

## I. 1. a) Developing and implementing the process

- Within the Ministry of Internal Affairs (MoIA), the Anti-corruption General Directorate (DGA) is the structure specialized in preventing and countering corruption within the ministry's personnel, according to the Government's Emergency Ordinance (GEO) no. 30/2007 on organizing and functioning of the MoIA, with ulterior modifications and completions;
- In this context, the preventive activity conducted by DGA is based on the **National Anti-corruption Strategy for 2016-2020** (SNA), adopted by the Decision no. 583/10.08.2016 and is also based on the *principle of preventing the committing of corruption deeds and integrity incidents*;
- DGA was assigned, by the MoIA Minister's Order no. 72/15.06.2017, as **the structure responsible for the management of anti-corruption issues within the MoIA**, with attributions to coordinate, monitor, collect relevant data and report them to the Technical Secretariat within the Ministry of Justice (in Romania, anti-corruption policies are coordinated by the Ministry of Justice);
- A *key – element* for the implementation of SNA measures within the MoIA was **turning decision - making factors accountable**. In this sense, in order to prevent corruption deeds, the MoIA Minister's Order provides responsibilities and tasks for managers, who are held liable if the measures are not implemented or if the status of their implementation is not reported;
- DGA conducts its specific activity on 3 lines of duty: prevention, education and countering corruption;
- in 2018, the legal framework on preventing corruption was consolidated in accordance with the SNA, with emphasis on **educational activities for promoting integrity**. In this sense, academic environment was extended (universities, high schools etc.), as well as the types of activities (essays contests, seminars, workshops, camps etc.). Thus, in 2018, **117 preventive activities** were conducted in collaboration with NGOs, attended by **6.565 persons**. Also, **777 preventive activities** were conducted with other public institutions, attended by **39.918 persons**;
- for the academic year 2016 – 2017 a **new study subject** was introduced into the current curricula of the students from Police Academy, entitled „*Integrity and prevention of corruption*” and 6 themes were elaborated for the group of students who will be specialized in „anti-corruption”;
- We mention DGA's involvement, for the third time in a row, in the educational program „*A different kind of school*”, initiated by the Ministry of National Education. 9 anti-corruption informing sessions were held at DGA's Headquarters, with pupils from 10 schools and high schools (attended by **287 pupils and teachers**);
- As regards anti-corruption activities conducted for MoIA personnel, **4.424 training and informing activities** were conducted, attended by **68.109 employees** (10.626 managers and 57.483 in executive positions);
- Annually, DGA conducts anti-corruption trainings in the *priority fields of activity*. In 2018, 3 such domains were identified (traffic police, human resources and certain specific areas). **2.302 activities were conducted**, attended by **27.568 MoIA employees**;
- For MoIA personnel recently employed within the ministry, 10 internships were organized together with the Schengen Multifunctional Training, under the title

„*Institutional ethics and integrity*”, in the framework of the project „*Institutional ethics and integrity within the MoIA*”. To the present, the internships were attended by **809 employees**;

- DGA organizes and implements the project „*Effective mechanisms for preventing and countering corruption in public administration, including public procurement and management of projects with EU funding*”, with funds from the Fund for Internal Security. The target group includes, besides DGA officers, MoIA personnel from the units specialized in public procurement, logistics, project implementation, financial, legal matters and other experts who take part to public procurements. By the end of 2019, 300 MoIA employees involved, directly or indirectly, in public procurements will be trained with regards to preventing corruption and fraud in public procurements, especially with EU funds;
- We mention that anti-corruption activities mostly target MoIA personnel;
- Issues related to SNA are currently approached within preventive activities organized by DGA officers for MoIA personnel, with debates on topics such as: conflicts of interests/incompatibilities, whistleblowers, declaration of gifts etc.
- As regards collaboration with similar institutions, we mention that, based on the „*Plan of common measures for preventing corruption in the context of illegal migration 2018*”, concluded by DGA, the General Border Inspectorate and the General Inspectorate for Immigration, since 20.07.2018, **regional anti-corruption meetings** were organized with partners from anti-corruption units from Serbia, Hungary, Ukraine, Republic of Moldova and Bulgaria. On 5.12.2018, DGA organized, in Bucharest, the regional Conference entitled „*Ethics and integrity at Romanian Borders – international institutional dialogue*”.

### **I. 1. b) Monitoring and evaluation**

- In January 2018, DGA sent the documents mentioned bellow to the Ministry of Justice, as a result of monitoring the implementation of the National Anti-corruption Strategy 2016-2020, within the Ministry of Internal Affairs.
  1. Narrative report on the status of the implementation of measures foreseen by the National Anti-corruption Strategy 2016-2020, within MoIA, in 2018;
  2. Inventory of the measures of institutional transparency and corruption prevention, as well as evaluation indicators within MoIA, for 2018;
  3. The list of integrity incidents and of the measures taken to remediate the situation that allowed the integrity incidents to occur;
  4. DGA also assesses on an annual basis the measures stipulated by the Integrity Plan of MoIA.

### **2. a) Development and implementation of the process**

- Currently, DGA is conducting meetings with MoIA structures mentioned in the Integrity Plan of the ministry, in order to analyze the status of measures that are being implemented or partially implemented, as a prerequisite for the updating every two years of the integrity plans;

### **2. b) Monitoring and assessment**

- A mission of internal public audit on *“Improving systems, politics and proceedings created to develop prevention activities within MoIA”* was conducted. The period evaluated was 23.08.2016-31.01.2019.

### **3. Lessons learned**

- The thematic assessments visits conducted by various national experts to verify the implementation of SNA in public institutions, organized by the Ministry of Justice, represent an important element for putting into practice the principles and the objectives from the Strategy. DGA provided experts that participated in the evaluation of public institutions in Romania.
- The participation of DGA in cooperation platforms established by the Ministry of Justice provides the necessary framework to interact with other specialized anti-corruption institutions and exchange good practice.

### **5. The need of technical assistance for the implementation**

There is no need of technical assistance for the implementation of SNA within MoIA.

## Information requested from States parties regarding gathering contributions for the tenth session of the Working Group on Prevention

Ministry of Justice (MoJ) continued to monitor the implementation of the National Anti-Corruption Strategy (NAS) and to carry out the measures that fall under its responsibility, through the NAS Technical Secretariat (TS NAS), as follows:

- At the methodological level, the strategy aims at developing a legal framework for the corruption risks evaluation at central level and for ex post evaluation of integrity incidents.

The Government of Romania adopted, on 02.08.2018, the Government Decision no. 599/2018 for the approval of the Standard Methodology for Corruption Risk Evaluation in the Central Public Authorities and Institutions, together with the indicators for estimating the probability of materializing the corruption risks, the indicators for estimating the impact in the case of corruption risk materialization and the format of the register corruption risks, as well as for the approval of the Methodology for ex post evaluation of integrity incidents in central public authorities and institutions together with the format of the annual report on integrity incidents. The normative act was published in the Official Gazette Part I, no. 751 of 30.08.2018, the date on which it entered into force.

Ministry of Justice was the initiator of the normative act, which was provided as a Specific Objective (Improving the capacity of dealing with management failure by correlating the instruments with impact on the early identification of institutional risks and vulnerabilities) in the implementation of the National Anticorruption Strategy 2016-2020, regarding:

- *Adopting the legal framework needed for the introduction of a standard methodology for the corruption risks evaluation and its implementation at central level, as a prerequisite for updating the integrity plans once every two years;*
- *Developing an institutional mechanism for de ex-post evaluation of integrity incidents and for the promotion of the preventive measures adapted to the typology of the acts analyzed;*

Both methodologies apply to the central public authorities and institutions, including those subordinated, coordinated, or under authority of public institutions, whose leaders have the status of principal, secondary or tertiary authorizing financial officer.

The two methodologies include procedural and substantial rules that each institution can take and adapt according to their own particularities.

To adapt the application of methodologies to the specifics of each public authority and institution, they may adopt complementary rules by tertiary legislation. There are also institutions that have developed their methodologies for the corruption risks evaluation. Regarding the internal regulations of the public authorities and institutions, the rules of the two methodologies will be the general rules.

Main aspects to be considered in the process of implementing the Methodology for the corruption risks evaluation are:

- a) setting up the Working Group for the implementation of the methodology;
- b) identifying and describing the corruption risks;
- c) evaluating the corruption risks;
- d) establishing intervention measures;
- e) regular monitoring and review of corruption risks;
- f) updating integrity plans.

The main aspects to be considered in the implementation process of the ex-post evaluation of integrity incidents' methodology:

- a) designate the person responsible for the implementation of the integrity assessment methodology;
- b) obtaining information about the integrity incident;
- c) analysis of integrity incidents;
- d) verifying the implementation of recommendations to prevent the occurrence of a similar incident.

After the entering into force of the normative act above-mentioned, Ministry of Justice informed the persons designated by the central public authorities and institutions for the implementation of the National Anticorruption Strategy 2016-2020 or, the leadership of the institutions that did not designate such an authority, on the adoption of the HG no. 599/2018, in order to fulfill their obligations regarding the implementation.

➤ Stage of programs financed through European funds:

- MoJ is a partner institution in the Project on "*Effective Mechanisms for Administrative Control and Prevention of Corruption*", carried out by the General Secretariat of the Government.

Through this project, some measures of the National Anticorruption Strategy 2016-2020 will be implemented through European funds, namely those related to Objective 5.3, of the NAS 2016-2020 - Strengthening the administrative control mechanisms, among which the results are also found and the elaboration of a study on the administrative sanctioning system and its implementation.

The study will aim at advancing proposals for the unitary application of the rules, procedures and mechanisms in the area of administrative-disciplinary responsibility within the central public authorities and institutions, which will be consulted through tools such as the questionnaire and the interview.

The consultation of the central public institutions and authorities involves collecting data on the application of administrative sanctions, taking into account the disciplinary sanctions, as well as the sanctions applied by the

control authorities, according to the competences provided by the normative acts regarding their organization and functioning.

- MoJ is a partner institution, together with the Superior Council of Magistracy, the National Institute of Magistracy, the National School of Clerks, the Judicial Inspection, the Prosecutor's Office attached to the High Court of Cassation and Justice and the High Court of Cassation and Justice, in the project named "*Transparency, accessibility and legal education by improving public communication at the level of the judiciary*", which was signed by the authorities in order to be implemented. One of the results pursued by this project refers to "*improved and unified public communication at the judiciary level*".

Among the activities proposed to achieve the above result, there is also a public perception survey on the judiciary/justice system and the analysis of the causes of the level of perception on three levels, as well as the analysis of the main information sources/communication channels that generate perception.

- The project funded by Operational Program Administrative Capacity (POCA) - Strengthening the Administrative Capacity of the Technical Secretariat of the National Anticorruption Strategy 2016-2020 to support the implementation of anti-corruption measures is undergoing the public procurement procedure for the following activities:
  - organizing and conducting 20 peer review missions regarding the implementation of SNA 2016-2020;
  - developing a general model of good practice for the implementation of institutional transparency and corruption prevention measures within the public administration;
  - conducting an audit regarding the implementation of SNA 2016-2020;
  - carrying out the evaluation of the legislation on the protection of whistleblowers and the migration of public and private employees;
  - organizing two anti-corruption conferences;
  - generating an index regarding the institutional integrity;
  - organizing a training session for staff within the Ministry of Justice and subordinate units.

The project aims at increasing the effectiveness of anti-corruption prevention measures by addressing legislative and regulatory gaps and inconsistencies, and increasing the level of anti-corruption education of staff and public authorities as well as citizens.

#### ➤ Strengthening integrity in public enterprises

MoJ and the American Chamber of Commerce in Romania (AmCham) initiated a project on strengthening integrity in public enterprises in 2018. The organizers presented and disseminated their own developed instruments, such as the standard corrupt risk assessment methodology and the integrity incidence methodology, the

Corporate Governance Code - 2010, Anti-Corruption Principles - 2012, the Community Investment Guidelines - 2015, The Business Integrity Assessment Guide 2016 and the Conflict of Interests Guide 2017.

The two round tables related to this project were organized in June and November 2018. Through this approach, dialogue between the private business environment, public enterprises and public authorities has been promoted, which resulted in the exchange of experience and good practice on preventing corruption and strengthening integrity.

This project continued in 2019 when MoJ and AmCham organized one training session for trainers attended by representatives of subordinated public enterprises, coordinated or under the authority of Ministry of Public Finance and the Ministry of Economy. The first session took place in 22nd of April, and the organizers' presentation tackled the minimal elements needed for a complex anticorruption internal policy. The topics of the presentation were: compliance, business ethics, conflicts of interest, bribery, incentives, hospitality, intermediation and lobbying. MoJ and AmCham intend to continue this project in 2019.

- TS NAS 2016-2020 supported the Ministry of Culture and National Identity (MCIN) in carrying out two informal evaluation missions regarding the implementation of the preventive measures contained in Annex 3 to the NAS 2016-2020 by the National Library of Romania and the Romanian Youth. This is an approach by MCIN to use the peer-review model of TS NAS to carry out assessment missions to its subordinate institutions.
- During 18 - 19 April 2019, the NAS cooperation platforms took place as follows: 18<sup>th</sup> April 2019, the Platform of the central public administration and the Platform of the independent authorities and anticorruption institutions; 19<sup>th</sup> April 2019, the Platform of the business environment and the Platform of the civil society;

The cooperation platforms in the NAS format have the main role to facilitate dialogue between all participants interested in anti-corruption. At the meetings, the participants presented the latest developments in the implementation of NAS, being invited to share their experience with activities and projects aimed at promoting integrity;

The TS NAS presented the report on the implementation of the NAS, which included:

1. Inventory of institutional transparency and corruption prevention measures as well as evaluation indicators (Annex 3 to NAS 2016-2020);
  2. A narrative report on the state of implementation of the measures provided for in the NAS, which is the responsibility of each institution;
  3. An update of integrity incidents, as well as a brief presentation of the measures taken to address the issues that favored the occurrence of the incident;
  4. Annex no. 5 reported by the institutions that have subordination / coordination / under authority public enterprises report.
- In addition, the subject of the discussions also covered the following issues included on the agenda:

- Presentation of the Standard Methodology for Corruption Risk Assessment within Central Public Authorities and Institutions and the Methodology for Integrity Incidents Assessment in Central Public Authorities and Institutions, followed by a series of clarifications provided to participants to support the implementation of their provisions;
- The status of the programs financed by European funds in order to implement NAS measures;
- Discussion of NAS priorities for 2019:
  - finalizing the NAS measures with 2018 deadline, as well as the outstanding measures from 2016-2017;
  - Continue monitoring of the implementation of NAS 2016-2020 in order to identify progress in the implementation of NAS, identify and correct practical problems arising from the implementation of anti-corruption policies and rules, and increase the awareness, understanding and implementation of measures to prevent corruption, in the public and private sectors;
  - Internal auditing, every two years, of the corruption prevention system at the level of all public authorities (Measure 2.1.1);
  - Measures under the specific objective 3.7, on increasing integrity, reducing vulnerabilities and risks of corruption in the business environment.