



## Deputy Minister of Agriculture has violated requirements of the Law of Georgia on Civil Service

On 15 March 2018, Head of the LEPL Environmental Protection Agency under the Ministry of Agriculture of Georgia, Tamar Bagratia made a [public announcement](#) about her resignation, saying that she was resigning as a result of pressure by Deputy Minister of Agriculture Nino Tandilashvili. According to Tamar Bagratia, she was requested and later categorically demanded by Deputy Minister Nino Tandilashvili to appoint a concrete individual – Temur Mtvlishvili (Head of the Audit Department of the Ministry of Environment and Natural Resources) as the first deputy head of the Environmental Protection Agency.

Based on Tamar Bagratia's statement, the deputy minister demanded appointment of a concrete individual as the deputy head of the Agency based on para.11, Article 2 of the 7 December 2017 amendments to the Law of Georgia on the Structure, Authority

and Rules of Operation of the Government of Georgia, which stipulates that:  (ministries) and institutions within their system indicated in paragraphs 1-6 of this Article shall ensure transfer of professional civil servants and contractors as well as legal entity of public law staff members and non-staff members employed in corresponding ministries and within their system, which existed prior to the enactment of the present Law, to corresponding positions without a competition.”

We believe that LEPL heads and deputy heads do not fall within the scope of the said provision in consideration of their legal status and the special rule for their selection. Under the Law of Georgia on Civil Service, LEPL head and deputy head is a state official and not a civil servant. Therefore, transfer of a professional civil servant (head of the Audit Office) to the position of a state official (LEPL deputy head) may not be viewed as a  to a corresponding position A<sup>1</sup> which was the principal requirement of the law in the case in question. In addition, unlike professional civil servants LEPL heads and deputy heads are selected in a simplified competition. Therefore it is important that in the process of selection of LEPL heads and deputy heads, state entities act in abidance by the special rule of selection and refrain from appointing such officials unilaterally and without a competition.

Analysis of the case in question indicates that violation of the norms of the Law of Georgia on Civil Service and signs of exceeding official powers are evident in actions of the Deputy Minister of Agriculture. We believe that the Civil Service Bureau and the Office of the Prosecutor of Georgia should take notice of the case and examine the developments at the Ministry of Agriculture of Georgia and the subordinate LEPL in a comprehensive manner.

GYLA continues to monitor the course of the civil service reform in Georgia and it will request additional information from state entities about the foregoing issues.