

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY ROMANIA**

***PROMOTING GOOD GOVERNANCE IN SPORT AND MITIGATING
THE RISK OF CORRUPTION***

ROMANIA (SEVENTH MEETING)

The corruption phenomenon in sports can be defined, under the criminal law, in the category of corruption offences in the private sector. There isn't any special law to incriminate the sports corruption in Romania, nor are special categories of offences in the Criminal Code to separately incriminate the bribe giving/taking or traffic of influence in sports. In these cases, the general categories of bribery offences are applied (giving, taking of bribe, traffic and buying of influence), as provided by the Criminal Code and the

Law no. 78/2000 on preventing, discovering and sanctioning corruption offences.

In 2009, Romania adopted a new Criminal Code, which solves the problem of defining a football player or referee as being an "official". The new Criminal Code simplifies the issue concerning the qualification of the active subject of the bribe taking offence in the case of corruption committed in the private sector. Thus, article 308 „Corruption offences and offences related to the public office committed by other persons” provides that: „The dispositions of article [...] relating to public official shall apply accordingly to the deeds committed by or in relation to persons who temporarily or permanently, with or without remuneration, exercise a task of any nature [...] within any legal person. In this case, the special limits of the penalty are reduced by one third.”

Thus, the legal provisions used to combat corruption in sports, including manipulation of sports results, are provided by the primary criminal legislation. Only based on these provisions, the criminal liability can be invoked.

Apart from the Criminal Code and Law no. 78/2000, there are specific provisions on illegal material advantages contained in the Disciplinary Regulation of some sports Federations.

These provisions are enforced only in relation to the specific sport and actions they refer to. So, apart from the criminal legislation, there are also disciplinary provisions applicable to each category of sport, entailing the disciplinary liability of the person infringing them.

Concerning the promotion of the good governance in sports, the Ministry for Public Consultation and Civil Dialogue was involved in offering assistance for the Ministry of Youth and Sports, in drafting the new Romanian Sport Strategy, as well as in the improvement of the process of providing access to public information.

The Romanian Football Federation took a series of measures to promote integrity in football. A Strategic Plan to Develop the Football in Romania 2015-2020 was approved by the Federation's General Assembly in March 2015. In April 2015, the Integrity and Antifraud Department of the Romanian Football Federation organized the seminar "Clean Football", attended by representatives of law enforcement institutions in Romania and two European experts. Issues on the manipulation of sport competitions results for the purpose of illegal income were debated.

platform (<http://www.fotbalcurat.frf.ro/>) where all football players, coaches and referees in the first three leagues in Romania, based on a username and password, will be able to notify suspect matches they witness or they are involved in. Anonymous notifications are also taken into account.

In May 2015, the Integrity and Antifraud Department of the Romanian Football Federation

launched an information and prevention campaign on manipulation of sports results, “Clean Football”. The initiative was supported by the Amateur and Non-amateur Footballers Association in Romania, and the Association of Organizers of Betting in Romania, Romanian Bookmakers.

Within this campaign, young players with ages between 15 and 20 years, registered with the clubs affiliated to the Romanian Football Federation will participate, for one year, in seminars that have the role inform on the issue of manipulation of matches. The seminars took place in 23 cities. This campaign is developed in accordance with the Strategic Plan to Develop the Football in Romania 2015-2020, aiming at ensuring integrity in football.

II. 2. Detection, investigation and prosecution of criminal offences linked to sport integrity

• *Establishment of specialized law enforcement or prosecutorial units responsible for dealing with offences relating to integrity in sport;*

The National Anticorruption Directorate (DNA) is a prosecutor's office specialized in combating high and medium level corruption. It was set up as a necessary tool in discovering, investigating and indicting high and medium level corruption cases. As a result of its activity, DNA contributes to reducing corruption, giving its support for a democratic society close to the European values. DNA is an independent entity in its reports with the courts, with the prosecutor's offices attached to these courts, as well as in its relations with the other public authorities.

DNA carries out criminal investigation activities in cases of offences assimilated to corruption and in direct connection with corruption. Moreover, DNA investigates offences committed against the financial interests of the European Communities as well as certain categories of serious offences of economical-financial criminality (among others, the forms of the abuse of office - abuse of office against the public interests, against the persons' interests).

The law provides three criteria for high and medium level corruption:

- a) the value of the bribe or of the undue advantages exceeds 10,000 euro,
- b) the prejudice caused in the case exceeds 200,000 euro,
- c) the corruption offences are committed (regardless of the value of the corruption object or of the prejudice) by people with important positions, such as: Deputies; Senators; Government members; State Secretaries or Under Secretaries of State; judges and prosecutors; officers, admirals, generals; mayors and vice-mayors of municipalities; presidents and vice-presidents of county councils; county councillors; prefects and deputy prefects; customs personnel; people holding management positions within national companies and firms and within autonomous administrations.

DNA doesn't have a special competence to investigate corruption in sport, but if any of the above criteria is met, the corruption offence or corruption-related offence falls under its competence.

• *Examples of criminal cases involving offences linked to integrity in sport (corruption, money-laundering, organized crime, match-fixing, etc.);*

1. The defendant S.I., as a football referee within the Referees Central Commission – a structure of the Romanian Football Federation (under investigation for bribe taking) received 21.000 USD from the defendant P.G.C., through the defendant M.M.M. (under investigation for complicity to bribe taking) and of the accused F.L.I. This amount of money was given so that the defendant S.I., as a seconded referee from the Romanian Football Federation, should officiate the football game between two football clubs and facilitate for one of them to win the game they were to play against the other and also for the players of the first football club not to get any disciplinary sanctions („yellow card” or „red card”), and this kind of sanctions should be applied to the players of the opponent team.

Through its decision, the High Court of Cassation and Justice decided as follows:

- The defendant P.G.C., former main shareholder of a football club was sentenced to 3 years imprisonment with suspension for bribe offering
- The defendant F.L.I., former director of a commercial company was sentenced to 2 years imprisonment with suspension for complicity to bribe giving,
- The defendant S.I., former referee within the Romanian Football Federation (FRF), was sentenced to 2 years imprisonment with suspension for bribe taking
- The defendant M.M.M., former referee within the Romanian Football Federation (FRF), was sentenced to 2 years imprisonment with suspension for complicity to bribe taking
- 5.000 USD seized from the defendant S.I., and the rest of 16.000 from the defendant PC.

2. On May, 21, 2011, when performing his duties as a supervisor of the football game between two Romanian teams, within the 34-th round of the Premiere League, the defendant A.V., chairman of the Referees Central Commission within the Romanian Football Federation (under investigation for continuous bribe taking), received from the defendant T.S.I., business man, under investigation for continuous bribe giving, through two intermediate persons, the amount of 19.000 euro in order to second some referees agreed by one of the football teams to the 2011-2012 championship games. Under the same circumstances and for the same purpose, the defendant A.V. benefited of free helicopter round-trips between the two cities where the football teams had their clubs, offered by T.S.I.

Through its decision, the High Court of Cassation and Justice sentenced the defendant A.V. to 3 years imprisonment and interdiction, both while serving the sentence, and for two years after that, of the following rights: to be elected in public authorities or in elective public position, to hold a position in relation with the public authority, to exercise a profession or perform a duty similar to that he used when committing continuous bribing and attempting to forgery in documents under private signature. Against the defendant T.S.I., the Court stopped the proceedings as the defendant died.

3. S.M., the president of the Romanian Football Federation (FRF) and D.D., the president of the Professional Football League and vice president of FRF, under investigation of abuse of office against personal interests in qualified form, the crime of using the influence or the authority of a person performing a management duty within a legal non profit entity in order to obtain for himself or for other money, goods and unfair advantage (art.13 Law no. 78/2000) and the crime of thief from goods seized, as well as of the non-profit legal entities, the Romanian Football Federation and the Professional Football League, charged with the crimes of abuse of office against personal interests in qualified form and the crime of thief from goods seized.

On July 20, 2011, during a meeting of the Executive Committee of FRF, a temporary exclusion of a football club was decided. The exclusion was attributed to a serious breaking of the Federation statute, without any detail or reason regarding the breaching and their severity. In order to make this decision, the defendants M.S and D.D. used their influence and authority against other members of the FRF Executive Committee. Subsequently, through a civil sentence, Bucharest Court of Appeal stated that the measure of the temporary exclusion of that football club was adopted as "a manifest abuse of power, and by its implementation, irremediable consequences have been produced concerning material and sport activities which are perpetuated in time". Immovable property of defendants S.M. and D.D. and the Professional Football League were seized.

4. The defendants G.B. and S.T were sent to trial for bribe giving and complicity of bribe giving. B.G. financial and shareholder of a football club offered, between May 4, 2008 and May 7, 2008, the amount of 1.700.000 euro, to football players from a football team who were to play the game in the 34-th round of the National Football Championship – First League (roughly 100.000 euro each) in order to perform their duties foreseen by the game contracts, the Internal Regulation and FRF Regulation regarding "the Statute and transfer of football players", consisting in a fair defensive of the chances and achieving training - performance objectives set by the club, in order to win the game against another football team. The defendant S.T. helped the defendant G.B., when, between May 5, 2008 and May 7, 2008 went to a football team's home city to ensure both the existence of the money and the possible remittance of the money, according to the game result. Through the decision of the High Court of Cassation and Justice, the defendants B.G. and S.T. were received final convictions, including the two mentioned above offences.

5. In August 2015, DNA prosecutors sent to trial the defendants:

- O.C. and N.I.P., the president of a County Council, respectively the secretary of the County Council, investigated for abuse of office,
- H.R., P.D.O., C.D.S., B. P., M.M.M., public servants when committing the crime, under investigation for complicity to abuse of office
- C.H.G., executive director of a football club, at that time, investigated for complicity to abuse of office and forgery in documents under private signature, in continuous form.

Between 2008 and 2011, the defendants O.C. and N.I.P, taking advantage of their positions (president, respectively secretary of the County Council) abusively and against

the legal provisions approved and ordered the allocation and payment, helped by the other defendants, from the County budget, the amount of 9.950.000 to a company. In this case, prosecutors ordered the seizure of immovable property of defendants O.C., N.I.P., H.R., M.M.M., R.L.I. and C.D.S. Bank accounts of the defendants N.I.P. and O.C were also seized.

6. In December 2015, the prosecutors from the National Anticorruption Directorate have sent to trial the following defendants:

- D.F., Mayor of a X municipality, investigated for abuse of office and
- K.I., economic manager of X Municipality, investigated for abuse of office,
- C.M., M.S.C., B.I., F.I., B.L.A, M.E.V., public servants in X City Hall investigated for complicity to abuse of office,
- M.I.N, president of the Sports Association of that municipality, investigated for complicity to abuse of office, continue embezzlement and money laundering,
- The Sports Association of that municipality, investigated for money laundering.

On 18th of July 2013, the defendant D.F., mayor of X Municipality and main account officer has committed abuse of office by breaching the provisions from different normative acts that were prohibiting funds allocation from local budget to the Sports Association of X municipality, because this association was in debt for not paying taxes to the state budget. In concrete, the defendant D.F, helped by B.L.A. and M.E.V., issued, in illegal circumstances, a draft Decision of the Local Council which represented the premises for adopting illegally the Decision of the Local Council on the approval of the amount 7.500.000 RON from the local budget, to be allocated for the competitive season 2013 – 2014. The purpose was to maintain the connection between X Municipality and the Football Club X Municipality.

So, the money (7.053.000RON) was sent to the above mentioned associations. Knowing that the money are coming, in fact, from a criminal offence, M.I.N has paid the amount of 551.831RON as obligations to the general consolidated state budget and amount of 600.000RON as reimbursement of credit, to a bank unit.

Though these facts, the local budget of X Municipality was prejudiced with the amount of 7.053.000RON, money that was paid to the Sports Association during 21.08.2013 - 31.05.2014, along with obtaining an undue advantage for the Football Club X Municipality. All the assets owned by M.I.N were seized. Also, the amount of money owned by the Sports Association were seized too.

7. In February 2016, the prosecutors from the National Anticorruption Directorate sent to trial the following:

- T.G., judge within the Bucharest Tribunal, home arrested, investigated for bribery,
- B.I., sports agent, investigated for bribery,
- B.V., sports agent, investigated for bribery,
- B.C., executive president of the Football Club “DINAMO” investigated for bribery,
- I.G.A., lawyer, investigated for false testimony,
- P.D.C, lawyer, investigated for false testimony.

In February 2009, the defendant T.G., judge within the Bucharest Tribunal, was assigned

to judge a criminal file, known in the public area as “The file of football players’ transfer”. In this criminal file, the defendants B.I., B.V., B.C. and others were indicted for fraud and tax evasion.

On 3 of April 2012, the defendant T.G. pronounced in that criminal case an acquittal decision for all the defendants investigated in that file and for all the offences. T.G. motivated the acquittal decision on the provisions of art. 10, letter a from the Criminal procedure code from 1968 (“there is no offence”). According to the indictment, between April 2009 and May 2012, the defendant T.G received the amount of 195.000 EUR for pronouncing this decision

From this amount, 185.000 EUR were paid to the defendant T.G by the defendants B.I. and B.V. (brothers) and the amount of 10.000 EUR was paid by the defendant B.C. On 12 of November, 2012, the acquittal decision pronounced by T.G. was dissolved through a criminal decision of the Criminal Division from the Bucharest Court of Appeal, the court for judicial control convicting afterwards the defendants to imprisonment.

On 8 of December 2015, the defendant I.G.A was heard as a witness, in this criminal case, with regard to the corruption offences committed by T.G. and B.C. During his hearing, he made false statements and didn’t offer information on essential facts that he was asked about. On 24 of November 2015, the defendant P.D.C was heard as a witness, in this criminal case, with regard to the corruption offences committed by T.G., B.I. and B.V. During his hearing he made false statements and didn’t offer information on essential facts that he was asked about.

All the assets belonging to T.G. were seized.

8. The National Anticorruption Directorate sent to trial 8 defendants for illegal transactions on the football players’ transfer to foreign clubs. A prejudiced to the state budget of approx. 1.5 million UDS was created and over 10 million USD to four football clubs. Some of the money obtained from the transfers was laundered through some offshores.

The following persons were sent to trial, for fraud, tax evasion, continued money laundering and criminal organization:

- C.G, former president of football Club A, investigated for fraud and continued tax evasion.

- S.M., former director of Football Club B;

- P.J., president of Football Club C;

- P.G., former employee of a sport-related company;

All of them were investigated for fraud, continued tax evasion and money laundering

- N.G., former shareholder of Football Club D, investigated for fraud, tax evasion and money laundering and B.C., executive president of Football Club D,

- B.I. former sports agent and B.V., sports agent.

The Court of Appeal decided the following:

- Convicted C.G. to 3 years and 8 months imprisonment for committing two tax evasion offences,
- Convicted S.M. to 3 years and 6 months imprisonment for committing two fraud offences with very serious consequences
- Convicted B.C. to 6 years and 4 months imprisonment for committing two fraud

offences, two money laundering offences and tax evasion, all of them repeated facts,

- Convicted B.I to 6 years and 4 months imprisonment for committing two money laundering offences, fraud and tax evasion, all of them repeated facts,
- Convicted B.V. to 4 years and 8 months imprisonment for committing two money laundering offences and tax evasion, all of them repeated facts,
- Convicted P.J. for committing two fraud offences with very serious consequences, money laundering and tax evasion,
- Convicted P.G. to 3 years, 1 month and 10 days imprisonment for committing two money laundering offences and tax evasion, all of them repeated facts,
- Convicted N.G. to 3 years and 4 months imprisonment for committing two money laundering offences fraud with very serious consequences and tax evasion.

The Court ordered the confiscation of the following amounts:

- from the defendant C.G –150.000 USD, RON equivalent (transfer of the football player D.C) and 40.000 USD, RON equivalent (transfer of the football player B.F.);
- from the defendant S.M– 550.000 USD, RON equivalent (transfer of the football player A.I.);
- from the defendant B.C. 593.750 USD and 80.000 USD, RON equivalent, from the defendant B.I. – 418.750 USD, RON equivalent (transfer of the football player C.C.);
- from the defendant B.I. 1.400.000 USD, RON equivalent and from the defendant P.J the amount of 112.000 USD, RON equivalent (transfer of the football player G.I.);
- from the defendant B.C. 169.667 USD, RON equivalent, from the defendant B.I. 1.201.667 USD, RON equivalent, and from the defendant B.V. 1.201.667 USD, RON equivalent (transfer of the football player C.P);
- from the defendant B.C. 213.000 USD, RON equivalent, from the defendant B.I. 125.000 USD, RON equivalent, from the defendant B.V. 125.000 USD, RON equivalent from the defendant S.M 125.000 USD, RON equivalent (transfer of the football player C.F);
- from the defendant B.C. 124.500 USD, RON equivalent, and from the defendant B.I. 100.000 USD, RON equivalent lei (transfer of the football player M.B.);
- from the defendant B.C. 32.167 USD, RON equivalent, and from the defendant B.I 360.000 USD RON equivalent and from the defendant B.V. 360.000 USD, RON equivalent (transfer of the football player M.N.);
- from the defendant P.J. 87.000 USD, RON equivalent, from the defendant B.I 75.000 USD, RON equivalent, from the defendant B.V. 75.000 USD, RON equivalent and from the defendant P.G. 75.000 USD, RON equivalent (transfer of the football player S.L.);
- from the defendant C.G. 500.007 USD, RON equivalent, from the defendant B.I. 500.000 USD, RON equivalent, and from the defendant P.G. 1.000.000 USD RON equivalent, minus 1.330.000 RON paid as tax (transfer of the football player B.F);
- from the defendant B.C. 29.200 EUR, RON equivalent, and from the defendant B.I. 403.000 EUR, RON equivalent (transfer of the football player A.D.).
- from the defendant B.I. 350.000 EUR, RON equivalent (transfer of the football

player M. A.).