

Extract from Georgian Government Resolution #220, 18 June, 2012

Article 4. Conflict of Interests and Resolution

1. Purpose of this article is to assist the CCM in prevention of conflict of interests and/or enable the CCM to respond to facts of conflict of interests in case they happen.
2. For purpose of conflict of interests prevention, members of the CCM are not authorized to make the following actions:
 - a) Use the information received by them as members of the CCM in contradiction to goals of the CCM;
 - b) Abuse status of the CCM member for making the decision, which influences upon other organization, when he/she takes a position or is employed or a concerned party is his/her relative;
 - c) Vote as the member of the CCM or abstain from voting for purpose of benefit gaining.
3. At the CCM meeting, before voting each member shall fill in the Declaration of Interests Form (enclosed as Annex). In case of possible existence of conflict of interest concerning other subjects the aforementioned form shall be completed when conflict of interests directed against them arises. These forms are considered by the Chairperson of the CCM and are kept at the Secretariat of the CCM
4. Any member of the CCM is authorized to bring up the issue of conflict of interests for consideration if it has not been declared earlier. In this case a member shall first apply to Chairperson of the CCM.
5. Activities of the CCM as much as possible shall not be funded by parties interested in the decisions made by the CCM.
6. The CCM shall make decision about existence/non-existence of conflict of interests related to some or another party, according to regulations of the CCM. The party, in relation with which is considered an issue of conflict of interests shall not attend the proceedings held to make a decision. Such a party shall present a relevant report/explanation if required by the CCM.
7. When conflict of interests arises towards a member of the CCM:

- a) In the case of a prior declaration and confirmation of conflict of interests a member of the CCM is not authorized to participate in voting until elimination of conflict of interests;
 - b) If a member of the CCM is aware of circumstance or information, which has made him/her subject of conflict of interests and a member does not make a prior declaration about that his/her member's authorities are terminated.
8. The CCM is authorized to annul and/or request to annul decisions, actions and outcomes received and made under conflict of interests conditions.
 9. If the CCM rejects existence of conflict of interests or defines that it cannot impact activities of the CCM a member immediately resumes fulfilling his official duties.
 10. Consideration and decision making related to conflict of interests shall be described and recorded in minutes by Secretariat of the CCM.

Annex

One National Authority – the Country Coordinating Mechanism against HIV
Infection/AIDS, Tuberculosis and Malaria Diseases in Georgia Interests
Declaration Form

Date of completion:

Full name:

Organization:

Position in the CCM:

I, _____, declare the following with relation to article Conflict of Interests and Resolution of the CCM Charter:

1. I have read and understood article 4 Conflict of Interests and Resolution of the CCM Charter;
2. I agree to comply with principles and requirements given in this Article;

3. I agree to undertake obligation to give notice in writing to the CCM about any existing or potential circumstance, which may cause conflict of interests or to be considered as conflict of interests during term of my work in the CCM;
4. I agree with one of the two provisions declared below, which by the information available to me, is true for the moment of signature:
 - No: My work in the CCM will not cause conflict of interests, it does not exist any grounds or circumstance, which contradicts to Article 4 of the CCM Charter;
 - Yes: My work in the CCM will cause conflict of interests or create the circumstance, which may be considered to be conflict of interests. Namely:

Signature

Extract from CCM Georgia Governance Manual. June 2015

ANNEX 1: CONFLICT OF INTEREST (POLICY AND FORMS INCLUDED)

The G-CCM recognizes that conflicts of interest, whether actual, potential, or perceived, may diminish public confidence in the G-CCM as an institution and potentially hinder implementation of programs. A strong and well-implemented conflict of interest management policy helps ensure the integrity of the G-CCM and its processes, and helps protect even the most well-meaning persons whose interests, or those of an institution with which they are affiliated, or a close associate, could be affected.

For the purposes of this Governance Manual and the G-CCM's Conflict of Interest Policy, a conflict of interest is defined as follows:

When a member of the G-CCM or its committees uses his or her position to advance personal ambitions or interests, the interests of an institution with which he or she is affiliated, or those of a close associate, in a way that disadvantages or excludes others, or is otherwise detrimental to the overall effectiveness of the Global Fund programs. Conflicts of interest may be of a financial or other nature. Conflict of interest includes potential conflicts of interest and perceived conflicts of interest that should be addressed properly to ensure that programs are not compromised.

As such, the G-CCM shall develop and publish a policy to manage conflict of interest that applies to all G-CCM members, across all G-CCM functions, including any sub-committees.

The G-CCM shall apply its conflict of interest management policy throughout the life of Global Fund grants, and will present documented evidence of its application to the Global Fund on request. The policy will:

- state that G-CCM members must periodically declare conflicts of interest affecting themselves or other G-CCM members.

- state and contain a process for documenting that members will not take part in deliberations and decisions where there is conflict of interest, including decisions related to oversight, and selection or financing of PRs or SRs.

The minutes of G-CCM meetings will demonstrate that the G-CCM follows the procedures outlined in the conflict of interest policy to prevent, manage and mitigate conflict of interest.

CONFLICT OF INTEREST (COI) POLICY FOR THE GEORGIA CCM (G-CCM)

I. Definitions

1. A **conflict of interest**: When a member of the G-CCM or its committees uses his or her position to advance personal ambitions or interests, the interests of an institution with which he or she is affiliated, or those of a close associate, in a way that disadvantages or excludes others, or is otherwise detrimental to the overall effectiveness of the Global Fund programs. Conflicts of interest may be of a financial or other nature. Conflict of interest includes potential conflicts of interest and perceived conflicts of interest that should be addressed properly to ensure that programs are not compromised.
2. A **potential conflict of interest** occurs when a member of the G-CCM and/or its committees is in the position to use his/her position in such a way that a conflict of interest, as defined above, can occur.
3. A **perceived conflict of interest** occurs when a person believes or suspects on reasonable grounds that a conflict of interest, as defined above, exists on the part of a member of the G-CCM and/or his committees.
4. A **close associate** of a person includes a family member, friend, business partner, professional associate, or close associate of the person.
5. A person is **affiliated with an institution** when they are an employee or volunteer, or have a financial interest, or a technical or governance role with that institution.
6. The **jurisdiction** of the G-CCM refers to all matters in respect of which the G-CCM has the power or authority to make decisions or recommendations.
7. The presence of a **material interest** includes, but is not limited to, any one or more of the following:
 - a) being a staff member or member of an organization or institution that is a Principal Recipient, Sub-Recipient or Implementing Partner that is funded within the Global Fund program for Georgia, or that is a prospective recipient as part of a funding proposal;
 - b) being a party to a contract, or directly involved in a transaction, for the provision of goods and services to the G-CCM or an institution or organization funded by the Global Fund program for Georgia;
 - c) having a material financial interest (through being an owner, shareholder or employee, for example) in an entity that is involved in a contract or transaction for the provision of goods and services to the G-CCM or an institution or organization funded by the Global Fund program for Georgia.

II. Purpose

8. The G-CCM recognizes that conflicts of interest, whether actual, potential, or perceived, may diminish public confidence in the G-CCM as an institution. They may similarly affect programmes the G-CCM oversees, and the institutions responsible for program implementation. A strong and well-implemented conflict of interest policy helps ensure the integrity of the G-CCM and its processes, and helps protect even the most well-meaning persons whose interests, or those of an institution with which they are affiliated, or a close associate, could be affected.

9. This conflict of interest policy has, therefore been prepared to:
 - a) Ensure fairness and transparency in the decision-making process of the G-CCM.
 - b) Secure confidence and trust among all the stakeholders and the general public.
 - c) Protect the reputation and integrity of all member organizations and representatives in the G-CCM.

III. Mandatory Declaration of Interest

10. Conflict of Interest disclosure shall be a standing agenda item in all G-CCM meetings.
11. All G-CCM members shall be required to disclose any actual, potential or perceived material interest in a matter that is placed before the G-CCM for deliberation.
12. G-CCM members shall make Conflict of Interest disclosures as follows:
 - a) By completing, on an annual basis, a Conflict of Interest Declaration form. If the information in the COI Declaration form changes materially, the member shall disclose such changes and revise the COI declaration.
 - b) By verbal or written notice through a Conflict of Interest Disclosure form, upon receipt of meeting agenda, of material conflict of interest in respect to proposed agenda for G-CCM meetings.
 - c) By verbal notice to the Chairperson at the start of G-CCM meeting before the meeting agenda is formally adopted.
 - d) By verbal notice when a matter in which the member has a material interest arises during a G-CCM meeting.
13. All declarations of interest, whether verbal or in writing, are considered to be strictly confidential once made.
14. The G-CCM shall regularly and consistently monitor and enforce compliance with this policy by reviewing COI declaration and taking such other actions as are necessary.
15. If a conflict of interest is determined to perpetually exist in relation to a member, the G-CCM shall determine how to mitigate that conflict, or recommend to the nominating sector that the member be excluded from all future meetings.

IV. Procedure for Determining and Addressing Conflict of Interest

16. Where declaration of interest is made in advance of G-CCM meeting, the Secretariat shall record the declaration for discussion at the start of the meeting under the standing agenda item on disclosure of conflict of interest.
17. Members shall disclose any conflict of interest when the meeting starts and reaches that agenda item.
18. When a declaration of interest is made, the matter shall be dealt with as follows:
 - a) The Chair shall request the member to leave the room while the G-CCM considers the disclosure and determines whether a conflict of interest exists. Once a decision is reached, and duly recorded in the minutes, the member shall be invited to return to hear the results of the deliberation.
 - b) If the G-CCM determines that a conflict of interest exists, the member shall be asked to follow the procedure set out in section 19 below.

- c) If the G-CCM determines that no conflict of interest exists, the meeting shall proceed in the usual way.
19. When deliberating on appropriate ways to address conflicts of interest, the G-CCM may consider some of the following:
- a) Personal exemption (recusal): When a matter comes before the committee for deliberation in which a member has a conflict of interest, that member shall voluntarily leave the meeting room until deliberation has ended and a decision on the matter has been reached.
 - b) Conditional participation in committee meeting: The Chair allows a member to participate in the G-CCM meeting but discloses his/her interest in a matter under discussion. This option can be applied in instances where the conflict of interest is considered as minor and disclosure would be sufficient to address it.
 - c) Partial participation in the G-CCM meeting: A member can be excluded from participating on an agenda item or a decision making process in which he/she has a conflict of interest but can participate in other agenda items. The member may also not be allowed to vote on the matter.
 - d) Total exclusion from the meeting: A member can be excluded from a G-CCM meeting if the member is deemed to have a major conflict of interest in relation to the agenda of the meeting
 - e) Should the Chairperson be the member for whom the conflict of interest arises, the Vice-Chair person or any other member so appointed, shall preside over deliberations on the matter at hand until they have been completed. The Chairperson shall follow the exemption (recusal) procedure.
20. The minutes of the G-CCM meeting shall contain:
- a) Names of the persons who disclosed or otherwise were found to have an interest in connection with an actual or possible conflict of interest, the nature of the interest, any action taken to determine whether a conflict of interest existed, and the G-CCM decision as to whether a conflict of interest in fact existed.
 - b) Names of the persons who were present for discussions and votes relating to the issue, the content of the discussion, and a record of any votes taken in connection with the proceedings.

V. Special Procedures for the Selection of PRs and for G-CCM Oversight Functions

- 21. Members shall exempt (recuse) themselves from participating in G-CCM deliberations where the selection of PRs, SRs or other implementing entities in which members have an interest is being considered.
- 22. Where the Chairperson, or Vice-Chairperson, or both are from the same entity as the PR, either individual shall exempt (recuse) themselves from deliberations on the performance of the PR.
- 23. At the discretion of the other members, the member may be invited to remain for the discussion according to the procedures in Section 19 above.
- 24. Where both Chairperson and Vice-Chairperson must exempt (recuse) themselves, the G-CCM shall appoint an individual from amongst themselves to preside over the discussions.

VII. Failure to Disclose Conflict of Interest

25. Where the Chairperson has reasonable cause to believe that a member has not disclosed a conflict of interest, the Chair shall inform the individual in question and offer him/her an opportunity to reply.
26. Where a member of G-CCM has reasonable cause to believe that a member has not disclosed a conflict of interest, he/she shall inform the Chair. The Chair shall then inform the individual in question and offer him/her an opportunity to reply
27. If, after hearing the response and making such other investigations or inquiries as may be reasonable, the G-CCM determines that a failure to properly disclose a conflict of interest has occurred, the Chairperson shall initiate disciplinary action which may include one or more of the following:
 - a) Delivery of a formal apology on the part of the member in question;
 - b) Suspension of the member pending further deliberation on appropriate disciplinary action; or,
 - c) Removal of the member from G-CCM.

VIII. Gifts or Preferential Favors

28. Members may not accept gifts or preferential favors under circumstances that could reasonably be construed to mean that such gift or favor is motivated by the position of the member and interests that could be substantially affected by the decisions of the G-CCM.
29. Members may not give gifts or preferential favors where it could be reasonably construed that the gift is intended to affect the policies, decisions or performance of the G-CCM or any other entity involved in the Global Fund grants.
30. Exceptions to the provisions in this section may only be made by decision of the G-CCM.

IX. Policy Dissemination and Review

31. The G-CCM Secretariat shall distribute a copy of this policy to all G-CCM members annually, along with a copy of the Conflict of Interest Declaration of Interest Form (DIF).
32. Copies of this policy and the DIF shall be posted on the G-CCM website.
33. This policy shall be reviewed annually by the G-CCM. Through the Chairperson, the G-CCM may initiate a policy review and amendment process at any time in advance of the review schedule.

**Georgia Country Coordinating Mechanism for Global Fund Grants
Conflict of Interest Declaration Form (completed annually)**

(to be used for G-CCM members who are unable to read the Georgian CoI Declaration Form
as given in Resolution #220)

I, _____ (name), pledge to comply with the Georgia Country Coordinating Committee (G-CCM) Conflict of Interest Policy.

As a G-CCM member, alternate or other interested party, I shall not discuss, advocate or vote on any matter in which I have a conflict, or potential conflict of interest, or any interest, which might reasonably appear to be in conflict with the concept of fairness when dealing with the business of the Global Fund funded Programs.

I acknowledge that a conflict of interest or a potential conflict occurs if:

- a) I have a self, monetary, or other interest, either direct or indirect; and/or
- b) The Organization that I represent may have a financial, administrative, or programmatic interest in issues or transactions under consideration in the G-CCM.

I hereby certify that I have read and understood the Conflict of Interest Policy. I confirm that I will adhere to the Conflict of Interest Policy that requires me to declare a conflict or potential conflict of interest on a particular issue to the G-CCM. In such cases, I shall excuse myself from G-CCM discussions and voting concerning the matter in question.

I further acknowledge that I am obliged to raise any conflict of interest I may be aware of amongst other members of the G-CCM or implementing organizations to safeguard the G-CCM reputation and ensure it adheres to ethical standards, and conducts business in a balanced and transparent manner.

In keeping with the above principles and those further stated in the Conflict of Interest Policy, I would like to declare as follows: For the current year: *(Tick the item that applies)*

- I do not have any foreseeable conflict of interest that relates to the functions and operations of the Global Fund grants in Georgia.
- I have a conflict of interest. (Please fill out the table below.)

Signature: _____

G-CCM Member Name: _____

Constituency: _____

Date: _____

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**GEORGIA COORDINATING MECHANISM (G-CCM)
CONFLICT OF INTEREST DISCLOSURE FORM**

**TO BE FILLED BY MEMBERS WITH CONFLICT OF INTEREST ONLY PRIOR TO OR
DURING G-CCM MEETINGS**

TITLE (Mr./Mrs./Ms./Dr./Prof.)	
NAME	
ORGANIZATION	
CONSTITUENCY REPRESENTED	
DISCLOSURE	
<input type="checkbox"/> I have conflict of interest on the following agenda items: <ol style="list-style-type: none"> 1. 2. 3. 4. 	
Provide details of the conflict of interest	
SIGNED	
DATE	

