



Annex 2

NATIONAL ANTICORRUPTION STRATEGY FOR THE PERIOD 2012-2015



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ABBREVIATIONS

PEA – Permanent Electoral Authority
NAFA – National Agency for Fiscal Administration
NIA – National Integrity Agency
NACS – National Agency of Civil Servants
NARMPP – National Authority for Regulating and Monitoring Public Procurement
CARIN – Camden Assets Recovery Inter-Agency Network
CA – Court of Accounts
EC - European Commission
SCM - Superior Council of Magistracy
NCSC - National Council for Solving Complaints
GAD – General Anticorruption Directorate
GIRP - FID – General Inspectorate of Romanian Police - Fraud Investigations Directorate
DPRDM - Directorate for Persons Record and Databases Management
FFD – Fight against Fraud Department
NAD – National Anticorruption Directorate
GRECO – Group of States against Corruption – Council of Europe
GD – Government Decision
NIM – National Institute for Magistracy
JASPERS - Joint Assistance to Support Projects in European Regions
HCCJ - High Court of Cassation and Justice
MAI – Ministry of Administration and Interior
MCIS – Ministry of Communications and Informational Society
CVM – Cooperation and Verification Mechanism
MECBE – Ministry of Economy, Commerce and Business Environment
MEA – Ministry of European Affairs
MFA – Ministry of Foreign Affairs
MPF – Ministry of Public Finances
MERYS - Ministry of Education, Research, Youth and Sport
MJ – Ministry of Justice
PM – Public Ministry
OECD – Organisation for Economic Cooperation and Development
NOPCML - National Office for Preventing and Countering Money Laundering
NTRO - National Trade Register Office
UN – United Nations Organisation
GEO – Government Emergency Ordinance
OGP - Open Government Partnership
POHCCJ – Prosecutor’s Office attached to the High Court of Cassation and Justice
GSG - General Secretariat of the Government
NAS – National Anticorruption Strategy
CUPAR – Central Unit for Public Administration Reform
UCVPP - Unit for Coordination and Verification of Public Procurement
EU – European Union



NATIONAL ANTICORRUPTION STRATEGY

2012-2015

1. INTRODUCTION

1.1. About the strategy

Romania, as a European democratic state, promotes an integrated public policy in the area of enhancing institutional integrity, based on a proactive corruption cost reduction oriented attitude, the development of business environment based on competition, increasing public confidence in justice and administration, as well as the involvement of civil society in decision making processes.

The national anticorruption strategy is based on the politically assumed ideas of the importance of the anticorruption legal and institutional framework stability and appropriate resource allocation for an efficient operation of public institutions in the service of citizens.

The EC report on the progress registered by Romania within the CVM, published in July 2011, reiterates the recommendation of consolidating the general anticorruption policy, especially through improving the coordination of anticorruption policies at the highest-level and developing a new robust multi-annual strategy to prevent and sanction corruption following the recommendations of an independent impact assessment¹.

The present strategy ensures the implementation of EC recommendations, incorporating at the same time the specific recommendations issued by *The independent assessment on the implementation of the National Anticorruption Strategy 2005-20007 and the National Anticorruption Strategy on Vulnerable Sectors and Local Public Administration 2008-2010 in Romania*². This report emphasises the fact that the new anticorruption strategic document should be comprehensive and multidisciplinary and envisage the executive, legislative and judiciary, as well as local public authorities, the business environment and civil society.

The document incorporates the areas identified as priorities at EU level by the EC Anticorruption Communication³: recovery of proceeds of crime, whistleblower protection, public procurement, preventing and combating political corruption, protection of EU financial interests.

In addition, this strategic document aims at preparing GRECO' s fourth evaluation round, on "Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors", which will focus on the following chapters: principles and ethical rules of conduct, conflicts of interest, prohibition or restriction of certain activities, declarations of assets and interests, implementation of rules on conflicts of interest, awareness.

The present strategy promotes the best anticorruption practices, such as the methodology to assess the corruption institutional risks and the implementation of sectorial plans.

Lastly, the strategy reflects Romania's commitment towards the values of the Open Government Partnership. In September 2011, our country joined the Partnership declaration, assuming as major priorities: increasing the availability of public data made available by public authorities, improving public services,

¹ Report from the European Commission COM(2011) 460 final on Progress in Romania under the Co-operation and Verification Mechanism, published on July 20, 2011.

² The independent assessment was performed between December 2010 and March 2011, within the project „Support to the Ministry of Justice to implement the recommendations of the EC under the CVM”, carried out by MoJ and United Nations Development Program. The evaluation report was published on MoJ website on April 14, 2011, marking at the same time the launch of the public consultation process for drafting the new National Anticorruption Strategy.

³ EU launched in June 2011 the anticorruption package, which contains: EC Communication on fighting corruption in EU; the decision on establishing an EU Anti-corruption reporting mechanism for periodic assessment; the second report on the implementation of the decision on combating corruption in the private sector; the report on the modalities of European Union participation in GRECO.



increasing public integrity, effective management of public funds, creating a safer community and strengthening corporate responsibility.

1.2. Corruption in Romania in the perception indexes and official statistics

In the public perception, corruption continues to be identified as a barrier to quality public services at central and local levels, as a phenomenon that undermines the effective administration of public funds and obstructing justice, also affecting business environment. Internal and external indicators specialised in assessing the impact of corruption perception, puts Romania under the EU member states average.

External indicator	Ascertains	Target to achieve by 2014
Corruption Perception Index 2011	Approximately 3 quarters of the 178 states that compose this index have a score under 5 (on a scale from 0 – high level of corruption, to 10 – high level of integrity) Romania is among these states, with a score of 3,6	6.37 – EU average
Global Corruption Barometer 2010	87% of Romanian respondents consider that corruption in Romania has increased over the last three years	73% - EU average
	Political parties and the Parliament are considered the institutions the most affected by corruption (with a score of 4.5), closely followed by judiciary (4), police (3.9) and public officials (3.8).	EU average 4.4 (political parties), 3.5 (Parliament), 3.4 (judiciary), 3.1 (police), 3.5 (public officials).
	Only 7% of the respondents appreciate as efficient the Government's current efforts to combat corruption	26% - EU average
World Bank Study ⁴ on the Business Environment and Investment Performance 2005-2008	The business environment in Romania considers corruption as a major obstacle in doing business (the third as importance out of 14)	Corruption is no longer identified by the business environment in top 5
Global Integrity Report 2010	Red flag on the requests of governmental information	Green flag
	Three orange flags on political financing transparency, oversight of state-owned enterprises and law enforcement: conflicts of interest safeguards and professionalism.	Green flag
Nations in Transit Report 2011	The evaluation stays at 4.00	3.27 – EU average for 2010.

In terms of judicial statistics, 2010 and 2011 continued to mark a positive trend of the performance indicators specific to DNA's activity in fighting corruption. This shows consistency in the investigation and prosecution of complex cases of serious corruption acts committed by officials, magistrates or persons with leading positions in central and local government.

Thus, in 2010, 11 dignitaries were sent to trial, including one Prime Minister, 3 ministers, 2 senators, one deputy, 2 state secretaries, 2 sub-prefects, and one senator received a final conviction. In 2011, 6 dignitaries were sent to trial (one deputy, one minister deputy, one secretary general within Ministry of Health, one sub-prefect, one president of the National Labour Agency, ranked as secretary of state, one vicepresident of the

⁴ Study „Trends in Corruption and Regulatory Burden in Eastern Europe and Central Asia” was published in 2011 and offers comparative data for 2005 and 2008.



National Agency for Property Restitution, ranked as under-secretary of state) and 4 received final convictions (2 deputies, one former deputy, one sub-prefect).

In the judiciary, for corruption acts, in 2010, 147 defendants were sent to trial, out of which 7 judges, 6 prosecutors, one public notary, one bailiff, 19 lawyers and 34 police officers. 37 defendants received final convictions, including 2 prosecutors, 10 lawyers, 24 police officers and agents and one chief of escort from the prison. In 2011, 263 defendants were sent to trial (2 judges, 3 prosecutors, out of which 2 chief-prosecutors, 27 lawyers, 231 police officers) and 43 received final convictions (2 judges, 2 prosecutors – one chief prosecutor of a prosecutor's office attached to a first court instance, 5 lawyers, 26 police officers – 7 sub-officers and 19 officers, out of which 4 having management positions, 3 judicial liquidators, one sub-officer and 3 officers having management positions within the Emergency Situations Inspectorate, one person from gendarmerie with management position).

Regarding corruption in financial institutions and other control institutions, in 2010 53 defendants were sent to trial, including 8 Financial Guard commissioners, one Commissioner from the Environment Guard, 5 customs officers, 12 inspectors or tax representative, one financial controller from the Court of Accounts, one inspector from the State Construction Inspectorate and 3 inspectors from the Labour Inspectorate. In addition, in 2010, 3 customs officers, one commissioner from the Financial Guard, 6 inspectors and one inspector from the Labour Inspectorate received final convictions. In 2011, 91 defendants were sent to trial (63 customs employees and one director of the Department of Excise and Customs Operations, 11 Financial Guard commissioners, out of which 3 chief commissioners, 2 directors and 4 inspectors, out of which one chief inspector of the Public Finance General Directorate, one counsellor of the National Agency for Fiscal Administration, 5 employees of the Payments and Intervention for Agriculture Agency, one chief inspector of the Territorial Labour Inspectorate, 3 commissioners from the National Authority for Consumers' Protection) and 30 received final convictions (8 customs employees, 4 Financial Guard commissioners, 3 Environment Guard commissioners, 10 fiscal inspectors, 2 inspectors and one counsellor within the Consumer Protection, 2 inspectors form Territorial Labour Inspectorate).

In addition, in 2010, 194 persons from the private sector were sent to trial, and in 2011, 238 natural persons and 41 legal persons. In 2010, 34 persons received final convictions for corruption offences and 90 in 2011.

Since the adoption of Law no. 176/2010 on the integrity in the exercise of public offices and dignities, on amending and completing Law no. 144/2007 on the setting up, organization and functioning of the National Integrity Agency, as well as for amending other normative acts, NIA's operational activity was resumed. In January 2012, the Agency had 4294 pending files. Moreover, between April 2008 and January 2012, the results of the Agency's operational activity are the following: 2800 closed files; 4900 contravention sanctions applied; 229 files of possible criminal acts (conflicts of interests, false statements, suspicions on offences assimilated to corruption offences or offences against the EU financial interests); 232 cases of identified incompatibilities; 31 cases of administrative conflicts of interests identified; 27 cases where the Agency requested the courts/commissions for wealth investigations attached to the Courts of Appeal the confiscation of unjustified amounts – the total amount representing unjustified differences – approximately 42.5 million lei (12.2 million euro) – 3 final confiscation decisions; 2.660.250 declarations of assets and interests published on the declarations' of assets and interests portal between 2008 and 2012.

1.3. Existing public policies and legal framework

NAS is a document of a medium-term strategic vision which provides the major coordinates of action in the support of promoting the integrity and the good governance at all the public institutions level.

The document represents the starting point in the development and adoption/adaptation by the institutions and the public authorities of their own sectorial plans. So, NAS contains the principles of action, the general and specific objectives relevant at national level. Also, the document includes practical aspects and concrete tools useful for developing the sectorial action plans such as: the inventory of the mandatory preventive measures, associated performance indicators, the standard structure of the action plan, the coordination and monitoring mechanism.



This strategy provides the action directions development assumed by the Government Program for the period 2009 - 2012, Chapter 4, "Justice and Anti-Corruption Policy".

Moreover, in order to ensure the coherence and the coordination of all the relevant national level initiatives, NAS includes the 2nd, the 3rd and the 4th benchmark of the Cooperation and Verification Mechanism. The document will lead to the optimization of the inter-institutional coordination structure, established by the Government Decision no. 79/2010 on setting up the Commission for monitoring the progress made by Romania in the field of judicial reform and fight against corruption.

Based on the inter-institutional consultation organised for drafting this strategy, the complementarity of the already adopted initiatives at national level shall be ensured. We take into consideration especially the National Integrity Agency's Strategy 2011-2014, for fighting and preventing the acquiring of unjustified assets, conflicts of interests and incompatibilities, as well as the institutional steps taken by the Superior Council of Magistracy for enhancing the justice credibility and the accountability of the judicial.

The Romanian anticorruption legal framework is constantly appreciated within the GRECO and the CVM evaluation reports as a developed one. The independent evaluators of the anticorruption strategies implemented between 2005 and 2010 reached the same conclusions. As a consequence, this strategy focuses on the implementation and the ensuring the stability, the predictability and the legislation coherence and the anticorruption institutional framework.

2. FUNDAMENTAL VALUES AND PRINCIPLES PROMOTED BY NAS

2.1. Fundamental values

This strategy is built on the premise of assuming by all institutions and public authorities of the following fundamental values:

- **Political will** – all the three powers in the state, the executive, the judiciary and the legislative, understand the importance of a corruption free society and will work together to ensure the implementation of the present strategy;
- **Integrity** – the representatives of public institutions and authorities are bond to declare any personal interests which may be in conflict with the objective exercise of their duties. Also, they are required to take all the necessary measures to avoid conflicts of interest and incompatibilities;
- **Priority of public interest** – the representatives of public institutions and authorities have the duty to consider the public interest above any other interest in fulfilling their attributions. They must not use their public attributions in order to obtain undeserved pecuniary or non-pecuniary benefits for themselves, their families or their acquaintances;
- **Transparency** – the representatives of public institutions and authorities will provide free access to information of public interest, transparency of decision making process and consultation of civil society in this process.

2.2. Principles

Each measure covered by the strategy and the action plan summarizes the following principles, which are essential to achieve a modern and efficient public administration:

- **The principle of rule of law** under which the supremacy of law is established, all citizens being equal before the law. It is based on respect for human rights and requires the separation of powers;
- **The principle of responsibility** according to which the state authorities are responsible for fulfilling their duties for the implementation and for the effectiveness of the action strategies agreed;
- **The principle of assessing and managing corruption risks** should be an integrated part of the managerial process carried out by each organisation;
- **The principle of proportionality in drafting and implementing anticorruption procedures:** Public institutions should draft, implement and maintain strong procedures, proportional with the institutional risks and vulnerabilities and dimensioned according to the resources and complexity of the organisation;



- **The principle of accountability at the highest level of commitment:** The antibribery policies will not be effective if there is no clear message delivered by the administration at the highest level, that bribery is not tolerated. The superior rank in the management of each administration level has to initiate, supervise and lead, by the power of example, the application of a rejection policy towards corruption, acknowledging the fact that bribery is contrary to the fundamental values of integrity, transparency and accountability and that it undermines the organizational efficiency;
- **The principle of preventing corruption cases and integrity incidents** according to which early identification and timely elimination of the premises for the emergence of corruption cases are priority and imperative. Both public and private institutions must show diligence in assessing partners, agents and contractors. Each entity should assess the risks of bribery associated with entering a partnership or contracting agreements with other entities and are then obliged to make regular assessments of risk. When concluding the partnerships or contractual arrangements, they must verify that these organizations have policies and procedures that are consistent with these principles and guidelines;
- **The principle of efficacy in fighting corruption** which is based on continuous evaluation of the activity of the institutions having attributions in this field, both from the point of view of a complete achievement of the objectives assumed for producing the positive effects expected by the society, as well as of the organizational management;
- **The principle of cooperation and coherence**, according to which the institutions involved in prevention and fighting corruption should cooperate closely, ensuring a uniform definition of the objectives to be accomplished and the measures to be taken;
- **The principle of public – private partnerships**, which recognizes the importance of involving civil society and business environment in concrete activities for implementing preventive measures against corruption.

3. AIM OF NAS, PROPOSED INSTRUMENTS AND TYPES OF INTERVENTIONS

3.1. Aim of NAS and the multidisciplinary character

The purpose of the strategy is to reduce and to prevent the corruption phenomena through rigorous application of legal and institutional framework in order to maximize the impact of anti-corruption measures.

The document has a multidisciplinary character and it is addressed to all the public institutions which are representing the executive, legislative and judiciary powers, the local public authorities, the business environment and the civil society.

3.2. Proposed instruments and types of interventions

The periodical assessment reports on the efficacy of the anticorruption steps taken by Romania indicate the fact that the moment of adopting new anticorruption laws has been surpassed a long time ago. It is the moment that each public institution, as well as the private ones, focuses on the efficient implementation of internal and international anticorruption standards.

Also, a change of approach is required on promoting the institutional integrity. In fact, any new ANI or DNA case constitutes a failure of the institutions' management to prevent incidents of integrity in the broadest sense of the word. The solution can only be the assuming by the leaders of public institutions of integrity issue within the organization. This attitude needs to go beyond the level of assuming only publicly the "zero tolerance" principle, it needs to show concrete measures to discourage corruption acts.

In sustaining a changed approach of management on corruption, NAS highlights the measures for promoting institutional integrity, having as main benchmarks the following: the implementation of ethical standards, efficacy of administrative mechanisms of control and enforcement, the protection of the integrity counsellor and the risks management specific to each institution.

NAS is proposing the implementation of some new instruments already recognized as best European practices, as for example the methodology for the assessment of corruption risks and introducing sectorial plans. Such type of methodology has already been successfully tested by the GAD within the NAS 2008 - 2010. The



implementation of this new strategy also aims at testing the application of this instrument in other public institutions. According to the results, the elaboration of a unitary methodology which is to be implemented by all the public institutions shall be decided.

In addition, starting from the experience of the NAS implemented between 2008 and 2011 in vulnerable sectors, each institution has the obligation to elaborate and implement its own action plan to follow how the specific vulnerabilities were remedied.

This strategy also meets the recommendations on strengthening the coordination and monitoring mechanism implementing the anticorruption measures.

Through the cooperation with the agencies having attributions in preventing and combating corruption, the technical secretariat is aiming at rendering functional a mechanism for the using the NAD, POHCCJ, NAI, GAD and GIRP - FID jurisprudence, and also the jurisprudence of other institutions with control attributions. This mechanism is going to facilitate the periodical assessment of the institutional reaction efficiency, as well as of the measures adopted by the leading boards of the public institutions on the identified risks and vulnerabilities and disseminate the best anticorruption practices. Besides it, with NIA's support, the risk factors and vulnerable sectors shall be identified according to the provisions of Law no. 176/2010.

Last but not least, the inventory of the anticorruption preventive measures and the associated assessment indicators (annex no. 2 to the decision) aims at achieving a periodical (biannual) assessment of the application and efficiency of anticorruption measures at the level of each public institution/ authority. The auto – evaluation shall include measures as assets statements, compliance with the rules on presents, the conflicts of interests management, incompatibilities, ethical and deontological codes, decisional transparency, access to information of public interest, administration of public funds, public procurement, random distribution of cases or of tasks, personnel selection and promoting procedures, etc.

This auto – evaluation shall be backed by a mechanism consisting of specific assessment missions made by joint teams, made of experts from various public institutions or NGOs. Such type of evaluation shall focus also on the concrete modality of the application of the preventive measures stipulated in annex no. 2 to the decision – as for example protection of the public institutions/ authorities personnel as well as of the ethics/integrity advisor signaling breakings of law, and when necessary, formulating proposals for strengthening their juridical statute. This mechanism shall take over the best practices in this field at GRECO, UN and OECD level.

For each type of intervention, NAS identifies general and specific objectives. All these are developed starting from the classical approach, trichotomous of strategic intervention in the anticorruption field, respectively: **prevention, education and fighting**.

4. GENERAL OBJECTIVES

4.1 Preventing corruption in public institutions

The national anticorruption legislation developed along the last decade includes a complex set of preventive measures ensuring a high level of integrity in the Romanian public administration.

Law no. 78/2000 for preventing, discovering and sanctioning the corruption deeds, with the subsequent amendments and completions, sets up an obligation for the persons exercising public functions to fulfil their duties coming from exercising their functions, attributions or given tasks with the strict compliance of professional behaviour laws and provisions, as well as of ensuring the protection and achieving of citizens' rights and legitimate interests, without using their functions, attributions or given tasks for obtaining, for themselves or any other persons, money, assets or undue benefits. This general obligation is subsequently regulated in special laws – as ethical codes and internal regulations including provisions regarding the behaviour of the persons in the public and private sector, according to international standards in this field.



Individual liability should be backed by ensuring the necessary conditions for the application of the existent normative framework, for the periodical monitoring and assessment of the efficiency of the adopted measures. These are responsibilities belonging to the leading boards of the public institutions and imply assuming the anticorruption agenda at the highest possible level. This is one of the major objectives of this section, which is to be implemented at the level of all public institutions.

Apart from the measures mandatory for all public authorities, the strategy comprises specific measures for increasing the degree of integrity and transparency in priority fields/ sectors as: the judiciary, financing the political parties and the electoral campaigns, public procurement and local public administration.

One of Romania's major objectives is the accession to OECD. To this end, obtaining the statute of full membership within the OECD Working Group on Combating Bribery of Foreign Public Officials in International Business Transactions is a priority of the national anticorruption agenda. Along with this objective, NAS will envisage the periodical assessment of the implementation of the specific legislation provided by the Framework Decision on combating corruption in the private sector, as well as the standards set out in the UN Convention against Corruption.

Specific objective 1: Addressing the public institutions' specific vulnerabilities by systematic implementation of preventive measures

Measures:

1. carrying out the periodical self-assessment of the degree of implementation of the mandatory preventive measures (stipulated in Annex no. 2 to the decision);
2. enhancing the activities of implementing internal/managerial control systems at the main credits chief accountants of the state budget, social securities budget and any special fund budget, including the subordinated public institutions⁵;
3. gradually introducing a unitary methodology for the assessment of the corruption risks at the level of public institutions, as a premise for developing the internal integrity plans;
4. implementing the Code of conduct for avoiding incompatibility and conflicts of interests situations by the personnel involved in the management of programs financed through post accession non-refundable funds;
5. enhancing the statute and the role of the ethical counsellor;
6. making call-centre systems operational, in order to facilitate the notification of irregularities and of possible corruption acts;
7. implementing international standards and promoting an active role of Romania within the regional and international anticorruption initiatives.

Responsible institutions: the leaders of all the institutions and authorities of the central and local public administration, those within the judiciary (courts, prosecutors' offices) and the Parliament

Specific objective 2: Increasing the institutional transparency by increasing the availability of public open data⁶ made available by public authorities

⁵ The management/ internal control standards are elaborated on the basis of the Government Ordinance no. 119/1999 on the internal/managerial control and the preventive financial control, republished, with further amendments, approved through the Order of the Minister of Public finances no. 1649/ 2011 on amending the Order of the Minister of Public Finances no. 946/ 2005 for approving the Code of internal control, including the management/ internal control standards at the public entities, as well as the standards for developing the managerial control systems, republished.

⁶ Open public data are those data made available by public authorities and are free to access, reuse and redistribute. As main features, open data are processable (can be processed by automated means) and are provided in an open format (over which no entity has exclusive control) and under an open license (which allows free use of data without them being limited by intellectual property rights - copyright, sui generis right on databases, trademarks or trade secrets). At European level, the principle of reuse of public data is addressed in Directive 2003/98/EC which was transposed into Romanian legislation by Law no. 109/2007 on the reuse of information from public institutions, with subsequent amendments. The law provides that the reuse of documents held by public institutions is free for all potential market participants and that public



Measures:

1. carrying out the procedures to join the Open Government Partnership;
2. ensuring the compliance with the provisions on access to public information and transparency of decision-making process;
3. developing the e-governance, e-administration and e-justice solutions as platforms for citizens' accessing the public services;
4. implementing projects for promoting integrity and good governance in partnership with the civil society;
5. improving the communication strategy on anticorruption topics – with special focus on managing the relations with the public and mass media.

Responsible institutions: the leaders of all the institutions and authorities of the central and local public administration, those within the judiciary (courts, prosecutors' offices) and the Parliament

Specific objective 3: Strengthening the integrity and transparency of the judiciary by promoting anticorruption measures and professional ethical standards

Measures:

1. implementing the strategy on the integrity within the judiciary;
2. reforming the disciplinary judiciary system by strengthening the role and the statute of the Judicial Inspection;
3. cooperating in the integrity field with the representative institutions and organizations of the legal and related professions;
4. drafting, approving and implementing a unitary action plan for promoting the integrity at the level of the public institutions involved in the good functioning of the justice as a public service.

Responsible institutions: SCM, HCCJ, PM, MJ and subordinated structures, courts and prosecutor's offices

Specific objective 4: Increasing the transparency of financing political parties and electoral campaigns

Measures:

1. completing the legislative framework on the financing of the political parties and electoral campaigns, according to GRECO recommendations⁷;
2. increasing the administrative control capacity of the PEA by ensuring the necessary resources;
3. PEA periodically organizing training sessions for the representatives of the political parties.
4. ensuring the publicity of the sources of funding of political parties and the electoral campaigns;
5. establishing and implementing maximal norms for electoral street display;
6. enforcing dissuasive sanctions for offering gifts/ material advantages in exchange of votes.

Responsible institutions: PEA, NIA, CA, NAFA, PM, HCCJ, MPF

Specific objective 5: Strengthening the integrity of the members of Parliament

Measures:

1. amending the regulations of the Chamber of Deputies and the Senate and other legislation in this field, in order to put on the agenda of the first plenary session the requests for lifting immunity of Parliamentarians and solve these requests in 72 hours maximum;

institutions should ensure conditions for access to documents for reuse, in particular by setting up lists and directories, in case of electronic means are used, with the most important documents for reuse. This objective translates into SNA concept of open data, to which Romania has committed itself through the procedures to join the Open Government Partnership.

⁷ The recommendations were formulated in the evaluation reports for Romania, within GRECO third evaluation round, on the incrimination of corruption deeds and the transparency of party funding and electoral campaigns. The two reports have been adopted within the 49th plenary GRECO reunion, which took place between 9 November and 3 December 2010.



2. regulating the interdiction for MP lawyers to offer consultancy or to represent in any kind public authorities or state owed economic/financial entities;
3. preparing the evaluation of Romania within the GRECO's IV evaluation round – "Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors";
4. adopting the ethical code of the members of Parliament;
5. organizing periodical seminars, consultations and public debates for disseminating the best practices on integrity among members of Parliament and increasing the citizens' confidence.

Responsible institutions: Romanian Parliament, Romanian Government – through MJ

Specific objective 6: Increasing the efficiency of preventing corruption mechanisms in the field of public procurement

Measures:

1. preventing conflicts of interest in managing public funds;
2. extending the verification and control attributions of NARMPP;
3. substantial reducing of the number of irregularities and contestations, fluidization of the European Funds absorption ratio and efficient using of public funds;
4. identifying the weak points of SEAP and addressing them;
5. systematization of legislation, procedures and guidance materials in public procurement and the broad dissemination to public institutions and companies;
6. establishing a database of companies that have executed inappropriately contracts with public funds;
7. organizing regular multidisciplinary training courses to promote national and international best practices in public procurement;
8. performing an analysis of judicial practice in public procurement and tax evasion, for the unification practice, including by promoting the appeals in the interest of the law.

Responsible institutions: NARMPP, NIA, NTRO, DPRDM, Competition Council, JASPERS, MCIS, NCSC, UCVP, NAD, POHCCJ, HCCJ, MJ, SCM-NIM

Specific objective 7: Promoting a competitive, fair and integer business environment

Measures:

1. implementing OECD, EU, UN standards in preventing corruption in the private sector;
2. promoting loyal competition and antitrust policies by identifying, discouraging and sanctioning anti-competition agreements;
3. achieving the exchange of best practices in implementing the conformity programmes between the private and the public sectors;
4. organizing regular public consultations between the representatives of the public sector and of the business environment on the national anticorruption agenda and on the public policies having impact on the economic activities;
5. disseminating the antibribery policies and programs developed at the level of the companies, including making them available to the possible contractors and suppliers and requesting them to comply to equivalent standards.

Responsible institutions: representatives of the business environment, MJ, MECBE, Competition Council

Specific objective 8: Strengthening the integrity, efficiency and transparency at the level of public local administration

Measures:

1. simplifying the administrative procedures for issuing certificates and authorizations;
2. setting up cost standards and best practices on the main working procedures specific to the local public administration;



3. adjusting organisational structures in relation to the standards of cost and population served;
4. organizing periodical consultations/ public debates at local level for promoting the best anticorruption practices within the local public administration and increasing the citizens' confidence;
5. elaborating and disseminating a diagnostic study on the corruption phenomenon within the local public administration⁸;
6. developing the networks for the elaboration and assessment of public policies at territorial/ local level, after the model of Anticorruption Action Groups⁹.

Responsible institutions: Mayors, presidents of county councils, prefects, the associative structures of the local public administration in Romania, PM, MAI, MJ

4.2 Increasing the level of anticorruption education

Employees' knowing the ethical norms governing the exercising of a public function or dignity, the service attributions, the mission and mandate of various public institutions, working procedures and applicable sanctions are essential pre-conditions for the institutional integrity. Besides the guiding component fulfilled through the ethics or integrity advisors – which becomes applicable in individual case, in the most cases at the request of the employee – the leading boards of the institutions should adopt a proactive role and ensure, on a regular basis, the participation of their own personnel at specialized anticorruption training courses. These training courses should be adapted to the type of carried out public service and the professional background of the employee and, they should offer solid knowledge for reducing the “grey zones“ which – by not knowing or misunderstanding – may lead to corruption.

On the other hand, promoting integrity and ethics within the public life cannot be made without the contribution and the active role of the beneficiaries of the public services. The rejection of corruption by citizens, reporting the irregularities or abuses are manifestations of the civic spirit and of the respect for the state governed by the rule of law. These values should be promoted beginning from school and backed by a facile access to the information of public interest. Thus, a fundamental component of the strategy shall consist of the activity of informing citizens both on the legal obligations of public institutions and public servants, as well as on the modalities of fighting the corruption phenomenon, through the legal and civic means at the disposal of each citizen.

Specific objective 1: Developing the anticorruption component of the continuous training curricula for the personnel of the public institutions

Measures:

1. ensuring the participation of the employees at periodical training courses on the ethical and behaviour norms;
2. introducing within the professional training topics modules on integrity;
3. elaborating and disseminating informative guides and materials on the risks and consequences of the corruption deeds or of the integrity incidents.

Responsible institutions: the leaders of all the institutions and authorities of the central and local public administration, those within the judiciary (courts, prosecutors' offices) and the Parliament

Specific objective 2: Increasing the degree of public awareness on the impact of the corruption phenomenon

⁸ Objectives which are included within the Diagnostic study on the corruption phenomenon within the public local administration co-financed by the European Social Fund through the Operational Programme Strengthening the Administrative capacity – priority Axis 1, major field of intervention 1.2 – Increasing the liability of the public administration. The project is implemented by MAI, through the CUPAR and GAD.

⁹ Within the National Anticorruption Strategy 2008 – 2010, through the cooperation between MAI and the National Centre for Integrity the Anticorruption Action Groups have been set up, including representatives of the local public administration authorities and of the decentralized services.



Measures:

1. organizing anticorruption public debates at national and local level;
2. introducing the anticorruption theme within the extracurricular activities and the school programs (promoting an optional course within the CDS - Curricula upon the school's decision – out of “Human Being and Society” and “Counselling and Orientation”);
3. carrying out a national and local campaign to promote a recognition and rejection of corruption behaviour, including through partnerships school - community - family;
4. initiating and carrying out common projects with NGO s specialized in the anticorruption field;
5. drafting methodological guides on prevention of corruption in education;
6. setting up a portal and a database for online notifications and institutional mechanisms for verification;
7. training teachers and public administration personnel on anticorruption in education.

Responsible institutions: MERYS in cooperation with the institutions with attributions in preventing and combating corruption, leaders of institutions and authorities of the central and local public administration, leaders of the judiciary and of the Parliament

4.3 Combating corruption through administrative and criminal measures

The NAD results regarding the investigation and prosecution of high level corruption cases, including cases involving current or former members of Parliament or Government, are still compelling and have seen a growing number of convictions. However, the results on the courts level still paint a mixed picture. Although most high-level corruption cases are resolved within three years, a significant number of cases involving important officials are pending for over three years. In some of these cases it has already been reached the prescription date, total or partially, while several more are close to this limit. For those cases in which final decisions were issued, the statistics indicate that the trend of tightening the sanctions imposed in corruption cases observed in 2010, with fewer suspended decisions, was not maintained in 2011.

The prosecutor general steps to strengthen the county prosecutor's approach in fighting corruption at small and medium level provide further improvements. County strategies to combat corruption are implemented and their results are reviewed biannually. The number of indictments in such cases, continued to grow (up 14% in 2010), with a higher proportion of investigations that led to indictments. A positive trend in terms of complexity of cases and range of investigation techniques used also was maintained. Moreover, the cooperation with the Ministry of Interior structures GAD and FID had as a result an increase in performance indicators. However, there was a significant decrease in the number of investigations initiated on its own, something that could be reviewed.

Although NIA improved its methodology and its conducted investigations are more efficient, tracking by the competent judicial and administrative bodies should be improved significantly. Sanctions imposed as a result of NIA's findings are few, and those applied are rarely deterrent¹⁰.

In addition to further concrete measures to combat corruption by judicial authorities and NIA through specific means, NAS focuses on increasing the efficiency of administrative control activities. Measures to protect EU¹¹ financial interests are considered by FFD activity. The internal control, audit and disciplinary misconduct penalty mechanisms can contribute substantially to the strengthening of institutional integrity.

Finally, NAS aims to produce a fundamental change in the approach of the fight against organized crime and corruption, by paying close attention to the process of confiscation and recovery of proceeds of crime. In this

¹⁰ For example, out of a total of 82 incompatibility decision confirmed by the courts, the disciplinary committees applied sanctions only in 14 cases, of which 5 were dismissals, and 5 simple warnings.

¹¹ The EU reaffirmed its priorities on protecting the European taxpayers' money, by constantly adopting measures in this regard: Joint Strategy OLAF, DG Regio, DG EMPL and DG Great fraud prevention 2010-2011, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and Committee of the Regions COM (2011) 293 final from May 26, 2011



respect, NAS ensures the complementarity of the national approaches in the fight against fraud, tax evasion and money laundering.

Specific objective 1: Continue the already made progress in the process of impartially investigation and the indictments of the courts of high and local corruption (BM 3 and 4)

Measures:

1. ensuring the stability and predictability of the material and procedural criminal anticorruption legal framework;
2. carrying on the professional and impartial investigations in cases of NAD jurisdiction;
3. adopting managerial measures allowing for the trial within a reasonable timeframe of high-level corruption cases in all competent courts;
4. continue to implement strategies to combat local corruption developed by POHCCJ;
5. transmission by the courts in electronic format the final court decision rendered in the files under NAD jurisdiction and post them on NAD site, respecting the legal framework for the protection of personal data;
6. making analysis on the corruption phenomenon by using the annual statistical data of NAD, POHCCJ, GAD and FID;
7. strengthening transparency, inter-institutional and international cooperation.

Responsible institutions: NAD, POHCCJ, local prosecutor's offices, HCCJ, courts, MJ, GAD and FID

Specific objective 2: Improving the quality and quantity of the monitoring activity and evaluation of assets and interests, in order to achieve dissuasive effects, which will permit reducing the number of cases of acquiring unjustified assets, conflicts of interest or incompatibilities (BM 2)

Measures:

1. monitoring (follow-up) the NIA cases forwarded to the competent institutions/authorities (prosecutors offices, courts, the assets investigation commission from the courts of appeal, the disciplinary committees);
2. strengthening and improving the legal framework regarding the sanctions in ensuring the integrity in the exercise of public functions;
3. developing orientation guides on prosecuting procedures of cases of confiscation of assets, for the judges and prosecutors from the assets investigations commissions attached to the courts of appeal;
4. developing, strengthening and implementing the activities included in the cooperation protocols (with optimal operational value) with institutions and public authorities, periodic monitoring of their fulfilment;
5. evidence of a history of prompt and dissuasive sanctions from administrative and judicial authorities regarding incompatibilities, conflicts of interest and confiscation of assets whose origin cannot be justified as a result of findings of NIA;
6. reducing the period in which a case is solved by using IT solutions.

Responsible institutions: NIA, SCM, the assets investigation commission from the courts of appeal, the courts, public institutions

Specific objective 3: Ensuring the effective protection of EU financial interests in Romania, by specific legislative, operational and informational means (BM 4)

Measures:

1. increasing the transparency regarding the beneficiaries of EU funds and the actions taken by institutions with operational attributions in protecting the EU's financial interests in Romania;
2. protecting the EU financial interests through means specific to the legislative and judicial powers and familiarizing the representatives thereof with the European initiatives in this field.



Responsible institutions: FFD.

Specific objective 4: Strengthening the mechanisms for administrative control

Measures:

1. assessing the system of administrative sanctions and their implementation;
2. carrying out an analysis at national level on the performance of the evaluation system in central and local public administration;
3. strengthening the operational autonomy of the internal control and audit structures and raising the awareness among the decision-making factors from the level of the involved institutions on the role of the internal control / managerial systems;
4. intensifying cooperation with the judiciary bodies by using the results of auditing and internal control activities;
5. introduction in public institutions, on an experimental basis, the integrity tests as an exclusively administrative measure to assess the compliance with the ethical standards;
6. applying dissuasive disciplinary sanctions for violation of ethical and anticorruption conduct standards at the level of all public functions and dignities;
7. publishing a periodical report on disciplinary sanctions;
8. introducing under the competence of the control bodies the obligation to respond more elaborately to questions raised by citizens and provide appropriate guidance to overcome the stereotype answers or template phrases.

Responsible institutions: public institutions (at management level), CA, the authorities (units) of audit and internal control

Specific objective 5: Increasing the degree of the recovery of proceeds of crime following the best practices from other EU Member States and strengthening legal practice

Measures:

1. supporting the revision process of the Constitution with a view to amend art. 44 para. (8);
2. adoption by Parliament of the two draft normative acts promoted by the Ministry of Justice on the extended confiscation and valorification of seized assets before a criminal decision is final;
3. starting a greater number of investigations in cases of money laundering as a stand-alone crime;
4. strengthening cooperation in identifying the proceeds of crime with similar institutions from EU and the specialized networks CARIN and UNO through the specialized structure in the MJ designated as an Asset Recovery Office;
5. developing an integrated mechanism to monitor the interim measures and the confiscations ordered in cases related to serious crimes, including corruption, as well as the state of play of the valorification of assets deriving from offences;
6. amending the normative acts and procedures in force so that the MPF can intervene as a civil part in the criminal cases, when the passivity of the public institutions concerned affects the public budget;
7. adopting legislative and institutional measures to allow a better management of seized and confiscated assets, as well as the reuse of these in social or crime prevention programs;
8. disseminating the best practice in the field of identifying, confiscating and valorification of the proceeds of corruption and other crimes.

Responsible institutions: POHCCJ, MoJ, MAI, MPF, NAFA, the courts, NOPCML, NIM, SCM

4.4. Approving the sectorial plans and developing the national system to monitor NAS

The strategy shall be completed with the National Action Plan (Annex no. 3 to the decision) and the sectorial plans.

The national action plan focuses on the institutional measures with general impact, oriented towards priority objectives and areas, as well as on the implementation of the different international bodies recommendations



(see the specific objectives 3, 4, 5, 6, 7 and 8 from the general objective 1 and specific objectives 1, 2, 3 and 5 from the general objective 3).

The sectorial plans are to be adopted **not only in the vulnerable sectors**, but also at the level of all the public institutions in a term of 90 days since the adoption of NAS, including those in the judiciary (courts, prosecutors' offices) and the Parliament. They shall mandatorily include the minimal standards stipulated within this strategy:

- standard format for the national action plan (the format of the plan in the annex no. 3 to the decision shall be used);
- the trichotomous approach: prevention, education, fighting;
- the inventory of the preventive measures (annex no. 2 to the decision);
- specific objectives and measures stipulated at point 4 of NAS (see the specific objectives 1, 2 from the general objective 1, the specific objectives 1 and 2 from the general objective 2 and specific objective 4 from the general objective 3).

Besides it, the public institutions are encouraged to identify their own institutional vulnerabilities and risks associated to the main working processes, as well as the measures for strengthening the already existent preventive mechanisms. The Technical Secretariat of the NAS may offer, at the request of the public institutions, assistance for the elaboration of the sectorial plans.

The public institutions are encouraged to publish their own web page and communicate to the technical secretariat, in a term of three months since the adoption of the NAS, information on:

- Adoption by the leading board of the public institutions of the statement regarding the adhesion to the fundamental values, principles, objectives and the monitoring mechanism of the NAS;
- Appointing the coordinator at the level of the management of the institution and the contact persons at expert level. The job description of the appointed contact person shall include as a distinct attribution the cooperation with the technical Secretariat of the NAS as well as the obligation to transmit the periodical progress reports, including the half-yearly self evaluation report on the using of preventive measures on corruption. Not transmitting the reports according to the monitoring methodology may be deemed disciplinary misbehaviour, according to the law.
- Approving and disseminating the sectorial plan.

Specific objective 1: Adopting the sectorial plan and periodical self-assessment of the degree of implementation of the national anticorruption legislation, especially of the preventive measures

Measures:

1. informing the employees about the process of developing the integrity sectorial plan;
2. identifying the institution's specific risks and vulnerabilities;
3. identifying the measures to address the specific vulnerabilities of an institution;
4. approving and disseminating the sectorial plan and the accession declaration to NAS.

Responsible institutions: public institutions (at management level), evaluation teams composed of the leaders of the main departments within institutions

Specific objective 2: Monitoring the implementation of the sectorial plan and the participation in the NAS's national monitoring system

Measures:

1. adopting the declaration of accession to the values, principles, objectives and monitoring mechanism of NAS and communication to NAS technical secretariat;
2. making the NAS technical secretariat operational;
3. data collecting for establishing the necessary guideline for the self-evaluation;
4. drafting, testing and approving the methodology for carrying out the activities of monitoring and the NAS portal;



5. contribution to the elaboration to the National Anticorruption Report;
6. participation to the NAS's monitoring activities.

Responsible institutions: public institutions (at management level), evaluation teams composed of the leaders of the main departments within institutions

5. LEGAL IMPLICATIONS

The strategy starts from the premise that the current anticorruption normative framework is enough developed, especially as far as the organization and functioning of NAD is concerned.

Still, certain interventions on the legislative framework and amendments of the institutional framework are necessary, especially in the field of financing of political parties and electoral campaigns.

The main normative act which are viewed to be amended:

- Law no. 334/2006 on financing the activity of political parties and electoral campaigns, republished, with the subsequent completions,
- Government Decision no. 749/2007 for approving the methodological norms for the application of the Law no. 334/2006 on financing the activity of political parties and electoral campaigns, with the subsequent amendments,
- Government Emergency Ordinance no. 34/2009 on the budgetary rectification on 2009 and regulating some financial-fiscal measures, with the subsequent amendments and completions, if Competition Council, NARMPP and PEA do not meet the requirements provided by art. 22 para. (2).

Other normative acts likely to be amended during NAS implementation:

- Law no. 303/2004 on the statute of judges and prosecutors, republished, with the subsequent amendments and completions,
- Law no. 317/2004 on the Superior Council of Magistracy, republished, with the subsequent amendments and completions,
- Regulation of the Chamber of Deputies and the Senate,
- Law no. 161/2003 on certain measures to ensure transparency in the exercise of public dignities, public office and in the business environment and for preventing and sanctioning corruption, with the subsequent amendments and completions,
- Law no. 11/1991 on combating unfair competition, with the subsequent amendments and completions,
- Government Ordinance no. 14/2007 on setting up the modalities and conditions to use the assets entered, according to the law, in the state's private property, republished, with the subsequent completions,
- Criminal and Criminal Procedure codes.

For ensuring the coherence of the NAS coordination and monitoring process, the Romanian Government shall promote drafts for amending/completing the following legislative acts:

- Government Decision no. 79/2010 on the Commission for monitoring Romania's progress in the field of the reform of judiciary and fight against corruption.
- Government Decision no. 1346/2007 on approving the action plan for meeting the benchmarks within the cooperation and verification mechanism on progress in Romania in the field of the judiciary and fight against corruption.

Following the assessments on the efficiency of the anticorruption measures currently in force, it is possible that proposals are formulated for amending the legislation on some preventive measures/ concepts, such as the integrity whistleblower, the ethical counsellor, the access to information of public interest, transparency of the decision making process, etc. Also, within the implementation of NAS, ethical/deontological/conduct codes will be developed or, as the case may be, updated.



The application of the measures included within this strategy shall also imply the adoption of administrative acts with normative character by the involved institutions. Also, dispositions and interior orders shall be adopted for delegating at least 4 experts from the public institutions or NGOs within the technical secretariat of the NAS.

6. BUDGETARY IMPLICATIONS

The implementation of the NAS shall be achieved within the limits and coordinates approved through the Fiscal budgetary Strategy for 2012 – 2014. NAS and the national action plan within the annex are technical documents. Thus, through the minimal standards on format and content, both the national action plan and the sectorial ones shall exclude the measures which are not financially covered.

The financial resources shall be ensured through the budgets of the involved institutions, within the limits of the annual amounts established for this destination, according of the budget programmes approved in conformity with the law, **except for PEA, Competition Council and NARMPP.**

For ensuring the institutional and financial sustainability of the NAS results, the Commission for monitoring Romania's progress in the field of the reform of judiciary and fight against corruption shall take steps for including an objective on promoting the ethics and integrity at the level of public and private sector within the National Reference Strategic Framework for 2014 – 2020, as well as within the operational programme financed from the European Social Fund.

7. COORDINATION OF THE STRATEGY IMPLEMENTATION AND MONITORING

7.1. *Responsible bodies for the coordination and monitoring the implementation of the strategy*

The NAS implementation shall be achieved under the authority and coordination of the Minister of Justice, by reporting it to the Government.

For this purpose, the Minister of Justice shall organize coordination reunions at least every six months. A coordination reunion shall be organized in December, on the occasion of the global anticorruption day. The coordination reunions shall take place as part of the activity of the Commission for monitoring Romania's progress in the field of the reform of judiciary and fight against corruption. At the coordination reunions the representativeness of the three powers – the legislative, judiciary and executive power, as well as of the public local administration, business environment and civil society shall be ensured.

For supporting the monitoring process, at the MJ level an inter-institutional technical secretariat, with permanent activity, shall be set up. Within this secretariat, experts from other public institutions – as MAI, NACS, GSG, as well as from NGOs may be taken included.

For supporting the monitoring process, the cooperation platforms created during the consultations for the elaboration of the strategy shall be maintained and developed:

- a. the platform of independent authorities and anticorruption institutions;
- b. the platform of central public administration;
- c. the platform of the local public administration;
- d. the platform of the business environment;
- e. the platform of the civil society.

The platforms shall be convoked once at two months at least. At their reunions specialists and representatives of the civil society shall be invited.

7.2. *Periodical reports, monitoring methodology and publishing the annual report*

The objectives of the monitoring process are:

- Identifying the progress registered within the NAS implementation;



- Identifying and addressing the practical problems which came up during the application of the anticorruption policies and norms;
- Increasing the degree of awareness, understanding and implementation of anticorruption preventive measures in the public and private sector.

The stage of the strategy implementation shall be assessed on the basis of monitoring reports elaborated on a biannual and annual basis by the technical secretariat. The reports elaborated by the technical secretariat are presented at the level of the five platforms and submitted to approval to the Monitoring Commission within the half-yearly reunion organized under the coordination of the Minister of Justice.

The technical secretariat, with the support of the institutions represented at the level of the platforms, shall carry out monitoring activities including:

- periodical centralizing and updating of the stage of the implementation of the list of anticorruption preventive measures (annex no. 2 to the decision), on the basis of the self assessment reports;
- centralizing, in a term of three months since the adoption of strategy, the initial situation, corresponding to 2011, for all the indicators measured in annex no. 2 to the decision;
- biannual and annual monitoring report;
- documenting and disseminating the identified best anticorruption practices;
- surveys.

As a novelty for the NAS implementation monitoring mechanism, the following permanent mechanisms shall be introduced:

- A mechanism of assessment thematic missions at the level of public institutions. This mechanism shall imply elaborating some assessment thematic questionnaires, as well as carrying out assessment visits at the public institutions by expert teams made of representatives of the five cooperation platforms. The object of the assessment shall be the concrete modalities of the application of NAS, with focus on the efficiency of the preventive measures in the annex no. 2 to the decision. On the basis of the assessment visit, the expert teams may draw up assessments reports and recommendations, which will be subsequently presented to the evaluated institution.
- The periodical evaluation of the efficiency of the institutional reaction and of the measures adopted by the leading boards of the public institutions on the risks and vulnerabilities identified on the basis of the case law of NAD, POHCCJ, NIA, GAD, FID, as well as of the other institution having control attributions. Within this mechanism, within three months since an integrity incident (sending the case to court, NIA final decision, or final conviction decision), at the proposal of the institutions represented within the cooperation platforms, the respective institution shall be asked to present the adopted measures for addressing the aspects which favoured the commission of that deed.

The methodology of carrying out these monitoring activities shall be elaborated by the technical secretariat in a term of three months since the strategy adoption. The methodology shall be presented at the level of the five cooperation platforms and submitted to approval within the coordination reunion organized each semester under the coordination of the minister of justice. Monitoring through the above mentioned mechanisms and measures shall be completed with the conclusions of the periodical reports issued by the EC (within the CVM), GRECO and UN, as well as by other regional or international initiatives Romania is part of. Also, the assessment of the strategy impact shall be achieved through the correlation with external indicators of anticorruption performance and also on those envisaging the cost of corruption.

A monitoring report on the NAS implementation shall be published annually. The report shall include assessments of the stage of the strategy implementation, the found deficiencies and the recommendations for addressing thereof.

To facilitate the monitoring of the strategy, MJ will develop an integrated IT system – PORTAL format to ensure the transmission, processing and analysis of the reports, as well as the access of the institutions and public to relevant information and best practices identified in the strategy.



7.3. The ex – post assessment of the strategy impact.

The ex – post evaluation of the strategy impact shall aim at analysing the modality of using the resources, the achieving of the expected impact and the efficiency of the interventions. The success or failure factors, as well as the sustainability of the results and NAS impact shall be assessed. For a proper assessment of NAS results, the ex – post assessment has to be achieved after a certain period after the implementation. For this purpose, external evaluators may be contracted.



INVENTORY OF ANTICORRUPTION PREVENTIVE MEASURES AND EVALUATION INDICATORS

No.	Preventive measure	Relevant legislation	Relevant indicators
1.	Ethics /deontological/ Conduct Code	<p>Law no. 7/2004 on the Code of Conduct for civil servants, republished</p> <p>Law no. 477/2004 on the Code of Conduct for the contractual personnel within public authorities</p> <p>Law no. 303/2004 on the statute of judges and prosecutors, republished, with the subsequent amendments and completions</p> <p>Government Decision no. 991/2005 on approving the Code of ethics and conduct for police</p> <p>Decision of the Superior Council of Magistracy no. 328/2005 on approving the Deontological Code for judges and prosecutors</p> <p>Order of the Minister of Public Finance no. 946/2005 for approving the Code of internal control, including the management/internal control standards at the public entities, as well as the standards for developing the managerial control systems, republished</p> <p>Internal Orders/memoranda</p>	<p>Number of intimations regarding rules breaching</p> <p>Number of pending intimations</p> <p>Number of solved intimations</p> <p>Length of proceedings</p> <p>Number of decisions confirming the breaching of rules</p> <p>Number of measure disposed differentiated on types</p> <p>Number of the Commission decisions annulled or amended in court</p> <p>Degree of knowledge of the rules by employees (evaluation questionnaires)</p> <p>Number of training activities concerning the rules of conduct</p> <p>Number of persons trained though the professional training activities</p> <p>Administrative measures adopted in order to eliminate the causes or circumstances which have favoured the breaching of rules</p> <p>Number of persons per institution who breached the rules</p> <p>Number of persons who repeatedly breached the rules</p>
2.	Assets declarations	<p>Law no. 176/2010 on amending and completing</p> <p>Law no. 144/2007 on the setting up, organization and functioning of the National Integrity Agency, as well as for amending other normative acts</p> <p>Law no. 161/2003 on measures to ensure transparency in the exercise of public dignities, public functions and businesses, preventing and sanctioning corruption, with the subsequent amendments and completions</p>	<p>Number of persons which have the obligation to submit the assets declarations</p> <p>Number of persons who didn't submit the assets declarations within the deadline</p> <p>Number of persons who didn't submit the assets declarations</p> <p>Number of notifications to ANI</p> <p>Number of ANI decisions following the notifications sent by an institution</p> <p>Number of ANI's enforced decisions</p> <p>Number of court decisions following ANI's notifications</p> <p>Number of administrative measures adopted in order to eliminate the causes or circumstances that have favoured the breaching of rules concerning the assets declarations</p>



			<p>Number of consultation provided by the persons responsible for the implementation of the legal provisions on assets and conflict of interests declarations</p> <p>Degree of knowledge of the rules regarding the assets declarations by employees (evaluation questionnaires)</p> <p>Number of training activities concerning the assets declarations</p> <p>Number of persons trained though the professional training activities</p>
3.	Gifts declaration	Law no. 251/2004 on measures concerning the goods received free of charge on the occasion of protocol actions in exercising the mandate or function	<p>Number of gifts registrated in the register</p> <p>Annual publication of the inventory on the institution website</p> <p>Number of situations where the gift was acquired</p> <p>The value of the valorized assets</p> <p>The value of received gifts (per gift and total amount)</p> <p>The value of the sold gifts</p>
4.	Conflict of interests	<p>Law no. 176/2010 on amending and completing Law no. 144/2007 on the setting up, organization and functioning of the National Integrity Agency, as well as for amending other normative acts</p> <p>Law no. 161/2003 on measures to ensure transparency in the exercise of public dignities, public functions and businesses, preventing and sanctioning corruption, with the subsequent amendments and completions</p> <p>Criminal Code</p>	<p>Number of abstention statements</p> <p>Number of situations where the hierarchical superior ordered the replacement of the person in the position of a potential conflict of interests</p> <p>Number of notifications received from third parties on a conflict of interest situation</p> <p>Number of NIA's decisions confirming the conflict of interests</p> <p>Number of notifications to the Procecurator's Office regarding the possible perpetration of the conflict of interests offence</p> <p>Number of indictments/courts decisions on the conflict of interest offence</p> <p>Degree of knowledge of the rules regarding conflict of interests by employees (evaluation questionnaires)</p> <p>Number of training activities</p> <p>Number of persons trained though the professional training activities</p>
5.	Ethics Advisor	<p>Law no. 188/1999 on the statute of civil servants, republished, with the subsequent amendments and completions</p> <p>Law no. 7/2004 on the Code of Conduct for civil servants, republished</p>	<p>Number of consultation meetings</p> <p>Number of advised employees</p> <p>Number of cases, differentiated on typologies of ethical dilemmas</p> <p>Degree of knowledge of the rules regarding the ethics advisor by employees (evaluation questionnaires)</p> <p>The degree of making the employees aware on the role of the ethical counsellor</p> <p>Number of training activities</p> <p>Number of persons trained though the professional training activities</p> <p>NOTE. NOTE. Reporting will also include information and data mentioned in the NACS President's Order no. 4500/2008, establishing a unitary framework on the</p>



			methods of filling in and transmitting the data and information regarding compliance with the conduct codes by the civil servants and implementation of the disciplinary procedures
6.	Incompatibility	Law no. 176/2010 on amending and completing Law no. 144/2007 on the setting up, organization and functioning of the National Integrity Agency, as well as for amending other normative acts Law no. 161/2003 on measures to ensure transparency in the exercise of public dignities, public functions and businesses, preventing and sanctioning corruption, with the subsequent amendments and completions	Number of incompatible persons Number of notifications to ANI sent by an institution Number of notifications received from third parties on an incompatibility situation Number of NIA's decisions confirming the incompatibilities Number of administrative measures adopted in order to eliminate the causes or circumstances encouraging the breaching of rules concerning incompatibilities Degree of knowledge of the rules regarding the conflicts of interest by employees (evaluation questionnaires) Number of training activities Number of persons trained through the professional training activities
7.	Transparency in decision making	Law no. 52/2003 on transparency of the decision making in public administration, with the subsequent amendments and completions	Number of public announcements regarding the drafts of normative acts Number of recommendations sent by the civil society on amending the drafts of normative acts, differentiated on typologies The acceptance and collection of civil society recommendations on draft laws submitted to public consultation (as a percentage between the total number of proposals submitted and recommendations actually taken) Number of public meetings Number of participants to the public meetings Number of complaints before courts for breaches of legal obligations Number and types of sanctions applied for breaches of legal obligations Number of training activities for personnel from the public administration Number of persons trained through the professional training activities
8.	Access to public interest information	Law no. 544/2001 on free access to information of public interest, with the subsequent amendments and completions	Number of requests for public interest information Number of communicated answers Number of answers communicated after the legal deadline Number of requests of information not answered Number of administrative complaints Number of administrative complaints positively dealt with Number of administrative complaints negatively dealt with Number of complaints to courts Number and type of sanctions applied for breaches of legal obligations Number of training activities for personnel from the public administration



			Number of persons trained through the professional training activities
9.	Whistleblowers' protection	Law no. 571/2004 on the protection of the personnel within public authorities, public institutions and other units who report violations of law	<p>Number of notifications</p> <p>Number and type of norms breached (Compendium of the breached rules)</p> <p>Number of internal regulations harmonized with the legislation</p> <p>Number of institutions that have designated special persons for receiving whistleblower's complaints</p> <p>Number of institutions that have a mechanism in place on the protection of whistleblowers</p> <p>Number of administrative measures adopted in order to eliminate the causes or circumstances encouraging the breaching of rules, differentiated on typologies</p> <p>Number of situations of reprisals at work</p> <p>Number of complaints in court</p> <p>Number of situations where compensations were awarded to the whistleblowers</p> <p>Number of training activities for personnel from the public administration</p> <p>Number of persons trained through the professional training activities</p>
10.	Random distribution of cases / duties	<p>Decision of the Superior Council of Magistracy no. 387/2005 for approving the Courts' Internal Organisation Regulation with the subsequent amendments and completions</p> <p>Regulations, internal orders</p>	<p>Number of persons designated with randomly distribution of cases / duties</p> <p>Number of irregularities appeared in the random distribution system, differentiated on typologies</p> <p>Number of measures taken by the court president / leadership of the institution for clarifying the irregularities</p>
11.	Pantouflage	<p>Law no. 161/2003 on measures to ensure transparency in the exercise of public dignities, public functions and businesses, preventing and sanctioning corruption, with the subsequent amendments and completions (art. 94 para. 3)</p> <p>Government Emergency Ordinance no. 66/2011 on preventing, ascertaining and sanctioning irregularities occurred in the collection and use of European funds and/ or national public related funds (art. 13 para. 1)</p>	<p>Number of internal regulations which stipulate the procedure for monitoring the pantouflage situations</p> <p>Number of institutions that have a mechanism in place for monitoring the pantouflage situations, by appointing a person with special attributions</p> <p>Number of persons who have carried out monitoring and control activities to companies and who have left the civil servants body</p> <p>Number of persons working / giving consultation in companies, autonomous administrations, or in other lucrative units from public sector, within 3 years after leaving the civil servants body (from those who have interdiction according to the law)</p> <p>Number of adopted measures for improving the pantouflage situations, differentiated on typologies</p>



			<p>Number of found violations of the art. 13 para. (1)</p> <p>Number of the court requests for cancellation the financing contract in case of violation of art. 13 para. (1)</p> <p>Number of sanctions applied by the court</p> <p>Number of trade companies in which the persons who carried out monitoring and control activities and who are under art. 13 para. (1), differentiated on major activities</p>
12.	Register for misbehaviors of the officials, public servants, contractual personnel with attributions in the field of protection the EU financial interests	Normativ act	<p>Number and type of complaints (Compendium of the breached rules)</p> <p>Number of administrative measures adopted in order to eliminate the causes or circumstances encouraging rules breaching, differentiated on typologies</p> <p>Note. This indicator shall be monitored after the adoption of the normative act</p> <p>Deadline: 1st semester 2014</p>
13.	Conduct code of the personnel with control attributions in the field of protection the EU financial interests	Normativ act Internal orders	<p>Number of training / presentation sessions</p> <p>Number of persons attending the training / presentation sessions</p> <p>Number and type of rules breached (Compendium)</p> <p>Inventory for breach of rules, frequency</p> <p>Number of administrative– legislative measures adopted to remedy any gaps</p> <p>Indicators form point 1 shall be taken into account</p> <p>Note. This indicator shall be monitored after the adoption of the normative act</p> <p>Deadline: 2nd semester 2013</p>



THE NATIONAL ACTION PLAN FOR THE IMPLEMENTATION OF THE NATIONAL ANTICORRUPTION STRATEGY FOR THE PERIOD 2012-2015

Level	Description	Indicators	Sources of verification	Risks	Responsible	Resources	Term
GENERAL OBJECTIV 1 – PREVENTING CORRUPTION IN PUBLIC INSTITUTIONS							
Specific objective 1.1.	Addressing the public institutions' specific vulnerabilities by systematic implementation of preventive measures						
Measure 1.1.1	Carrying out the periodical self-assessment of the degree of implementation of the mandatory preventive measures (stipulated in annex no. 2 to the decision)	Data and information collected for all indicators included in the inventory	First self-assessment report elaborated and sent to the Technical Secretariat of NAS	Lack of a systematic collection mechanism for the required data The absence of the working procedures	The coordinator of the sectorial strategy	Limited to the approved budget	1 st semester of 2012 and semestrial
Measure 1.1.2	Enhancing the activities of implementing internal/managerial control systems at the main credits chief accountants of the state budget, social securities budget and any special fund budget, including the subordinated public institutions ¹²	No. of elaborated procedures No. of the inventoried sensitive functions No. of risks indentified evaluated and registred in the Risks Register	The programme for developing the internal control/managerial system approved Approved procedures	A non-in-depth evaluation of all managerial/internal control standards	The management of the public institution	Limited to the approved budget	Permanent measure with semestrial assessment

¹² The managerial/internal control standards are elaborated on the basis of the Government Ordinance no. 119/1999 on the on the internal/managerial control and the preventive financial control, republished, with further amendments, approved through the Order of the Minister of Public finances no. 1649/2011 on amending the Order of the Minister of Public Finances no. 946/2005 for approving the Code of internal/managerial control, including the managerial/internal control standards at the public entities, as well as the standards for developing the internal/managerial control systems, republished in the Official Journal of Romania, Part I, no. 449 from July 5, 2011.



		The degree of conformity of the internal/ managerial control system on 31.12.20..	Process to inventory the sensitive public positions finalised Risk registry filled in Report on the internal/ managerial control system on 31.12.20..				
Measure 1.1.3	Gradually introducing a unitary methodology for the assessment of the corruption risks at the level of public institutions, as a premise for developing the internal integrity plans	Minimum three institutions selected for testing the risks assessment methodology Complete implementation of the evaluation cycle stages in at least three public institutions No. and type of the identified risks No. and type of the adopted preventive measures	Final summary report on the results of the testing methodology for assessing the risk of corruption Integrity plans drafted and approved by the three institutions Draft normative act for the approval of the methodology as a mandatory instrument	Insufficient human resources for performing the assessment	Public institutions in cooperation with MAI - GAD and MoJ Cooperation with MAI - NACS	Limited to the approved budget	1st semester 2013
Measure 1.1.4	Implementing the Code of conduct for avoiding incompatibility and conflicts of interests situations by the personnel involved in the management of programs financed through post accession non-refundable funds	The training of trainees component and dissemination of the code's provisions to the recipients Semestrial reporting according to annex no. 1 to the decision	Self-assessment provided under 1.1.1 Website MEA	Insufficient financial resources for the training of trainers/dissemination component	MEA	Limited to the approved budget	Permanent measure with semestrial assessment
Measure	Enhancing the statute and the	Recommendations for	Assessment report	Delays in	NAS technical	Limited to the	2013



1.1.5	role of the ethical counsellor	<p>enhancing the statute and role of the ethical counsellor issued</p> <p>No. of amendments on the legal framework in force proposed and adopted</p> <p>No. of ethical counsellors nominated</p> <p>Establishing the ethical counselling as a main activity</p> <p>Hierarchical subordination of the ethical counsellor to a higher level</p>	<p>of the ethical counsellor institution (part of the thematic missions system within NAS' monitoring system)</p> <p>Statistical data provided in the self-assessment process provided under 1.1.1</p> <p>Normative act adopted</p>	<p>adopting the normative act</p> <p>Insufficient financial resources for performing the activity and ensuring the access to professional training</p>	<p>secretariat in cooperation with MAI - NACS</p>	<p>approved budget</p>	
Measure 1.1.6	Making call-centre systems operational, in order to facilitate the notification of irregularities and of possible corruption acts	<p>No. of technical solutions adopted at the level of institutions</p> <p>No. of notifications received</p> <p>No. of disciplinary infringements/offences ascertained by the competent institutions</p>	<p>Decisions of the disciplinary commissions/courts</p>	<p>Failing to grant the human and financial resources necessary for a call-center functioning</p> <p>Notifications exceeding the competences of the notified institutions</p>	<p>The management of the public institution</p>	<p>Limited to the approved budget</p>	<p>Permanent measure with semestrial assessment</p>
Measure 1.1.7	Implementing international standards and promoting an active role of Romania within the regional and international anticorruption initiatives	<p>The rate of implementing the recommendations of the international organizations to which Romania is part of (GRECO, CVM, EC Report, UN, ect.)</p> <p>Regional and international programs and strategies in</p>	<p>Independent evaluation reports</p> <p>Intermediate or final reports</p> <p>Self-assessment report on the implementation of</p>	<p>Delays in the adoption of the normative acts or the administrative orders recommended</p> <p>Failing to grant the human and</p>	<p>MOJ, MAI, PM, NIA and SCM</p>	<p>Limited to the approved budget</p>	<p>Permanent measure with semestrial assessment</p>



		which institutions from Romania are actively involved No. of actions accomplished in cooperation with the International Anticorruption Academy	UNCAC	financial resources necessary for the effective involvement in international programs			
Specific objective 1.2.	Increasing the institutional transparency by increasing the availability of public data made available by public authorities						
Measure 1.2.1	Carrying out the procedures to join the OGP	Action plan for accomplishing the OGP objectives Public consultations Signing, by Romania, the OGP Declaration	Approving, by the Government, the action plan	Failing to grant the necessary human and financial resources for the implementation of the action plan	MFA, MoJ, MCIS, MPF	Limited to the approved budget	March 2012
Measure 1.2.2	Ensuring the compliance with the provisions on access to public information and transparency of decision-making process	No. and types of public interests information published by own initiative The rate of reply to the requests for information Sanctions applied for breaching the obligations of transparency of the decision making and ensuring the access to information of public interest by making them public ex officio The rate of contesting in court the adopted decisions or measures The rate of implementation of the recommendations within the annual reports	Official websites Statistical data provided in the self-assessment process under 1.1.1 Assessment report of the legislative and institutional framework (part of the thematic missions system within NAS' monitoring system) Activity reports published Court decisions	Limited access to web pages Proceedings duration Non-application of disciplinary sanctions for non-compliance with the legal obligations	GSG Public relations compartments or nominated persons from the public institutions	Limited to the approved budget	Permanent measure with semestrial assessment



Measure 1.2.3	Developing the e-governance, e-administration and e-justice solutions as platforms for citizens' accessing the public services	Developed platforms No. of users The frequency of using Types of services provided	Official website Activity reports	Failing to provide the necessary resoruces Limited internet access	The management of the institution The coordinator of the sectoral plan	Limited to the approved budget	Permanent measure with semestrial assessment
Measure 1.2.4	Implementing projects for promoting integrity and good governance in partnership with the civil society	Cooperation protocols No. of joint projects with the NGOs that are leading to the achievement of the NAS' objectives No. of projects financed according to the Law no. 350/2005 on the regime of non-reimbursable financing from public funds allocated for nonprofit activities of general public interest, subsequently amended and suplemeneted	Reports and public information Publications	Failing to provide the necessary resoruces	The management of the institution The coordinator of the sectoral plan	Limited to the approved budget	Permanent measure with semestrial assessment
Measure 1.2.5	Improving the communication strategy on anticorruption topics – with special focus on managing the relations with the public and mass media	No. of press releases No. of answers to media requests No. of TV shows	Updated strategies of communication	Formal document Failing to provide the necessary resoruces	The management of the institution The coordinator of the sectoral plan	Limited to the approved budget	Permanent measure with semestrial assessment
Specific objectiv 1.3.	Strengthening the integrity and transparency of the judiciary by promoting anticorruption measures and professional ethical standards						
Measure 1.3.1	Implementing the strategy on the integrity within the judiciary	No. of accomplished objectives Best practices developed Sending the periodical progress reports to the NAS' technical secretariat Participation to the NAS'	SCM's decision to assess and update the strategy Periodical progress reports GRECO's evaluation and	Formal document Failing to provide the necessary resoruces Low level of participation and involvement of	SCM, HCCJ, PM, courts and prosecutor's offices	Limited to the approved budget	Permanent measure with semestrial assessment



		monitoring mechanism (platform meetings, semestrial coordination meetings, evaluation missions)	compliance report in the 4th evaluation round „Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors”	the representatives of courts and prosecutor’s offices			
Measure 1.3.2	Reforming the disciplinary judiciary system by strengthening th role and the statute of the Judicial Inspection	Making the Judicial Inspection operational following the new legal framework Financial and human resources No. of notifications No. and type of sanctions applied The rate of confirmation/rejection by the court on types of misbehaviours	Adoption of the draft law for amending the Law no. 303/2004 on the statute of judges and prosecutors and Law no. 317/2004 on the Superior Council of Magistracy	Failing to provide the resoruces necessary to make the Judicial Inspection operational	MoJ and SCM	Limited to the approved budget	1 st semester 2012
Measure 1.3.3	Cooperating in the integrity field with the representative institutions and organizations of the legal and related professions	No. of meetings and consultations No. of identified risks No. of preventive measures adopted Conclusions and recommendations issued No. and type of disciplinary misbehavior No. and type of sanctions applied	Reports and public information Minutes of the meetings Statistics on disciplinary liability	Low level of participation and involvement of the representatives of legal and related professions	MoJ and SCM in cooperation with the representative institutions of legal and related professions	Limited to the approved budget	Permanent measure with semestrial assesment



		The rate of confirmation/rejection by the court on types of misbehaviours					
Measure 1.3.4	Drafting, approving and implementing a unitary action plan for promoting the integrity at the level of the public institutions involved in the good functioning of the justice as a public service	No. of meetings and consultations No. of identified risks No. of preventive measures adopted Conclusions and recommendations issued	Sectorial plan adopted Progress reports	Delays in the adopting action plan	MoJ and the subordinated units	Limited to the approved budget	1st semester 2012 After adoption, permanent measure assessed semestrially
Specific obiectiv 1.4	Increasing the transparency of financing the political parties and electoral campaigns						
Measure 1.4.1	Supplementing the legislative framework on financing political parties and electoral campaigns according to GRECO's recommendations ¹³ , with a view to, among others: -require political parties to present their consolidated accounts to the PEA and to make an adequate summary available to the public, -require that all donations be, as a rule, recorded and included in the accounts of political parties and campaign participants; ii) to introduce a requirement that all donations above a certain threshold be	The rate of implementation of GRECO's recommendations	Adopted normative acts GRECO's compliance report	Delays in the Parliament's/Government's adoption of the amendments to primary and secondary legislation Late budgetary allocation	PEA Government/Parliament NIA CA NAFA	Supplementing PEA's budget with 44,5 thousands lei for the title "Other transfers" for implementing the project "Support to the PEA and local public administration in Romania to implement best practices in electoral processes"	30 June 2012 for amending the legal framework 1st semester 2012 for supplementing the budget

¹³ The recommendations have been formulated in the evaluation reports of Romania, within the third GRECO evaluation round, on the incrimination of corruption deeds and the transparency of party funding and electoral campaigns. The two reports have been adopted within the 49th plenary GRECO reunion, which took place between 9 November and 3 December 2010.



	<p>made through the banking system,</p> <ul style="list-style-type: none"> -require that the annual accounts of political parties are subject to independent auditing prior to their submission, -give the PEA the full responsibility of monitoring compliance with the Law no. 334/2006 on the financing of activities of the political parties and election campaigns, republished, subsequently supplemented, and Accounting Law no. 82/1991, republished, subsequently supplemented, -ensure that all infringements of Law no. 334/2006 republished, subsequently supplemented, are punishable by effective, proportionate and dissuasive sanctions, -extend the statute of limitation applicable to violations of Law no. 334/2006 republished, subsequently supplemented. 					<i>management”</i>	
Measure 1.4.2	Increasing the administrative control capacity of the PEA by ensuring the necessary resources	<p>Financial and human resources</p> <p>No. of notifications</p> <p>No. and types of sanctions applied</p> <p>Rate of confirmation/rejections by the court</p>	Public reports and information	Lack of appropriate financial resources	Government through MPF	Supplementing the organisational chart of the Control of Political Parties Funding Department with 11 positions	1 st semester 2012



						Supplementing the PEA budget with 345.358 LEI for the title "Personnel expenses"	
Measure 1.4.3	The periodical organizing by PEA of training sessions for the representatives of the political parties	No. of events No. of participants Conclusions and recommendations issued	Reports and public information Minutes of the meetings	Lack of appropriate financial resources	PEA	Supplementing the organisational chart of the Control of Political Parties Funding Department with 11 positions Supplementing the PEA budget with 345.358 LEI for the title "Personnel expenses"	At each election and semestrial
Measure 1.4.4	Ensuring the publicity of the sources of funding of political parties and the electoral campaigns	No. of notifications No. of sanctions	Reports publicly available	Lack of appropriate budget allocation	PEA	Supplementing the organisational chart of the Control of Political Parties Funding Department with 11 positions Supplementing the PEA budget with 345.358 LEI for the title	Annually



						“Personnel expenses”	
Measure 1.4.5	Establishing and implementing maximal norms for electoral street display	Clear criteria on the display No. of notifications No. of sanctions	Normative acts adopted Reports publicly available Reports provided by the parties to the PEA Control acts of PEA Contracts provided by the parties to the PEA No. of authorisations for the display	Delays in the Parliament’s/Government’s adoption of the amendments to primary and secondary legislation Lack of appropriate budget allocation	PEA Government/Parliament	Supplementing the organisational chart of the Control of Political Parties Funding Department with 11 positions Supplementing the PEA budget with 345.358 LEI for the title “Personnel expenses”	September 2012
Measure 1.4.6	Enforcing dissuasive sanctions for offering gifts/ material advantages in exchange of votes	No. of notifications No. of sanctions Type of sanctions Professional training sessions for discovering, investigating and solving electoral bribery cases	Reports publicly available Criminal complaints Indictments Courts decisions of conviction	Difficulties in discovering, investigating and solving electoral bribery	PEA/PM/HCCJ	Limited to the approved budget	During electoral campaigns
Specific obectiv 1.5	Strengthening the integrity of the members of Parliament						
Measure 1.5.1	Amending the legal framework to put on the agenda of the first plenary session the requests for lifting immunity of Parliamentarians and solve these requests in 72 hours	Length of procedures to solve the requests for lifting the immunities	Normative acts adopted by the chambers of the Parliament Decisions of the	Delays in the adopting the legislative amendments	The Parliament of Romania	Limited to the approved budget	1 st semester 2012



	maximum		Parliament The EC report on CVM				
Measure 1.5.2	Regulating the interdiction for MP lawyers to offer consultancy or to represent in any kind public authorities or state owed economic/financial entities	Amendments proposed and adopted by the parliament	Normative act adopted by the Parliament Act normativ adoptat de Parlament EC CVM report	Delays in the legislative amendments	The Parliament of Romania	Limited to the approved budget	1 st semester 2012
Measure 1.5.3	Preparing the evaluation of Romania within the IV GRECO evaluation round – “Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors”	Filled in evaluation questionnaires Greco evaluation report adopted	GRECO’s evaluation and conformity report	Non-adoption of the measures under evaluation	The Parliament of Romania Romanian Government through MoJ (national coordinator on GRECO)	Limited to the approved budget	2012 – 2014
Measure 1.5.4	Adopting the ethical code of the members of Parliament	No. of ethics violations No. and type of sanctions applied	Analysis of European and international best practices Code adopted GRECO’s evaluation and conformity report	Adoption of the code with delay	The Parliament of Romania	Limited to the approved budget	2012
Measure 1.5.5	Organizing periodical seminars, consultations and public debates for disseminating the	No. of public events No. of participant from civil	Public information, press conference	Low level of participation and involvement of	The Parliament of Romania	Limited to the approved budget	Permanent measure with semestrial



	best practices on integrity among members of Parliament and increasing the citizens' confidence	society No. of identified best practices	Minutes of the meetings	MPs		International programs developed by the anticorruption networks of the Parliaments (i.e. GOPAC)	assessment
Specific obectiv 1.6	Increasing the efficiency of preventing corruption mechanisms in the field of public procurement						
Measure 1.6.1	Preventing conflicts of interest in managing public funds through: 1. Continuing to develop the measure to prevent conflicts of interest, drafted and adopted by NARMPP, targeting: -combating the interference and manifestation, within the public procurement procedures, of joint interests of people who have decision-making positions within the contracting authority and tenderers/ candidates/ bidders associates/ subcontractors, participating in the proceedings in question. -ascertaining the absolute nullity of public procurement contracts, public works concession contracts and services concession contracts concluded in breach of rules to avoid conflict of interest. 2. Continuing to implement the	No. of notifications from NIA and/or from other institutions No. and type of sanctions applied (fines and warnings) No. of cases in court for ascertaining the absolute nullity of of public procurement contracts, public works concession contracts and services concession contracts for conflicts of interest No. of tender documentation rejected from publication by NARMPP for failure to request/ to fill in the declaration of inconsistency with art. 69 ¹ of GEO no. 34/2006 approved with amendments and completions by Law no. 337/2006, as amended and supplemented, regarding the conflict of interest, as well as for failure to fill in the list of persons with	The procurement file Award documentation submitted for publication in PPES	Practical difficulties in implementing a joint solution for exchanging information between the institutions involved	NARMPP, NIA, NTRO, DPRDM, Competition Council	Supplementing the personnel with ex-ante control attributions of NARMPP, within the legal service and awarding additional funding is necessary	December 2012



	<p>Protocol concluded between NARMPP and NIA with the aim of monitoring and sanctioning the conflicts of interests notified.</p> <p>3. Inclusion, as a mandatory provision in the model contracts for public procurement, public works concession and services concession of a clause according to art. 70 of Government Eemergency Ordinance no. 34/2006, on the award of public procurement contracts, public works concessions contracts and services concessions contracts, approved with amendments and completions by Law no. 337/2006, as amended and supplemented.</p> <p>4. Managing conflicts of interest among NARMPP staff (regulated by Government Eemergency Ordinance no. 34/2006, approved with amendments and completions by Law no. 337/2006; NARMPP Order no. 107/2009 for approving the Rules for monitoring the award of public procurement contracts, public public works concession contracts and services concession, as amended and supplemented and the Government Decision no. 801/2011 on amending and</p>	<p>decision-making powers within the contracting authority</p>					
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	supplementing Government Decision no. 525/2007 on the organisation and functioning of NARMPP).						
Measure 1.6.2	Extending the verification and control attributions of NARMPP Supplementing NARMPP personnel with control and verification attributions (60 positions)	Financial and human resources The validation rate of the tender documentation subject to NARMPP ex-ante control	Validation rate of tender documentation submitted to NARMPP ex-ante control	The insufficient uptake of law in public procurement area by the contracting authorities Practical risks related to the difficulty in efficiently exchanging information between the institutions involved	NARMPP	Supplementing the personnel with ex-ante and ex-post control attributions of NARMPP (60 positions) and awarding additional funding is necessary	2012
Measure 1.6.3	Substantial reducing of the number of irregularities and contestations, fluidization of the European Funds absorption ratio and efficient using of public funds through: - coordinating the development of standard procurement documentation for transport, energy and environment; - NARMPP ex-ante assessment activity, before submission for publication of the invitation /notice of participation, of the compliance with applicable law on public procurement of the tender documentation related to public procurement contracts	No. and type of sanctions applied (warnings and fines) No. of documentations accepted for publication by NARMPP within the ex-ante control activity Supervision and control ex-post actions No. of notifications No. of appeals	No. and type of sanctions applied (warnings and fines) No. of documentations accepted for publication by NARMPP within the ex-ante control activity Supervision and control ex-post actions No. of notifications	The insufficient uptake of law in public procurement area by the contracting authorities Delays in drafting standardized documentation by JASPERS partners	NARMPP, JASPERS	Limited to the approved budget	1 st semester 2012



	covered by the provisions Government Emergency Ordinance no. 34/2006, approved with amendments by Law no. 337/2006 as amended and supplemented, this assessment not envisaging the technical aspects of the specification; - standardization of qualification requirements by an order of NARMPP President.		No. of appeals				
Measure 1.6.4	Identifying the weak points of SEAP and addressing them in cooperation with MCIS, with a view to: - optimize the monitoring of procurement data, to verify compliance with advertising rules in the field and substantially reduce the number of procedures that are affected because of the breach of these rules; - optimize NARMPP ex-ante assessment and ex-post control on the procurement procedures, due to more effective monitoring of SEAP achieved by developing this system.	Technical functionalities developed within the PPES The celerity of the verification procedure (the workflow in the ex-ante control activity) Monitoring the information available in PPES Statistics generated based on reporting from PPES No. of notifications	Technical functionalities developed within the PPES The celerity of the verification procedure (the workflow in the ex-ante control activity) Monitoring the information available in PPES Statistics generated based on reporting from PPES No. of notifications	Delays in the in the process of optimizing PPES	MCIS NARMPP	Financial resources for optimizing and developing new facilities in PPES	June 2012
Measure 1.6.5	Systematization of legislation, procedures and guidance materials in public procurement and the broad dissemination to public institutions and	No. of appeals submitted to NCSC No. of court decisions modifying/annulling NCSC	NCSC decisions Courts decisions	Difficulties related to the exchange of information between the	NARMPP, NCSC, MoJ	Supplementing the NARMPP personnel with attributions in monitoring	December 2012



	companies	decisions		institutions involved		NCSC decisions and within the legal service is necessary	
Measure 1.6.6	Establishing a database of companies that have executed inappropriately contracts with public funds	No. of negative ascertaining documents	Ascertaining documents sent to NARMPP	Difficulties in differentiating the cases where the contract was improperly executed from cases where it is due to a conflict of interest (eg. fostering an economic operator who is unable to perform the contract in the requirements)	NARMPP	Limited to the approved budget	December 2012
Measure 1.6.7	Organizing regular multidisciplinary training courses to promote national and international best practices in public procurement	No. of joint professional training activities Annual no. of trainees attending the courses No. and type of best practices identified and disseminated The ratio of taking best practices Introduction in the training programs of a special focus on issues such as identifying damages arising from purchase of goods at a higher price than the market price or lower	Training sessions agenda Minute Reports presented Guidelines developed to facilitate the delimitation of administrative violations in the public procurement area from the criminal ones	Low level of participation and involvement of representatives of institutions involved	POHCCJ HCCJ NAD NARMPP NIA UCVPP NCSC MOJ SCM - NIM	Limited to the budget approved for the institutions involved	Semestrial



		quality products that required, or of goods whose acquisition was not necessary					
Measure 1.6.8	Performing an analysis of judicial practice in public procurement and tax evasion, for the unification practice, including by promoting the appeals in the interest of the law	No. of contradictory final court decisions annulled No. of appeals in the interest of the law promoted	Appeals in the interest of the law promoted	-	POHCCJ, MoJ	Limited to the budget approved for the institutions involved	Permanent measure with semestrial assessment
Specific obectiv 1.7	Promoting a competitive, fair and integer business environment						
Measure 1.7.1	Implementing OEDC, EU, UN standards in preventing corruption in the private sector through: - Continuing the steps to obtaining the statute of full membership within the OECD Working Group on Combating Bribery of Foreign Public Officials in International Business Transactions and subsequently to adhere to the OECD Convention n Combating Bribery of Foreign Public Officials in International Business Transactions - 2 annual reunions with the business environment on corruption in the private sector - Disseminating in the business community the international standards on preventing corruption in the private sector - Annually assessing the level of application of the national	The level of implementing the business ethics standards and principles of the OCDE, EU and UN Reccomendations of OECD Working Group on Combating Bribery of Foreign Public Officials in International Business Transactions Projects/activities of promoting the integrity in business Legislative and institutional measures for promoting integrity in business Rate of criminality in privat sector	OECD, EU and UN independent reports Judiciary statistic on business environment Decisions of OECD Working Group on Combating Bribery of Foreign Public Officials in International Business Transactions Reports and studies on corruption in the private sector	Reservations of the OECD Member States on the Working Group membership expansion	MoJ and MECBE in cooperation with the business environment representants	Limited to the budget approved for the institutions involved Annual contribution to OECD (after becoming a member of the Working Group)	Permanent measure with semestrial assessment



	legislation on corruption in the private sector.						
Measure 1.7.2	<p>Promoting loyal competition and antitrust policies by identifying, discouraging and sanctioning anti-competition agreements:</p> <ul style="list-style-type: none"> - Handling cartel cases within the investigations opened by order of the President of the Competition Council; - Organizing conferences/ workshops/ meetings with business environment and other state authorities, to disseminate the rules of competition; - Legislative amendments aiming at enhancing the investigative capacity of the Competition Council, such as: <ul style="list-style-type: none"> • introducing the possibility for the judge of rights and liberties (art. 53, 138 and the following of Law no. 135/2010 on the Criminal procedure code) to order, on request or ex officio, the transmission of information obtained by means of electronic interception or other special techniques to the Competition Council, by the act of authorisation itself, when there is evidence of the offense provided for in art. 60 of the Competition Law no. 	<p>No. of investigations opened by the Order of the Competition Council President, having as object cartel cases</p> <p>No. of conferences/ round tables/ meetings organized</p> <p>No. of investigations finalized by Decisions of the Plenum of the Competition Council having as object cartel cases</p> <p>No. of complaints/ notifications/ petitions on cartel cases</p> <p>No. of cases solved under the Law on combating unfair competition no. 11/1991 with the subsequent amendments and completions</p> <p>Lege ferenda proposals forwarded by the Competition Council to the institutions with legislative initiative</p>	<p>Orders of the Competition Council President (for initiating investigations)</p> <p>Brochures/ magazines drafted by the Competition Council</p> <p>Decisions of the Plenum of the Competition Council</p> <p>Annual report of the Competition Council</p> <p>Semestrial reporting (on request) to the Platform for the cooperation of independent and anticorruption authorities</p>	<p>Non-adoption of the legislative proposals of the Competition Council</p> <p>Inefficient specialized personnel</p>	<p>Competition Council</p>	<p>Human resources: filling in 10 competition inspectors positions</p>	<p>Permanent measure with semestrial assessment</p>



	<p>21/1996 republished, with subsequent amendments and supplements, in order to use them as evidence in the investigations of the Competition Council;</p> <ul style="list-style-type: none"> • establishing the measure of removing criminal liability for the physical persons who have committed the offense referred to in art. 60 of the Competition Law no. 21/1996, republished, with subsequent amendments and supplements, but who actively participate in the discovery and investigation of anticompetitive acts they were involved in and covered by the leniency policy, implemented by the Competition Council, pursuant to art. Article 51 para. 3 of the same Law; • modernizing the Law on combating unfair competition no. 11/1991, with the subsequent amendments and completions 						
Measure 1.7.3	Achieving the exchange of best practices in implementing the conformity programmes between the private sector and the public sector	<p>Best practices identified</p> <p>No. of joint training activities</p> <p>The level of implementation of best practices</p>	<p>Public reports and briefings</p> <p>Minutes of meetings</p>	<p>Low level of participation and involvement of representatives of public sector and business environment</p>	<p>MoJ through the platform for the cooperation with the business environment</p> <p>In partnership with the Foreign</p>	<p>Limited to the budget approved for the institutions involved</p>	<p>Permanent measure with semestrial assessment</p>



					Investors Council		
Measure 1.7.4	Organizing regular public consultations between the representatives of the public sector and of the business environment on the national anticorruption agenda and on the public policies having impact on the economic activities	No. of meetings/cooperation actions No. of projects of public policy or discussed normative acts No. and type of notifications No. and type of identified solutions	Reports and public information Public policies or normative acts adopted Minutes of the meetings	Low level of participation and involvement of representatives of the business environment Late consultation of the business environment	MoJ and MECBE through the platform for the cooperation with the business environment In partnership with the Foreign Investors Council	Limited to the budget approved for the institutions involved	Permanent measure with semestrial assessment
Measure 1.7.5	Disseminating the antibribery policies and programs developed at the level of the companies, including making them available to the possible contractors and suppliers and requesting them to comply to equivalent standards	No. and type of antibribery measures Level of implementation of antibribery measures in the business environment No. and type of campaigns promoting integrity in business	Anticorruption policies and programs developed Standards developed and undertaken by the business environment	Low level of participation and involvement of representatives of the business environment	MoJ through the platform for the cooperation with the business environment In partnership with the Foreign Investors Council	Limited to the budget approved for the institutions involved	Permanent measure with semestrial assessment
Specific obiectiv 1.8	Strengthening the integrity, efficiency and transparency at the level of public local administration						
Measure 1.8.1	Simplifying the administrative procedures for issuing certificates and authorizations	No. of simplified procedures Length of the procedure The reduced costs No. of certificates and authorizations issued quarterly	Adopted normative acts Methodological regulations and approved procedures	Delays in adopting normative acts, methodological norms and procedures	Local public administrations authorities The prefect	Limited to the approved budget	Permanent measure with semestrial assessment
Measure 1.8.2	Setting up cost standards and best practices on the main working procedures specific to the local public administration	Cost standards identified Best practices identified	Normative acts establishing cost standards	Delays in adopting normative acts establishing cost standards	MoJ and MAI through the Platform for the cooperation with local public administration, in	Limited to the approved budget	2013



					cooperation with the associative structures of local public administration in Romania		
Measure 1.8.3	Adjusting organisational structures in relation to the standards of cost and population served	No. and type of organisational measures adopted	Normative acts adopted	Delays in adopting the normative acts	MoJ and MAI through the Platform for the cooperation with local public administration, in cooperation with the associative structures of local public administration in Romania	Limited to the budget approved for the institutions involved	2013
Measure 1.8.4	Organizing periodical consultations/ public debates at local level for promoting the best anticorruption practices within the local public administration and increasing the citizens' confidence	No. of public events No. of public institutions and of the civil society organizations represented No. and type of conclusions No. and type of notifications, irregularities sent with the occasion of the events and adopted measures	Minutes of the meetings Questionnaires for evaluation Participation reports Evaluations after participation	Low level of participation and involvement of representatives of the local public administration	Mayors, presidents of county councils, prefects, the associated structures of local public administration in Romania, PM, MAI, MoJ	Limites to the budget approved for the involved institutions	Permanent measure with semestrial assessment
Measure 1.8.5	Elaborating and disseminating a diagnostic study on the corruption phenomenon within the local public administration ¹⁴	No. and types of institutions included in the study No. and types of risks and institutional vulnerabilities	Jurisprudence The published and disseminated charter	Blocking the activity of the company contracted for the	MAI through CUPAR in colaberation with GAD, local	2.076.906,60 LEI without VAT (1.765.370,61)	1 st semester 2012

¹⁴ Objectives which are included within the Diagnostic study on the corruption phenomenon within the public local administrations , co-financed by the European Social Fund through the Operational Programme Strengthening the Administrative capacity – priority Axis 1, major field of intervention 1.2 – Increasing the liability of the public administration. The project is implemented by MAI, through CUPAR.



		identified No. and types of recommendations The assessment of civil society involvement in monitoring the budgetary exercise		sociological research The wrongful sampling of the target group	public administration authorities, PM, MAI, MoJ	LEI eligible grant amount European Social Fund and 311.535,99 LEI eligible cofinancing from MAI)	
Measure 1.8.6	Developing the networks for the elaboration and assessment of public policies at territorial/local level, after the model of Anticorruption Action Groups ¹⁵	No. of meetings No. of participants No. and level of involvement of civil society representatives in the groups' activity No. of elaborated/evaluated anticorruption policies No. of recommendations/level of implementation	Public reports Press conference	Low level of participation and involvement of representatives of the local public administration	Mayors, presidents of county councils, prefects, associated structures of local public administration in Romania, PM, MAI, MoJ, civil society	Limited to the budget approved for the institutions involved Internationally financed programs	Permanent measure with semestrial assessment
OBIECTIV GENERAL 2 - INCREASING THE LEVEL OF ANTICORRUPTION EDUCATION							
Specific obiectiv 2.1	Developing the anticorruption component of the continuous training curricula for the personnel of the public institutions						
Measure 2.1.1	Ensuring the participation of the employees at periodical training courses on the ethical and behaviour norms	No. of employees which have participated to the training courses No. and type of subjects included in the training program	Evaluation questionnaires on the training courses Participation reports Evaluations after participation	The training curricula not adapted to the participants' profile Superficial involvement in	The management of the institution	Limited to the budget approved for the institutions involved Internationally financed	Annually

¹⁵ Within the National Anticorruption Strategy 2008 – 2010 , through the cooperation between MAI and the National Centre for Integrity, the Anticorruption Action Groups have been set up, including representatives of the local public administration authorities and of the decentralized services.



				the training sessions		programs	
Measure 2.1.2	Introducing within the professional training topics modules on integrity	No. and type of subjects included in the curricula No. of practical exercises included in the curricula	Inventory of existing training programs Selection of relevant topics Standard programs developed	Insufficient number of trainers	MAI – NACS in cooperation with NAS technical secretariat and the institutions with attributions in preventing and combating corruption	Limited to the budget approved for the institutions involved Internationally financed programs	1 st quarter 2012
Measure 2.1.3	Elaborating and disseminating informative guides and materials on the risks and consequences of the corruption deeds or of the integrity incidents	No. and type of elaborated/disseminated informative materials	Guides, manual published	Insufficient financial resources	MAI – NACS in cooperation with NAS technical secretariat and the institutions with attributions in preventing and combating corruption	Limited to the budget approved for the institutions involved Internationally financed programs	Permanent measure with semestrial assessment
Specific objectiv 2.2	Increasing the degree of public awareness on the impact of the corruption phenomenon						
Measure 2.2.1	Organizing anticorruption public debates at national and local level	No. of public debates No. of participants No. of recommendations and conclusions	The event's agenda Reports presented Minutes Participation reports Post participation assessments	Low level of participation and involvement of the public institutions representatives Non-representiveness of the participants in the debates organized	MERYs, school inspectorates, universities, in cooperation with NAS technical secretariat and the institutions with attributions in preventing and combating corruption	Financing for national debates through European Social Fund project ¹⁶ "Preventing corruption in education through information, training and responsibility"	1 st semester 2012 and semestrial

¹⁶ The project European Social Fund „Preventing corruption in education through information, training and responsibility” has a budget of 14.101.005,77 lei without VAT (aut of which an eligible amount of 11.985.854,90 lei and cofinancing of 2.1115.150,87 lei).



Measure 2.2.2	Introducing the anticorruption theme within the extracurricular activities and the school programs (promoting an optional course within the CDS - Curricula upon the school's decision – out of “Human Being and Society” and “Counselling and Orientation”)	No. of projects/programs Evolution of the perceptions on corruption	Extracurricular activities thematic changed Optional course taken Normative act for approving the optional course curricula adopted Surveys	Insufficient number or trainers Reducing the number of school hours/week	MERYs, (school inspectorates, universities)	Limited to the budget approved for the institutions involved Internationally financed programs	Annually
Measure 2.2.3	Carrying out a national and local campaign to promote a recognition and rejection of corruption behaviour, including through partnerships school - community - family	No. and type of activities/campaigns carried out Level of involvement of the three segments No. of partnerships Evolution of corruption perception	Informative materials Surveys Post participation assessment Reports	Low level of participation and involvement of the representatives of the three segments	MERYs, school inspectorates, universities, in cooperation with NAS technical secretariat and the institutions with attributions in preventing and combating corruption	Cofinancing through the European Social Fund project “Preventing corruption in education through information, training and responsibility” and other externally financed projects	Permanent measure with semestrial assessment
Measure 2.2.4	Initiating and carrying out common projects with NGOs specialized in the anticorruption field	No. and type of activities/project/programs organized in partnership No. of protocols	Partnership protocols concluded Periodical monitoring and assessment reports of the project	Insufficient financial resources	MERYs (school inspectorates, universities) and NGOs in cooperation with NAS technical secretariat and the institutions with attributions in	Externally financed projects	Permanent measure with semestrial assessment



					preventing and combating corruption		
Measure 2.2.5	Drafting methodological guides on prevention of corruption in education	No. of published guides	Periodical monitoring and assessment reports of the project "Preventing corruption in education through information, training and responsibility" (PCE project)	Insufficient expertise	MERYS and partners	Financing through the European Social Fund project "Preventing corruption in education through information, training and responsibility" (PCE project)	2013
Measure 2.2.6	Setting up a portal and a database for online notifications and institutional mechanisms for verification	Operational portal Operational data base	Periodical monitoring and assessment reports of PCE project	Sustainability of the portal and data base after finalizing the PCE project	MERYS and partners	Financing through the PCE project	2013
Measure 2.2.7	Training teachers and public administration personnel on anticorruption in education	No. of persons trained (directors and members of the Boards of Director, civil servants, contractual personnel)	Periodical monitoring and assessment reports of PCE project	Lack of continuity in disseminating the information	MERYS and partners	Financing through the PCE project	2013

OBIECTIV GENERAL 3 - COMBATING CORRUPTION THROUGH ADMINISTRATIVE AND CRIMINAL MEASURES

Specific obiectiv 3.1	Continue the already made progress in the process of impartially investigation and the indictments of the courts of high and local corruption (BM 3 and 4)
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Measure 3.1.1	Ensuring the stability and predictability of the material and procedural criminal anticorruption legal framework	<p>No. of anticorruption normative drafts elaborated by the MoJ in consultation with the NAD and the POHCCJ</p> <p>No. of proposals made by the NAD and the POHCCJ undertaken in the final form of the normative act</p> <p>Nr. of endorsements issued by the MoJ for legislative drafts elaborated by other initiators</p>	<p>Adopted anticorruption normative acts</p> <p>Press articles</p> <p>Independent evaluations</p>	Adopting such legislative amendments without consulting NAD and POHCCJ	MoJ and the Parliament	Limited to the approved budget	Permanent measure with semestrial assessment
Measure 3.1.2	Carrying on the professional and impartial investigations in cases of NAD jurisdiction	<p>The complexity and the relevance, from the point of view of NAD's competence established by the law, of the solved cases</p> <p>Statistical data on the quality of criminal pursuit acts; statistical data on the reasonable length of the criminal pursuit</p> <p>The evolution of the number of files per prosecutor and per section/territorial service</p> <p>Statistical data on interim measures taken for asset recovery and for confiscating the proceeds of crime</p> <p>No. of statistical indicators on the judgements rendered by courts in NAD's cases during the previous year</p>	<p>Annual report</p> <p>Annual conference</p> <p>Press releases, press articles</p> <p>Independent evaluations</p>	-	NAD	Limited to the approved budget	Permanent measure with semestrial assessment



		No. of confirmation of documents in court No. of dismissed documents in court					
Measure 3.1.3	Adopting managerial measures allowing for the trial within a reasonable timeframe of high-level corruption cases in all competent courts	Facilities necessary to carry out HCCJ's activity Semestrial studies on the individualisation of corruption cases Recommendations on the individualisation of corruption offences penalties The length of the NAD's cases pending before the courts No. of criminal trials which have ceased due to the extinctive prescription of the criminal liability	Final judgments in DNA's cases	Insufficient resources granted	HCCJ and other competent courts	Limited to the approved budget	Permanent measure with semestrial assessment
Measure 3.1.4	Continue to implement strategies to combat local corruption developed by POHCCJ	No. of indictments No. of ex-officio notifications The quality of the investigated persons Courts solutions	Annual report	-	POHCC local prosecutors offices	Limited to the approved budget	Permanent measure with semestrial assessment
Measure 3.1.5	Transmission by the courts in electronic format the final court decision rendered in the files under NAD jurisdiction and post them on NAD site, respecting the legal framework for the protection of personal data	No. of the courts final decisions of conviction in the NAD's cases	NAD's site Annual report	Courts non-sending of the decisions in electronic form	NAD, Courts of Appeal, HCCJ	Limited to the approved budget	Permanent measure with semestrial assessment



Measure 3.1.6	Making analysis on the corruption phenomenon by using the annual statistical data of NAD, POHCCJ, GAD and FID	No. of identified risks and vulnerabilities No. and type of recommendations Level of implementations of the recommendations	Annual report	Statistical data uncorrelated	NAD, POHCCJ, GAD and DIF in cooperation with the NAS's technical secretariat	Limited to the approved budget	1 st semester - annually
Measure 3.1.7	Strengthening transparency, inter-institutional and international cooperation	No. of public debates with the participation of the civil society and media No. of press conferences No. and type of published/disseminated information No. of international meetings No. of interventions of the anticorruption institutions representatives	Reports and public information Publications and distributed materials	Non-granting human and financial resources necessary to the effective involvement in international programs	NAD, POHCC, GAD	Limited to the approved budget	Permanent measure with semestrial assessment
Specific objective 3.2.	Improving Improving the quality and quantity of the monitoring activity and evaluation of assets and interests, in order to achieve dissuasive effects, which will permit reducing the number of cases of acquiring unjustified assets, conflicts of interest or incompatibilities (BM 2)						
Measure 3.2.1	Monitoring (follow-up) the NIA cases forwarded to the competent institutions/authorities (prosecutors' offices, courts, the assets investigation commission from the courts of appeal, the disciplinary committees)	Reporting matrix „end-to-end” implemented for 100 % Active coordination and cooperation between NAI and institutions/authorities	Statistics periodically elaborated Reporting matrix of the integrated management information System of assets and interests declarations	-	NAI Competent institutions/authorities (prosecutors offices, courts, the assets investigation commission from the Courts of Appeal, disciplinary	NAI's budget	Permanently



					committee)		
Measure 3.2.2	Strengthening and improving the legal framework regarding the sanctions in insuring the integrity in the exercise of public functions	Legislative amendments on the administrative sanctions amendments for increasing there dissuasive character	Legislative proposal Provision of law	The refusal of the competent institutions involved in taking such a measure	The Parliament, The Government (MJ)	-	First semester of 2012
Measure 3.2.3	Developing orientation guides on prosecuting procedures of cases of confiscation of assets, for the judges and prosecutors from the assets investigations commissions attached to the courts of appeal	Guidelines and procedures developed and disseminated to judges and prosecutors Pro-active institutional cooperation	Guidelines and procedures Activity reports Public information	-	NAI, SCM, Courts and prosecutors' offices	-	First semester of 2012
Measure 3.2.4	Development, strengthening and implementing the activities included in the cooperation protocols (with optimal operational value) with institutions and public authorities, periodic monitoring of their fulfillment	The collaboration protocols with optimal operational values concluded with other institutions involved in the process of ensuring the integrity of the public space Objectives due to the accomplished collaboration protocols	Activity reports Signet documents Press releases	The impossibility of achieving all the objectives and measures from the collaboration protocols	NAI Institutional partners	NAI's budget Budget from the institutional partners	Permanently
Measure 3.2.5	Evidence of a history of prompt and dissuasive sanctions from administrative and judicial authorities regarding incompatibilities, conflicts of interest and confiscation of assets whose origin can not be justified as a result of findings of NIA	Dissuasive sanctions applied in the legal term by the disciplinary committees in case of incompatibilities of conflict of interests Unjustified assets confiscated	Reporting matrix „end-to-end” CVM reports – BM 2 Activity reports	Delay of cases in courts Delay of cases in the disciplinary committees	NAI, Authorities/ administrative and judiciary institutions	-	Beginning of 2012 Permanently
Measure 3.2.6	Reducing the period in which a case is solved by using IT solutions	Hardware designed to simplify procedure for filling in, archiving and automatic analysis of documents purchased, delivered and	Agency's activities reports CVM reports– BM2	Large period of time for the approval of the projects financed trough	NAI IT Service Provider	Approved budget trough European Social Fund (PO DCA) –	1 st quarter of 2012 and semestrial



		<p>installed</p> <p>Improved process for filling in the declarations of assets and interests</p> <p>Improved working procedures</p> <p>Improved evaluation process</p>	The external audit report for ANI's management	structural funds		<p>The project „efficient public services by simplifying the procedure of filling in, archiving and analyzing the documents within NAI and facilitating electronic access to public information”</p>	
Specific obiectiv 3.3	Ensure effective protection of EU financial interests in Romania, by specific legislative, operational and informational means (BM 4)						
Measure 3.3.1	<p>Increasing the transparency regarding the beneficiaries of EU funds and the actions taken by institutions with operational attributions in protecting the EU's financial interests in Romania</p>	<p>Unique point of contact designated through administrative / legislative measures</p> <p>No. of concluded cooperation protocols</p> <p>Elaborated quarterly summaries</p>	<p>Functional website</p> <p>The evolution of the irregularities impact</p>	<p>Failure to ensure financing the design and operation of the site</p> <p>Poor cooperation from the institutions involved in managing EU funds</p>	The institutions coordinated by FFD responsible for managing the EU's funds and	<p>Limited to the approved budget</p> <p>Human resources: FFD personnel and of the responsible institutions</p>	1st semester 2014
Measure 3.3.2	<p>Protecting the EU financial interests through means specific to the legislative and judicial powers and familiarizing the representatives thereof with the European initiatives in this field</p>	Two training sessions organised	FFD annual report	Impossibility of providing finance for carrying out the sessions and of publication of materials needed	FFD	<p>Limited to the approved budget</p> <p>Human resources: FFD personnel, OLAF, NAD</p>	2 nd semester 2013
Specific obiectiv 3.4	Strengthening the mechanisms for administrative control						



Measure 3.4.1	Assessing the system of administrative sanctions and their implementation	No. and type of disciplinary infringements No. and type of sanctions applied	Survey published	-	NAS tehnicul secretariatul	Limited to the approved budget	2013
Measure 3.4.2	Carrying out an analysis at national level on the performance of the evaluation system in central and local public administration	No. and type of standards professionally assessed No. and type of criteria taken into account No. of appeals related to the professional evaluation	Survey published	-	NAS tehnicul secretariatul	Limited to the approved budget	2013
Measure 3.4.3	Strengthening the operational autonomy of the internal control and audit structures and raising the awareness among the decision-making factors from the level of the involved institutions on the role of the internal control / managerial systems	No. of employees related to the workload Material resources granted No. of recommendations issued/ implemented	Annual activity reports	Insufficient human and financial resources	The management of the public institution Head of the minister's control department Head of the internal audit structure	Limited to the approved budget	Permanent measure with semestrial assessment
Measure 3.4.4	Intensifying cooperation with using the results of auditing and internal control activities	No. of notifications sent to judicial bodies No. of notifications confirmed by indictments and final convictions No. of joint training activities	Annual activity reports Cooperation protocols Judicial statistics	-	The management of the public institution Head of the minister's control department Head of the internal audit structure CA, PM, SCM-NIM	Limited to the approved budget	Permanent measure with semestrial assessment
Measure	Introduction in public	No. of institutions introducing	Normative acts	-	Integrity/	Limited to the	2 nd semester 2012



3.4.5	institutions, on an experimental basis, the integrity tests as an exclusively administrative measure to assess the compliance with the ethical standards	the integrity test Professional training sessions No. of tests applied No. and type of sanction applied	introducing the integrity tests Methodology for testing the integrity adopted Informing the employees on the new measure testing the integrity		prevention structures form public institutions in cooperation with GAD	budget approved for the institutions involved	With assessment report in 1 st semester 2013
Measure 3.4.6	Applying dissuasive disciplinary sanctions for violation of ethical and anticorruption conduct standards at the level of all public functions and dignities	No. of notifications received No. of pending notifications No. of notifications solved No. and type of sanctions No. of decisions of the commission annulled or amended by court No. of persons who have repeatedly committed violations of the rules	The disciplinary commission operational Commission's decisions	Formal nature of the activity of the disciplinary committees Developing a practice of the committees to apply the lightest sanctions	The management of the public institution	Limited to the approved budget	Permanent measure with semestrial assessment
Measure 3.4.7	Publishing a periodical report on disciplinary sanctions	No. of reports published No. of institutions that are sending contributions	Report published on site Self-assessment provided under 1.1.1	-	NAS technical secretariat	Limited to the approved budget	Annually
Measure 3.4.8	Introducing under the competence of the control bodies the obligation to respond more elaborately to questions raised by citizens and provide appropriate guidance to	Internal procedures and instructions on how to formulate the answers No. of administrative complaints	Report published	-	NAS tehcnical secretariat in cooperation with public institutions with control attributions	Limited to the approved budget	1 st semester 2012



	overcome the stereotype answers or template phrases	No. of notifications to court determined by the modality of answering Degree of return to complaints, notifications					
Specific obectiv 3.5	Increasing the degree of the recovery of proceeds of crime following the best practices from other EU Member States and strengthening legal practice						
Measure 3.5.1	Supporting the revision process of the Constitution with a view to amend art. 44 para. (8)	Amending the text of the Romanian Constitution	Final revision draft	Rejecting by the Parliament of the proposal to amend art. 44 para. (8) of the Romanian Constitution, republished	Government of Romania	-	-
Measure 3.5.2	Adoption by Parliament of the two draft normative acts promoted by the Ministry of Justice on the extended confiscation and valorification of seized assets before a criminal decision is final	Draft normative acts adopted by the Parliament Recommendations in Moneyval, GRECO, EC reports	Official Journal of Romania EC CVM report Report on the implementation of the Council's Framework decision 2005/212/JHA from February 24, 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property	Rejecting by the Parliament of the two normative acts	MoJ – presenting the draft in the Parliament	-	1 st semester 2012
Measure 3.5.3	Starting a greater number of investigations in cases of money laundering as a stand-alone crime	No. of indictments No. of conviction court decisions	PM annual reports Full statistical data in money laundering cases	Non-uniform interpretation of the special law Non-uniform	POHCCJ in cooperation with MAI - GIRP-COCD, NOPCML, MoJ,	Limited to the budget approved for the institutions involved	Permanent measure with semestrial assessment



	<p>The following shall be taken into account:</p> <ul style="list-style-type: none"> Establish as a priority objective for the criminal investigation bodies of initiating the prosecution of money laundering investigations, without proving the predicate offence, Promoting the existing best practices in the money laundering area, Organizing periodical technical reunions. 	<p>No. of acquittals and the motivation</p> <p>No. of training sessions for police officers, judges and prosecutors</p> <p>Practice compendiums published on PM, MoJ, NIM websites</p> <p>No. of reports drafted</p> <p>No. of international projects</p> <p>No. of coordination reunions at strategic and technical level</p>	<p>Court decisions</p>	<p>practice</p>	<p>NIM</p>	<p>Internationally financed projects</p>	
Measure 3.5.4	<p>Strengthening cooperation in identifying the proceeds of crime with similar institutions from EU and the specialized networks CARIN and UNO through the specialized structure in the MJ designated as an Asset Recovery Office</p>	<p>No. of requests for information received</p> <p>No. of requests for information sent</p> <p>No. of requests answered within the deadline of the requesting state</p> <p>Interconnection with EUROPOL's SIENA network</p> <p>No. of cooperation activities (assistance projects, professional training, studies etc.)</p>	<p>Annual report MoJ</p> <p>Requests for international judicial cooperation</p> <p>Normative acts adopted for enhancing inter-institutional cooperation</p> <p>Final court decisions</p>	<p>Incomplete data contained in the cadastre registries</p>	<p>MoJ</p>	<p>Limited to the budget approved for the institutions involved</p> <p>International program ongoing budget 264.532 Euro</p> <p>Proposed international projects</p> <p>Budget 1: 344.266 Euro</p> <p>Budget 2: 803.613,30 lei</p> <p>Budget 3: 14.684 euro</p>	<p>Semestrial intermediary and annual assessment</p>
Measure	Developing an integrated	Interim measures ordered	PM official	Non-assuming the	MoJ in	Limited to the	2 nd semester 2012



3.5.5	mechanism to monitor the interim measures and the confiscations ordered in cases related to serious crimes, including corruption, as well as the state of play of the valorification of assets deriving from offences	<p>No. of cases in which special and extended confiscation were ordered</p> <p>The amount of confiscations ordered by courts and notified to NAFA</p> <p>Amount recovered to the state budget</p> <p>Operational system</p> <p>The automatic upload of the statistical data by those ordering the interim measures, confiscations, valorifications</p> <p>Complex features for search and perform comparative analysis of the statistical data</p> <p>Court decisions published online</p>	<p>statistical data</p> <p>Final court decisions</p> <p>NAFA's official statistical data</p> <p>Annual MoJ report on recovery of proceeds of crime</p> <p>Inter-institutional cooperation protocol</p> <p>IT solution developed as a platform software and accessible to the four institutions</p> <p>Annual report MoJ published</p>	<p>strategic objective by the public institutions</p> <p>Procedures</p> <p>Delays in inter-connecting the statistical data resources by the public institutions involved</p>	<p>cooperation with PM, MAI, NAFA and SCM</p>	<p>budget approved for the institutions involved</p>	<p>After making operational the measure system with intermediary semestrial and annual assessments</p>
Measure 3.5.6	Amending the normative acts and procedures in force so that the MPF can intervene as a civil part in the criminal cases, when the passivity of the public institutions concerned affects the public budget	<p>No. of proposals for amending normative acts</p>	<p>Analysis legislation in force and comparative law</p>	<p>Delays in promoting draft legislation</p>	<p>MoJ in cooperation with MPF</p>	<p>Limited to the budget approved for the institutions involved</p>	<p>2nd semester 2012</p>
Measure 3.5.7	Adopting legislative and institutional measures to allow a better management of seized and confiscated assets, as well as the reuse of these in social or crime prevention programs	<p>System analysis and european and international best practices assessment</p> <p>No. of proposals for amending normative acts issued/adopted</p>	<p>Official Journal of Romania</p> <p>Official statistical data</p>	<p>Delays in promoting draft legislation</p>	<p>MoJ, POHCCJ, SCM, NAFA</p>	<p>Limited to the budget approved for the institutions involved</p>	<p>2nd semester 2012 for finalizing the system analysis</p> <p>2nd semester 2013 for making</p>



		Making operational a structure dealing with the management of assets recovered from crimes Assets and amounts from confiscations reused in social programs and programs to prevent crime	MPF				operational a structure dealing with the management of assets recovered from crimes
Measure 3.5.8	Disseminating the best practice in the field of identifying, confiscating and valorification of the proceeds of corruption and other crimes	No. and type of best practices identified and disseminated No. of prosecutors, judges and police officers who have access to best practices No. and types of instruments and working methodologies identified and disseminated Semestrial drafting and disseminating within the practitioners of a newsletter comprising practical cases, jurisprudence	Reports and studies published Conclusions of the professional training sessions Newsletter MoJ	Low level of participation and involvement of the representatives of responsible institutions	MoJ in cooperation with SCM, POHCCJ	Limited to the budget approved for the institutions involved	Permanent measure with semestrial assessment

GENERAL OBJECTIV 4 – APPROVING THE SECTORIALS PLANS AND DEVELOPING THE NATIONAL SYSTEM TO MONITOR NAS

Specific obiectiv 4.1	Approving the sectorial plan and periodical self-assessment of the degree of implementation of the national anticorruption legislation, especially of the preventive measures						
Measure 4.1.1	Informing the employees about the process of developing the integrity sectorial plan	No. of employees informed about the elaboration of the action plan The way in which the information takes place (meeting, via email) No. of received/included contributions	Minutes	Purely formal information Non-attendance by the majority of employees	The management of the institution	Limited to the approved budget	30 days after the adoption of NAS Note: for the decentralised institutions, the deadline is 45 days



Measure 4.1.2	Identifying the institution's specific risks and vulnerabilities	No. of risks and vulnerabilities inventoried	Assessment report of risks and vulnerabilities drafted	Formalized approach in the absence of risk assessment methodologies	The management of the institution The assessment team composes of managers of the main departments	Limited to the approved budget	45 days after the adoption of NAS Note: for the decentralised institutions, the deadline is 60 days
Measure 4.1.3	Identifying the measures to address the specific vulnerabilities of an institution	No. of measures	Report on the measures to remedy the vulnerabilities drafted	Formalized approach in the absence of risk assessment methodologies	The management of the institution The assessment team composes of managers of the main departments	Limited to the approved budget	60 days after the adoption of NAS Note: for the decentralised institutions, the deadline is 75 days
Measure 4.1.4	Approving and disseminating the sectorial plan and the accession declaration to NAS	No. of copies distributed	The decision to approve the sectorial plan The decision to nominate the sectorial strategy coordinator	-	The management of the institution The assessment team composes of managers of the main departments	Limited to the approved budget	90 days after the adoption of NAS Note: for the decentralised institutions, the deadline may not exceed the 1 st semester 2012
Specific obectiv 4.2	Monitoring the implementation of the sectorial plan and the participation in the NAS's national monitoring system						
Measure 4.2.1	Adopting the declaration of accession to the values, principles, objectives and monitoring mechanism of NAS and communication to NAS technical secretariat	Express mentionings on the adherence to the: - fundamental values - principles - objectives - monitoring mechanism. Nominated persons to implement the strategy and the sectorial plan	Document adopted and sent to NAS technical secretariat, together with - the sectorial plan - contact details of the sectorial plan coordinator.	-	The management of the institution	Limited to the approved budget	90 days after the adoption of NAS Note: for the decentralised institutions, the deadline may not exceed the 1 st semester 2012



Measure 4.2.2	Making the NAS technical secretariat operational	10 persons with permanent activity out of which 4 from other public institutions except for MoJ No. of volunteers form civil society attending the monitoring activities	Order of the minister of justice to set up the NAS technical secretariat	Delays in delegating to MoJ the representatives of other public institutions	MoJ	Limited to the approved budget MoJ will initiate an internationally financed program for supporting the monitoring process	45 days after the adoption of NAS
Measure 4.2.3	Data collecting for establishing the necessary guideline for the self-evaluation	Dates and information collected for all the indicators included in the inventory provided under 1.1.1 (Annex no. 2 to the decision)	The first self-assessment report elaborated and sent to the technical secretariat of NAS	The absence of a mechanism for systematical collection of requested data The absence of working procedures	The coordinator of the sectorial strategy	Limited to the approved budget	3 months after the adoption of NAS for 2011 Semestrial
Measure 4.2.4	Drafting, testing and approving the methodology for carrying out the activities of monitoring and the NAS portal	No. and type of monitoring procedures IT soft developed, compatible with the sectorial adopted IT solutions	Methodology approved Portal concept approved	-	MoJ - NAS technical secretariat	Limited to the approved budget MoJ will initiate an internationally financed program for supporting the design of the portal	60 days after the adoption of NAS for the presentation before the cooperation platforms and initiating testing 15 July for the approval within the coordination reunion organized semestrially under the coordination of the minister of



							justice
Measure 4.2.5	Contribution to the elaboration to the National Anticorruption Report	No. of communications to the NAS technical secretariat Taking in the sectorial plan the minimal measures included in the NAS plan Full collection of indicators from the inventory of preventive measures provided under 1.1.1	National semestrial report Annual national report	Sending incomplete or late information Not-including in the job description the attributions of coordinating and monitoring the sectorial plan	The coordinator of the sectorial plan	Limited to the approved budget	July for the intermediary report February for the annual report
Measure 4.2.6	Participation to the NAS's monitoring activities	No. of persons per institution attending the cooperation platforms No. of experts per institution attending the thematic assessment missions	Lists of participants Minutes National semestrial and annual reports published	-	MoJ NAS technical Secretariat The management of the institution The coordinator of the sectorial plan	Limited to the approved budget	Cooperation platforms – every 2 months Coordination reunions – semestrial under the coordnation of the minister of justice Thematic assessment missions – semestrial