

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED

BY ROMANIA

ARTICLE 6 UNCAC

PREVENTIVE ANTI-CORRUPTION BODY OR BODIES

ROMANIA (FIFTH MEETING)

I - Information requested from States parties in relation to mandates of anti-corruption body or bodies in respect of prevention (art. 6)

The Ministry of Justice is responsible for the overall anticorruption policy in terms of design, implementation and monitoring, while the National Integrity Agency is responsible for the verification of wealth, potential conflicts of interest and incompatibilities of public officials.

1. Please describe the measures you have taken to implement art. 6 of the Convention.

In particular, States parties may wish to cite and describe measures that:

- **Allocate responsibility to a specific body or bodies for the development and implementation of preventive anti-corruption policies;**

Since 2001, Romania implemented 3 national anticorruption strategies (2001-2004, 2005-2007 and 2008-2010) and it is currently implementing the newest public anticorruption policy. The National Anticorruption Strategy 2012-2015, the Inventory of anti-corruption preventive measures and evaluation indicators, as well as the National Action Plan for the implementation of the National Anti-corruption Strategy for 2012-2015 were approved through the Government Decision no. 215/20.03.2012 and published in the Official Journal no. 202/27.03.2012.

In order to draft this strategy, preliminary consultations were organized by the Ministry of Justice between April and July and continued between September and November 2011. Along 2011, over 20 meetings were organized, attended by over 500 persons, representing over 90 public and private entities. The civil society has been extremely active during the consultation stage.

The new strategic document is built on the premise of a well-developed legislative and institutional framework. The accent is therefore placed on the implementation and the stability of the legislative and anticorruption institutional framework. The NAS 2012 - 2015 has a holistic and multidisciplinary character and is addressed to all public

institutions representing the executive, legislative and judiciary powers, local government, business environment and civil society.

The strategy ensures the implementation of EC recommendations, incorporating at the same time the specific recommendations issued by “*The independent assessment on the implementation of the National Anticorruption Strategy 2005-2007 and the National Anticorruption Strategy on Vulnerable Sectors and Local Public Administration 2008-2010 in Romania*”. The independent assessment was conducted between December 2010 and March 2011, within the project entitled Support for the Ministry of Justice for the implementing the recommendations of the European Commission in the framework of the Cooperation and Verification Mechanism. The Project was conducted by the Ministry of Justice and the UN Development Program. The evaluation Report was published on 14.04.2011 on the web site of the Ministry of Justice and public consultations were initiated, in order to elaborate the new national anti-corruption strategy.

The strategic document aims at preparing GRECO’s fourth evaluation round, on “Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors”.

In order to ensure the coherence and the coordination of all the relevant national level initiatives, the strategy includes the 2nd, the 3rd and the 4th benchmark of the Cooperation and Verification Mechanism (established by the European Commission). This document incorporates the areas identified as priorities at EU level by the EC Anticorruption Communication: recovery of proceeds of crime, whistleblower protection, public procurement, preventing and combating political corruption, protection of EU financial interests. The Strategy puts an accent on measures promoting the institutional integrity, but also proposes new instruments, known as European best practises, such as self-assessment methodology on corruption risks, the introduction of the integrity plans or, on an experimental basis, the introduction of the integrity test in public administration.

The inventory of preventive measures and associated assessment indicators aims at achieving a periodical (biannual) assessment of the application and efficiency of anticorruption measures. The self-assessment is backed by a mechanism consisting of specific assessment missions made by joint teams, made of experts from various public institutions and agencies or NGOs.

Lastly, the strategy reflects Romania’s commitment towards the values of the Open Government Partnership. In September 2011, our country joined the Partnership declaration, assuming as major priorities: increasing the availability of public data made available by public authorities, improving public services, increasing public integrity, effective management of public funds, creating a safer community and strengthening corporate responsibility.

In Romania, the National Integrity Agency (ANI) has exclusive competences in preventing and combating conflicts of interests, unjustified wealth and incompatibilities. Also, the other fundamental attribution of ANI is the management of assets and interests disclosing process. Approx. 350.000 dignitaries and civil servants must submit, annually, assets and interests disclosures.

The Agency was established through law in 2007 and became fully operational in 2008.

Moreover, the Anti-corruption General Directorate (AGD) was set up as the specialized structure on preventing and countering corruption within the Ministry of Internal Affairs (MoIA) personnel, through Law no. 161/2005 on establishing certain measures to prevent and counter corruption.

ROMANIA (THIRD MEETING)

NATIONAL INTEGRITY AGENCY

I. ORGANIZATION AND OPERATION

The National Integrity Agency (NIA) was established under Law no. 144/2007, as amended and supplemented, as an autonomous administrative authority, with legal personality, operating at national level, a unique structure, with headquarters in Bucharest. Its main task is to ensure the performance of public dignities and positions in conditions of impartiality, integrity and transparency. The institution aims at organizing in a unitary and institutionalized manner the control of assets acquired during the exercise of mandates or performance of public dignities positions, verification of conflicts of interest, and incompatibilities.

NIA is a specialized body within the central public administration, financed from the state budget.

MISSION

The Agency operates under the principles of legality, confidentiality, impartiality, independence operational, celerity, good administration, defense, and the principle of presumption of lawful acquisition of wealth.

The Agency's mission is to contribute significantly to the establishment of standards of integrity, good practice in public administration and to discourage behaviors that generate corruption in the administrative level through active cooperation with institutions and authorities at national and European level.

OBJECTIVES

In 2011, the Agency focused to enhance its activity by fulfilling the following main objectives:

- reaching efficiency and enhancing the evaluation activity of assets, conflicts of interests and incompatibilities;

- fulfilling the objectives set through ANI's **“Strategy for combating and preventing acquiring unjustified wealth, conflicts of interests and incompatibilities - 2011 – 2014”**

- taking measures on submitting the assets and interests disclosures in due time, as well as developing the assets evaluation cases, conflict of interests cases or incompatibilities;
- professional training of the personnel (both operative and administrative)
- improving the work procedures within the Agency's departments;
- enhancing inter-institutional cooperation;
- developing awareness and prevention events;
- informing the targeted public on the normative acts incidental to A.N.I.'s activity;

In 2011, the Agency strengthened its institutional activity by:

- improving the outcome of existing working procedures in the departments of the Agency;
- training of staff;
- improving the efficiency of evaluation of assets, conflicts of interest and incompatibilities;
- dynamic inter-institutional cooperation.

II. FINANCIAL RESOURCES

a) The final budget for 2011 of NIA, approved by Parliament by Law no. 286/2010 on the State Budget for 2011: 11.024.000 Lei, of which:

- Staff costs: 5.635.000 Lei;
- Goods and services: 5.356.000 Lei;
- Capital expenditure: 33.000 Lei.

b) Supplementary budget for NIA for 2011, approved by Decision no. 466/11.05.2011 :

- Additional budget requested by NIA: 7.384.000 Lei (EUR 1.759.000);
- The total amount allocated by the Government: 2.700.000 Lei (Euro 643,189) = 36.56% of the amount requested.

III. THE STRUCTURE OF THE POSITIONS ON 30 DECEMBER OCCUPIED AND FREE

- Filled in: 83 positions
- Vacant: 117 positions

IV. STAFF PROFESSIONAL TRAINING

Between January 4 and 15, 2011, Human Resources, in collaboration with the Department of Communication, Public Relations and Strategy, carried out a research for defining

training needs and specialization of the professional staff of the institution and also to identify “risk areas” where training activities should be prioritized during 2011.

The research was carried out through a questionnaire, which included a set of 23 structured questions, in order to provide an overview of training activities attended by agency staff in 2010 and also the expectations and wishes of individuals related to their training. Following the centralization and analysis of data obtained from the research, the department of Human Resources in collaboration with the Department of Communication, Public Relations and Strategy developed:

1. The Strategy for training the staff of the National Integrity Agency for 2011;
2. The Action Plan on training civil servants in 2011;
3. The Annual Plan draft of professional civil servants in 2011.

Thus, following the training needs identified through research and invitations received from various institutions, the National Integrity Agency staff attended, during 2011, a series of activities both at national and international level.