



Assembly Assemblee parlementaire

and the fight against corruption in the Council of member states

id Family Affairs Committee
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Progress registered in the fight against corruption by the Romanian government
(Memorandum presented by the Romanian delegation)

I. Fight against high level corruption

1. National Anticorruption Department within the Prosecutors' Office attached to the High Court of Cassation and Justice

The National Anticorruption Department (NAD) has been created within the Prosecutors' Office attached to the High Court of Cassation and Justice (PO-HCCJ) and has legal personality **financial and functional autonomy**, as well as **unrestricted competence** in combating **high level corruption, including investigations** against the members of the Parliament.

2. Human resources and management

The leadership of NAD was replaced for inefficiency. The new leadership was selected through an open recruitment procedure which included the submission of applications and interviews by a commission formed of the Minister of Justice, the Chief Prosecutor of NAD and a psychology professor. In addition, the candidates selected were interviewed by the Superior Council Magistracy within a public session which was broadcast live. **11 anticorruption prosecutors (of whom 5 in leading positions)** were removed and **fifteen new prosecutors were appointed** following professional examinations.

3. Results of NAD activity

Between 1 January and 31 December 2005¹, NAD sent to trial 744 defendants (1 former member of the Parliament and 1 parliamentary expert, 4 magistrates, 11 employees in law enforcement agencies, 8 high level employees in the country administration, 20 of the national power companies, 1 president of a regional Chamber of directors).

13 defendants were convicted between 1 January and 31 December 2005 (10 in the country administration, 3 lawyers, 34 employees in law enforcement agencies, 16 in the country administration and 6 bank directors).

Parliamentary
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Memorandum

Office
modern

until

made in very short

specialised laws

At present, NAD investigates members of Parliament, other high level police officials, customs officials and mayors.

4. Latest developments with regard to NAD

On 9 February 2006 the Romanian Senate rejected the Emergency Government 134/2005 which reorganised NAD. However, at present the EGO 134/2005 is still in force and continues to operate. The Romanian President announced that, in accordance with article 107 of the Constitution, he will request the Parliament to reconsider its decision. After consultations with the parliamentary parties, the President stated that the amendments to be made to the EGO 134/2005 will be minimal and that they will not affect the competence, functionality or financial autonomy of NAD.

magistrates, magistrates

II. Increasing integrity in public administration

1. Declarations of wealth and interests

New templates for declarations of wealth and interests were adopted by Law N° 158/2005. They are the strictest in Europe and require detailed information on wealth and income of all officials (including ministers and parliamentarians), civil servants, judges and prosecutors, as well as of their family members. Templates are published on the website of the employing institution. As a result of this measure, investigations on assets are ongoing in some cases.

Granting of non-reimbursable financing contracts

Law 150/2005 on granting of non-reimbursable contracts from public funds was adopted on 2 December 2005. The law ensures a competitive and transparent system of non-reimbursable financing for programmes at all level of administration and equal treatment. The procedural provisions are similar with the public procurement law. The harmonisation of mechanisms through which public money is spent is ensured.

1. Regulation of public funds for advertisement (state publicity) with regard to the public procurement system and the competition law (Law N° 901/2005)

Regulation and Monitoring the Public Procurement system was sent for consultation on the site of the National Authority for Regulation and Monitoring the Public Procurement

financing of political parties

Doc. 10834 addendum

VI. Peer review mission of EU experts

EU experts undertook a peer review mission on organised crime from 23 to 27 January 2006. During the debriefing session, they presented their preliminary conclusions on the state of the investigation system in Romania. The mission was organized by the Department for Investigating Organised Crime and Terrorism from the Prosecutors' Office of the High Court of Cassation and Justice in a modern institutions, with a mission between the prosecutors, police and specialists; and young motivated prosecutors; from the beginning of the criminal investigation up to the files; investigation. The investigations are made in the following crime cases;

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