

**OPEN-ENDED INTERGOVERNMENTAL WORKING GROUP ON THE  
PREVENTION OF CORRUPTION  
THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED  
BY Romania  
Article 8, Paragraph 5  
Asset and Interest Disclosure Systems  
Romania (ninth session)**

**II – Assets and interest disclosures (art. 8, para. 5)**

**1. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related envisaged time frame) to ensure full compliance with article 8 (5) of the Convention, and in particular to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials**

- **Description of the objectives of the declaration system applicable to public officials (prevention of conflict of interest, illicit enrichment, or both [dual system])**

The Romanian assets and interest disclosure system contributes to preventing the conflicts of interest while exercising public offices, as well as to preventing, identifying and sanctioning the dignitaries that are in a state of incompatibility, conflict of interest or have acquired unjustified wealth.

In Romania, the assets and interest disclosure system is an **important element** of the anti-corruption fight, **managed exclusively by the National Integrity Agency (A.N.I.)**, which contributes to enhancing an integrity climate in the public service.

**Overall, the Romanian assets and interest disclosure system has three purposes:**

- I. *To promote an integrity culture in the public administration.***

The obligation to declare their wealth and interest applies to all the persons holding a public office of dignity.

On average, each year, around 350.000 persons have the obligation to file assets and interest disclosures, and on the electoral years the number of deponents can go as high as 1 million submitted disclosures. For example, only in 2016, as for the two rounds of elections - local and parliamentary, around 1.3 million disclosures have been submitted.

Since 2007, more than 7,6 million assets and interest disclosures were published on the Portal (<http://declaratii.integritate.eu/>).

In the same regard, A.N.I.'s website is accessed around 350.000 times/year, while the Portal of assets and interest disclosures is accessed over 300.000 times/year.

**II. To detect and prevent acts of corruption and integrity incidents in the public administration.**

In order to prevent acts of corruption and integrity incidents in the public administration, the Romanian assets and interest disclosure system contributes to preventing corruption, allowing for the identification of integrity incidents, as well as both identification and indictment of persons guilty of corruption acts such as bribe-taking, abuse of office, false stating and conflicts of interest while exercising public offices. Although the Romanian assets and interest disclosure system itself cannot prevent directly and on a large scale all such behaviors, it is an efficient instrument in the anti-corruption fight, offering a mechanism that facilitates the indictment of dignitaries for breaching the wealth and interest declaring provisions or for irregularities in their asset and interest disclosures when it is difficult to prove the corruption acts. Whenever the appropriate mechanisms are in place, a dignitary that breached the integrity legislation can be revoked from office as a direct consequence of implementing the assets and interest disclosure system, and he/she can be brought to Court or applied other sanctions.

<b>Finalized and ascertained cases</b> <i>(2008 – up to date)</i>	<b>Cases of conflicts of interest prevented – through PREVENT System</b> <i>(2017 – up to date)</i>
<ul style="list-style-type: none"> <li>➤ 15.000 finalized cases;</li> <li>➤ 1.703 cases of incompatibilities;</li> <li>➤ 596 cases of administrative conflicts of interest;</li> <li>➤ 152 cases of unjustified wealth;</li> <li>➤ 671 cases of possible criminal deeds.</li> </ul>	<ul style="list-style-type: none"> <li>➤ <b>13.184 public procurement procedures reviewed, that amount to 9,6 billion Euros;</b></li> <li>➤ <b>679 procedures referred to contracts funded through European funds;</b></li> <li>➤ <b>32 cases of potential conflicts of interest ascertained;</b></li> <li>➤ <b>26 cases in which the elements that generated the conflict of interest have been eliminated – prevented possible conflicts of interest;</b></li> <li>➤ <b>2 cases in which the elements that generated the conflict of interest have not been eliminated – A.N.I. started the ex-post investigation procedure;</b></li> <li>➤ <b>4 cases in which A.N.I. will start the evaluation procedure only if the elements that generated the conflict of interest will not be eliminated.</b></li> </ul>

**III. To increase the public confidence in the integrity of the government.**

The Romanian assets and interest disclosure system stimulated the public confidence in the integrity framework, sending a signal that public officials' finances and interest are analysed and that potential conflicts of interest are monitored and controlled.

**A real evidence of an increase in the public trust in regards to the National Integrity Agency** consists in the possibility of the integrity inspectors to initiate the evaluation procedure. In the past years, a reversing of the notifications' trend made by natural persons or legal entities vs. ex officio notifications' trend, was noted. This might be an aftereffect of the fact that the Agency's notoriety has raised throughout the past few years, as nowadays, 2 of 3 files start following a notification sent by a natural or legal person (red flags).

The National Integrity Agency is considered to be a **reliable partner** of the citizens in the management of integrity issues, according to a public survey in 2015 that show a high level public trust (42.2%).

➤ **Types (categories) of public officials required to make declarations and approximate total number of persons submitting declarations**

The Law no. 176/2010 *regarding the integrity in exercising the public officials and dignities, in order to modify and complete Law no. 144/2007 regarding the establishment, organization and operation of the national integrity agency as well as for the modification and completion of other normative acts* establishes the obligation to declare assets and interest to a number of **39 categories of persons**, as follows:

- The President of Romania, as well as presidential and state advisers;
- Members of Parliament;
- Members from Romania in the European Parliament and Members in the European Committee on behalf of Romania;
- Members of the Government, state secretaries and under-secretaries as well as persons in similar positions and advisers to the prime minister;
- Members of the Superior Council of Magistracy;
- Judges, prosecutors, assistant magistrates, similar functions, as well as judicial assistants and specialized auxiliary personnel in courts and prosecutor's offices;
- Constitutional Court judges;
- Members of the Court of Audits and the personnel thereof;
- President of the Legislative Council and presidents of sections, the Ombudsman and the deputies thereof, the president and vice president of the National Authority for Personal Data Protection;
- Members of the Competition Council, of the College of the National Council for the Study of the "Security" Archives, of the Council of the National Securities Commission, of the Economic and Social Council, of the Council of the Insurance Supervision Commission, of the Council of the Private Pension System Supervision Commission, of the National Council for Combating Discrimination, of the National Audiovisual Council, of the managing councils of the national television and radio broadcasting companies;
- President and Vice-President of the National Integrity Agency as well as the members of the National Integrity Council;
- General Manager and members of the managing council of the National Press Agency AGERPRES;
- Managers of the Romanian Intelligence Service, of the Foreign Intelligence Service, of the Special Telecommunications Service and of the Protection and Guard Service, as well as of their deputies;
- Diplomatic and Consular personnel;
- Local elected officials;
- Persons holding management and control positions as well as the public servants, those with special status included who perform their activity in central or local public authorities or in all public institutions; persons in managerial and control functions in public education and state medical units;
- Staff working in dignitaries' and prefect's offices;
- Members of the managing councils or supervisory commissions – and the persons holding management positions – in state companies of national or local interest, in national or trading companies where the state or a governmental agency is a significant or majority shareholder;
- Governor, First Vice-Governor, Vice-Governors of the National Bank of Romania as well as the personnel of the banks where the state is a shareholder;
- Personnel of public institutions, including employees with individual employment contract, involved in the privatization process as well as the personnel government institutions, including employees with individual

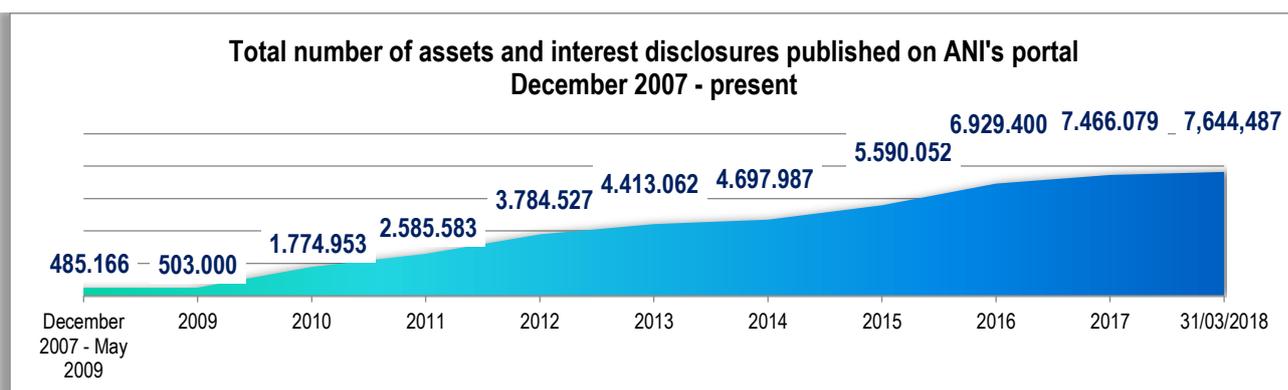
employment contract, that manage or implement programs or projects funded from external or budgetary funds;

- Presidents, Vice-Presidents, Secretaries, Trades in the union federation and confederation;
- Prefects and Deputy-Prefects;
- Candidates running for the position of President of Romania, Deputy, Senator, Local Counselor, Chairman Of The County Council and Mayors.

The obligation to declare assets and interest also returns to other categories of persons, who are appointed by the President of Romania, by the Parliament, Government or Prime Minister, except those who occupy positions in the religious cults.

On average, each year, around 350.000 persons have the obligation to file assets and interest disclosures, and on the electoral years the number of deponents can go as high as 1 million submitted disclosures. For example, only in 2016, as for the two rounds of elections - local and parliamentary, around 1.3 million disclosures have been submitted.

Since 2007, more than 7,6 million assets and interest disclosures were published on the Portal (<http://declaratii.integritate.eu/>).



- **Information that must be declared (assets, outside activities and employments, positions in companies, other associations, gifts and other benefits, liabilities, etc)**

### **What asset and interest disclosures include**

#### **Asset disclosure**

The introductory section of the asset disclosures shall include identification data relating to the person who is the subject of the disclosure. This information refers to the name of the declarant, position, the personal numeric code and his/her residence.

The first category of assets disclosed in the form includes real estate, namely land and buildings and addresses thereof, type of property (agricultural, urban, etc.), the year of acquisition, the area, share held by the declarant, the way of acquisition and full ownership.

The second rubric refers to movable goods such as motor vehicles/cars, tractors, agricultural machinery, boats, yachts and other means of transport that are subject to registration by law. The declarant must fill in the form with the nature of the good, the brand or trademark, the number of items, the year of manufacture and the manner of acquisition. Other goods that must be declared are precious metals, jewelry, art and worship pieces, collections of art and numismatics, objects which are part of the national or universal cultural heritage, whose total value exceeds EUR 5,000. The declarant will describe the goods, mention the year of acquisition, and the estimated value of these assets.

The third category refers to movable assets whose individual values exceed EUR 3,000 and were disposed of the previous year. The asset disclosure contains headings relating to financial assets such as bank accounts, investment funds, credit cards, etc., but also investments, direct investments and loans granted with the aggregate market value of over EUR 5,000.

An important part of the disclosure are liabilities of the declarant, such as debts, mortgages or guaranteed leases with aggregate values exceeding the threshold of EUR 5,000.

### **Interest disclosure**

Interest disclosures in Romania serve for both ensuring transparency while exercising a public office, as well as for the evaluation activity carried out by integrity inspectors in order to identify potential incompatibilities and conflicts of interest.

The introductory section of the interest disclosure include identification of the person subject to the disclosure, such as name, personal numeric code, home address of the declarant and position held.

The interest disclosure includes sections on:

- The capacity of shareholder in companies, national companies, credit institutions, economic interest groups and membership associations, foundations or other non-governmental organizations
- Membership in governing, management and control bodies of companies, autonomous regies, national companies, credit institutions, economic interest groups, associations or foundations or other NGOs
- Membership in professional associations and/or trade unions
- Membership in governing, management and control, bodies of political parties, whether remunerated or unpaid, the position held and the name of the party
- Contracts, including legal assistance, legal advice, consulting and service contracts, completed or in progress during office, guarantees or significant public funding received from the state budget, local and foreign funds, agreements with companies with state capital or where the state is the majority/minority shareholder.

### ➤ **Frequency of declarations required**

Assets and interest disclosures shall be submitted:

- **annually**, no later than June 15;
- within 30 days **from the date of appointment or election in the respective position or from the date of commencement of work**;
- in case of **suspension** from exercising the positions or dignity of public office for a period covering the full fiscal year , within 30 days after termination of the suspension;
- no later than 30 days from the date of **termination or cessation of office**;
- for **candidates** to the positions of President of Romania, Deputy, Senator, Romanian Member in the European Parliament, County Councilor, Alderman, Chairman of The County Council or Mayor,

together with the declaration of application acceptance. Central Election Office and Election District Office send a copy of the assets and interest disclosures to the Agency within 48 hours of submission.

➤ **How declarations are submitted (in paper format, electronically, in person) and the entities to which they are submitted**

**Submission of declarations**

According to the Romanian legislation, the disclosures must be hand-signed.

However, the National Integrity Agency has implemented, as part of an EU funded project, the electronic intelligent forms (e-forms) that aimed at facilitating the process of filling in assets and interest disclosures by the relevant categories that allow standardized filling in, either online with electronic signature, or offline with handwritten signature, and that automatically generates a barcode.

**Entities to which declarations are submitted**

The National Integrity Agency is the Romanian institution responsible for the collection, storage and ensuring public access of assets and interest disclosures.

In addition to A.N.I., each public entity must designate one person to be responsible for the collection of disclosures submitted by its staff and to be the counterpart of A.N.I. This individual must answer directly to the head of the public entity, and both are held responsible for the sound functioning of the system.

Therefore, according to article 6, para. (1) of Law no. 176/2010, the persons responsible for implementing the provisions on assets and interest disclosures have the following obligations:

a) *Receive, record the assets and interest disclosures and issues at the submission date a proof of receipt;*

(...)

e) *Ensures and maintains displayed of the assets and interest disclosures provided in Annexes 1 and 2, on the website of the institution, if any, or its bulletin board, of the institution not later than 30 days after receipt by anonymous address declared for the buildings, except the city location, the address of the institution that manages assets financial as well as the personal identification number and signature. Assets and interest disclosures are kept on the website of the institution and of the Agency for the entire duration or term in the office and three years after their termination and then these will be filed according to law;*

(...)

f) *Submits to the Agency in order to perform the evaluation duties certified copies of assets and interest disclosures already submitted together with a certified copy of Assets Disclosures Register and Interest Disclosures Register within 10 days of receipt.*

(...)

In this regard, according to article 5, para. (2) and (4) of Law 176/2010, assets and interest disclosures shall be submitted as follows:

(2)

a) *The President of Romania, Presidential Advisors and State Counselors submits to the person designated by the Head of Chancery of the Presidential Administration;*

b) *The Presidents of the Chambers of Parliament, Deputies and Senators – the person designated by the Secretary General of the Chamber of which they belong;*

c) *The Romanian Members of the European Parliament and the Romanian Members of the European Commission – the Permanent Election Authority;*

d) *Prime-Minister, Members of Government, State Secretaries, State Deputy-Secretaries and the comparable, as well as State Counselors from the working cabinet of the Prime Minister - the person designated by the Government General Secretary;*

e) *Members of the Superior Council of Magistrates, judges, prosecutors, judicial assistants and assistant-magistrates - the person designated by the Secretary General of Supreme Council of Magistrates;*

f) *Members of the National Integrity Council as well as the President and Vice-President - the person designated by the General Secretary of the Senate;*

g) *County and Local Councilors, Mayors as well as Presidents of County Council - the person designated by the secretaries of administrative-territorial units;*

h) *Prefects and deputy-prefects - the person designated by the Prefect Secretary Chancery;*

i) *Other categories of persons foreseen by law - the person designated by the Head of the Human Resources Department or, where appropriate, the Head of the Secretariat of the public authorities, public institutions or units to which they belong.*

*(4) In the period of travelling or delegation, persons who are required to submit assets and interest disclosures have to submit them to the institution from which they were delegated or seconded.*

At the same time, according to article 3, para. (4) and (5) of Law no. 176/2010:

*(4) Persons applying for positions of President of Romania, Deputy, Senator, Romanian Member in the European Parliament, County Councilor, Alderman, Chairman of The County Council or Mayor are required to declare their assets and interest.*

*(5) Assets and interest disclosures of persons referred to in paragraph (4) shall be submitted to the Central Election Office or, where applicable, the Election District Office, with the declaration of application acceptance, in duplicate. Central Election Office and Election District Office send a copy of the assets and interest disclosures to the Agency within 48 hours of submission.*

- **Availability of tools and advisory services that officials can use in order to comply with their disclosure-related obligations (guidelines for filling out forms, resources from learning about conflict of interest issues, resources for receiving tailored advice on specific conflict of interest situations etc.)**

One of the most important tools that support the declarants is the issue of clarifications, at the request of natural or legal persons, explanations which aim to clarify the legal provisions on conflicts of interest, incompatibilities and how to fill in disclosures on property, income or positions owned, as well as interpretations of pertaining laws. Thus,

in the 10 years of operation, almost 10.000 people received support from A.N.I. through the clarifications expressed by the Agency.

Moreover, the Agency updates annually and makes available on the website, the *Guideline on filling in assets and interest disclosures* and *Guideline on incompatibilities and conflicts of interest*.

At the same time, in the past years, the Agency has issued press releases that compile all the necessary information for the persons that have the obligation to submit assets and interest disclosures.

Nonetheless, A.N.I. specially appoints integrity inspectors to clarify the interested persons through telephone or e-mail, with different aspects regarding the filling in of assets and interest disclosures.

Additionally, in electoral years, due to the increased number of deponents, A.N.I. has set up a special telephone line and e-mail, as well as a distinct section on its website, which comprised, among others, a study on recurrent errors/recurrent violations of the legislation in the case of local elected officials and parliamentarians and the guidelines on incompatibilities and conflicts of interest / fill in assets and interest disclosures. Moreover, the Agency conveyed an address to all entities involved in order to clarify the difficulties in filling in disclosures.

Furthermore, in order to ensure transparency and to raise awareness with regard to the legal integrity framework, the Agency has participated, through its representatives, in educational programs and concluded cooperation protocols with relevant entities.

#### Post-graduate anti-corruption and integrity program "Public Integrity and Anti-corruption Public Policies"

Pursuant to the Protocol concluded between the National Integrity Agency and the **Babes-Bolyai University (UBB) in Cluj-Napoca**, that led to the launching of the **first post-graduate anti-corruption and integrity programme** in Romania, "Public Integrity and Anti-corruption Public Policies", there have been organized two modules of the programme, in January and March, 2017, where two ANI experts participated as lecturers.

On October, 20, the President of the National Integrity Agency participated at the debate held in Cluj - Napoca on the occasion of graduating course by the first two promotions of the program.

Moreover, ANI initiated **discussions with other universities**, among which the **University of Bucharest**, in order to organize programs that aim to raise the level of education in the field of integrity.

Furthermore, ANI's management initiated **discussions with the National Agency of Civil Servants**, for organizing, in the following period, training sessions regarding the compliance with the integrity rules for public offices.

#### "Early identification and prevention of conflicts of interest in the local public administration" Project

Based on the "Early identification and prevention of conflicts of interest in the local public administration" Project, implemented by the National Integrity Agency, in collaboration with the Institute for Public Policies, through the Swiss-Romanian Cooperation Program, representatives from the Agency participated between October 2017 - January 2018 to a series of regional debates organized in Braşov, Iaşi, Brăila, Sibiu, Cluj-Napoca, Craiova, Timișoara and Bucureşti.

The sessions took place at the Prefect Institutions' headquarters and provided a good framework for the local public authorities to identify early and to contribute to the prevention and fight against corruption, including conflicts of interest. In this respect, the representatives of the Agency presented the PREVENT system of ex-ante verification, aimed to prevent the conflict of interest in the procedure of awarding the public procurement contracts.

#### Training seminars on the PREVENT System

In October 2017 and January 2018, the National Integrity Agency organized, together with the Expert Forum Association, training seminars on the PREVENT system, which took place in Cluj-Napoca and Bucharest. The

purpose of the training seminars was to present the obligation to complete the integrity forms related to the award procedures, as well as incompatibilities and conflicts of interest in public procurement procedures.

The seminars brought together nearly 150 representatives from public institutions at local and national level, and aimed to support the activity of contracting authorities, by facilitating a better understanding of their obligations with regard to the ex-ante verification system for public procurement, PREVENT and of the procedures that this program requires.

#### Training sessions regarding the filling in of assets and interests disclosures through online and offline e-forms

In May 2017, the National Integrity Agency organized at its headquarters 6 training sessions with persons responsible for implementing the provisions on assets and interests disclosures from over 100 institutions. With this occasion, the integrity inspectors presented to over 250 persons the legal provisions regarding the filling in of assets and interests disclosures through online and offline e-forms.

Filling in the disclosures electronically helps ensure the providing of comprehensive information, that may support a possible evaluation procedure.

#### ***Collaboration with other national institutions***

- National Institute of Magistracy

In 2017, the Agency signed a collaboration protocol with the National Institute of Magistracy, with the main objectives of organizing preliminary training actions for auditors of justice and continuous training of judges and prosecutors, as well as integrity inspectors, on topics of common interest, namely ensuring the dissemination of informative materials on issues of conflict of interest, incompatibilities, ensuring integrity in the exercise of public offices and dignities, and preventing institutional corruption against auditors of justice, judges and prosecutors.

- "Alexandru Ioan Cuza" Police Academy

In 2017, A.N.I. concluded a collaboration protocol with the "Alexandru Ioan Cuza" Police Academy, whose main objectives are the promotion of the integrity concept among the students in the programs developed at the level of the Academy, but also by raising the level of education in the field of public integrity of the staff within the Academy by organizing conferences, seminars or round tables.

Thus, experts from A.N.I. will share the experience gained in analyzing conflicts of interest and incompatibility situations among employees of the Ministry of Internal Affairs, in order to deepen their knowledge on the integrity framework.

- National School of Political and Administrative Studies (SNSPA)

In the beginning of 2018, the National Integrity Agency concluded a collaboration protocol with the National School of Political and Administrative Studies (SNSPA), with the main objective to cooperate at an academic level to reach high levels of education in public integrity and to disseminate integrity standards, mainly through the development of university and postgraduate education programs.

- Ministry of Culture and National Identity

The National Integrity Agency signed a protocol with the Ministry of Culture and National Identity, with the main objectives to strengthen cooperation and coordinate efforts at the institutional level, in order to improve the mechanisms for preventing and combating corruption in the exercise of public offices and dignities.

Based on this protocol, experts from the Agency will participate in the training of the staff within the Ministry, as well as its subordinated institutions, by conducting prevention and awareness activities on integrity incidents.

In this respect, the National Integrity Agency will support the activity of prevention of the institutional corruption phenomenon, by providing points of view requested by the personnel responsible for the implementation of the legal provisions on integrity and will carry out activities to raise awareness of the importance of complying with the legal framework in the field.

- National Institute for Studies and Research in Public Administration (INSCAP)

In March 2018, A.N.I. concluded a cooperation protocol with the National Institute for Studies and Research in Public Administration (INSCAP), with the main objective to organize training programs in the public administration, in the field of public integrity and dissemination of integrity standards.

Based on this protocol, the Agency will provide lectures and case studies on: elements and concepts of practical analysis of conflicts of interest and incompatibilities, assets evaluation, filling in of assets and interest disclosures, as well as strategies and public policies in the field of public integrity.

- **Whether information is declared on assets of public officials' family members or members of public officials' households and under which circumstances such information is provided**

According to the legal provisions, the obligation to declare assets is also applied to the public officials' spouse or the children in their care. This information is included in the assets and interest disclosures.

- **What mechanisms are in place for ensuring compliance with the obligation to disclose**

According to the legal provisions, A.N.I. can apply the following sanctions:

- Fine up to approx. 450 EUR for the **failure to file or delay in filing the asset and interest disclosures** (in such a case the verification procedure may be initiated);
- Fine up to approx. 450 EUR for **non-compliance with their obligations by the persons in public institutions assigned to implement the legal provisions on the asset and interest disclosures;**
- Fine up to approx. 450 EUR for the failure to apply the disciplinary action or for the failure to ascertain the termination of the public position when the assessment report remained definitive;
- Civil fine of approx. 45 EUR per each day of delay when the obligation to answer ANI requests is not observed (e.g.: requests related to the sending of relevant documents for an assessment file). In such a case the information notice is prepared by the Agency's integrity inspector.

According to article 30 of Law no. 176/2010, finding and sanction violations of the law shall be made by persons empowered within the Agency according to the Government Ordinance no. 2/2001 *regarding the legal regime of contraventions*, approved with amendments by Law no. 180/2002, with subsequent amendments.

Administrative fines applied by A.N.I. between September 6, 2010 (adoption of Law 176/2010) – March 31, 2018:

- **5.324** (for failure to submit assets and interest disclosures in legal terms);
- **232** (for non-disciplinary sanctions applied after the ascertaining act remained final);
- **195** (for failure to comply with the legal provisions by the head of institution).
- **80** (for the persons responsible of ensuring the implementation of legal provisions regarding assets and interest disclosure within public entities).

➤ **Whether there is public access to any of this information**

Information regarding the assets and interest disclosure system is included in the Law no. 176/2010, which is available also on A.N.I.'s website, in a section dedicated to the integrity legal framework (<https://www.integritate.eu/A.N.I./Legislatie.aspx>).

Moreover, A.N.I. has developed two **guidelines for (i) filling in the asset and interest disclosures, and for (ii) the legal regime of incompatibilities and conflicts of interest**, which are updated annually and posted on the Agency website.

**Any mechanism in place to carry out the verification/monitoring of the content of declarations; including information on the verification mechanism, such as:**

➤ **How many disclosures are verified (all, a certain percentage etc.)**

By Law, the verifications of the asset and interest disclosures, as well as of potential incompatibilities can be initiated either following the notifications by natural persons or legal entities, or following an ex officio notification. **Yearly**, the integrity inspectors tackle and finalize around **2.000 files**. At the same time, the designated persons from each institution, responsible for the collection of disclosures submitted by its staff, advise on the content and application of legal provisions concerning the disclosure and evaluation of assets, conflicts of interest and incompatibilities, at the request of persons who are responsible for filing assets and interest disclosures.

At last, a list of persons who have failed to submit within the deadline or those that have submitted late their assets and interest disclosures, together with their received clarifications, are sent before A.N.I.

**Total number of files finalized between September 6, 2010 (adoption of Law 176/2010) – March 31, 2018: 14.926:**

- **12.387 closed** - *didn't meet the law requirements, fallen on another institutions competences, cases affected by prescription periods provided by law;*
- **2.539 with findings: significant differences between incomes and acquired assets, incompatibilities, administrative conflicts of interest, solid suspicions on committing criminal offences** (conflict of interest, false statements, money laundering), **solid suspicions on committing corruption offences** (corruption assimilated criminal offences, crimes against the financial interest of the European Union etc.).

**On-going investigations on March 31, 2018: 3.020**

➤ **What triggers verification (complaints, routine verification/ex-officio, notifications from other institutions, random selection etc.)**

The person assigned by each institution to collect disclosures, sets up, after the submission deadline, a list of persons who have failed to submit within the deadline or those that have submitted late their assets and interest disclosures which is sent, together with the persons' clarifications, if existent, to A.N.I. In this situation, the verification procedure may be automatically launched by A.N.I.

At the same time, verifications of assets and interest disclosures shall also be initiated by A.N.I. in the following situations:

- Upon receiving a complaint from any legal and natural persons;

- Ex officio notification of the integrity inspectors based on information obtained, for example from media reports / risk analysis (to be implemented). In fulfilling their attributions, the integrity inspectors shall act in accordance with the principle of operational independence.
- **What processes are involved in the verification/review process (checks for internal consistency, cross-checks with external databases, comparisons across years, identification of potential conflicts of interest etc.)**

According to article 11 of Law no. 176/2010, the evaluation of the assets disclosures, data and information on existing wealth and patrimonial changes occurring during the exercise of public position or dignity, and the evaluation of conflicts of interest and incompatibilities shall be done during the exercise of public dignities, and within three years after their termination.

The work carried out on the aforementioned period consists in the evaluation of the assets disclosures, the data and information on existing wealth and patrimonial changes occurred, conflicts of interest and incompatibilities, only for the exercise of public positions or dignities.

During the course of evaluation of assets and interest disclosures, the integrity inspectors can obtain information from several databases, as well as from other private or public entities.

Thus, the scope is represented by the obtaining of data in order to determine, as the case may be, a conflict of interest, an incompatibility or an unjustified wealth.

The work carried out by the integrity inspectors is regulated through operational procedures, regarding all of their processes – evaluation of conflicts of interest, evaluation of incompatibility, evaluation of unjustified wealth, sanction applying, random distribution etc.

The investigation procedure in case of a conflict of interest or incompatibility can be initiated either following an ex-officio notification or following a complaint made by a natural or legal person (red flags) and consists of the verification of the interest disclosure by the integrity inspector. If elements of a conflict of interest or incompatibility are identified, the integrity inspector shall notify the person under evaluation, and ask them to present an opinion on the inspector's findings, either personally or in writing.

If within 15 days from the information receipt confirmation by the evaluated person, or following their expressed opinion, the integrity inspector further notes the existence of elements of conflict of interest or incompatibility, they will file in an evaluation report. In the absence of the above-mentioned confirmation, the integrity inspector may develop an evaluation report after finalization of a new communication procedure.

The evaluation procedure for unjustified wealth is started ex-officio or following a complaint made by a natural or legal person, and allows the integrity inspector to evaluate asset disclosures, data, information and changes in existing assets. If the evaluation work results in significant differences between the acquired assets and income, the integrity inspector shall invite the person under evaluation to express an opinion on the inspector's findings and defend their situation by submitting data or information they deem relevant. They also have the right to be assisted or represented by a lawyer or to send a written opinion.

If significant differences are found following the defense of the evaluated person and following a motivated request by the integrity inspector of documents and information from institutions and public authorities, natural or legal persons, they shall draw up an evaluation report and communicate it to the evaluated person and to the Wealth Investigation Commission in the competent Court of Appeal.

While other institutions with similar competences as the National Integrity Agency may have a smaller number of asset and interest disclosures to verify and thus have the possibility to focus on the content of the disclosures, around 350.000 assets are submitted every year in Romania leaving A.N.I. to mainly focus on identifying integrity incidents. Nonetheless, A.N.I. manages to focus on the content of around 4.000 disclosures per year.

➤ **What information can be accessed during the verification/review process (from public officials or public and private sector entities)**

During the course of evaluation of assets and interest disclosures, the integrity inspectors can obtain information from several databases, such as: fiscal registries, database of the population registry, land registries, car registry, real estate registry, as well as other property registries. Moreover, we note that bank secrecy is not opposable to the Agency's in this matter.

Also, the integrity inspectors may request information to other private or public entities, which are obliged to provide data within thirty days of receipt of the request. Expert opinions may only be requested and used with the prior approval of the verified person. If denied, A.N.I. has the possibility to request the Courts of law access to this information.

➤ **What happens once irregularities are identified (potential conflicts of interest, unjustified variations of wealth, inaccurate information etc.)**

***Administrative conflict of interest***

The evaluation report shall be communicated within five days of finalization to the person subject to evaluation and, where appropriate, to the prosecuting authorities or disciplinary authorities.

The evaluated person may challenge the evaluation report on their conflict of interest within 15 days of receiving it, in an administrative court.

If the evaluation report for conflicts of interest is undisputed within the legal term of 15 days in administrative court, within six months the Agency shall notify the competent authorities to initiate the disciplinary procedure and, where appropriate, the administrative court, seeking annulment of the documents issued, taken or made in violation of legal provisions regarding conflict of interest.

All legal or administrative acts in violation of the legal provisions regarding conflict of interest concluded directly or through intermediaries, if related to this situation, are null and void. Even if the person no longer holds that position, an action to declare the absolute nullity of legal or administrative documents concluded in violation of the legal provisions regarding conflict of interest can be introduced by the Agency. Moreover, the court may order the motivated reinstatement and recover of the parties' former state.

At the same time, if the disciplinary bodies dismiss the evaluated person from office, they receive a three year interdiction to occupy a public office or dignity. The same sanction also applies if the person does not hold a public office at the time the report remains definitive and irrevocable.

***Incompatibility***

The evaluation report shall be communicated within five days of finalization to the person subject to evaluation and, where appropriate, to the prosecuting authorities or disciplinary authorities.

The evaluated person may appeal the evaluation report on their incompatibility within 15 days of receiving it, in an administrative court.

If the incompatibility report is not challenged within the legal term of 15 days in an administrative court, the Agency should notify competent authorities to initiate disciplinary procedure, 15 days from the expiry of the above-mentioned term. Moreover, if the case may be, within six months the Agency may notify the administrative court, seeking annulment of the documents issued, taken or made in violation of legal provisions on incompatibilities.

At the same time, if the disciplinary bodies dismiss the evaluated person from office, they receive a three year interdiction to occupy a public office or dignity. The same sanction also applies if the person does not hold a public office at the time the report remains definitive and irrevocable.

### ***Unjustified wealth***

The National Integrity Agency's unjustified wealth evaluation report, are sent before the Wealth Investigation Commission in the competent Court of Appeal. These commissions are made up of two judges of the Court of Appeal appointed by the president, including one as President, and a prosecutor from the Prosecutor's Office attached to the Court of Appeal, appointed by the first prosecutor of the Prosecutor's Office.

If the Commission finds following the investigation that the acquired the assets are not justified, it notifies the Court of Appeal and its decision can be appealed to the High Court of Cassation and Justice. If a final and irrevocable disposition is issued by the High Court to confiscate unjustified wealth, the National Integrity Agency will have the court decision published in the Official Gazette, and request the National Agency for Fiscal Administration to start confiscation proceedings.

At the same time, the person for whom significant differences between the assets and income gained have been ascertained, is irrevocably considered incompatible and receives an interdiction to hold public positions or offices for a period of three years.

- **Whether and to what extent the content of disclosures (in summary form or all information disclosed) or names of persons submitting declarations are made available to the public and other public sector entities, and, moreover, how the information is made available (upon individual request, on-line etc.)**

According to Law no. 176/2010, both the National Integrity Agency and the institution where the person who submitted the asset and interest disclosure works, shall ensure and maintain the disclosures displayed on their website not later than 30 days after receipt. Assets and interest disclosures are kept on the website of the institution and of the Agency, for the entire duration or term in the office and three years after their termination and then these shall be archived according to law.

Assets and interest disclosures of those running for public offices are published on the website of the National Integrity Agency within 10 days of receipt.

Assets and interest disclosures of the candidates for the Presidency of Romania, are published in the Official Gazette, Part III and are published on the website of the Agency within 10 days of the date of submission of receipt, and are kept on this page.

The disclosures are scanned and introduced in the data management system and are made available to the public, anonymized, at the address <http://declaratii.integritate.eu/>. Since 2008, **over 7,6 million assets and interest disclosures** were published on the Portal.

All of the categories of persons under article 1 of Law 176/2010 that have the obligation to submit disclosures fill in the same asset and interest disclosure form and are all made available to the public.

The only information that shall be anonymized is that related to personal data protection (e.g. personal identification number, signature, personal address etc.). However, all of these personal information is available, at any time, to the integrity inspectors for evaluation purposes.

- **Number of trained staff dedicated to collection, compliance, providing advisory services to officials, making disclosures publicly available, verification, sending referrals to other entities; what types of sanctions are available in the declaration system (for non-submission, actual conflict of interest, false statement, illicit enrichment etc.)**

### ***Integrity inspectors***

The Agency's staff consists of integrity inspectors, civil servants and contracted staff. The integrity inspectors are the designated staff for verifying assets and interest disclosures, the existence of incompatibilities, conflicts of interest and unjustified wealth, as well as apply sanctions. The integrity inspectors enjoy independence in exercising their duties. Currently, 46 integrity inspectors operate within A.N.I.

### ***Providing advisory services to officials***

Upon the request of natural and legal persons, the National Integrity Agency provides clarifications with regard to the integrity framework. In this regard, the Agency specially designates integrity inspectors to issue clarifications with regard to the filling in of assets and interest disclosures, while A.N.I.'s legal advisors provide clarifications with regard to the legal regime of incompatibilities and conflicts of interest.

### ***Making disclosures publicly available***

The Agency is responsible with the collection, storage and ensuring public access of assets and interest disclosures. In order to ensure an efficient processing of the disclosures, due to limited number of staff, A.N.I. has externalized these services. Thus, the Agency collects the disclosures, while the responsible service, processes and posts them on the public *Portal of assets and interest disclosures*.

### ***Designated persons within each institution***

In addition to A.N.I., an important role in the implementation of legal provisions on asset and interest disclosures is held by the designated responsible persons within each public entity.

Together with the head of the institution, the person concerned is responsible for the proper operation of the system of asset and interest disclosures, having the following duties:

- to receive and to record asset and interest disclosures;
- to make available to staff, on request, the template forms of asset disclosures and interest disclosures;
- to advise on the correct filling in of the disclosures, on submitting them in due time, as well as on the application of the legal provisions regarding the disclosure and evaluation of assets, conflicts of interest and incompatibilities;
- to keep records of disclosures in special public registers;
- to ensure that the disclosures are displayed and kept on the institution's website or its own notice board, within 30 days of receipt, by anonymizing the address of the buildings declared, with the exception of the place where they are located, the address of the institution managing the financial assets, the personal numerical code and the signature;
- to send to the Agency certified copies of the submitted disclosures as well as of the special registers within no more than 10 days from their receipt;

- to draw up, after the deadline for submission, a list of persons who have not submitted their disclosures, which shall be forwarded to the Agency by August 1st of the same year, immediately notify these persons, requesting an opinion on the inspector's findings within 10 business days.

### **Sanctions**

According to the legal provisions, A.N.I. can apply the following sanctions:

- Fine up to approx. 450 EUR for the **failure to file or delay in filing the asset and interest disclosures** (in such a case the verification procedure may be initiated);
- Fine up to approx. 450 EUR for **non-compliance with their obligations by the persons in public institutions assigned to implement the legal provisions on the asset and interest disclosures**;
- Fine up to approx. 450 EUR for the failure to apply the disciplinary action or for the failure to ascertain the termination of the public position when the assessment report remained definitive;
- Civil fine of approx. 45 EUR per each day of delay when the obligation to answer ANI requests is not observed (e.g.: requests related to the sending of relevant documents for an assessment file). In such a case the information notice is prepared by the Agency's integrity inspector.

According to article 30 of Law no. 176/2010, finding and sanction violations of the law shall be made by persons empowered within the Agency according to the Government Ordinance no. 2/2001 *regarding the legal regime of contraventions*, approved with amendments by Law no. 180/2002, with subsequent amendments.

Administrative fines applied by A.N.I. between September 6, 2010 (adoption of Law 176/2010) – March 31, 2018:

- **5.324** (for failure to submit assets and interest disclosures in legal terms);
- **232** (for non-disciplinary sanctions applied after the ascertaining act remained final);
- **195** (for failure to comply with the legal provisions by the head of institution).
- **80** (for the persons responsible of ensuring the implementation of legal provisions regarding assets and interest disclosure within public entities).

## **2. Please outline the actions required to ensure or improve the implementation of the measures described above and any specific challenges you might be facing in this respect**

The legislative framework regarding the disclosure of assets and interest in exercising a public position entered into force back in 1996, being improved throughout the time. Nevertheless, a big issue is the paper-based system of disclosure, the Agency being responsible of managing approximately 700 000 / above 1 000 000 assets and interest disclosures per year.

That being said, there are still issues related to a proper submission / verification and transparency of wealth and interests of public officials, given the large number of paper-based disclosures.

Regarding to challenges related to the follow up and imposing sanctions, the Agency pursues every single case that was finished, being sure that the sanctions are properly applied and maintained, where the case is. Nevertheless, there were cases in which the Agency tried to apply dissuasive sanctions like imposing a 3 year interdiction to hold a public office, cases in which the responsible entity refused to take any disciplinary measures or postponed such an action, even though there was a High Court of Cassation and Justice decision in the matter of breaching the incompatibility / conflicts of interest regime or acquiring wealth regime.

Moreover, the Agency counts 103 employees, out of which 46 are integrity inspectors that are empowered with investigative and sanction imposing assignments, thus being unable to proper conduct the investigative work / draft guidelines / impose sanctions / etc.

**3. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you required?**

Referring to the legislative assistance, the Agency considers that any technical support would be an asset in building the foundation of the legislative framework regarding the electronical submission of assets and interest disclosures, as well as building a different approach in the matter of developing I.T. tools that would ease the work of the Agency.

Relating to the research / data-gathering and analysis technical assistance, the Agency believe that improving the already existing PREVENT system would be a plus. (extending the queries to other databases, such as land registry database / tax administration database / etc.)

In addition and taking into consideration that PREVENT system deals with the whole public procurement process in Romania, meaning a big chunk of data and information that require a faster approach in the investigative manner, the Agency put an emphasis on developing I.T. tools that can extract relevant information.