the formula "have the right"; the imposition of duties and powers on state bodies that are not within their competence. | <p>Example No. 1: normative legal act:</p> <p>the licensing authority may decide to issue a license or refuse to issue a license based on the results of reviewing the documents of the license applicant.</p> <p>Problem: There are no grounds for issuing or refusing to issue a license, and the licensing authority is empowered to make decisions on the basis of the "right" formula.</p> <p>Decision: normative legal act: the licensing authority, as a result of consideration of the applicant's documents, makes a decision to issue a license or refuse to issue a license.</p> <p>The grounds for issuing a license are:</p> <p>...</p> <p>Grounds for refusing to issue a license are:</p> <p>...</p> <p>Example No. 2: normative legal act:</p> <p>Khokimiyats go to court with claims to collect debts for utility bills and mandatory payments.</p> <p>Problem: this authority is not related to the main</p> |

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| | | | <p>functions of khokimiyats and can lead to corruption between khokimiyats, utilities and consumers.</p> <p>In addition, utilities are independent organizations and must make their own decisions independently such as going to court with claims.</p> <p>Decision: normative legal act: to <i>exclude</i> the authority of khokimiyats to go to court with claims to collect debts for utility bills and mandatory payments.</p> |
| | Uncertainty of powers | <p>In some cases, it is impossible to determine, according to the text of a normative legal act, the state body responsible for the execution of a task or assignment.</p> <p>This is done by a state body in order to show that a state body is carrying out a certain action in which it is not interested, and in practice this action is not performed.</p> <p>At the same time, several organizations are designated as responsible for the execution of the order.</p> <p>Since the scope of powers of these organizations is not clearly defined, they can entrust the execution of the order to each other. As a result, the execution of the order is not sufficiently ensured.</p> | <p>Example: normative legal act: implementation of this Law is ensured by the relevant ministry.</p> <p>Problem: Due to the inability to identify the ministry responsible for implementation, government bodies can act in their own interests.</p> <p>Decision No. 1: normative legal act: the implementation of this Law is ensured by the state body established by Article 13 of the Law "On Electronic Government".</p> <p>Decision No. 2: Normative legal act: the implementation of this Law is entrusted to the Ministry for the Development of Information Technologies and Communications.</p> |
| | Existence of overlapping powers and tasks of state bodies | <p>Imposing the same powers on two or more bodies can lead to insufficient performance of the task, unnecessary waste of resources to complete the task, as well as excessive bureaucratic obstacles for individuals and legal entities.</p> | <p>Example: according to a normative legal act, khokimiyats are entrusted with the task of protecting consumer rights.</p> <p>Problem: this task duplicates the functions of the Agency for the Protection of Consumer Rights and can lead to a conflict of interest associated with the function of</p> |

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| | | | <p>khokimiyats to support entrepreneurship.</p> <p>Decision: it is necessary to abolish the role of khokimiyats in the implementation of consumer protection.</p> |
| | <p>The adoption of normative legal acts by a state body on issues beyond its competence</p> | <p>The adoption of normative legal acts by state bodies not authorized to adopt these documents indicates that these documents contain the interests of certain persons.</p> | <p>Example:</p> <p>by a resolution of the Cabinet of Ministers, it is established that a certain group of business entities is exempt from paying value added tax.</p> <p>Problem: according to the Tax Code, tax benefits can be provided only by this Code (except for cases of tax rate reductions established by decisions of the President of the Republic of Uzbekistan).</p> <p>Decision: the norms providing for the exemption of business entities from the payment of value added tax should be excluded from the resolution of the Cabinet of Ministers.</p> |
| | <p>Lack of the necessary powers and resources for the executor to carry out a task or assignment</p> | <p>It is important that the state body has all the necessary powers and resources, including sufficient time to fully fulfill its tasks.</p> <p>For this reason, it is advisable to set tasks based on the results of a comparative analysis of resources and the available capabilities necessary to complete the assigned tasks.</p> | <p>Example No. 1:</p> <p>by a resolution of the Cabinet of Ministers, the State Inspectorate for Supervision of the Quality of Education (Inspectorate for Education), is powered to conduct inspections of educational institutions with and without visiting these educational institutions.</p> <p>Problem: The Education Inspectorate does not have the necessary resources to exercise these powers.</p> <p>In particular, the Education Inspectorate and its territorial structures have 83 staff units that carry out this activity, while the number of educational institutions is more than 25 thousand.</p> <p>Accordingly, the Education Inspectorate does not have the ability to control all educational institutions, which</p> |

may lead to incidents of corruption in the selection process of the institution to be inspected.

Decision: allocate the required number of staff members for the Education Inspectorate or introduce a “risk analysis” system for educational institutions and a remote control procedure using electronic software or other alternative methods of monitoring educational institutions.

Example No. 2: normative legal act:

The Agency for State Assets Management is endowed with the following powers in the field of control over the activities of business entities with the participation of the state:

- consideration of annual reports;

- participation in meetings of organizations;

- holding extraordinary meetings.

Problem: The agency is not empowered with sufficient authority to exercise effective oversight.

Decision: in addition to the above, grant the Agency the following powers:

- to receive any information about the activities of business entities with the participation of the state;

- conducting a special audit in business entities with the participation of the state;

- make proposals to the agenda of the general meeting on the appointment or dismissal of the heads of business entities with the participation of the state.

Example No. 3: Normative legal act:

The State Customs Committee, **within three months, develop a customs information system “Single Window”** that meets the criteria of the Recommendations and Guidelines for the Establishment of a “Single Window” developed by the UN Center for Trade Facilitation and Electronic Business.

Problem: Three months is not enough to develop this information system. In particular, for the development of an information program:

a passport and a concept of an information system to be developed and agreed with the Ministry for the Development of Information Technologies and Communications (1-2 months);

the terms of reference for the information system to be developed and coordinated with the Ministry for the Development of Information Technologies and Communications (2-3 months);

after receiving positive opinions on all documents, a tender is to be held in accordance with the legislation in the field of public procurement and an contract to be concluded with the winner (1 month).

Accordingly, the development of the information system will begin in at least 4th month.

Decision: to set the term for the development of the customs information system "Single Window", taking into account the time required for the implementation of the above processes.

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| | <p>Deferred regulation</p> | <p>The imposition of a normative legal act on a certain state body with the task of regulating a certain area, including determining the procedure (mechanisms) and forms of implementation of the relevant norms (without determining directly in the normative legal act) may lead to the following:</p> <p> this norm does not will be executed before the approval of the procedure for its implementation;</p> <p> actions by a state body in favor of narrow departmental interests.</p> | <p>Example: normative legal act:</p> <p> from January 1, 2021, the purchase of goods, works and services related to capital construction financed from centralized sources is made only on the basis of competitive bidding.</p> <p> The Ministry of Construction determines the procedure and conditions for holding a tender in capital construction.</p> <p>Problem: this norm will not be implemented until the Ministry of Construction develops the procedure and conditions.</p> <p> In addition, the normative legal act does not contain instructions on the procedure and conditions for holding a tender - these powers are vested in the executive body. As a result, corruption can occur during tenders.</p> <p>Decision: normative legal act: the procedure and conditions for holding a tender for capital construction consist of:</p> <p> ...</p> |
| | <p>Conflict of interests</p> | <p>The normative legal act should take measures to prevent situations in which personal interest (direct or indirect) affects or may affect on the proper performance by a person of his official duties and in which a contradiction arises or may arise between personal interest and the rights and legitimate interests of citizens, organizations, society or the state.</p> | <p>Example: normative legal act:</p> <p> if the cost of the goods is from five thousand base calculated values to twenty-five thousand base calculated values under one contract, then public procurement is carried out through a tender.</p> <p> In this case, the winner is the participant of the tender who offered the best conditions for the execution of the contract.</p> <p>Problem: the possibility of a conflict of interest has not been taken into account.</p> <p>Decision: normative legal act:</p> |

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| | | | <p>if the cost of the goods is from five thousand base calculated values to twenty-five thousand base calculated values under one contract, then public procurement is carried out through a competition.</p> <p>The winner is the participant who proposed the best conditions for the execution of the contract.</p> <p>At the same time, persons with whom a conflict of interest may arise are not allowed to participate in the tender, or the person responsible for organizing and conducting procurement procedures should be removed from their duties.</p> |
| | Unreasonable Establishment of Benefits | The normative legal act should not allow the establishment of advantages for one group of subjects of legal relations, putting others in an unequal, discriminatory position. | <p>Example: some state unitary enterprises and non-governmental organizations have been granted the right to carry out their activities without a license.</p> <p>Problem: the activities of organizations in this category without obtaining an appropriate license leads to a number of negative manifestations, in particular:</p> <ul style="list-style-type: none"> competitive advantage over other entrepreneurs; the ability to circumvent licensing requirements and conditions. <p>Decision: to revoke the right of state unitary enterprises and non-governmental organizations to carry out activities without obtaining an appropriate license.</p> |
| | Unreasonable postponement of entry into force of a normative legal act | <p>Unreasonable postponement of entry into force of a normative legal act does not allow achieving the goals of its adoption.</p> <p>In this case, the implementation of the document may be postponed</p> | <p>Example: an appropriate normative act has been adopted, which will enter into force on January 1, 2020.</p> <p>This normative act has been amended twice, according to which it is established that this document will enter into force</p> |

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| | | by state authorities in favor of narrow departmental interests. | on January 1, 2021, then on July 1, 2022. Problem: The entry into force of this document has been postponed twice: until January 1, 2021; until July 1, 2022. Decision: in the process of developing a normative legal act, the state body must take measures to determine the date of entry into force of this act based on a specific analysis and not postpone the date of entry into force of the document. |
| | Disproportionate rights and obligations | The absence of obligations of state bodies, while they have rights, creates conditions for their deviation from their official powers. | Example: A normative legal act gives state bodies the right to conduct inspections of business entities with a visit to the site. However, the obligations of the state body to business entities related to the verification of their activities are not provided for. Problem: the lack of obligations on the part of a state body in the process of checking a business entity creates conditions for it to deviate from the scope of its powers through the unlimited use of the corresponding rights. Decision: normative legal act: the state body has the following rights and obligations in the process of verifying the activities of business entities: ... |
| Corruption-related factors associated with administrative procedures | Lack or incompleteness of administrative procedures | As a result of the lack of procedures for the implementation of appropriate actions by state bodies, contradictory enforcement of law practices are formed, corruption appears through the creation of unnecessary bureaucratic barriers by state bodies for individuals and legal entities. | Example: normative legal act: part of highly liquid and monopoly products produced by legal entities with a state share in the authorized capital (capital) of 50 percent or more is sold for export exclusively through exchange trading at established quotas. |

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| | | <p>The absence or incompleteness of administrative procedures is mainly manifested in the following:</p> <ul style="list-style-type: none"> unregulated actions and powers of the body; lack of normative legal act of the procedural order of execution of powers; absence or uncertainty of grounds for the implementation of administrative procedures by state bodies; no obligation to motivate the decision; presence of legal gaps; lack of clear normative legal act of the implementation of the rights of individuals and legal entities; the presence of norms that do not have a specific mechanism for their implementation. | <p>Problem: the types of products are not specifically defined, and there is no mechanism for the formation of a "part" of the product.</p> <p>Decision: normative legal act:</p> <p>30% of highly liquid and monopoly products produced by legal entities with a state share in the authorized capital (capital) in the amount of 50 percent or more, specified in the appendix to this normative legal act, is sold for export exclusively through exchange trading ...</p> |
| | <p>Unreasonable application of exceptions to the established rules</p> | <p>It is necessary that a uniform procedure and rules for carrying out activities in the relevant field to be established for all participants.</p> <p>In addition, in order to create openness (transparency) and equal opportunities for all, as well as to create a competitive environment, a competitive (auction) procedure for obtaining the corresponding rights is used.</p> <p>Even if there is a clear procedure for obtaining the right, including the establishment of the procedure for holding a tender (auction), certain persons, based on their interests, may try to obtain this right directly.</p> | <p>Example: in one normative legal act, it is established that the purchase of goods, work and services related to capital construction financed from centralized sources is carried out only based on the results of competitive bidding, with the exception of cases provided for by legislation.</p> <p>Another normative legal act allows a certain state body to purchase goods, works and services related to capital construction without holding a tender.</p> <p>Problem: this situation does not allow creating an atmosphere of openness and competition in the field, and also contributes to the emergence of corruption and "cartel" agreements in the field of public procurement.</p> |

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| | | <p>For this reason, the unreasonable application of exceptions to the established rules is considered inappropriate.</p> | <p>Decision: normative legal act: the purchase of goods, work and services related to capital construction, financed from centralized sources, is made only based on the results of competitive bidding.</p> <p>Prohibit the purchase of goods, works and services related to capital construction, without a tender.</p> |
| | <p>Establishment of unnecessary and unreasonable requirements</p> | <p>The establishment in normative legal acts of norms containing vague, difficult to fulfill and (or) burdensome requirements for individuals and legal entities may lead to the fact that individuals and legal entities will seek measures for non-compliance with these requirements without bringing to responsibility ...</p> <p>For this reason, it is inappropriate to adopt normative legal acts that can lead to the restriction of the freedom of individuals and legal entities, containing excessive redundancy in the legal regulation of relations, expressed in an unconditional and unreasonable regulation of their behavior and activities.</p> | <p>Example: normative legal act: the conditions for licensing activities to improve the qualifications of drivers of motor vehicles are as follows:</p> <p>...</p> <p>A document certifying the security of a legal entity on the basis of ownership or other property rights for the accreditation period developed for the training and retraining of drivers of motor vehicles, as well as separately for upgrading their qualifications are electronic teaching aids with three-dimensional animation effect and video content, covering the entire educational process, in accordance with government requirements;</p> <p>a document confirming the provision of a legal entity for the period of accreditation with a unified testing program with animation effects, owned on the basis of ownership or other proprietary rights, to determine the quality of knowledge acquisition in refresher courses in accordance with state requirements for advanced training of persons (drivers) operating motor vehicles ...</p> <p>Problem: In practice, most license applicants do not have the opportunity to submit these documents.</p> <p>Accordingly, the licensing process for upgrading the</p> |

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| | | | <p>qualifications of drivers of motor vehicles is very complicated, licensing requirements and conditions are high and are aimed at reducing the number of organizations that want to engage in this activity, maintaining the monopoly status of a single service organization in this area.</p> <p>Decision: it is necessary to exclude from the licensing requirements and conditions established in the normative legal act, complex and excessive requirements, as well as rules restricting competition.</p> |
| | <p>Uncertainty of time limits</p> | <p>Absence or uncertainty of time limits, the possibility of unreasonable prolongation or reduction of terms can lead to corruption.</p> <p>Due to the lack of a clear definition of the timing, there is a risk of postponing or accelerating the implementation of certain actions on the part of civil servants in their own interests.</p> | <p>Example: normative legal act:</p> <p>in the decision of the state executor to initiate enforcement proceedings, a maximum period of fifteen days from the date of initiation of enforcement proceedings is established for the voluntary fulfillment of the requirements of the enforcement document.</p> <p>Problem: in this case, the state executor can set a period for voluntary fulfillment of the requirements of the executive document based on his own interests.</p> <p>Decision: a normative legal act must clearly define the period of voluntary fulfillment of the requirements of the executive document.</p> |
| | <p>Uncertainty in the amount of payments</p> | <p>In order to prevent corruption, the amount of state duties, fees and other obligatory payments paid by individuals and legal entities should be specified.</p> <p>As a result of uncertainty about the size of payments, government agencies can reduce or increase the size of payments in favor of their own interests.</p> | <p>Example: the internal affairs bodies issue passports, as necessary, no later than 15 days after the payment of the state duty in the amount of 1 to 5 times the base calculated value (hereinafter - BCV).</p> <p>Problem: due to the fact that the amount of the state duty is not specifically specified, an official can set the amount at his own</p> |

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| | | | <p>discretion, which can lead to corruption.</p> <p>Decision: the internal affairs bodies issue passports in the following terms and payments:</p> <ul style="list-style-type: none"> within 15 days upon payment of 1-time BRV; within 5 days - 3-fold BCV; within 24 hours - 5-fold BCV. |
| | Disproportionate sanctions | <p>Uncertain and open to wide interpretation, sanctions allow government agencies to apply sanctions to individuals and legal entities based on their interests (receiving a bribe).</p> <p>Also, sanctions should be commensurate with the social significance and consequences of the relevant offense.</p> | <p>Example: normative legal act:</p> <p>carrying out activities for the carriage of passengers by road without a license - entails the imposition of a fine for citizens in the amount of 20 to 100 BCV.</p> <p>Problem: firstly, the amount of fines is overestimated in relation to the social significance and consequences of the offense, and secondly, a significantly high difference has been established between the minimum and maximum size of sanctions without criteria for their appointment.</p> <p>This situation unreasonably gives the official the right, at his own discretion, to appoint the amount of the sanction.</p> <p>Decision number 1.: a clear definition of the amount of the fine (for example, the establishment of a fine in the 40-fold amount of BCV);</p> <p>Decision # 2: Reduce the difference between the minimum and maximum sanctions and establish clear criteria for setting them.</p> |
| | Uncertainty in the sources of funding for activities | <p>Imposing in a normative legal act on a state body the obligation to carry out an event, the source of funding for which is not determined, may lead to non-execution of this event or the attraction of</p> | <p>Example: a normative legal act provided additional state support in the form of subsidizing accommodation facilities in the amount of 10 percent of the cost of accommodation services (hotel</p> |

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| | | <p>citizens or entrepreneurs to illegal sponsorship in certain interests.</p> | <p>services) from June 1, 2020 to December 31, 2021.</p> <p>Problem: Source for funding, order and organization responsible for subsidizing are not specified.</p> <p>Decision: The State Committee for Tourism Development shall ensure, at the expense of the Tourism Support Fund, the provision of additional state support in the form of subsidizing accommodation facilities in the amount of 10 percent of the cost of accommodation services (hotel services) from June 1, 2020 to December 31, 2021, in the following order:</p> <p>...</p> |
| <p>Corruption-generating factors associated with control</p> | <p>Lack of an appeal procedure</p> | <p>The absence of norms on the responsibility of state bodies, as well as a procedure for appealing their actions (decisions) creates conditions for officials to abuse their powers.</p> | <p>Example: a normative legal act defines the procedure for conducting tests for admission to the relevant educational institution.</p> <p>Problem: This document does not provide for the right and procedure for filing complaints by individuals who are not satisfied with the test results or the testing process, which can lead to cases of falsified test results.</p> <p>Decision: normative legal act:</p> <p>In the educational institution during the test period, an appeal commission is created to consider complaints.</p> <p>Complaints are accepted within two days from the date of publication of the exam results and are considered by the appeal commission within one day in the presence of the applicants.</p> <p>...</p> |
| | <p>Gaps in transparency and public oversight</p> | <p>Public oversight is one of the most effective ways to ensure transparency and rule of law.</p> | <p>Example: normative legal act:</p> <p>The Anti-Corruption Agency (hereinafter referred to</p> |

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| | | <p>On this basis, norms should be established that provide for the disclosure of information on the activities of state bodies and the procedure for providing information by them at the request of individuals and legal entities (with the exception of information constituting a secret protected by law).</p> | <p>as the Agency) operates independently of other state bodies, organizations and their officials.</p> <p>Problem: what is meant by the term "independent"? Is there no control over this organization?</p> <p>Decision: normative legal act:</p> <p>The Agency carries out its activities on the basis of the principles of legality, objectivity, accountability, openness and transparency, regardless of other state bodies, organizations and their officials, subordinate to the President of the Republic of Uzbekistan and accountable to the chambers of the Oliy Majlis of the Republic of Uzbekistan.</p> <p>The Agency submits a report on its activities to the public on the following issues:</p> <p>...</p> <p>The Supervisory Board of the Agency includes representatives of the public.</p> |
| | <p>Lack of forms and types of control over the activities of state bodies</p> | <p>If a normative legal act establishes the procedure for the actions of state bodies and does not determine the procedure for monitoring their activities, the state body can carry out these actions from the point of view of its own interests without observing the procedure established by the relevant document.</p> | <p>Example: a normative legal act provides that land plots for entrepreneurial and urban planning activities are provided for permanent use through an electronic online auction.</p> <p>Problem: there is no procedure for monitoring compliance with the procedures for the provision of land plots by state bodies.</p> <p>Decision: normative legal act:</p> <p>Public service centers, prosecutors and justice bodies exercise systemic control and monitoring of the unconditional compliance by government bodies and other organizations with the procedure for selling land plots</p> |

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| | | | <p>through an electronic online auction.</p> <p>System control and monitoring is carried out through the AIS "YERELEKTRON", without interfering with the process of preparing materials for land plots.</p> <p>...</p> |
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APPENDIX 3

to the Regulations on the procedure of conducting anti-corruption expertise of normative legal acts and their drafts

**CHECKLIST
to identify corruption-generating factors**

| Directions | Corruption-factors | Answer | | Norm that has a corruption factor and its description |
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| | | yes | no | |
| Corruption-generating factors related to the sustainability and legal compliance of norms | Incorrect use of words | yes | no | |
| | Inaccurate and unreasonable application of reference norms | yes | no | |
| | Presence of contradictions in normative legal acts | yes | no | |
| Corrupt factors related to powers, rights and obligations | Breadth of discretionary powers | yes | no | |
| | Uncertainty of powers | yes | no | |
| | Existence of duplicate powers and tasks of state bodies | yes | no | |
| | Adoption by a state body of normative legal acts on issues that are not within its competence | yes | no | |
| | Lack of the necessary powers and resources for the executor to perform a task or assignment | yes | no | |
| | Deferred regulation | yes | no | |
| | Conflict of interest | yes | no | |
| | Unreasonable establishment of advantages | yes | no | |
| | Unjustified postponement of the entry into force of a normative legal act | yes | no | |
| | Disproportionate rights and obligations | yes | no | |
| Corruption factors associated with administrative procedures | Lack or incompleteness of administrative procedures | yes | no | |
| | Unjustified application of exceptions to the established rules | yes | no | |
| | Establishment of unnecessary and unreasonable requirements | yes | no | |
| | Uncertainty of time limits | yes | no | |

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| | Uncertainty in the amount of payments | yes | no | |
| | Disproportionate sanctions | yes | no | |
| | Uncertainty in sources of funding for activities | yes | no | |
| Corrupt factors associated with control | Absence of an appeal procedure | yes | no | |
| | Gaps in transparency and public control | yes | no | |
| | Lack of forms and types of control over the activities of state authorities | yes | no | |

ANNEX 2

to the [Order](#) of the Minister of Justice of the Republic of Uzbekistan No. 2-mx dated February 24, 2021

LIST

of departmental normative legal acts recognized as invalid

1. Order m Minister of Justice of the Republic of Uzbekistan dated December 25, 2015 No. 384-mkh «On approval of the Methodology for conducting anti-corruption expertise of draft normative legal acts» (reg. No. 2745 of December 25, 2015) (Collected Legislation of the Republic of Uzbekistan, 2015, No. 51, Art. 644).

2. Order of the Minister of Justice of the Republic of Uzbekistan dated June 1, 2018 No. 307-mkh «On Amendments and Additions to the Order» On Approval of the Methodology for Conducting Anti-Corruption Expertise of Draft Normative Legal Acts (reg. No. 2745-1 dated June 1, 2018) (Collected Legislation of the Republic of Uzbekistan, 2018, No. 22, Art. 467).