

Annex [Note verbale reference: CU 2022/264]

1. The secretariat has prepared the following questionnaire as a guide that States parties may wish to use to provide relevant information in line with paragraphs 22 to 24 of resolution 9/1, entitled “Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery”, including the provision of information on good practices and challenges concerning international cooperation to further prevent, identify, investigate and prosecute corruption during times of emergencies and crisis response and recovery.
2. States parties may wish to take a broad view of emergencies and crisis response and recovery when responding to this questionnaire. Emergencies and crisis response and recovery may include humanitarian emergencies, natural disasters, conflict and post-conflict contexts, as well as health emergencies such as the COVID-19 pandemic, among others.
3. Collecting the information for this questionnaire may require cooperation by several different agencies/authorities. States parties may wish to send the questionnaire to agencies/authorities particularly involved in response and recovery efforts during times of emergencies, depending on their national system, as it calls for information on preventive anti-corruption measures, law enforcement and international cooperation. Such agencies/authorities may include:
 - Anti-corruption bodies, supreme audit institutions and other oversight bodies, and relevant entities with mandates to prevent and counter corruption;
 - National procurement agencies;
 - National law enforcement authorities;
 - National competent authorities responsible for international cooperation in criminal matters;
 - Development agencies.

Questionnaire

Contact Information

Please provide contact details for potential follow-up questions. Contact details will be treated confidentially.

Country: Romania

Please describe (cite and summarize) good practices your country has taken (or is planning to take, together with the related appropriate time frame) concerning international cooperation to further prevent, identify, investigate and prosecute corruption during times of emergencies and crisis response and recovery.

States parties are invited to provide information on experiences, good practices and challenges concerning the following:

I. Understanding corruption risks and typologies during times of emergencies and crisis response and recovery, including transnational elements

1. Has your government assessed corruption risks during emergencies or crisis response and recovery, either through formal risk assessments or other informal means? Please provide details, such as key findings and mitigation plans. Please describe whether any other (existing) risk assessment has been carried out that is relevant to the emergency response (such as sectoral risk assessments in procurement, healthcare, infrastructure, etc) and provide details.

The Government of Romania applied the Decision nr. 599/2018 providing for the standard methodology assessment of corruption risks within central public authorities and institutions. In this regard, the integrity plans that every institution must be informed by has to elaborate and implement the corruption risks assessments. The monitoring and reviewing of the corruption risks take place as following:

- (1) The monitoring and review is carried out by the Working Group or the persons designated for this purpose, at the level of the institution where it is constituted.
- (2) Annually, the Working Group or designated persons monitor the implementation of the measures established in the Register of Corruption Risks and proceed to its revision, in accordance with the current state of affairs at the level of the institution.
- (3) In the event of the emergence of new corruption risks, they will be evaluated according to the stages provided in the methodology and included in the revised Corruption Risk Register.

Moreover, corruption risks are subject to the provisions of National Anticorruption Strategy 2021 - 2025, through a specific objective, named *Improving the capacity to manage management failure by correlating tools that have an impact on the early identification of institutional risks and vulnerabilities*, which follows the next actions to be implemented:

1. Internal auditing, once every two years, of the corruption prevention system at the level of all public authorities;
2. External auditing of organizational integrity systems at the level of the central public administration and, subsequently, at the level of the local public administration;
3. Evaluation of the internal managerial control mechanism from the perspective of standard no. 1 – ethics, integrity, in order to identify related vulnerabilities;

4. Strengthening the mechanisms for managing corruption risks through the development of computer applications dedicated to them.

2. Please list the main typologies of corruption (corruption risks) you have identified in your country's emergency or crisis responses and recovery. You may select from the list below, and add any additional risks not listed:

Public Procurement

- Bribery of procurement officials
- Excessive use of non-competitive bidding procedures, including by single or limited source tendering, with limited safeguards
- Improper application of emergency procurement procedures allowing for expedited delivery of goods and services
- Bid-rigging (e.g. use of inflated prices)

Misappropriation of Emergency Relief Funds

- Non-eligible beneficiaries circumventing rules and regulations, including through bribes, to obtain access to relief and support
- Diversion of donations away from intended beneficiaries
- Exploiting international financial assistance related to emergency relief or other types of support (such as donor funding or technical assistance)
- Embezzlement of profit gained from the sale and distribution of emergency supplies
- Manipulation and inflation of claims for economic relief
- Fraudulent billing for the provision of goods and services
- Diversion of donated equipment/supplies to the black market
- Companies hoarding/not discharging support received from the government

Conflicts of Interest

- Conflicts of interest between suppliers and authorities in procurement processes
- Political appointees or persons entrusted with prominent public functions involved in, or the beneficial owners of, companies bailed out by the government or companies involved in procurement processes
- Support packages distributed according to ethnicity and/or political affiliation

Misuse of Information

- Use of social media to spread misinformation, undertake fraudulent activities such as phishing, cyber-criminal fraud

Inadequate Reporting/Protection Mechanisms

- Inadequate reporting/protection mechanisms for whistle-blowers and witnesses
- Restricted ability to report potential corrupt activities

Other Corruption Risks

- Extensive use of government emergency powers and regulations, with insufficient controls, consultations and/or guidance
- Provision of counterfeit good and supplies
- Fraudulent or illicit production of goods, including research
- Impeded anti-corruption enforcement actions during emergency and crisis responses due to corruption
- Impeded provision of international cooperation (e.g. mutual legal assistance) due to the emergency or crisis due to corruption
- Links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering

Please list any other typologies or risks:

3. Did any of the corruption risks (typologies) identified in question 2 entail an international element? For example, fraudulent or collusive procurement practices involving foreign or international bidders or suppliers, donors or international financial institutions; aspects of transnational bribery; diversion of resources, assets or persons across borders)? Please be as specific as possible and provide details and examples. If the information is sensitive, please describe the typology or give anonymized examples.

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4. Please describe whether the corruption risks identified in question 2 appear to be longer-term trends. Have they required new or strengthened anti-corruption actions as a result? If so, please elaborate.

The National Integrity Agency took the necessary steps to improve the protection against conflict of interest in the management of public funds.

Law no. 184/2016 *on the establishment of a mechanism to prevent conflicts of interest in the procedure for the award of public procurement contracts* regulates the PREVENT System was launched in June 2017 and has been operational ever since.

When detecting a potential conflict of interest, the system issues an *integrity warning*. After the warning, the management of the contracting authority has to undertake all the necessary measures to remove the elements that generated the conflict of interest (e.g. replacing assessment committee members or, in extreme cases, excluding the bidder). The Agency shall subsequently monitor the measures taken following the issue of the integrity warning until the situation that generated it, is removed, and in the event of failure to do so, ANI may start an ex-post investigation regarding the possible conflict of interest.

In order to remove the potential conflict of interest, the head of the contracting authority/entity that receives the integrity warning shall order all necessary steps, such as replacing the member on the assessment committee who is in a potential conflict of interests or excluding the bidder, candidate, associate bidder, subcontractor or third-party sponsor who are in a potential conflict of interests as per applicable law.

According to art. 9 of Law no. 184/2016: *„Failure to take steps following reception of an integrity warning or to fill out an Integrity Form as under Art. 6 para. (4), triggers an ex officio procedure to assess the conflict of interests, after completion of the award procedure, exclusively concerning the persons who come under the stipulations of Law no.176/2010, as subsequently amended.”*

Moreover, regarding specific measures on public procurement, in the context of the COVID-19 pandemic, the Emergency Ordinance no. 11/ 04.02.2020 regarding medical emergency stocks, as well as some measures related to the establishment of quarantine, National Office for centralized Public Procurement (ONAC) was designated as the authorized institution for organizing and carrying out the awarding procedures in order to conclude framework agreements to cover the needs of emergency stock products medical, including thermal scanners, in an emergency.

During the emergency times, the estimated value of the procurement procedure allowed in these conditions and the technical specifications were provided by the Ministry of Health or the Department for Emergency Situations within the Ministry of Internal Affairs, and a representative of these institutions was appointed to the tender evaluation commissions.

ONAC has always pursued the observance of good practices in the field and the provision of product stocks necessary to combat the effects of the COVID-19 pandemic.

We specify the fact that, in order to increase the effectiveness of the transparency procedures, ONAC has opted for publication on the ONAC website (www.onac.gov.ro), as well as in the electronic public procurement system at the national level (www.e-licitatie.ro) of invitations to participate to all the abovementioned public procurement procedures carried out by negotiation without prior publication, although the legislative context allowed such procedures to be carried out without prior publication of an announcement.

Moreover, ONAC invited representatives of Transparency International to the opening meeting of the offers from the first negotiation procedures without prior publication, but they did not respond to the invitation.

At the same time, ONAC collaborated with various institutions at the international level, such as the Romanian embassies, which helped ONAC to verify economic operators from the profile market and/or participants in the award procedures and sent lists of international companies that

were active in the manufacture or sale of the products RO had to purchase, lists to which ONAC did not have access.

Furthermore, taking into account the reduction of economic activities in certain sectors, many economic operators re-oriented and started to produce and/or market products in the medical sector as well, although they had no experience. On one hand, this represented a natural response of the market, on the other hand, it presented a risk that can affect the commercial act, namely the conformity of the products in terms of quality, the correctness of the certificates of conformity, of the product standards, etc. To combat this risk, ONAC requested the presentation of samples for the offered products to facilitate the evaluation of the products' compliance with the technical requirements.

Following the checks of the technical proposals, there were suspicions regarding the validity of the certificates submitted. In order to prevent other similar situations, measures were adopted to be able to check the certificates of conformity and/or the test reports of the products offered, by collaborating with various institutions at the national level.

In addition, given the risk of the virus spreading internationally, the demand for products for the early detection, isolation and treatment of cases and prevention of further spread of infection has increased. This has generated the risk of these products not being delivered under emergency conditions established by the specifications.

Thus, as a measure undertaken to identify and mitigate the risks of corruption associated with supply chains, within the negotiation procedure without prior publication, ONAC considered it necessary to confirm by requesting documents proving the quantitative level of the stock, the availability and the method of delivery of products specific to emergency situations.

Regarding the proposal of special measures that could be introduced as a response to a particular emergency to combat the risks of corruption, we consider it useful to be able to access databases at international level for a cross-check of information related to the real beneficiaries of economic operators participants in the awarding and conviction procedure regarding acts of corruption, as well as conducting an external audit in real time.

5. Please describe any measures taken to support the private sector in identifying and mitigating corruption risks. This may include particular risks associated with supply chains and procurement processes.

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6. Please provide an overview of efforts taken to understand the particular impact corruption in times of emergencies and crisis response and recovery may have on women and marginalized and vulnerable groups. If possible, please include reference to any research, analyses or assessments undertaken in this regard.

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7. Is there a greater need for international cooperation in responding to corruption risks in the context of emergency and crisis responses than in other situations? Why, or why not?

Effective international cooperation is fundamental for performing successful investigations on corruption. Even more, in the context of emergency and crisis, it is of paramount importance for international institutions to continue the cooperation, by providing mutual assistance and support, as well as effective exchange of information, best practices and tools.

Strengthening anticorruption systems in the context of emergency is vital to mitigating the effects of the crisis, but also to ensure a smooth recovery and minimizing its impact.

II. Addressing corruption during times of emergencies and crisis response and recovery at the domestic level

1. Please describe the anti-corruption controls, safeguards and/or measures put in place to address the corruption risks identified above in question 2. Please highlight any special measures that may have been introduced in response to a particular emergency, and whether those measures may be useful for future crises. These may include anti-corruption task forces, the use of real-time audits, transparency portals and specific reporting channels for reporting corruption in the context of emergencies, including in the areas below.

As a consequence to the Decree no. 195 of March 16, 2020 regarding the establishment of the state of emergency on the territory of Romania, issued in the context of the COVID-19 pandemic, public authorities and legal entities in which the state is the major shareholder were allowed to directly purchase without publishing into the Public Procurement Electronic System materials and equipment necessary to combat this pandemic, exceeding the value threshold (which is around 27.000 EUROS) established by the Law on public procurement for publication in the electronic system. This meant that the direct purchases were not run through the electronic system and, thus, have not been scrutinized by the PREVENT System.

To address the issue of scrutinizing the procedures carried out through direct procurement, NIA has developed a mechanism meant to analyze, based on information available from public sources, data sets on these procedures. The goal of this mechanism is to identify potential conflicts of interest in these procurement procedures that bypassed PREVENT scrutiny.

Public procurement and the management of public finances

2. Please describe measures taken to develop and/or further strengthen accountability and transparency in public procurement during times of emergencies and crisis response and recovery. These may include:
 - The development of specific guidelines, circulars or memorandums for procurement in emergency contexts;

- The development of new codes of conduct or guidelines for procurement personnel during times of emergencies and crisis response and recovery;
- Requirements to disclose potential and real conflicts of interest;
- Reforms of legal, regulatory and policy frameworks governing public procurement;
- Requirements to collect and publish the beneficial ownership information of entities contracting with the government;
- Requirements to cross-check information available on the ultimate beneficial owners of companies involved in procurement processes;
- Publication of information on the whole procurement cycle, from tender to delivery (including type and amount of contract, reference information for the awarded company, beneficial ownership information, validation of delivery, etc.);
- Specific labels or “tags” for procurement contracts to facilitate the monitoring of contracts associated with a particular emergency or crisis;
- Measures to ensure procurement in emergency contexts have appropriate oversight and sanctions, including the potential disqualification of companies;
- Measures to help ensure that compliance programmes and safeguards are in place for bidders;
- The use of online portals that afford opportunities to track procurement contracts through the whole procurement cycle;
- Feedback mechanisms for monitoring by groups outside the public sector, such as civil society organizations.

Please see chapter II, question 1 for conflict of interest issues.

The measures that can be adopted in emergency periods, in the framework of public procurement and public finance management, are those provided for by Law no. 98/2016 on public procurement, with subsequent amendments and additions.

This provides the possibility of reducing the minimum deadlines established for submitting offers or applying the procedure of negotiation without publication of the announcement when, for reasons of extreme urgency, determined by events that could not be foreseen by the contracting authority, the deadlines for the procedures of open tender, restricted tender, competitive negotiation or simplified procedure cannot be respected.

Regarding the requirements of the disclosure of potential and real conflicts of interest, the legal framework applicable is given by Law no. 184/2016 regarding the establishment of a mechanism to prevent conflicts of interest in the procedure for awarding public procurement contracts. The purpose of this law is to prevent conflicts of interest in the procedure for awarding public procurement contracts by establishing an ex ante verification mechanism, from the perspective of situations that may generate conflicts of interest within the procedures initiated through the electronic public procurement system, so that they be removed without affecting the respective procedures.

At the same time, according to GEO no. 98/2017 regarding the function of ex ante control of the process of awarding public procurement contracts/framework agreements, sectoral framework contracts/agreements and works concession and service concession contracts, National Agency for Public Procurement (ANAP) verifies, as part of the ex ante control, the remedial measures adopted by the contracting authority after the communication to ANAP of the integrity warning/notification issued by the National Integrity Agency, until the signing of the contract, regardless of whether the procedures for awarding the contracts in question were included or not in the ex-ante verification program.

The integrity form drawn up within the conflict prevention mechanism of interests is part of the documentation for awarding public procurement contracts.

The publication of information regarding the entire procurement cycle, from auction to delivery (including the type and value of the contract), is done according to Law 98/2016 on public procurement, with

subsequent amendments and additions. This requires the contracting authorities to publish a notice of participation/announcement of simplified participation accompanied by the award and award documentation of the contract/framework agreement in SEAP, as well as in the Official Journal of the European Union in all situations where the estimated value of the public procurement contract/framework agreement is greater than or equal to the value thresholds provided for in Article 7 paragraph (1).

At the same time, according to the provisions of art. 166 of Government Decision no. 395/2016 for the approval of the Methodological Norms for the application of the provisions relating to the awarding of the public procurement contract/framework agreement from Law 98/2016 on public procurement, the contracting authority has the obligation to issue and publish in SEAP ascertaining documents that contain information on the fulfillment or, as the case may be, non-fulfillment of contractual obligations by the contractor/associate contractor and, if applicable, to any damages.

The measures to ensure that purchases in emergency situations have adequate supervision and sanctions, including the possible disqualification of companies, are provided by GEO no. 98/2017 regarding the ex ante control function of the process of awarding public procurement contracts/framework agreements, sectoral framework contracts/agreements and works concession and service concession contracts regulates the measures to verify compliance with the legal provisions applicable in the field of public/sectoral procurement/concessions, from the point of view of regularity and quality by the National Agency for Public Procurement on:

a) the process of awarding contracts, after uploading the procedure documents in SEAP/sending the invitation to participate related to the negotiation procedure without prior publication and until the moment when the communications regarding the outcome of the award procedure remained definitive;

b) changes to the contracts included in the verification according to the provisions of this emergency ordinance.

Subsequently, on April 1, 2020, the European Commission published a set of guidelines on how to use all the flexibilities offered by the EU public procurement framework in the emergency situation caused by the COVID-19 crisis: Commission Communication "European Commission Guidelines for the use of the public procurement framework in the emergency situation related to the COVID-19 crisis". The ANAP recommends contracting authorities to carefully consult the provisions of this Communication, as there is a need for adequate management of relevant public procurement procedures in combating the health crisis generated by COVID-19.

<http://anap.gov.ro/web/opportunitati-de-a-face-fata-crizei-covid-19-prin-achizitii-inovatoare/>

On April 30, 2020, ANAP, in collaboration with the European Agency for SMEs (EASME), and with the European Innovation Council (EIC) support, organized a virtual event with the theme "EIC ePitching to procurers on COVID19: co-creating innovative solutions to support European public & private procurers on COVID19". Taking into account the pressures on the procurement system in the medical field, but also the use of innovative procurement on a relatively limited scale in Romania, the ANAP recommended to all purchasers in the health field who have the ability to manage such procurements to participate in the above mentioned event.

<http://anap.gov.ro/web/anap-a-publicat-astazi-ordinul-presedintelui-cu-privire-la-modul-de-formulare-a-cerintelor-de-calificare-si-a-specificatiilor-tehnice-aferente-achizitiei-de-masti-de-protectie/>

According to the above link, ANAP published the Order no. 2376/2020 of December 4, 2020, regarding the way to complete and the way to use the standard documents "Instructions for bidders/candidates" and "Specifications" when awarding the framework agreement/public procurement contract /sectorial for protective masks for sanitary use of type II, II r, FFP2, FFP3, it was published in MOF, Part I, of December 14, 2020 no. 1222 and 1222 bis.

<http://anap.gov.ro/web/precizari-legate-cu-privire-la-realizarea-achizitiilor-prevazute-in-decretul-presedintelui-romaniei-privind-instituirea-starii-de-urgenta-pe-teritoriul-romaniei/>

Information regarding the realization of the purchases provided for in the Decree no. 195 of March 16, 2020 regarding the establishment of the state of emergency on the territory of Romania.

Furthermore, ANAP has published on the website, the document regarding the clarifications brought by the European Commission regarding the restrictive measures against Russia, introduced by EU Regulation no. 2022/576. This document includes a series of questions and answers regarding the sanctions applicable in the field of public procurement. The above mentioned Regulation is available at https://ec.europa.eu/info/sites/default/files/business_economy_euro/banking_and_finance/documents/faqs-sanctions-russia-public-procurement_en.pdf . Therefore, when the contracting authorities have suspicions, they should ask the economic operators for additional information, explanations or supporting documents and a Declaration on their own responsibility requesting to state that they do not fall under the provisions of Article 5 of EU Regulation 2022/576 .

According to the press release published on 27.05.2022 <http://anap.gov.ro/web/autoritatile-nationale-pot-transmite-intrebari-suplimentare-legate-de-aplicarea-sanctiunilor-impotriva-rusiei-in-domeniul-achizitiilor-publice> , the contracting authorities/entities may send to contact@anap.gov.ro additional questions regarding the application of the Regulation, other than those contained in the document published by the European Commission. ANAP centralizes and transmits these questions to the specialized technical services of the European Commission, through the Permanent Representation of Romania to the EU - Brussels.

3. Please highlight 2-3 good practices and challenges faced when developing, implementing and/or monitoring the measures you have identified in question 2.

Please see chapter II, question 2

4. Were internal audit systems, real-time audit mechanisms and/or other mechanisms used to help monitor and oversee the management of public resources during times of emergencies and crisis response and recovery? If so, please describe. Please provide any information on good practices and/or lessons learned.

Please see chapter II, question 1

5. Please describe what measures or initiatives could be used/have been used to help ensure transparency in the allocation, use, distribution and management of the national budget during times of emergencies and crisis response and recovery. These may include dedicated budget lines, measures to present budget items, public hearings or rendering such information accessible to the public.

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Inter-institutional coordination at the national level

6. Please outline measures which could be taken or have been taken to enhance coordination among institutions at the national level involved in response and recovery efforts, such as Memorandums of Understanding, data sharing agreements, standard operating procedures or other formal and informal mechanisms that enable institutions to share information and respond in a coordinated manner to corruption risks in the context of emergencies.

The PREVENT System analyzes data and information that is mandatory to be completed in the integrity form (available in the Electronic Public Procurement System - SEAP) by interconnecting the System with relevant databases (National Trade Register Office - ONRC, Directorate for Personal Evidence and Database Management - DEPABD, the Database of Asset and Interest Disclosures).

Furthermore, based on a cooperation agreement concluded between the NIA and the ANAP, the integrity inspectors notifies ANAP for possible irregularities in public procurement procedures, resulting from the analysis activity of PREVENT.

Thus, according to art. 8, para. (3) from Law no. 184/2016, the National Agency for Public Procurement verifies whether the necessary measures have been implemented in order to eliminate the conflict of interest situation, in accordance with its specific attributions.

Transparency measures, including access to information

7. Does the government have specific measures in place to identify individuals who may be involved in, or who help facilitate, corrupt acts? Such measures may include requirements to disclose beneficial ownership information and requirements to make such information accessible to law enforcement or other authorities. For example, information contained in beneficial ownership registries or information contained in open tender portals may be used by supreme audit institutions and other oversight bodies to audit, and inform, response and recovery measures.

The legal framework regarding the declaration of the real beneficiaries of private legal entities, trusts and any other legal constructions similar to trusts is provided by Law no. 129/2019 for the prevention and combating of money laundering and the financing of terrorism, as well as for the amendment and completion of some normative acts, with subsequent amendments and additions.

According to art. 19 para. (1) and para. (5) lit. a) from the abovementioned normative act, legal entities under private law, trusts and any legal construction similar to trusts are obliged to obtain and hold adequate, correct and up-to-date information regarding their real beneficiary, including regarding the manner in which this quality is realized, and make them available to control bodies and supervisory authorities, upon their request.

These information are registered in a central register organized at the level of the National Office of the Trade Register (ONRC) for legal entities that have the obligation to register in the trade register, with the exception of autonomous registries, companies and national societies.

At the same time, paragraph (8) provides that access to the Register of beneficial owners (RBR) is ensured, in accordance with the rules on the protection of personal data and the authorities that have powers of supervision and control, judicial bodies and the National Office for the Prevention and Combating of Money Laundering (ONPCSB) .

The access of these entities to the Register of beneficial owners held by the National Office of the Trade Register is provided free of charge, including online, in compliance with the Procedure for online registration and approval of tariffs for access to the Register of beneficial owners held by the National Office of the Trade Register, according to Order of the Minister of Justice no. 7323/C/2020.

At the same time, we mention that both on the website of the ONRC (www.onrc.ro) in the Real Beneficiaries section, RBR Information subsection, and on the institution's portal (www.portal.onrc.ro) in the Support Area section, the Guide to using the online service of providing information from the Central Register of Beneficial Beneficiaries is displayed.

8. How does the government ensure that emergency measures are limited in duration and scope? Please describe any measures taken to mitigate the use of broad emergency executive authority, such as legislative oversight, regular reports to committees, and review and monitoring mechanisms.

In Romania emergency measures, such as the state of emergency, state of alert and other measures taken under those prospects, enter into force under specific conditions and for a limited period of time.

According to the national legislation, the state of emergency is established for 30 days, with the possibility of extension. The state of emergency is declared by the President, countersigned by the Prime - Minister, and enter into force only with the permission of the Parliament.

The state of emergency can be instituted and maintained only to the extent required by the situations that determine them and in compliance with the obligations assumed by Romania according to international law.

The state of alert can be declared by the Local, County or National Emergency Situations Committee, with the permission of the prefect, the minister of internal affairs or the Prime-Minister, respectively, for a limited period of 30 days, which can be extended successively, based on risk assessments performed by the technical and scientific support groups.

The strategic decisions necessary for the management of emergency situations determined by the types of risk are adopted by the National Committee for Emergency Situations under the direct leadership of the Prime Minister, as chairman.

The Action Commander who coordinates all the intervention forces in case of national emergencies, is the head of the Emergency Situations Department. The Action Commander can issue operative orders, based on the decision support, analyses and reports offered by experts within the National Coordination and Command Centre, as well as the technical and scientific support groups.

9. Have your authorities applied or strengthened whistle-blower protection or reporting systems, including those that afford opportunities for confidential and/or anonymous reports, and how to address such reports?

Romania is in process of transposing in the national legislation the Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, thus giving NIA new assignments in the matter of receiving and solving possible breaches of the law. Until then, the positive law applies.

Use of information and communication technology tools

10. Has the government used information and communication technology tools to build, implement and/or maintain resilient emergency response systems? If yes, please explain what types of tools have been used and include relevant links, if possible.

In 2017, the Ministry of Interior developed, in cooperation with the General Inspectorate for Emergency Situations and the technical support of the Special Telecommunications Service, the RO-ALERT System which allows the broadcasting of Cell Broadcast messages to warn and alarm the population in emergency situations.

In 2020, the Department for Emergency Situations (DSU) has launched the “BePrepared” (FiiPregatit.ro) platform which has become the official source of information to help citizens better understand risks and to inform them about prevention measures and behaviour in various emergencies or disasters.

Moreover, DSU has developed the official DSU App for smart devices, an easy to use tool that provides citizens with information regarding emergency situations, alerts on weather, traffic or disasters, as well as gives citizens the possibility to report certain emergencies they witness.

In order to disseminate preventive messages, the General Inspectorate for Emergency Situations (IGSU) provides information and participates in live actions within the “SafeRomania” (RomaniaSigura) pages created on social networks (Facebook and Instagram). Among the support materials used in this campaign, video spots have been broadcasted nationally since November 2018.

Together with the county emergency inspectorates, prevention activity is present on radio and national television, national prevention campaigns (e.g. I do not tremble at earthquake!), press releases, as well as through articles in media, billboards, posters, magazines, brochures and flyers on social media (*Facebook*, Instagram, Tik-tok), educational films posted on Youtube, mobile information points, open days, exhibitions.

Other useful links:

<https://www.igsu.ro/Comunitate/MaterialeInformare>

11. If possible, please describe the benefits and challenges of using the tools identified in 10?

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12. Has the government used information and communication technology to help manage and oversee public procurement during times of emergencies? If yes, please explain the particular tool, its benefits and challenges and include relevant links, if possible.

Please see chapter II, question 1

13. Has the government used information and communication technology to promote transparency in the management of public finances during times of emergencies and crisis response and recovery? If yes, please explain the particular tool, its benefits and challenges and include relevant links, if possible.

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Engagement of actors outside the public sector

14. If possible, please provide an overview of how the government has partnered with, or encouraged the participation of, actors outside the public sector to help monitor and support oversight of government actions during times of emergencies and crisis response and recovery. Please also include any future initiatives planned.

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15. Are there any policies or initiatives that particularly facilitated the engagement of actors outside the public sector in these contexts? If yes, please describe.

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III. Responding to corruption during times of emergencies and crisis response and recovery, including through international cooperation

1. If possible, please provide examples of detected or suspected instances of domestic or transnational corruption and how these were identified in your country. If the information is sensitive, please describe the typology or give anonymized examples.

One of the crises Romania went through was the SARS COV 2 pandemic, which created an environment conducive to increasing corruption.

The National Anticorruption Directorate (DNA) has opened a significant number of criminal investigations regarding corruption offences committed in the context of the pandemic.

A lot of cases are pending; consequently, we cannot disclose details on these investigations.

The main typologies of these criminal activities are:

- a. violation of legal provisions for the organization, award, and execution of direct public procurement contracts for protective or medical equipment (masks, visors, coveralls, insulators, PCR tests, etc),
- b. the purchase of non-compliant medical masks considered dangerous and banned in the EU;
- c. corruption and frauds in relation to the establishment of quarantine centers and allocation of persons to quarantine centers;
- d. corruption in connection with the allocation by the State of financial support to unemployed personnel or to economic operators whose activity has been affected by the pandemic;
- e. issuing false vaccination certificates by doctors without the vaccine being carried out.
- f. corruption in connection with obtaining permits/license for the operation of testing laboratories Covid 19.

The criminal investigation were initiated by DNA prosecutors, either *ex officio* (open sources - journalistic investigations, media or closed sources - information provided by other public authorities) or following complaints or denunciations made by individuals.

2. How did the government respond? Has your country taken any steps to identify, investigate or prosecute corruption in emergency and crisis responses and recovery? Examples may include an interagency cooperation taskforce among anti-corruption authorities, analysis of suspicious transaction or financial disclosure reports, greater cooperation across international borders, strengthening investigation and prosecution capacity, etc.

During the two months of the state of emergency in Romania, in order to comply with the special provisions applicable in this type of crisis, in order to protect the health of DNA employees as well as the people we interacted with (witnesses, suspects, employees from other public authorities etc), the directorate had to reduce/ to cut back on its physical activity.

However, despite these limitations, prosecutors have always been prompt to open and conduct investigations in urgent cases:

- a. *urgent cases* (where preventive measures have been ordered; where *flagrante delicto* actions have been organized; where there is a danger of evidence disappearing) and
- b. *criminal corruption cases related to the coronavirus pandemic*.

In addition to the measure to investigate corruption offences committed in connection with the COVID pandemic, in the context of a state of emergency in which, in fact, restrictions on activity were required, another measure which had the impact of strengthening cooperation was the consultation with representatives of judicial authorities in other EU Member States on how to handle cases in such conditions .

3. In its response, did your authorities find it necessary to seek or request international cooperation (e.g. mutual legal assistance or direct law enforcement cooperation)? Please provide details and examples. How effective do you believe the cooperation was, and what were the main challenges? Was the assistance provided, were there any obstacles?

In some of the criminal cases investigated during the pandemic, the prosecutors have requested international cooperation mostly via judicial channels and instruments (European Investigation Order or MLA based on UNCAC / bilateral convention).

Law enforcement cooperation channels have also been used to obtain the data needed to produce/draft comprehensive mutual legal assistance requests or European Investigation Orders.

The *main challenges* encountered in times of crisis/conflict were the following:

- a) Hearing people during the pandemic was one of the judicial activities directly impacted by the state of emergency. One of the solutions identified by both national and foreign authorities (international legal assistance requests) was the hearing of persons via videoconferencing.
- b) During the Covid-19 state of emergency, the activity of the courts in some countries has been restricted to solving only serious cases (violent crimes, national security and public order, etc.). Some of the international judicial requests issued in the corruption cases investigated by DNA whose subject matter was a measure restricting rights and freedoms, requiring a judge authorization (e.g. obtaining email content from an electronic service provider), they were not solved until the end of the state of emergency. The reason for postponing the execution was that corruption was not included in the list of offences that the courts of the requested country could solve. No solution was identified.
- c) The transmission of applications through conventional channels (private courier services) was a challenge during the state of emergency as postal services were suspended.

The solutions identified were:

- using electronic transmission channels, where the applicable international legal instrument provided for this possibility, or
- sending international assistance requests by diplomatic courier.

The Romanian Ministry of Justice has also used extensively electronic channels during this period. Romanian Ministry of Justice has experienced similar challenges as mentioned by the DNA. Also for extradition and EAW, as well as transfer of sentenced persons, please see the answer at point. 8).

4. Has your government received any requests for international cooperation from other countries seeking to identify, investigate or prosecute corruption during times of emergencies and crisis response and recovery? Please provide details and examples. How effective do you believe your authorities cooperated, and what were the main challenges? Was the assistance provided, were there any obstacles?

The DNA has received MLAs and European Investigation orders during the state of emergency ruled in connection with the COVID pandemic as well as from Ukrainian judicial authorities after the outbreak of the war in this country.

The cooperation provided was effective and prompt.

The main obstacle was to send to Ukraine the documents resulting from the MLA execution because of the suspension of postal services. The solution identified was to hand over the documents at the common border via the Home Affairs liaison officers.

Romanian Ministry of Justice received a limited number of requests regarding this typology of offences and has sent also a limited number of requests, some of them forwarded to us by the National Anticorruption Directorate. Due to the particular context, we communicated with our foreign counterparts via email and subsequently diplomatic channels.

The pandemic brought a more flexible approach in terms of the formalism of channels of communication, many countries being able to accept under the given conditions scanned copied of the requests via email without the originals.

IV. Mechanisms to respond to corruption during times of emergencies and crisis response and recovery through international cooperation

1. Have your authorities had any practical experience in sharing information, including spontaneously, with authorities in other countries concerning suspected corruption in the context of emergency or crisis responses?

Yes, the DNA transmitted spontaneous information in the context of emergency or crisis responses.

2. Has your government used electronic communication channels or networks, including those of INTERPOL or the GlobeE Network, that enable the prompt exchange of information for the investigation and prosecution of corruption offences in the context of emergency and crisis responses?

During the pandemic, we used the GlobeE network in order to track and facilitate the execution of an MLA sent to a country where we did not have a contact point.

3. Are you aware of any examples of joint or parallel investigations or the bilateral sharing of capacity and expertise on investigating and prosecuting corruption in this context?

No.

4. Have you taken additional measures to analyse asset declarations, financial disclosures and/or suspicious transaction reports during times of emergencies or crisis response and recovery?

Asset declarations, financial disclosures and/or suspicious transaction reports are analyzed as a standard procedure during the criminal investigation stage of a corruption case, and not as an additional measure. This type of activity could be done by other national agencies such as the fiscal authorities or the financial intelligence units.

During the COVID-19 pandemic, the NIA took measures to implement a platform (e-DAI) for filling-in and submitting assets and interest disclosures by the public officials and dignitaries, in digital format.

In May 2021, the e-DAI platform was launched, allowing hundreds of thousands of civil servants, dignitaries and other categories of officials provided by law fill-in and submit their assets and interest disclosures, in digital format.

Advantages of transitioning to the electronic disclosure system:

Declarants can fill-in the disclosures at any time or place convenient for them, at home or at work. They may save, update or modify versions prior to submission;

It is not necessary to send the disclosures through postal services, to submit them personally or any other physical management;

Deponents may use previous disclosures as a starting point for the new one, thus avoiding the disclosure of the same information for each reporting period;

Even on short term, the new electronic disclosure system will help save financial resources and limit human interactions, which are more than welcome in times of emergencies or crisis, such as the COVID-19 pandemic.

This electronic tool will strengthen the quality and the timeliness of NIA's investigation files. More concrete, the IT investigation system offers a quicker access to data and information necessary for conducting unjustified assets investigation. In addition to that, the system is able to screen half a million declarations that are submitted every year. Furthermore, NIA developed several risk indicators that will allow us to filter the most problematic declarations that could unveil integrity incidents. Based on the analysis of the IT system, the inspectors will open investigation files on these declarations and on possible conflicts of interests, unjustified assets, failure to disclose all the information etc.

5. Have you experienced challenges in accessing adequate, accurate and up-to-date information on the beneficial ownership and control of legal persons in other jurisdictions? In your view, what may be improved to enable effective, timely access to such information?

No.

6. Have you experienced challenges in verifying assets beneficially owned by public officials abroad? In your view, what may be improved to enable effective, timely access to such information?

When required, in the process of verifying assets, the NIA may request information to international institutions about assets owned abroad by public officials and dignitaries. However, in most cases, NIA has not managed to obtain this information, as the procedure is cumbersome and there is a lack of practice and international legal framework in this matter.

In this regard, there is a need for norms of international law to provide the possibility to exchange data and information between international institutions regarding assets owned abroad by public officials and dignitaries.

Moreover, a major challenge in the identification of assets abroad is that this activity is mainly carried out through AROs. The judicial authorities in most countries do not accept requests to seize unidentified assets.

The problem that arises in these circumstances is that the an ARO can only carry out checks in databases/ registers. It cannot, for example, obtain financial transactions and establish the balance of an account. Most judicial authorities require a high standard of proof to identify assets and if the MLAs are not sufficiently argued factually, they will be rejected on the grounds of fishing expedition.

Another problem is the lack of centralization of databases or registers of assets or accounts, in some countries.

7. Have there been any efforts to support anti-corruption practitioners and law enforcement authorities in your country, including human resources management and opportunities for capacity-building and peer-learning on methods, tools and technologies for countering corruption in the context of emergency and crisis responses?

Yes, DNA personnel had access to various training modules provided by the European Judicial Training Network - EJTN or by the European Union Agency for Law Enforcement Training – CEPOL.

As for the Romanian Ministry of Justice, the personnel have participated in normal training activities and meetings including on corruption topics, no specific focus was on the countering of corruption in the context of emergency and crises responses.

8. In your view, are there any unique aspects of requesting or providing international cooperation in emergency and crises responses as opposed to regular cases?

In our opinion, the unique aspects related to intentional cooperation during crisis/conflict situations are those described in chap. III point 3 on challenges faced in solving these types of cases.

From the perspective of the Romanian Ministry of Justice, the challenges are related to the channels and means of communications mainly, also lack of human resources that happened during pandemic when personnel were forced to stay in quarantine. In order to avoid the blocking of the activities, the personnel rotated in the office, so that in case of infection some people could still be able to be present in the office and ensure the application of the principle business as usual. Also, the same approach was taken in respect of management positions, therefore the Ministry of Justice continued to ensure

through this hybrid approach and rotation methods continuity as central authority in matters related to international judicial cooperation in criminal matters.

Also in terms of effective cooperation, a unique aspect and challenge at the same time as mentioned by DNA in the previous answers is referring to the stopping at least in the initial part of the pandemic of the postal services and airline transportation, together with unique quarantine requirements. This has determined not only major difficulties in delivering the international judicial cooperation requests in paper format via post to those countries which required the originals, but also impossibility to ensure surrender or extradition of sought persons or their taking over or the effective transfer of sentenced persons. Taking into account the very tight deadlines regarding effective removal in extradition or surrender cases this stopping of the transportation has caused huge challenges for the judiciary and the police forces.

9. Does your government have any experience in receiving or providing international financial assistance (such as donor funding or technical assistance) to address emergency situations? In your view, what are effective mechanisms to strengthen integrity and prevent corruption in the provision of emergency relief funds? What should be improved?

-

V. Effectiveness of international frameworks to respond to corruption during times of emergencies and crisis response and recovery, including through international cooperation

1. Are there any longer-term trends related to addressing corruption in emergency and crisis responses that require a new or improved anti-corruption approach in the future? Or that require greater international cooperation or new ways of working together? Please explain.

A trend related to addressing corruption in emergency and crisis responses is digitalization of transmission channels of MLA requests/EIO and the evidence obtained following such request. At present, judicial proceedings - in particular in cross-border situations - still take place mostly on paper and are based on traditional transmission channels. In an environment that is more and more digitalised, this situation does not favour judicial cooperation, especially in times of crisis or conflict.

Another trend in cooperation in times of crisis/conflict is the use of judicial or law enforcement cooperation networks.

Also as regards the activity of the Romanian Ministry of Justice, apart from the digitalization mentioned by the DNA, we would mention also the use of judicial networks and informal contacts in order to identify solutions of transmissions and speed up the execution process.

2. Are there any measures or processes that you would consider good practices to facilitate international cooperation and rapid exchange of information in emergency and crisis situations? Examples could include measures to accept electronic copies of mutual legal assistance requests and prioritize requests concerning corruption during times of emergencies and crisis response and recovery. Has your country had any experience in this regard?

Same response as the one give to question V. 2

3. How should countries strengthen collaboration to address corruption risks arising in emergency and crisis situations, with respect to international cooperation? Please list up to three measures countries could apply that would strengthen international cooperation in this regard.

-

4. Have there been any efforts by your government to enhance cooperation with multilateral, international or regional bodies to address corruption and other forms of crime during times of emergencies and crisis response and recovery?

-

VI. Data collection

1. Have your authorities collected data or statistics to track and analyse trends concerning international cooperation to further prevent, identify, investigate and prosecute corruption during times of emergencies and crisis response and recovery. Are these publicly available?

No.

2. Have your authorities collected data or statistics to track and analyse trends and links between corruption and other forms of crime? Are these publicly available?

No.

Please outline actions required to ensure or improve the implementation of the commitments contained in paragraph 23 of resolution 9/1, as well as any challenges faced or technical assistance required.

Please describe (cite and summarize) measures/steps your country has taken, if any (or is planning to take, together with the related appropriate time frame) to explore and enhance knowledge of the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering, including during times of emergencies and crisis response.

States parties are invited to respond to the following questions:

- I. Analyses and assessments to explore and enhance knowledge of the links between corruption and other forms of crime**

1. Has your government undertaken any analyses or assessments to better understand the links between corruption and other forms of crime, including typologies of crime and how corruption may be used to facilitate and enable organized crime?

A national assessment took place when elaborating the National Strategy against Organized Crime 2021 - 2025. The strategy was drafted following a cooperation process, which involved an accurate radiography both of the phenomenon and of the national capacity of response, benefiting from specific interinstitutional working groups, bilateral meetings with NGOs and a wide transparency procedural rules when consulting over the drafts of the policies in the matter. The relevant institutions identified, as precisely as possible, the national response capacity to the challenges posed by organised crime and the international context in which cross-border criminal flows are placed.

Correlatively, the Romanian institutions have tried to identify integrated and coordinated solutions for the objectives needed to be undertaken by the main institutions with responsibilities in the field of combating organized crime. The strategy's vision is to strengthen and guarantee the safety of individuals and to support a legally developed social and economic environment. These goals can be achieved by effectively preventing and countering risks, threats and vulnerabilities circumscribed to serious organised crime.

2. Has your government taken any measures to strengthen legal, regulatory and policy frameworks that recognize how corruption and other forms of crime may be linked and that call for coordinated anti-corruption action?

The National Anticorruption Strategy 2021 - 2025 aims to strengthen legal, regulatory and policy frameworks that recognize how corruption and other forms of crime may be linked through setting priority sectors (healthcare system, education, public procurement, environment, cultural heritage, business sector, financing the political parties and a highlight on the activity of the members of the parliament), which shows this trait and need increased measures in order to consolidate the fight against corruption.

3. Does your country's national risk assessment or other policy framework to prevent and combat money-laundering recognize and address the risk of laundering of proceeds of corruption and other economic crime?

Both National Strategy against Organized Crime 2021 – 2025 and the National Strategy on the asset recovery named "Crime is not profitable!" in place in Romania adress aspects regarding the prevention and combating of money-laundering and the risk of laundering of proceeds of corruption and other economic crime, providing as general objectives increasing the ability to prevent the phenomenon and resilience to it, developing the institutional capacity at national level to fight against organized crime, and strengthening the intervention against organized crime, each of them providing specific courses of actions that are corelated and aim at the identification and discouragement of organized crime groups that pose a high risk, especially those that use corruption, acts of violence and money laundering.

II. Specific mitigation measures to address corruption and other forms of crime during times of emergencies and crisis response and recovery

1. Have your country's authorities undertaken any investigations into unfair commercial practices, such as price-gouging and the manipulation of prices of essential goods and services, or bids, or abuse in the allocation, distribution, use and management of relief and recovery funds? Have

your country's authorities undertaken any investigations into corruption during times of emergencies and crisis response and recovery, such as bribery of procurement or other public officials, embezzlement of profits, diversion of resources and conflicts of interest? Have any measures been applied to freeze and seize related proceeds of crime?

-

Please outline actions required to ensure or improve the implementation of the commitments contained in paragraph 22 of resolution 9/1, as well as any challenges faced or technical assistance required.

Questionnaire

Contact Information

Please provide contact details for potential follow-up questions. Contact details will be treated confidentially.

Country: ROMANIA

Please describe (cite and summarize) good practices your country has taken (or is planning to take, together with the related appropriate time frame) concerning international cooperation to further prevent, identify, investigate and prosecute corruption during times of emergencies and crisis response and recovery.

States parties are invited to provide information on experiences, good practices and challenges concerning the following:

I. Understanding corruption risks and typologies during times of emergencies and crisis response and recovery, including transnational elements

1. Has your government assessed corruption risks during emergencies or crisis response and recovery, either through formal risk assessments or other informal means? Please provide details, such as key findings and mitigation plans. Please describe whether any other (existing) risk assessment has been carried out that is relevant to the emergency response (such as sectoral risk assessments in procurement, healthcare, infrastructure, etc) and provide details.

The Ministry of Internal Affairs from Romania has a dedicated legal framework for the prevention of corruption and promotion of integrity within the law enforcement authorities. The legal framework is provided by the Order of the Minister of Internal Affairs no. 62 of 2018 regulating the prevention of corruption inside the ministry and the competent institution responsible for implementation of this policy is DGA.

According to this regulation the prevention of corruption is the set of measures taken in order to reduce the incidence of corruption committed by MoIA staff, to adopt an honest behaviour and to increase citizens' trust in the institution, and to prevent corruption through a set of actions. One of this specific actions is *corruption risk management*, the set of processes aimed at identifying, describing, evaluating and prioritizing institutional and individual factors that favour or determine the commission of corruption, the development and application of measures necessary to prevent their occurrence and limit their effects.

The tool, *corruption risk management*, developed by specialists from the Prevention Department in DGA and implemented at the level of MoIA, since 2010, based on good practices and assessments of efficiency and effectiveness in preventing corruption, has become a mandatory tool for all public authorities in Romania.

The internal normative and procedural framework incident to this field of activity is represented by the System Procedure on corruption risk management within the structures of the Ministry of Internal Affairs (PS-DGA-01) drafted in accordance with the Government decision no. 599/2018, while the data on corruption risks is implemented and processed using an IT tool (MARC application).

According to the procedure, each unit of the MoIA structures, such as Romanian Police and the Romanian Gendarmerie, has the obligation to designate a prevention of corruption working group who carry out the tasks of identifying corruption risks and adopting their corruption risk register. The working group is supported in its activity by an integrity advisor who ensures the

secretariat of the working group.

DGA has the responsibility of coordinating the process of drafting the methodology for risk assessment, training and coordinating the working groups established at the level of each law enforcement institution, monitoring the implementation of the preventive measures and drafting of the Annual Corruption Risk Monitoring Report.

Moreover, DGA uses the data coming from the corruption risk management process in order to further draft and update the Corruption Risk Report of the MoIA and the Integrity Plan at the level of the ministry.

At the level of MoIA the corruption risk management has been applied continuously, including during times of emergencies or crisis.

At the level of the Anti-corruption General Directorate (DGA), the corruption risks were assessed for all the structures of the Ministry of Internal Affairs, and in particular those that could manifest themselves during the COVID 19 pandemic. Thus, the DGA sent a written information to all the structures of the MoIA, including the GRECO Recommendation (2020) 4 of 15.04.2020 regarding the risks of corruption and useful legal references in the context of the spread of COVID-19. Thus we mention:

- a series of attempts to avoid or force the restrictions, including committing acts of corruption, so that they can continue their income-generating activities or to evade the sanctions/legal measures ordered by the MoIA workers.
- In the field of procurement of sanitary protection materials:
 - increased risks of corruption, even more when the profit of the private environment can become significant.
- isolated incidents of lack of integrity on the part of MoIA workers, who were investigated for committing crimes of:
 - corruption,
 - offenses of abuse of office,
 - crimes of intellectual forgery or
 - neutralizing the fight against diseases.
- categories of activities with a risk of corruption:
 - verification of persons and means of transportation crossing the state border;
 - ensuring the security of the quarantine centers;
 - verification of compliance with the isolation measure at home;
 - checking the movement of people outside the home/household;
- conducting public procurement procedures regarding sanitary materials, means of protection, disinfectants, etc..

The structures of the Ministry of Internal Affairs had an immediate reaction in the implementation of the measures ordered to limit the spread of COVID-19, the current missions being carried out with intensity and rigor, including by supporting the health system in terms of quarantine, isolation at home, intervention in emergency situations, etc.

2. Please list the main typologies of corruption (corruption risks) you have identified in your country's emergency or crisis responses and recovery. You may select from the list below, and add any additional risks not listed:

Public Procurement

- Bribery of procurement officials
- Excessive use of non-competitive bidding procedures, including by single or limited source tendering, with limited safeguards
- Improper application of emergency procurement procedures allowing for expedited delivery of goods and services
- Bid-rigging (e.g. use of inflated prices)

Misappropriation of Emergency Relief Funds

- Non-eligible beneficiaries circumventing rules and regulations, including through bribes, to obtain access to relief and support
- Diversion of donations away from intended beneficiaries
- Exploiting international financial assistance related to emergency relief or other types of support (such as donor funding or technical assistance)
- Embezzlement of profit gained from the sale and distribution of emergency supplies
- Manipulation and inflation of claims for economic relief
- Fraudulent billing for the provision of goods and services
- Diversion of donated equipment/supplies to the black market
- Companies hoarding/not discharging support received from the government

Conflicts of Interest

- Conflicts of interest between suppliers and authorities in procurement processes
- Political appointees or persons entrusted with prominent public functions involved in, or the beneficial owners of, companies bailed out by the government or companies involved in procurement processes
- Support packages distributed according to ethnicity and/or political affiliation

Misuse of Information

- Use of social media to spread misinformation, undertake fraudulent activities such as phishing, cyber-criminal fraud

Inadequate Reporting/Protection Mechanisms

- Inadequate reporting/protection mechanisms for whistle-blowers and witnesses
- Restricted ability to report potential corrupt activities

Other Corruption Risks

- Extensive use of government emergency powers and regulations, with insufficient controls, consultations and/or guidance

- Provision of counterfeit good and supplies
- Fraudulent or illicit production of goods, including research
- Impeded anti-corruption enforcement actions during emergency and crisis responses due to corruption
- Impeded provision of international cooperation (e.g. mutual legal assistance) due to the emergency or crisis due to corruption
- Links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering

Please list any other typologies or risks:

3. Did any of the corruption risks (typologies) identified in question 2 entail an international element? For example, fraudulent or collusive procurement practices involving foreign or international bidders or suppliers, donors or international financial institutions; aspects of transnational bribery; diversion of resources, assets or persons across borders)? Please be as specific as possible and provide details and examples. If the information is sensitive, please describe the typology or give anonymized examples.

4. Please describe whether the corruption risks identified in question 2 appear to be longer-term trends. Have they required new or strengthened anti-corruption actions as a result? If so, please elaborate.

5. Please describe any measures taken to support the private sector in identifying and mitigating corruption risks. This may include particular risks associated with supply chains and procurement processes.

6. Please provide an overview of efforts taken to understand the particular impact corruption in times of emergencies and crisis response and recovery may have on women and marginalized and vulnerable groups. If possible, please include reference to any research, analyses or assessments undertaken in this regard.

7. Is there a greater need for international cooperation in responding to corruption risks in the context of emergency and crisis responses than in other situations? Why, or why not?

II. Addressing corruption during times of emergencies and crisis response and recovery at the domestic level

1. Please describe the anti-corruption controls, safeguards and/or measures put in place to address the corruption risks identified above in question 2. Please highlight any special measures that may have been introduced in response to a particular emergency, and whether those measures may be useful for future crises. These may include anti-corruption task forces, the use of real-time audits, transparency portals and specific reporting channels for reporting corruption in the context of emergencies, including in the areas below.

- verification of persons and means of transportation crossing the state border;
 - conducting public procurement procedures regarding sanitary materials, means of protection, disinfectants, etc.
 - DGA maintained a permanent connection with the MoIA structures, prosecution structures and other public authorities and institutions,
 - DGA supported the implementation of special measures to reduce the spread of COVID-19.
 - DGA provided operational support with speed to MoIA employees, in the following situations:
 - the emergence of pressures from the quarantined persons, their relatives, friends regarding corruption.
 - notification of specific vulnerabilities to corruption in other fields of activity: customs, delivery of sanitary materials, medical, etc

Public procurement and the management of public finances

2. Please describe measures taken to develop and/or further strengthen accountability and transparency in public procurement during times of emergencies and crisis response and recovery. These may include:

- The development of specific guidelines, circulars or memorandums for procurement in emergency contexts;
- The development of new codes of conduct or guidelines for procurement personnel during times of emergencies and crisis response and recovery;
- Requirements to disclose potential and real conflicts of interest;
- Reforms of legal, regulatory and policy frameworks governing public procurement;
- Requirements to collect and publish the beneficial ownership information of entities contracting with the government;
- Requirements to cross-check information available on the ultimate beneficial owners of companies involved in procurement processes;

- Publication of information on the whole procurement cycle, from tender to delivery (including type and amount of contract, reference information for the awarded company, beneficial ownership information, validation of delivery, etc.);
- Specific labels or “tags” for procurement contracts to facilitate the monitoring of contracts associated with a particular emergency or crisis;
- Measures to ensure procurement in emergency contexts have appropriate oversight and sanctions, including the potential disqualification of companies;
- Measures to help ensure that compliance programmes and safeguards are in place for bidders;
- The use of online portals that afford opportunities to track procurement contracts through the whole procurement cycle;
- Feedback mechanisms for monitoring by groups outside the public sector, such as civil society organizations.

- ✓ The insistence on strict compliance with the principle of transparency in the entire public procurement process,
- ✓ Staff adequate information regarding the specific risks of these procedures and the legal obligations to report possible corruption situations.
- ✓ Enforcing the publication, in an open format, of data on public procurements made and public procurement contracts regarding materials and equipment necessary to combat the epidemic caused by COVID-19, as an additional measure to increase integrity in the field.

3. Please highlight 2-3 good practices and challenges faced when developing, implementing and/or monitoring the measures you have identified in question 2.

4. Were internal audit systems, real-time audit mechanisms and/or other mechanisms used to help monitor and oversee the management of public resources during times of emergencies and crisis response and recovery? If so, please describe. Please provide any information on good practices and/or lessons learned.

5. Please describe what measures or initiatives could be used/have been used to help ensure transparency in the allocation, use, distribution and management of the national budget during times of emergencies and crisis response and recovery. These may include dedicated budget lines, measures to present budget items, public hearings or rendering such information accessible to the public.

Inter-institutional coordination at the national level

6. Please outline measures which could be taken or have been taken to enhance coordination among institutions at the national level involved in response and recovery efforts, such as Memorandums of Understanding, data sharing agreements, standard operating procedures or

other formal and informal mechanisms that enable institutions to share information and respond in a coordinated manner to corruption risks in the context of emergencies.

Transparency measures, including access to information

7. Does the government have specific measures in place to identify individuals who may be involved in, or who help facilitate, corrupt acts? Such measures may include requirements to disclose beneficial ownership information and requirements to make such information accessible to law enforcement or other authorities. For example, information contained in beneficial ownership registries or information contained in open tender portals may be used by supreme audit institutions and other oversight bodies to audit, and inform, response and recovery measures.

- Pursuing strict compliance with the principle of transparency in the entire public procurement process,
 - The publication, in open format, of data on public procurements made and public procurement contracts regarding materials and equipment necessary to combat the epidemic caused by COVID-19, as an additional measure to increase integrity in the field.

8. How does the government ensure that emergency measures are limited in duration and scope? Please describe any measures taken to mitigate the use of broad emergency executive authority, such as legislative oversight, regular reports to committees, and review and monitoring mechanisms.

9. Have your authorities applied or strengthened whistle-blower protection or reporting systems, including those that afford opportunities for confidential and/or anonymous reports, and how to address such reports?

- encouraging proactive attitudes regarding legal obligations and ways to report acts of corruption by calling the DGA anti-corruption Call-center telephone system 0800.806.806 or by contacting DGA structures directly,
 - intolerance of citizens' manifestations of compromising the integrity of the ministry's employees.

Use of information and communication technology tools

10. Has the government used information and communication technology tools to build, implement and/or maintain resilient emergency response systems? If yes, please explain what types of tools have been used and include relevant links, if possible.

- The training and information activities carried out by the DGA with MoIA employees were achieved out in a videoconference system

- The prevention activities and prevention campaigns carried out by the DGA, having as target groups both the citizens who can come into contact with the MoIA staff and the MoIA employees, took place mainly in the online environment

11. If possible, please describe the benefits and challenges of using the tools identified in 10?

12. Has the government used information and communication technology to help manage and oversee public procurement during times of emergencies? If yes, please explain the particular tool, its benefits and challenges and include relevant links, if possible.

13. Has the government used information and communication technology to promote transparency in the management of public finances during times of emergencies and crisis response and recovery? If yes, please explain the particular tool, its benefits and challenges and include relevant links, if possible.

- The permanent infrastructure due to the relevant legislation (Law 544/2001 on information of public interest, with the related application rules, including the Memorandum on access to this type of information) requires a high level of transparency regarding the management of public funds (the obligation to publish them on the website of each institution, in open format/compatible with open format). The mentioned measures are found as obligations for public institutions in Romania in the National Anticorruption Strategy.

Engagement of actors outside the public sector

14. If possible, please provide an overview of how the government has partnered with, or encouraged the participation of, actors outside the public sector to help monitor and support oversight of government actions during times of emergencies and crisis response and recovery. Please also include any future initiatives planned.

15. Are there any policies or initiatives that particularly facilitated the engagement of actors outside the public sector in these contexts? If yes, please describe.

III. Responding to corruption during times of emergencies and crisis response and recovery, including through international cooperation

1. If possible, please provide examples of detected or suspected instances of domestic or transnational corruption and how these were identified in your country. If the information is sensitive, please describe the typology or give anonymized examples.

2. How did the government respond? Has your country taken any steps to identify, investigate or prosecute corruption in emergency and crisis responses and recovery? Examples may include an interagency cooperation taskforce among anti-corruption authorities, analysis of suspicious transaction or financial disclosure reports, greater cooperation across international borders, strengthening investigation and prosecution capacity, etc.

3. In its response, did your authorities find it necessary to seek or request international cooperation (e.g. mutual legal assistance or direct law enforcement cooperation)? Please provide details and examples. How effective do you believe the cooperation was, and what were the main challenges? Was the assistance provided, were there any obstacles?

4. Has your government received any requests for international cooperation from other countries seeking to identify, investigate or prosecute corruption during times of emergencies and crisis response and recovery? Please provide details and examples. How effective do you believe your authorities cooperated, and what were the main challenges? Was the assistance provided, were there any obstacles?

IV. Mechanisms to respond to corruption during times of emergencies and crisis response and recovery through international cooperation

1. Have your authorities had any practical experience in sharing information, including spontaneously, with authorities in other countries concerning suspected corruption in the context of emergency or crisis responses?

2. Has your government used electronic communication channels or networks, including those of INTERPOL or the GlobE Network, that enable the prompt exchange of information for the investigation and prosecution of corruption offences in the context of emergency and crisis responses?

3. Are you aware of any examples of joint or parallel investigations or the bilateral sharing of capacity and expertise on investigating and prosecuting corruption in this context?

4. Have you taken additional measures to analyse asset declarations, financial disclosures and/or suspicious transaction reports during times of emergencies or crisis response and recovery?

5. Have you experienced challenges in accessing adequate, accurate and up-to-date information on the beneficial ownership and control of legal persons in other jurisdictions? In your view, what may be improved to enable effective, timely access to such information?

6. Have you experienced challenges in verifying assets beneficially owned by public officials abroad? In your view, what may be improved to enable effective, timely access to such information?

7. Have there been any efforts to support anti-corruption practitioners and law enforcement authorities in your country, including human resources management and opportunities for capacity-building and peer-learning on methods, tools and technologies for countering corruption in the context of emergency and crisis responses?

8. In your view, are there any unique aspects of requesting or providing international cooperation in emergency and crises responses as opposed to regular cases?

9. Does your government have any experience in receiving or providing international financial assistance (such as donor funding or technical assistance) to address emergency situations? In your view, what are effective mechanisms to strengthen integrity and prevent corruption in the provision of emergency relief funds? What should be improved?

V. Effectiveness of international frameworks to respond to corruption during times of emergencies and crisis response and recovery, including through international cooperation

1. Are there any longer-term trends related to addressing corruption in emergency and crisis responses that require a new or improved anti-corruption approach in the future? Or that require greater international cooperation or new ways of working together? Please explain.

2. Are there any measures or processes that you would consider good practices to facilitate international cooperation and rapid exchange of information in emergency and crisis situations? Examples could include measures to accept electronic copies of mutual legal assistance requests and prioritize requests concerning corruption during times of emergencies and crisis response and recovery. Has your country had any experience in this regard?

3. How should countries strengthen collaboration to address corruption risks arising in emergency and crisis situations, with respect to international cooperation? Please list up to three measures countries could apply that would strengthen international cooperation in this regard.

4. Have there been any efforts by your government to enhance cooperation with multilateral, international or regional bodies to address corruption and other forms of crime during times of emergencies and crisis response and recovery?

VI. Data collection

1. Have your authorities collected data or statistics to track and analyse trends concerning international cooperation to further prevent, identify, investigate and prosecute corruption during times of emergencies and crisis response and recovery. Are these publicly available?

2. Have your authorities collected data or statistics to track and analyse trends and links between corruption and other forms of crime? Are these publicly available?

Please outline actions required to ensure or improve the implementation of the commitments contained in paragraph 23 of resolution 9/1, as well as any challenges faced or technical assistance required.

Please describe (cite and summarize) measures/steps your country has taken, if any (or is planning to take, together with the related appropriate time frame) to explore and enhance knowledge of the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering, including during times of emergencies and crisis response.

States parties are invited to respond to the following questions:

I. Analyses and assessments to explore and enhance knowledge of the links between corruption and other forms of crime

1. Has your government undertaken any analyses or assessments to better understand the links between corruption and other forms of crime, including typologies of crime and how corruption may be used to facilitate and enable organized crime?

2. Has your government taken any measures to strengthen legal, regulatory and policy frameworks that recognize how corruption and other forms of crime may be linked and that call for coordinated anti-corruption action?

3. Does your country's national risk assessment or other policy framework to prevent and combat money-laundering recognize and address the risk of laundering of proceeds of corruption and other economic crime?

II. Specific mitigation measures to address corruption and other forms of crime during times of emergencies and crisis response and recovery

1. Have your country's authorities undertaken any investigations into unfair commercial practices, such as price-gouging and the manipulation of prices of essential goods and services, or bids, or abuse in the allocation, distribution, use and management of relief and recovery funds? Have your country's authorities undertaken any investigations into corruption during times of emergencies and crisis response and recovery, such as bribery of procurement or other public officials, embezzlement of profits, diversion of resources and conflicts of interest? Have any measures been applied to freeze and seize related proceeds of crime?

Please outline actions required to ensure or improve the implementation of the commitments contained in paragraph 22 of resolution 9/1, as well as any challenges faced or technical assistance required.