



MINISTERUL JUSTIȚIEI

in
cooperation
with



Independent evaluation

of implementation the 2012-2015 National Anti-Corruption Strategy in Romania

The opinions expressed within this evaluation report do not necessarily represent the opinions of the Romanian Ministry of Justice or of the OECD/ACN

Background

Upon the completion of the current National Anticorruption Strategy 2012 -2015 (NAS), and before embarking on the elaboration of the new strategy, the Government of Romania decided to assess the achieved results in its fight against corruption and to identify priorities for the future. In addition to self-evaluation conducted by the Government, the Romanian Ministry of Justice decided to conduct external evaluation to be prepared by independent experts. The Ministry reached out to the Secretariat of the Anti-Corruption Network for Eastern Europe and Central Asia (ACN), located at the OECD Anti-Corruption division, with the request to assist in the conduct of the external evaluation. In March 2016, the Ministry and the OECD/ACN Secretariat concluded via exchange of letters the agreement on the Terms of Reference for conducting an independent review of the NAS.

The OECD/ACN Secretariat assisted the Ministry of Justice (MoJ) in developing the methodology for the external evaluation (for more details, please refer to the Terms of References). The Secretariat also helped the MoJ in identification and selection of the external consultants. The ACN Secretariat worked together with the consultants and advised them on all aspects of the conduct of the tasks to ensure the best quality of the report. The ACN Secretariat also took part in the meetings and consultations, and reviewed the report coming out from the project.

Objective

The purpose of the external evaluation was to support the Ministry of Justice in Romania to analyse the impact of the NAS 2012-2015, to identify best practices, loopholes, difficulties identified during the 4 years of implementation. The external evaluation examined the objectives of NAS 2012-2015, its impact, efficiency and effectiveness of the implementation measures, and sustainability of its results. It was also agreed that independent experts will formulate recommendations for the next strategy, including its mission, vision and approach. Discrepancies and inefficiencies of the NAS 2012-2015 were uncovered, which help the consultants formulate recommendations to be observed in the elaboration and implementation of the new Anti-Corruption Strategy.

Acknowledgement

This report was prepared by Mrs. Mari-Liis Soot, Ministry of Justice, Estonia; Mr. Valts Kalnins, think-tank "Providus", Latvia; and Mrs. Olga Savran, ACN Manager, OECD. On the side of the Ministry of Justice of Romania, the project was managed by Mr. Cornel Calinescu, coordinator of the Technical Secretariat of the National Anti-corruption Strategy, currently the general director of the National Agency for the Management of Seized Assets and Mrs. Anca-Luminita Stroe, legal adviser within the Department for Crime Prevention. They were supported by Mrs. Elena Nechifor, Police Chief Commissioner, delegated from the General Anticorruption Directorate within the Technical Secretariat.

Evaluation of the Impact of the National Anticorruption Strategy 2012-2015 in Romania

Summary

During the last years, Romania has made impressive efforts against corruption. Romania has justly earned international praise for achievements by some of its agencies, which struggle hard to improve the integrity of the country's public and private sectors. Meanwhile the impact of the Romanian National Anticorruption Strategy as reflected in corruption perception has been positive, but less than aimed for. More time and sustained efforts are needed to consolidate the achievements of Romania's anti-corruption policy and continue improving the general perception of corruption in Romania. The National Anticorruption Strategy covers activities of various kinds and in different areas and its implementation record shows both numerous achievements and weaknesses. Three of each have been selected for highlighting below in this summary.

Key highlighted achievements

- High intensity of enforcement activity has turned criminal repression by the National Anti-corruption Directorate and administrative controls by the National Integrity Agency into potential restraints on corruption on all levels.
- Training, risk assessment and other preventive measures by the General Anti-corruption Directorate of the Ministry of Interior represent a prominent best practice example to be replicated elsewhere in the Romanian public sector
- Implementing mechanisms such as cooperation platforms with stakeholders and thematic evaluation missions coordinated by the Ministry of Justice are innovative tools that should be disseminated as best practice internationally.

Key highlighted weaknesses

- Preventive measures have not been implemented in a systematic way across the public sector and many heads of public agencies lack motivation to introduce anti-corruption measures.
- Low level of political will among the parliamentary majority and locally elected officials to uphold integrity.
- No conclusive evidence of fundamental improvement in public procurement in Romania.

Recommendations

The evaluation recommends selecting a few priorities for the next anti-corruption strategy in order to channel scarce resources into areas where the maximum effect is possible. We suggest that the most important priority should be the prevention of corruption in public procurement and contracting in general, which is a key issue in all sectors, be it health care, defence, education or any other. Moreover in all processes, transparency should be the key aspiration because of its well-known mighty preventive effects. Romania has a formidable record of enforcement activity against corruption and we now recommend inspiring prevention of corruption by providing positive incentives for those agencies that take effective preventive measures in their organisations and sectors. That would be a key addition to punishment by encouragement and motivation, which will in the end help internalise integrity as a norm.

Contents

1. Approach and methodology	4
2. Background and context	6
3. The level of achievement of objectives of the NAS	9
4. Achieved legislative changes	11
4.1. Legislative changes in the area of prevention	11
4.2. Legislative changes in the area of combating	12
5. Achievement of concrete general and specific objectives.....	13
5.1. The first general objective - preventing corruption in public institutions	13
5.2. The second general objective - increasing the level of anticorruption education ..	23
5.3. The third general objective - combating corruption through administrative and criminal measures	28
5.4. Other evidence of impact	34
6. Supportive and hindering elements in the implementation process of the NAS.....	35
7. Suggested next steps	39

List of figures

Figure 1. In your opinion, which objective of the National Anticorruption Strategy 2012-2015 achieved the most positive effect on the level of corruption?

Figure 2. Please describe in a few words what was the biggest loophole in implementing the National Anticorruption Strategy 2012-2015?

Figure 3. In your opinion, what should be the main role of the Ministry of Justice in supporting the implementation of sectoral anti-corruption measures?

List of tables

Table 1. The number of employees advised by ethics/ integrity advisor in ministries (including subordinate agencies), anti-corruption and other independent institutions

Table 2. Annual number of complaints to courts regarding access to public interest information

Table 3. Annual evaluations of the degree of knowledge of the rules regarding conflict of interests by employees of ministries, anti-corruption and other independent institutions

Table 4. Annual number of ANI's decisions confirming the conflict of interests in ministries (including subordinate agencies), anti-corruption and other independent institutions

Table 5. Annual indicators regarding the register for misbehaviours of the officials, public servants, contractual personnel with attributions in the field of protection the EU financial interests

1. Approach and methodology

The purpose of this external evaluation is to support the Ministry of Justice in Romania and analyse the impact of the National Anticorruption Strategy 2012-2015 (hereafter - NAS), identify best practices, loopholes, difficulties during the four years of implementation. The evaluation examined the objectives of the NAS, its impact, efficiency and effectiveness of the

implementation measures, and sustainability of its results. It also proposes recommendations for the next strategy, including its general approach and priorities.

The methodology of the review consisted of several parts:

- desk-review of existing reports, strategies, studies, evaluations and other related information
- interviews with stakeholders during the first on-site mission 13-15 April 2016
- survey among Romanian anti-corruption experts
- validation of the initial findings with stakeholders during the second on-site mission on 19 May 2016.

The evaluation was carried out by the experts Valts Kalniņš (Centre for Public Policy PROVIDUS, Latvia), Mari-Liis Sööt (Ministry of Justice, Estonia), and Olga Savran (Anti-Corruption Division, OECD).

The desk-review focused on reports prepared by Romanian authorities (Ministry of Justice, Ministry of Regional Development and Public Administration, General Anti-corruption Directorate, National Anti-corruption Directorate, etc.), international institutions (EU Anti-Corruption Report, reports under the Cooperation and Verification Mechanism, GRECO reports, etc.), publications by non-governmental organizations (alliance “Clean Romania”, Freedom House, Romanian Academic Society, Transparency International), independent policy and academic studies.

The first on-site mission consisted of interviews with a variety of stakeholders - (in the order of meetings) Ministry of Justice, Ministry of Health, National Integrity Agency, High Court of Cassation and Justice (including the Prosecutor’s Office attached thereto), Court of Accounts, Competition Council, NGOs, business representatives, National Anti-corruption Directorate, National Agency for Public Procurement, General Anti-corruption Directorate, Ministry of Regional Development and Public Administration, Ministry of National Education and Scientific Research, Ministry of Public Finances (National Agency for Fiscal Administration).

The Internet-based survey covered Romanian experts belonging to different public, private and non-governmental institutions. 12 respondents were from ministries and 12 from other public institutions, 8 from private companies, 5 from business associations and 11 from NGOs. The rest did not specify their affiliation. The aim of the survey was to get feedback regarding the objectives of the NAS and receive insights for the focus of the next strategy. The response rate of the survey was 67% (53 fully completed questionnaires). Note that this report considers all answers, not only the answers of the fully completed questionnaires. Therefore the total number of respondents per question will be reflected separately. The minimum response rate per question was 56. The field-work (filling in the questionnaire by the respondents) took place in April 2016 via an online platform.

During the second on-site mission, the preliminary findings and recommendations were presented to and feedback solicited from (in the order of meetings) the President of the Chamber of Deputies of the Romanian Parliament, Superior Council of Magistracy, stakeholders from the platform for cooperation with the central public administration and platform for cooperation with independent authorities and anti-corruption institutions, NGOs, Minister of Justice and the media.

2. Background and context

Romania has witnessed constant ticking of corruption clock in the public agenda, changes in political nominations and high-profile corruption cases during the years of the anti-corruption strategy. Corruption has been the main trigger of recent government change and continues to be the top issue in media and public debate. The number of high-profile corruption allegations regarding ministers, members of parliament, local government officials, mayors, judges, law enforcement officials, anti-corruption fighters is difficult to track even for those well oriented in mathematics. When writing this report, news with corruption allegations pop up, like the one from the city of Targu Mures where the mayor and his son are accused of bribery and related offences (Popescu, 2016). Reportedly, of the 588 members of the Romanian parliament, every 10th has had problems with the law (Paun, 2016). The current President of Romania Klaus Iohannis won office in 2014, owing partly to an anti-corruption campaign (BBC, 2015). In 2015 Dacian Ciolos became the Prime Minister with a politically non-affiliated technocratic Cabinet after the resignation of Victor Ponta due to mass protests triggered by corruption allegations related to a nightclub fire in Bucharest. In 2014 the Romanian Constitutional Court ruled unconstitutional the draft bill, which would have granted high officials immunity from prosecution of corruption while in office (LaForgia, 2014). The nation's anti-corruption success is attributed mostly to Laura Kövesi and the National Anti-corruption Directorate (Direcția Națională Anticorupție, hereafter - DNA). Although the institution has some critics, 60% of the population trust the DNA (Ellis, 2015). For comparison, 24% of the Romanians trust the government, 16% trust the parliament and 39% trust regional or local government (Eurobarometer, 2014). The current justice minister Raluca Prună has been commended for her political will to tackle corruption (Paun, 2016). The next parliamentary elections will be in autumn 2016 and will bring changes to the existing voting system. For example, instead of 588 members, 466 representatives will be elected to the parliament, the party-list proportional representative system will be re-introduced, and an IT system will be used to monitor voter turnout and prevent election fraud (Pelin & Popescu, 2015).

Corruption seems to be to a great part a problem and reflection of dissatisfaction with provision of public services and access to policy making in Romania. For example, a 2012 study of population and local government representatives demonstrates that local people are dissatisfied with how public consultations on various issues of local government take place and they perceive municipal officials as corrupt (Ministry of Justice, n.d.). Freedom House (2015) states that “NGOs influenced the public agenda on a few issues primarily through protests and informal means rather than institutional channels, as official consultation mechanisms remain ineffective”. 58.5% of the population believe “that public officials often or very often call for money or gifts to act on certain requests” (Ministry of Justice, n.d.). Relations between central and local politicians are described as clientelistic, as allocations to local governments alongside the approved budget greatly depend on the party links (Mungiu-Pippidi, 2015a) only adds up to the image of poor public management and rampant corruption.

Corruption prevention is more complicated in bigger and poorer countries, and Romania is a relatively big country with a population of 19.4 million people and territory of over 238 thousand km², also being the second poorest EU country with GDP of USD 10,000 per capita (World Bank, 2015). For Romania, it took 5 years to regain and exceed the pre-crisis GDP level, which was a couple of years longer compared to the EU average. Yet, the economy is recovering well, as by 2015 Romania recorded the third largest economic growth in the EU

(Romania-Insider, 2016). Unemployment of 6.8% (Eurostat, 2015) has been rather steadily below the EU average. In terms of Romanian government expenditures, only 4.0% of GDP are spent on health (EU average - 7.2%), 11.4% for social protection and 3.0% for education, the latter two being the lowest in the EU. Moreover, Romanians' access to healthcare is characterized by inequality as people with lower socioeconomic status have a lesser chance of met medical needs (Olaru, 2013).

Reverting to corruption measures, in the Transparency International's Corruption Perceptions Index Romania is doing slightly better than previously - it holds the 58th position with an increase of the score from 44 to 46 within the last four years. Although the value of the composite index could be best described as standstill, the upper-lower range of the index represents more positive evidence. That is, in 2015, the upper and lower value range of Romania was 36-62 (in 2012 it was 38-50). (Transparency International) This means that certain data sources that the index consists of have attributed much higher value to Romania in 2015 than in 2012, when the strategy was adopted.

Likewise, according to the Index of Public Integrity, which takes into account administrative simplicity, budget transparency, trade openness, auditing standards, judicial independence, freedom of the press and e-citizenship, Romania is doing relatively well. The score of the index is 7.27, making it 31st in the world.

Romania is doing worse in judicial independence, press freedom and e-citizenship compared to regional average, while it is doing relatively good in budget transparency and administrative simplicity. (Index of Public Integrity; Mungiu-Pippidi, 2015b)

Ernst & Young Global Fraud Survey of 2016 that surveyed almost 3,000 senior business leaders in 62 countries show that for already the third consecutive year, perception of corruption is diminishing in Romania. 36% of respondents believe that corruption is widespread in the business environment, while in 2014 the number was 46%. (Actmedia, 2016)

Press freedom, being an integral part of anti-corruption scene, has not much to boast about in Romania, and is described as partly free. In 2015 the Romanian score of press freedom was 42 (Freedom House, 2015a), while in 2012 it did a little better with the score 41.

Drawing on the data of three Eurobarometer surveys (European Commission, 2014b; 2014c; 2015), of which two deal with business attitudes towards corruption, the following picture of corruption in Romania appears:

- Romanians are more tolerant towards corruption than the average European and there is a bunch of people in the population who have no idea what is acceptable and what is not. For example, only 57% of Romanians think that that it is unacceptable to make a gift to public officials in return for a public service, while in the EU 76% think the same way. In Romania 8% don't know whether gift giving is acceptable or not, while in EU the share is 1%.
- Romanians really believe that corruption is a problem in their country (93% believe this in Romania and 76% in EU) and a quarter of them believe that the situation has not gone better nor worse. They think that corruption is most widespread in police and customs. These rather negative perceptions are mirrored in the answers of 25% of people who have been asked for bribes, while the EU average is 4%. Businessmen in Romania are even more skeptical about improvements - 74% of businessmen say that corruption is a hindrance to business in Romania, with the increase by 9% compared to 2013. Compared to other EU countries patronage and nepotism are considered major

obstacles in doing business, rendering the highest result in the EU - 70%, also with the increase by 6%. Smaller companies and those that have taken part in procurement are especially concerned about these issues.

- Romanians do not want to tell researchers whether they have had contacts with corruption. For example 14% of Romanians confess they know someone who have taken bribes (12% in EU), while 17% do not want to tell (4% in EU).
- Corruption in healthcare seems to be rampant in Romania. Healthcare is the most common area, where people have experienced corruption throughout Europe, including Romania, so there is nothing special about Romania in this respect. The advantageous treatment of certain people is considered common in Romanian healthcare (Mungiu-Pippidi, 2015b). At the same time Romanians' direct contact with healthcare is lower than in EU on average (40% vs. 59%) and only a half had been to the hospital or visited doctor within last year (EU 77%), while voluminous 28% had paid bribe to them (EU 5%), many of them (22%) with their own intention, contrary to the rest of Europeans (2%).
- Corruption problems in procurement seem to grow bigger according to the opinions of business people. A quarter of Romanian businessmen have taken part in procurement, while the main reasons for not participating were tailor-made bids and too burdensome procedures. Half of those who have participated say that corruption has prevented them from winning (in EU 34%). 7% believe that the conditions are worsening, they say that tailor-made specifications are still problem, although in general it is believed that conflicts of interest is less problem than it used to be.
- When asked directly, Romanians tend to show distrust towards the police and prosecution - the police is trusted by 48% (EU 57%) and justice, which also includes prosecution, by only 13% (EU 27%). On the other hand, trust in anti-corruption investigation is on the rise. For example, 69% of Romanian businesspeople tend to believe that corrupt businesses would be caught and prosecuted, which is a 17% of increase with last three year period, and 60% suppose that they would sanctioned by court, which is an increase by 14%.

To sum up, the situation of corruption in Romania is imperceptibly ameliorating, yet the general public and businesspeople of Romania are still very concerned with corruption. During the interviews many expressed the view that trust in anti-corruption institutions and awareness about corruption have improved - although survey results rather show weak awareness and confusion by people, which is reflected in the hard-die tradition of gratuity-giving to health care workers and skepticism about fair procedures in procurement and other public services. It seems that people's dissatisfaction with public services, constant appearance of high-profile corruption cases, moderate press-freedom all feed the pessimism that things are not going on the right direction. On the other hand, the state's constant and systemic attention to anti-corruption have not remained unnoticed by the population and international partners, as signalled by international reports and media coverage about Romania. They all say with one voice that the principle of the rule of law is struggling in Romania and corruption in the judicial system weakens long-term perspectives of the country.

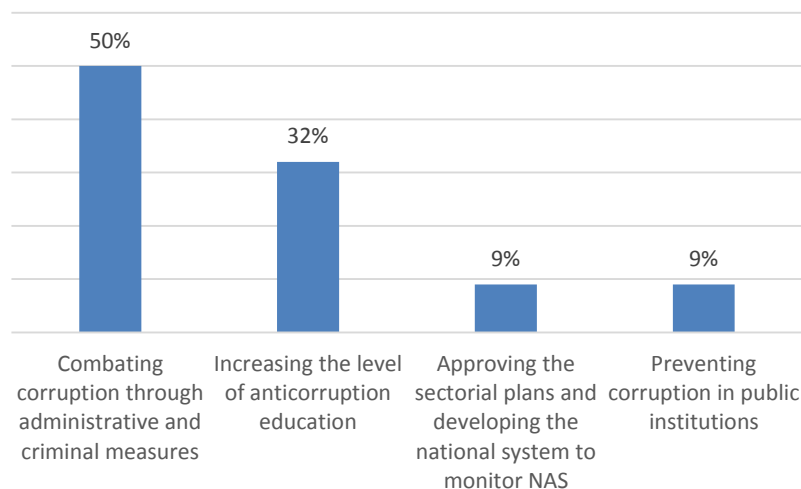
Anti-corruption has not been entirely internalized by Romania yet, but mostly led by foreign pressure, including the EU Cooperation and Verification Mechanism. The insufficient domestic drive is reflected in the lack of national resources available for the implementation of the anti-corruption strategy as well as indifference by many public institutions to cut opportunities of corruption in their organizations. Dubious games with legislation, including draft legislation that would grant public officials immunity from prosecution (Global Legal

Monitor, 2015) and erasing conflict of interest rules of parliamentarians which were later reinstated by interference from Brussels (Mungiu-Pippidi, 2015a) demonstrate reluctance to take anti-corruption seriously. Yet the sense of self-criticism by those responsible for drafting the anti-corruption strategy in Romania, accompanied by several simultaneous anti-corruption policy assessments and the current (hopefully not temporary) political support (Mungiu-Pippidi, 2015a), should pave the way to successful anti-corruption policy where “impossible is nothing”. Awareness about its weaknesses and open-mindedness has and will create innovative ways to prevent corruption in Romania.

3. The level of achievement of objectives of the NAS

The vast majority (90%) of anti-corruption experts who took part in the survey think that the NAS had a positive (i.e. decreasing) impact on the level of corruption in Romania, while more than half (53%) believe that it had too many objectives. Half of the respondents believe that **combating corruption through administrative and criminal measures** could be considered an objective that had the most positive effect on the level of corruption, while **prevention of corruption in public institutions and sectoral plans** did not meet their desired end in the strategy.

Figure 1. In your opinion, which objective of the National Anticorruption Strategy 2012-2015 achieved the most positive effect on the level of corruption? (Total number of answers: 56)



The anti-corruption experts were asked in the survey to describe in a few words what the biggest loophole in implementing the strategy was. The answers were later grouped in fewer categories. **Lack of financial resources** was mentioned most often as the main disadvantage of the previous strategy, followed by **weak managerial involvement** in implementing sectoral plans, and formalism. Further observations about shortcomings involved lack of attention on businesses and whistleblower protection, lack of anti-corruption training and lack of focus in the strategy. The word-cloud in Figure 2 represents the counts of observations about gaps in the strategy - larger size of sentence refers to more frequent references by the experts.

Romania has not fully achieved the targets of the NAS regarding the perception of corruption. The target to be achieved on the Corruption Perceptions Index (hereafter - CPI) was a rise from 3.6 in 2011 to the EU average, which was 6.37 at the time. In 2015 the EU average in the

CPI 2015 was 65 with Romania scoring 46. (Transparency International, 2016) However, Romania has certainly moved closer to the EU average.

In the Nations in Transit Report, during the period of the NAS, Romania’s corruption score improved by 0.25 and reached 3.75 in 2015 and 2016 on a seven-point scale where 1 is best. (Freedom House, 2016) Meanwhile the target (the average score of eleven EU member countries of Central and Eastern Europe) was 2.6 in 2016.

The achievement of others targets (results in the Global Corruption Barometer, World Bank’s study on the business environment and investment performance, and the Global Integrity Report) cannot be assessed because the relevant studies were not carried out around the time of the expiry of the NAS.

The failure to fully achieve the general corruption perception targets should not be interpreted as a failure of the NAS. It should be taken into account that, for example, numerous enforcement actions against corruption may bring corruption higher into the public agenda, make the public more aware of the corruption problem and hence contribute to the perceived level of corruption. In such situation, the reduction of corruption perception could be hopefully expected with a time lag after the extent of corrupt practices has reduced owing to anti-corruption activities. Moreover it is questionable whether it is at all possible to reduce the perception of corruption by such amount within the short period of four years. On the other hand, this evaluation shows that several elements of the NAS were not implemented up to the necessary degree, for example, the awareness-raising of the broader public. Such weaknesses surely contributed to the limited success in achieving the targets.

Figure 2. Please describe in a few words what was the biggest loophole in implementing the National Anticorruption Strategy 2012-2015?



The impact of the NAS as reflected in corruption perception has been positive, but less than aimed for. More time and sustained efforts are needed to consolidate the achievements described further in this report and continue improving the general perception of corruption in Romania. Other than these general targets, the performance indicators of the NAS and its action plan mostly register outputs without focusing on outcomes and the wider impact.

4. Achieved legislative changes

This part of the report will review the fulfilment of the legislative programme of the Action Plan of the NAS. Even though one of the basic tenets of the NAS was that the Romanian anti-corruption legal framework was by and large complete and efforts were needed mainly to strengthen its implementation, the Action Plan included a number of tasks involving legislative changes.

4.1. Legislative changes in the area of prevention

The Action Plan envisaged reforming the disciplinary system of the judiciary by strengthening the role and statute of the Judicial Inspection through, among other things, amending the Law on the status of judges and prosecutors and the Law on the Superior Council of Magistracy (measure 1.3.2). The status of the Judicial Inspection was strengthened in the beginning of 2012. With this, the institution became an autonomous body within the Superior Council of Magistracy. (Status report) The European Commission has recognized that “the Judicial Inspection is operationally independent and inspectors are independent in their activity”. (European Commission, 2016: 22) Even though not envisaged by the NAS, another relevant legislative amendment regarding the judiciary was abolishing special pensions for magistrates convicted for corruption in 2013. (European Commission, 2015b: 20)

Another area where legislative changes were planned is financing of political parties and campaigns. The stated aim was compliance with GRECO recommendations (measure 1.4.1). The respective legislation has been amended and Romania’s progress towards the compliance is described below in the Chapter 5.1.

The Action Plan contained two tasks entailing legislative changes regarding members of parliament. One of the tasks concerned the review of requests to lift the immunity of MPs and envisaged placing them on the agenda of the first plenary session and resolving within the maximum of 72 hours (measure 1.5.1). The law has been changed to set a time limit for the review of the requests at least with regard to members of the Chamber of Deputies. However, the issue of immunities and their regulation has been a matter of major controversies. There was a notorious attempt in 2013 to shield political office holders from liability with what has been nicknamed “super immunity”, i.e. exempt MPs and the President from corruption prosecution while in office. The respective changes of the law were adopted and then voided by the Constitutional Court in January 2014 (EUbusiness, 2014). In a parallel development, in July 2014 the President returned to the parliament a law that would relax incompatibility restrictions for mayors and county council presidents (Nineoclock, 2014). These instances show that at times the legislative majority has been showing a clear will to act contrary to the objectives of the NAS. Another - and so far unfulfilled - task regarding members of parliament concerned the prohibition for MP lawyers to offer consultancy or representation in any kind of public authorities or state owed economic/financial entities (measure 1.5.2).

A distinct category of legislative amendments aimed at enhancing the investigative capacity of the Competition Council (measure 1.7.2). While these are not anti-corruption measures in the narrow sense, violations of competition law such as prohibited agreements can have an important role in, for example, undermining fairness in public procurement with or without collusion with public officials. Of the planned amendments, the possibility for the judge of rights and liberties to order the transmission of information obtained by means of special techniques to the Competition Council, under particular conditions, to use them as evidence

in the investigations of the Competition Council was not introduced. Amendments have been made to introduce defence for individuals who voluntarily disclose their involvement in competition-related crimes to prosecution bodies and mitigation of punishment for facilitating investigation. Also other changes to strengthen the investigative power of the Competition Council have been made. The Action Plan of the NAS did not explicitly define any necessary changes in laws that govern public procurement (specific objective 1.6). Nevertheless the regulatory framework was amended, in particular regarding the conflict of interest (see more below in chapter 5.1).

4.2. Legislative changes in the area of combating

Even after adopting its new Criminal Code (in force on 1 February 2014), according to GRECO, Romania has not implemented three of its recommendations in the area of incrimination such as (1) criminalizing active and passive bribery in the public sector and trading in influence so as to cover all acts/omissions in the exercise of the functions of a public official, whether or not within the scope of the official's competence, (2) ensuring that the incrimination of bribery in the private sector covers as bribe-taker the full range of persons who work, in any capacity, for private sector entities whether legal persons or not as well as (3) revising provisions related to the defence of effective regret. (GRECO, 2015b: 3, 4) In this area, the Action Plan of the NAS did not refer to GRECO recommendations but rather aimed to ensure the stability and predictability of the material and procedural criminal anticorruption legal framework (measure 3.1.1). The rationale of such measure, which emphasizes stability rather than improvement, is unclear in particular because, at the time of defining the task, Romania had not implemented an even greater number of GRECO recommendations.

With regard to administrative sanctions for ensuring the integrity in the exercise of public functions (measure 3.2.2), the legislation has not been amended. We were informed that it can be explained by the improved track record of the National Integrity Agency (Agenția Națională de Integritate, hereafter - ANI) in whose cases dissuasive sanctions have been applied based on the already existing legal provisions. We were not informed about new normative acts introducing the integrity tests (measure 3.4.5) although the experimental use of integrity tests by the General Anticorruption Directorate (Direcția Generală Anticorupție, hereafter - DGA) has been described and appears to produce useful results.

Romania did not amend the Article 44 Paragraph (8) of the Constitution¹, which was envisaged with a view to increasing the degree of the recovery of proceeds of crime (measure 3.5.1). Neither have normative acts and procedures been amended in order to allow the Ministry of Public Finances to intervene as a civil part in the criminal cases, when the passivity of the public institutions concerned affects the public budget (measure 3.5.6). We were informed that a working group with representatives of the Ministry of Justice and the Ministry of Public Finance was set up, which proposed other measures in this area such as a relevant guide of conduct for the local public authorities. Report of the Cooperation and Verification Mechanism (hereafter - CVM) mentions some progress by the Court of Accounts in monitoring the recovery of debts from administrative or criminal proceeds (European Commission, 2016: 19, 20).

In 2012, the criminal procedure was amended and the extended confiscation was introduced in order to improve the recovery of proceeds of crime (measure 3.5.2). In November 2015,

¹ Legally acquired assets shall not be confiscated. Legality of acquirement shall be presumed.

the parliament adopted a law to establish the National Agency for the Management of Seized Assets responsible for managing frozen assets and inter-institutional cooperation to ensure the effective recovery of confiscated assets (measure 3.5.7). (European Commission, 2016: 35)

The legislative program of the NAS has been implemented substantively in a few areas, for example, the disciplinary system for the judiciary and financing of political parties while other important areas have not seen the envisaged changes of laws. Particularly in the part of combating corruption the fulfilment of planned changes has seen gaps. Probably one of the reasons thereof is the improvement of the track record in the enforcement to such an extent that reduced the need to change laws. Some of the proposed legislative measures under the NAS have been formulated in such modest way that made their implementation rather undemanding, for example, the stability and predictability of criminal provisions. A number of relevant legislative changes took place despite not being envisaged in the NAS. All in all the plan of the NAS has informed the actual legislative work to a limited extent only.

5. Achievement of concrete general and specific objectives

This part of the assessment will review the achievement of general and specific objectives of the NAS as evidenced in documents provided to the review team, interviews carried out during missions in Bucharest and publications. It will present main pieces of evidence regarding progress related to the objectives with a particular focus on some key measures under each of the objectives.

5.1. The first general objective - preventing corruption in public institutions

In interviews during the first on-site mission, the stakeholders expressed a general consensus that prevention of corruption has been generally under-prioritized in the implementation of the NAS.

The specific objective 1.1 “Addressing the public institutions’ specific vulnerabilities by systematic implementation of preventive measures” has been achieved partially. Crucial tasks in this regard include periodical self-assessment of institutions’ degree of implementation of preventive measures (measure 1.1.1) and introduction of unitary methodology for the assessment of corruption risks at the level of public institutions as a premise for developing internal integrity plans (measure 1.1.3). During the on-site mission, authorities informed us about risk assessment methodology developed and implemented in the Ministry of Interior and afterwards piloted in a few other sectors.

For example, methodology for corruption risk management within the Ministry of Education and Scientific Research has been approved and implemented. The risk assessment methodology was also applied in the Ministry of Health, National Agency for Fiscal Administration and National Administration of Penitentiaries. The DGA of the Ministry of Interior researched corruption risks and vulnerabilities within structures of the Ministry of Interior Affairs. As of May 2015, the DGA had offered training on the management of corruption risks for the Ministry of Regional Development and Public Administration and the Ministry of Labor and Social Protection. (Ministry of Justice, 2015)

	Integrity Council	r. Auth.	r. Agency		for Solving Complaints	Council of Magistracy	of Accounts	Council	er of Deputies
2012	0	0	0	90*	0	0	3	No reply	No reply
2013	49	0	1	90*/50	0	0	0	No data	No reply
2014	31	0	0	80	0	0	3	No data	No reply
2015	0	0	0	50	0	No data	3	No data	No reply

* Employees took note of the code's provisions.

	Anti-fraud Dep.	DGA	DNA	High Court of Cass. and Justice (HCCJ)	General Inspectorate of Police	Anti-money Laundering Office	Prosec. Office (at HCCJ)	Intell. Service	Senate
2012	1	Incl. in MoINT	0	0	7933	NA	No reply	No reply	No reply
2013	0		0	0	9059	NA	No data	No reply	No reply
2014	0		0	0	10,398	NA	No data	No reply	No reply
2015	0		No reply	0	Incl. in MoINT	NA	No data	No data	-

Note that the inconsistencies in the data format (absolute figures and percentages) reflect the way the information was provided in the self-evaluation.

Preventive measures have not been implemented in a systematic way across the public sector. The outstanding practice of the DGA coexists with the lack of streamlining of risk assessment and preventive practices in many institutions.

The specific objective 1.2 “Increasing the institutional transparency by increasing the availability of public data made available by public authorities” involved tasks related to both implementation of freedom on information rules such as the Law on Access to Public Information and Law on Decisional Transparency (measure 1.2.2) and development of e-platforms, which entails also proactive publication of relevant information (measure 1.2.3).

The implementation of the Law on Access to Public Information (adopted in 2001) received some rather favourable assessment at the time when the period of the NAS started. Court cases initiated by media and civic activists had a positive effect on compliance by public institutions. (International Bank for Reconstruction and Development and World Bank, 2012) No recent comprehensive assessment of the implementation of the Law on Access to Public Information has been available to the experts. In 2016, the Romanian Academic Society (SAR) published monitoring results regarding compliance of public institutions with the obligation to publish activity reports under this law. 106 institutions were monitored (18 ministries, 41

county councils and 47 municipalities). Only about 60 institutions had published the reports for 2012, about 70 institutions for 2013 and fewer than 55 institutions for 2014. Thus the trend during the period of NAS has been unstable. It was found that 77% of the reports published by ministries complied with legal requirements. Only 21% reports by country councils and 61% of municipalities complied (the data include also time before the adoption of the NAS). (Societatea Academică din România, 2016b)

According to self-evaluation data of ministries (including subordinate agencies) the number of litigations regarding access to public interest information has decreased in a number of sectors, notably in the Ministry of Internal Affairs (including the General Inspectorate of Romanian Police), Ministry of Agriculture and Rural Development, the Ministry of Labour, Family, Social Protection and Elderly, and the Ministry of Transportation. However, the trend is contrary in some other ministerial sectors, most radically in the Ministry of Environment, Waters and Forests. Overall little complaint activity has been reported by anti-corruption and other independent institutions.

Table 2. Annual number of complaints to courts regarding access to public interest information (source - self-evaluation reports)

	MoFOR	MoINT	MoAGRI	MoDEF	MoCUL	MoREG	MoECO	MoEDU	MoFIN
2012	3	92	69	0	7	0	No reply	No data	2
2013	5	14	9	15	7	1	No reply	No data	4
2014	4	17	22	15	3	36	No reply	No data	1
2015	5	38	5	22	9	4	No reply	1	2

	MoEUF	MoJUS	MoENV	MoLAB	MoCOM	MoHEA	MoYOU	MoTRA
2012	0	7	13	17	0	79%	No reply	7
2013	0	3	0	24	0	6	No reply	6
2014	0	4	8	4	0	0	No reply	1
2015	0	6	671	5	0	5	0	3

	ANI, Integrity Council	Electo r. Auth.	Procu r. Agency	Omb.	Council for Solving Complaints	Superior Council of Magistracy	Court of Accounts	Comp. Council	Chamb er of Deputie s
2012	0	0	0	0	0	4288	0	No reply	No reply
2013	2	0	0	0	0	0	0	No data	No reply
2014	2	0	0	0	0	5	0	No data	No

4									reply
2015	2	0	0	1	0	8	0	1	No reply

	Anti-fraud Dep.	DGA	DNA	High Court of Cass. and Justice (HCCJ)	General Inspectorate of Police	Anti-money Laundering Office	Prosec. Office (at HCCJ)	Intell. Service	Senate
2012	0	Incl. in MoINT	1	6	21	0	No reply	No reply	No reply
2013	0		0	2	12	0	0	No reply	No reply
2014	0		0	2	6	0	0	No reply	No reply
2015	0		No reply	5	Incl. in MoINT	0	0	14	-

Note that the inconsistencies in the data format (absolute figures and percentages) reflect the way the information was provided in the self-evaluation.

Analysis by the Romanian Academic Society casts doubts on the satisfactory achievement of this specific objective of the NAS also with regard to decision-making processes. Some of the observations by the SAR are:

- accessibility of information posted on the websites of public institutions is cumbersome and requires prowess in information technology from citizens
- annual reports on the implementation of the Law on Decisional Transparency do not have a unitary structure, usually highlight only positive results without elaborating on constraints and how to overcome them
- major difference between the number of legal acts adopted by public authorities and those subject to public consultations
- citizens and NGOs are insufficiently familiar with their rights under the Law on Decisional Transparency. (Societatea Academică din România, 2016a)

During the missions, Romanian authorities reported a number of tools used to compile data (and thus facilitate monitoring) and provide access to information, for example, the monitoring instrument of budgets of public hospitals. New electronic services have become effective such as systems for paying taxes and tracking submissions. Some instances of proactive publication are particularly important for public oversight and education, for example, the publication by the High Court of Cassation and Justice of anonymised full texts of all of its decisions or more than 1200 opinions by the ANI on legislative interpretations. (European Commission, 2016: 15, 25) According to a monitoring report of the Ministry of Regional Development and Public Administration administrative-territorial units have reported good practices such as live broadcasting of the local council's meetings through local television and publication of information in open data format on the institution's own initiative. The report observes that "the authorities of the local public administration are mostly aware of the measures related to the access to public information and decisional transparency. But less known is the information on the publication of data in the open format - *open data*." (Ministry of Regional Development and Public Administration, 2016)

The institutional transparency and availability of public data have increased. It appears that the need to respect freedom of information has by and large streamlined in parts of the national administration. Nevertheless legal provisions, which govern transparency, need to be implemented more effectively and evenly across the whole of the public sector (particularly in the local public administration).

The specific objective 1.3 “Strengthening the integrity and transparency of the judiciary by promoting anticorruption measures and professional ethics standards” relies to a large extent on the implementation of the separate strategy on the integrity within the judiciary (measure 1.3.1). Another important measure proposed in the NAS Action Plan was reforming the disciplinary system of the judiciary by strengthening the role and statute of the Judicial Inspection (measure 1.3.2).

Overall these measures have been implemented as summarized in the EU Anti-Corruption Report in 2014: “At the end of 2011, the Superior Council of Magistracy adopted a strategy for integrity within the judiciary and a corresponding action plan aiming, among others, at enhancing integrity rules and improving disciplinary liability mechanisms. The judicial inspection, now an autonomous body, was strengthened and took steps to improve its methodology. New legislation on disciplinary liability of magistrates allows for more effective disciplinary procedures.” (European Commission, 2014a: 9)

Report of the CVM refers to the DNA reporting “that there had now been a reduction in the number of complaints and new cases of corruption in the judiciary. Given the overall trend of increased signals to DNA as a whole, they considered that this implied fewer examples of corruption in the magistracy, and a reduced tolerance for corruption within the system (with an increase in the number of cases of judges reported by their colleagues). DNA also noted that cases were now more likely in areas where legal uncertainty offered scope for less obvious forms of corruption.” (European Commission, 2016: 20) The CVM report describes the Judicial Inspection as operationally independent and notes that its “inspectors are independent in their activity, although the Inspection reported some pressure to revert to the former situation of stronger dependence from the [Superior Council of Magistracy]”. (European Commission, 2016: 22)

The assessment of the integrity and transparency of the judiciary would require a separate evaluation. Therefore we merely note the encouraging remarks of the mentioned international assessments.

The specific objective 1.4 “Increasing the transparency of financing the political parties and electoral campaigns” relied largely on the implementation of recommendations formulated in the third GRECO evaluation round adopted in 2010 (measure 1.4.1). Hence also the achievement of this specific objective can be at least partially deduced from the implementation of GRECO recommendations. In 2015, the Law on Financing of Political Parties and Electoral Campaigns was amended and entered into force. Of the recommendations particularly highlighted in the NAS Action Plan, Romania has implemented satisfactorily the recommendations to:

- require that the annual accounts of political parties to be presented to the Permanent Electoral Authority (hereafter - PEA) are subject to independent auditing prior to their submission;
- give the PEA the full responsibility of monitoring compliance with the Law on the financing of activities of the political parties and election campaigns (according to the

law as amended in 2015, the PEA is empowered to monitor compliance with the legal provisions on income and expenditure of political parties, political or electoral alliances, independent candidates, as well as the legality of election campaign financing; the PEA also has adequate power to request necessary documents and information); and

- extend the statute of limitation applicable to violations of Law on the Financing of Activities of the Political Parties and Election Campaigns.

Romania has only partly implemented the recommendations to:

- require political parties to present their consolidated accounts to the PEA and to make an adequate summary available to the public;
- i) 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 made through the banking system (the actual threshold is 10 minimum gross salaries, i.e. more than EUR 23,000, which is fairly high); and
- increase the penalties applicable in accordance with the Law on the Financing of Activities of the Political Parties and Election Campaigns and thus to ensure that all infringements are punishable by effective, proportionate and dissuasive sanctions.

GRECO also noted increases in resources for the PEA. However, there was also a perception of unaddressed hidden over-spending by political parties during election campaigns. The DNA has accumulated information on a number of cases where corrupt gains are used for party funding and we heard during the mission that this information has not been yet sufficiently analyzed in order to enable the development of effective preventive measures.

All in all, with regard to transparency of party funding, Romania has implemented 8 recommendations satisfactorily and 5 recommendations partly. (GRECO, 2015b: 24) An indication of progress is the fact that a whole ten recommendations were implemented only partly according to the analysis of 2012. (GRECO, 2012: 20)

With regard to transparency of party funding, we refer to GRECO evaluations, which find that Romania has implemented 8 recommendations satisfactorily and 5 recommendations partly. Particularly GRECO has expressed concern that the sanctions applicable in accordance with the Law on the financing of activities of the political parties and election campaigns (as amended in May 2015) are not sufficiently effective, proportionate and dissuasive. Potentially huge corrupt gains can be made by providing and attracting illicit funding for parties and political campaigns. The approved sanctions do not seem to fully take into account the need for penalties to create costs that outweigh the potential gains. However, since the amendments are relatively recent, it will require a few years of implementation practice to see their real impact on transparency of party financing as well as limitations.

The specific objective 1.5 “Strengthening the integrity of the members of Parliament” has seen limited progress and certain important issues seem to remain unresolved. The parliament has accelerated the rendering of decisions on the lifting of immunity (GRECO, 2015a: 25) (measure 1.5.1), but otherwise such decisions remain subject to a great degree of arbitrariness. Rules regarding possibilities of MP lawyers to offer consultancy or representation in public authorities (measure 1.5.2) are not amended (a recent recommendation by GRECO proposes “that an adequate assessment of the rules on

incompatibilities, especially their consistency and their enforcement in practice be carried out so as to identify the reasons for the perceived lack of effectiveness, and to make the necessary changes”). (GRECO, 2015a: 19) At the time of GRECO evaluation in 2015, a draft code of conduct for parliamentarians was under review (measure 1.5.4). With the lack of the code of conduct, also related promotion and training naturally could not be fully implemented (see measure 1.5.5). Therefore all in all, as far as prevention is concerned, the NAS has achieved probably the least progress regarding members of parliament. The fact that convicted MPs who are not imprisoned may continue working in the parliament makes this conclusion even stronger.

Repressive actions aside, the NAS has achieved little impact in terms preventing integrity breaches by members of parliament. With regard to parliamentarians, the NAS has been implemented in a bottom-up manner and has suffered from the obvious limitation that the executive cannot bind members of parliament to adopt any decisions.

The specific objective 1.6 “Increasing the efficiency of preventing corruption mechanisms in the field of public procurement” covers an area where significant changes have been introduced. Under this specific objective, a key aspect covered by the NAS Action Plan is preventing conflicts of interest in managing public funds (measure 1.6.1). According to representatives of the National Agency for Public Procurement a tangible example of change during the implementation period of the NAS was the clarification of rules for the prevention of conflicts of interest in 2013. Reportedly, these defined clearly restrictions for relations between persons with decision-making powers in public procurement and tenderers. Persons with decision-making power within the contracting authority who are not allowed to be in any way related to contractors were also defined. Also in 2013, a control body of the Ministry of Public Finance was said to start checking whether these provisions were actually followed. If a contract was signed despite notification from the Ministry, the notification would be conveyed to the ANI and, depending on the nature of the matter, also to other institutions with investigating or sanctioning competency.

These activities appear clearly in line with the NAS Action Plan although some particular steps have not been adopted, for example, the absolute nullity of procurement contracts concluded in breach of conflict-of-interest rules or a database of companies that have executed inappropriately contracts with public funds (measure 1.6.6). At the time of this evaluation, the promising electronic system PREVENT had been developed, which would automatically detect conflicts of interests in public procurement before the selection and awarding of contracts (generally corresponding to measures 1.6.3 and 1.6.4). However, necessary legal provisions for its application were yet to be adopted.

However, according to the CMV report of 2016 “prosecution of corruption cases linked to procurement continued in 2015, revealing recurrent practices of kickbacks for attributing public contracts and releasing public payments which involve sizeable networks of civil servants and elected and appointed public officials in local and county administrative structures”. (European Commission, 2016: 37) During the on-site mission, the DNA representative pointed out public procurement as the most vulnerable area where numerous cases of corruption and abuse of office take place in ministries, state-owned companies and local public administration units. In the typology of cases handled by the DNA, along with corruption in awarding contracts where many legislative improvements have taken place, corruption appears to affect decisions if and what goods or services to procure in the first

place, the quality of the deliveries and the possibility of contractors to receive due payments for the deliveries.

A recent analysis concludes that at least in the construction sector privileged politically connected private firms won disproportionately many contracts compared to the average in 2007-2013. The study also found 208 agency capture situations between 2007 and 2013 defined as “the case when the share of the total sum awarded by one contracting authority during a year to only one company surpasses 50%, if the contracting authority awarded at least three contracts in the respective year”. (Doroftei et al, 2015: 39) Almost 70% of these situations occurred on the local or county level.

The ongoing major reforms in Romanian public procurement system (the formation in 2015 of the National Agency for Public Procurement combining the functions of two earlier agencies, the elaboration of new public procurement legislation to be adopted in 2016 and expected implementation of the PREVENT system) attest to the fact that the Romanian public procurement system still has not stabilized and its full ability to withstand corruption vulnerabilities will become clearer in the future.

No conclusive evidence is found that measures implemented thus far have fundamentally changed particularist practices in public procurement in Romania. Given the fact that the potentially effective monitoring system PREVENT was first conceived already in 2013, its eventual embedding in legal provisions could be taken as a much needed sign of political endorsement for integrity reforms in the procurement area.

The specific objective 1.7 covers “Promoting a competitive, fair and integer business environment” where the emphasis lies, among other things, on joining the OECD Working Group on Bribery in International Business Transactions and the OECD anti-bribery convention as well as discussions with and awareness-raising among business counterparts about preventing corruption in the private sector (measure 1.7.1, also 1.7.3 and 1.7.4). The approach is relatively soft regarding compliance programs of enterprises where the exchange of best practices (measure 1.7.3) and dissemination (1.7.5) prevail over imposing formal obligations.

During the mission representatives of business in Romania attested first of all the spread of awareness among companies (especially the top management) regarding anti-fraud and anti-corruption compliance measures. However, concepts such as corporate liability for acts committed by employees are still not sufficiently familiar. Among companies that have most developed compliance programs, more often are those that are subject to either the US Foreign Corrupt Practices Act or the UK Bribery Act. Some interlocutors expressed scepticism also about everyday practices of international businesses in Romania, which allegedly adopt the ethics rules of their headquarters but fail to implement them in practice. Within Romania probably the corruption investigations by the DNA have provided the strongest incentive for certain public and private companies to take measures against corruption risks.

In 2013, the Centre for Legal Resources surveyed companies on the topics of ethics and compliance. The response rate was very low and, out of those who did respond, two thirds were companies with foreign capital. This could be taken as an indirect evidence of the lack of interest of Romanian companies in discussing ethics and compliance. Hopefully this is changing but so far there is no reliable evidence thereof. The integrity elements reported by the companies (internal codes or guides of ethics, ethics and compliance departments or

designated persons, procedures for prevention of bribery or conflicts of interests, ethics training, mechanisms for anonymous reporting of integrity incidents) were considerably more common among the companies with foreign capital. Meanwhile companies with both foreign and Romanian capital voiced roughly equal support for obligations to develop internal compliance programs for companies involved in public procurement. (Centre for Legal Resources, 2013: 17)

A recent international survey of companies showed actually a rather favourable picture where below average proportion of respondents (39%) agreed that bribery/corrupt practices happened widely in business in Romania and above average share of respondents (57%) said that senior management had strongly communicated its commitment to their [anti-bribery and anti-corruption] policies. (EY, 2015: 21) Asked what would be the minimum value at which they would consider a gift to be a bribe, 23% of surveyed companies in Romania responded that any gift was a bribe - one of the highest proportions for this answer among all EU member states. (European Commission, 2015a: 67) Such data suggest that sound moral baseline is found in the Romanian business sector, on which further value change can be built.

Romania has fully transposed the Article 5 of the Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector, which requires, among other things, “that a legal person can also be liable in cases where the commission of the offence was made possible because of lack of supervision or control”. (European Commission, 2011: 6) More rigorous enforcement of the respective legal norms would presumably serve as a necessary additional incentive for companies to strengthen internal integrity policies. Romania is one the most active users of corporate criminal liability in the region but only a small share of the cases is related to the bribery offence (OECD ACN, 2015: 33, 34).

A lot remains to be done to motivate companies to introduce internal anti-bribery and anti-corruption measures. Certain steps to strengthen business awareness have been made but more of this is needed. Plus the enforcement of liability of legal entities for failure to supervise may have been insufficient in relation to corruption cases.

The specific objective 1.8 “Strengthening the integrity, efficiency and transparency at the level of public local administration” extends beyond the mere anti-corruption theme and, in the absence of time-series of surveys and other indicators, it is hard to conclude with certainty whether it has been achieved. According to written material provided by the Ministry of Justice and information by the Ministry of Regional Development and Public Administration (hereafter - MRDPA) during the on-site mission, a considerable amount of activities have been carried out in relation to some measures proposed in the action plan of NAS (see, for example, the measure 1.8.6, which envisages developing networks for the elaboration and assessment of public policies).

In cooperation with the Ministry of Justice, the MRDPA has facilitated networking of administrative-territorial units by, for example, ensuring that 2272 out of 3228 units appointed coordinators for the implementation of the NAS. According to information provided by the Chief of the Anticorruption Service of the MRDPA, more than 100 local authorities implement the corruption risks assessment methodology designed by the Ministry for local administration. The MRDPA supported local authorities through, among other things, technical support in terms of providing model codes of ethics, instruction on their use, models of self-evaluation in the area of anti-corruption, guidance for developing sectoral action plans, etc.

The supporting activities have involved numerous consultancy activities including more than 120 meetings at the premises of administrative-territorial units, seminars and trainings. More than half of the administrative-territorial units (52%) submitted at least one report on the implementation of the NAS in the period 2012-2015. (Ministry of Regional Development and Public Administration, 2016) However, interviewed interlocutors from the public sector, civil society and business stressed that corruption at the local level remained one of the top risks.

Meanwhile there seems to be a shift in focus if to compare the Action Plan of NAS and the follow-up activities. The former addressed certain underlying facilitators of corruption and wasteful operation such as simplifying the administrative procedures for issuing certificates and authorizations (measure 1.8.1), setting up cost standards (measure 1.8.2) and adjusting organizational structures in relation to cost standards and population (measure 1.8.3). Meanwhile the reported achievements focus more on the implementation procedures of the NAS, e.g. the (no-doubt needed) standardization of the format of reports on progress in implementation and typical anti-corruption preventive measures such as corruption-risk evaluation. The reported achievements (e.g. compliance with legal requirements to submit assets and interests declarations) and deficiencies (elaboration of codes of ethics usually without previously consulting the entire personnel of the institution) are important but at the same time also more “surface” oriented.

Despite known examples of good practice, it remains an open question how widely the local public administration has addressed some of the deeper underlying factors conducive to corruption and wasteful operation, which were included in the action plan of the NAS. This is important because burdensome administrative procedures sometimes can create such incentives for corruption that a whole complex of anti-corruption measures will only have a limited effect. Findings regarding the formality of the elaboration of codes of ethics, weakness of persons responsible for ethics counselling, absence of mechanisms for the proper handling of gifts, etc. suggest the lack motivation of many units of the local public administration to invest resources in anti-corruption activities.

5.2. The second general objective - increasing the level of anticorruption education

The specific objective 2.1 “Developing the anticorruption component of the continuous training curricula for the personnel of the public institutions” has been implemented in a rather fragmented fashion. According to the Action Plan of the NAS the management of all institutions was responsible for “ensuring the participation of the employees at periodical training courses on the ethical and behavior norms” (measure 2.1.1). One can presume that the need of training would partly depend on the level of risks for certain categories of employees. However, generally the whole of the public sector should be involved in these activities. Institutions reported in their self-evaluations data regarding training on several topics. To limit the length of this report, the focus here is only on selected data regarding training on ethics/ deontology/ conduct of code as well as rules regarding conflict of interests.

In years 2012 - 2015, among ministerial sectors the number of persons trained through professional training activities on ethics/ deontology/ conduct of code was distributed as follows (self-evaluated degree of knowledge in parentheses shown in the data format as provided in the self-evaluation):

- 263,682 in the sector of the Ministry of Internal Affairs (degree of knowledge - high),

- 59,083 in the sector of the Ministry of National Defense (varied between 58.79 and 92.79%),
- 54,132 in the sector of the Ministry of Public Finances (varied between 75 and 100%),
- 26,287 in the sector of the Ministry of Justice (varied between 75 to 100%),
- 11,735 in the sector of the Ministry of Transportation (plus for subordinated institutions in 2012 - 40% of the management personnel and 380 persons from ISCTR) (varied between 31.58 and 100%),
- 6381 in the sector of the Ministry of Agriculture and Rural Development (90%),
- 5850 in the sector of the Ministry of Regional Development and Public Administration (varied between 76.64 and 100%),
- 3859 in the sector of the Ministry of Labor, Family, Social Protection and Elderly (mixed evaluations - between 36 and 100%, low, average, high, very high),
- 1380 in the sector of the Ministry of Culture (very high),
- 959 in the sector of the Ministry of Environment, Waters and Forests (mixed evaluations - between 0 and 100%, average, good),
- 515 in the sector of the Ministry of National Education and Scientific Research (varied between 90 and 95%),
- 507 in the sector of the Ministry of Health (plus 57% indicated for 2012) (varied between 0 and 100%),
- 331 in the sector of the Ministry of Foreign Affairs (no evaluation),
- 232 in the sector of the Ministry of European Funds (there is a reference to presumably additional number reflected in the annual report, for the evaluation of knowledge the same reference shown),
- 158 in the sector of the Department for Foreign Investment and Public-Private Partnership (100%),
- 0 in the sector of the Ministry of Communication and Information Society (average),
- no data provided for the Ministry of Economy (no reply), Commerce and Business Sector Relations, the Ministry of Youth and Sports (average for 2015), and the General Secretariat of the Government (not the case).

The same kind of data for anti-corruption and other independent institutions was as follows:

- 81,366 (years 2012-2014) in the General Inspectorate of Romanian Police (high),
- 334 in the Court of Accounts (very high),
- 204 in the Ombudsman institution (100%),
- 180 in the DNA(no evaluation/ no reply),
- 115 in the Superior Council of Magistracy (100%),
- 80 in the Fight against Fraud Department (high),
- 25 in the High Court of Cassation and Justice (no data),
- 24 in the ANI, National Integrity Council (high),
- 6 in the National Office for Preventing and Combating Money Laundering (100%),
- 0 in the National Agency for Public Procurement (varied between 79.5 and 100%),
- 0 in the National Council for Solving Complaints (varied between 96 and 100%),
- 0 in the Permanent Electoral Authority (each employee has access to the code of conduct, it is published on the intranet),
- no reply/ data on the Competition Council, the Prosecutor's Office attached to the High Court of Cassation and Justice, the Romanian Intelligence Service, the Chamber of Deputies, and the Romanian Senate. Data on the DGA have been included in the data of the Ministry of Internal Affairs.

The above data must be viewed in light of the fact that for certain institutions and for certain years no replies are available. The extent of training provided in the sectors of various ministries differs strongly although for adequate assessment the figures should be juxtaposed with the total number of employees. It is unclear whether the data for such seemingly vulnerable sectors as, for example, health include all relevant training that has been available to the employees including doctors. If so, then the numbers appear manifestly insufficient.

In a separate material sent to us via the Ministry of Justice, the Ministry of National Education and Scientific Research provided an overview of its anti-corruption education activities, which shows a variety of different actions including, for example, training on compliance with ethical and moral conduct norms for the personnel within the education sector attended by 6482 teachers and 1931 additional teaching personnel in 2015 alone.

For many institutions the data do not show any development in time, i.e. the evaluations of the degree of knowledge tend to be the same or similar throughout the period covered by the NAS. For example, it was invariably “high” for all institutions of the Ministry of Internal Affairs, invariably 90% for the Ministry of Agriculture and Rural Development, very high for the Ministry of Culture, average for the Ministry of Communication and Information Society. The same applies in the case of several independent institutions. Hence it must be concluded that in most sectors either the evaluation has been too formalistic or the activities have had little impact on the degree of knowledge.

However, there are exceptions. For example, at the Ministry of Public Finances, the level of knowledge varied from 75% in 2012 to 78.7% in 2015 and, at the National Agency of Financial Administration, from 82% in 2012 to 95.01% in 2015. In contrast, the indicator for the National Commission of Forecast (also under the Ministry of Public Finances) was 100% throughout the period. The annual indicator for the Ministry of National Defence increased from 78.46% in 2012 to 88.24% in 2015. Under the Ministry of Environment, Waters and Forests, for the National Agency for Environment Protection the indicator was 60% in the 2nd semester of 2012, 70% in the 1st semester of 2013, 85% in 2014 and 80% in 2015 while, for the National Environment Guard, it was invariably 100%.

In the below table, the annual evaluations of the degree of knowledge of the rules regarding conflict of interests by employees is shown for the ministries (where reports distinguish between the central apparatus and other institutions of the sector, only the former is shown in the table), anti-corruption and other independent institutions for the four covered years.

Table 3. Annual evaluations of the degree of knowledge of the rules regarding conflict of interests by employees of ministries, anti-corruption and other independent institutions (source - self-evaluation reports)

	MoFOR	MoINT	MoAGRI	MoDEF	MoCUL	MoREG	MoECO	MoEDU	MoFIN
2012	No evaluation	High	90%	61.2%	Very high	80%	No reply	90%	70%
2013	No evaluation	High	90%	68.25%	Very high	80%	No reply	90%	70%

2014	No evaluation	High	90%	92.62%	Very high	80%	No reply	90%	92%
2015	No evaluation	High / 0.368421	90%	84.26%	Very high	90%	No reply	95%	92.70%

	MoEUF	MoJUS	MoENV	MoLAB	MoCOM	MoHEA	MoYOU	MoTRA
2012	0	*	No evaluation	77% Very well or well; 13% enough; 10% insufficient or at all	Average	58%	No reply	No evaluation
2013	0%		No evaluation	High	Average	1	No reply	No evaluation
2014	0%		No evaluation	High	Maximum	100%	No reply	No evaluation
2015	Ongoing		Low	Very high	Maximum	No data	High	No data

* The employees were informed through regular briefing notes on deadlines for submission of statements of assets and interests and how to fill them in and consulting the guidelines developed by the ANI in cooperation with SAR was recommended.

	ANI, Integrity Council	Electoral Auth.	Procur. agency	Omb.	Council for Solving Complaints	Superior Council of Magistracy	Court of Accounts	Comp. Council	Chamber of Deputies
2012	N/A	0	No evaluation.	No evaluation.	100%	No data	Very high	No reply	No reply
2013	High	0	91.17%	100%	100%	No data	Very high	No data	No reply
2014	High	0	Periodical evaluation.	100%	100%	100%	Very high	No data	No reply
2015	High	0	100%	100%	100%	100%	Very high	No data	No reply

	Anti-fraud Dep.	DGA	DNA	High Court of Cass. and Justice (HCCJ)	General Insp-rate of Police	Anti-money Laundering Office	Prosec. Office (HCCJ)	Intell. Service	Senate
--	-----------------	-----	-----	--	-----------------------------	------------------------------	-----------------------	-----------------	--------

2012	Av-ge 77%	Incl. in MoINT	No evaluat.	No data	Good	100%	No reply	No reply	No reply
2013	86%		No evaluat.	No data	High	100%	No data	No reply	No reply
2014	84.69%		No evaluat.	No data	High	100%	No data	No reply	No reply
2015	92%		-	No data	Incl. in MoINT	100%	No data	No data	No reply

Note that the inconsistencies in the data format (for example, percentages and descriptive words) reflect the way the information was provided in the self-evaluation.

The data show that even theoretically, provided the data are valid and reliable, changes in progress and hence impact of relevant measures can be assessed only in the case of a few institutions. For example, the data of the Ministry of National Defence, the Ministry of Public Finances, and the Fight against Fraud Department appear to reflect fluctuations in knowledge in a realistic manner.

Regarding guides for employees (measure 2.1.3), the experts learned about several materials of major importance, for example, the guides elaborated by the ANI on conflict of interest and incompatibilities as well as on completing declarations of assets and interests.

The available data suggest that training activities with regard to ethics/ deontology/ codes of ethics have had measurable impact in some institutions while no impact is registered regarding others. It is recommended to carry out a centralized survey of the employees of the public sector. On the one hand, such a survey would ensure that data between various institutions are comparable. On the other hand, the reliability of the data would probably also increase because the execution of the survey would be independent of the institutions surveyed.

The extent of training for employees of public authorities differs widely across different authorities and only in a few parts of the public sector the impact of such training can be seen. Regarding such indicators as the degree of knowledge, self-evaluation seems ill-suited for central monitoring because the vested interest for particular institutions to inflate the findings is too high.

The specific objective 2.2 “Increasing the degree of public awareness on the impact of the corruption phenomenon” focused mostly on the broader public and school students. In EU comparison, tolerance towards corruption in Romania is fairly low. In 2013 corruption was unacceptable to 61% of respondents and, in 16 out of 28 member states, this proportion was higher. The proportion of Romanians who would know where to report if they were to experience or witness a case of corruption was 43%, one percentage point below the average of EU 27 (Croatia not included). (European Commission, 2014c: 104, T10) This data show a real need to increase public awareness and engage in positive value formation.

Awareness raising activities have remained fragmented. Reportedly numerous awareness-raising activities have taken place with, for example, the Ministry of National Education and Scientific Research reporting around 1200-1600 national and local anti-corruption public

discussions/ events held per year. Opinions of NGOs regarding public awareness generally admitted that awareness about corruption issues has increased in the society. However, critical observations were:

- resources and consistency in public education efforts that are insufficient for achieving real and sustainable changes in attitudes among the population
- bias toward procedures and anti-corruption instruments in education activities and not enough focus on changing of values
- failure to integrate anti-corruption education with life-long learning programs.

According to the Action Plan of NAS, the Ministry of Education, Research, Youth and Sport (currently the Ministry of National Education and Scientific Research) is the main institution responsible for activities under this specific objective. During the on-site visit, representatives of the Ministry spoke about an EU-funded project, within which a dedicated anti-corruption strategy for the education was elaborated. One of the activities of this project was a communication campaign for the broader public, which used, among other things, TV commercials. As envisaged in the Action Plan of the NAS (measure 2.2.2), other awareness-raising activities focused on pupils/ students. For example, the Ministry reports 2768 anti-corruption-related extracurricular activities and respective programs as an optional subject in 1127 school curricula in 2015.

In addition, also other institutions have carried out information activities targeting citizens who are not employees of the public sector. The DGA reported that in 2015 it elaborated relevant guides and posters in cooperation with non-governmental organizations and other partners. In particular, “with support of the Directorate for Driving Licenses and Vehicle Registration, 500,000 anti-corruption flyers were disseminated, at national level, to pupils and teachers from driving schools”. (Anti-corruption General Directorate, 2016: 3)

Despite a number of relevant awareness-raising activities, a near-consensus exists among stakeholders regarding the insufficiency of education and awareness raising activities for the broader public. In part this seems to be a direct result of the limited resources of the NAS. On the other hand, certain awareness-raising methods such as public debates, special broadcasts, article series, and use of social media are not necessarily highly resource-demanding and can be carried out even under tighter budgetary constraints.

5.3. The third general objective - combating corruption through administrative and criminal measures

The first specific objective under this general objective is closely related to the benchmark 3 of the cooperation and verification mechanism (hereafter - CVM) and envisages to “*continue the already made progress in the process of impartial investigation and indictments of the courts of high and local corruption*” (specific objective 3.1). It is widely acknowledged that in the last decade Romania has had an impressive record of investigations and court judgments in high-level corruption cases. (Freedom House, 2015b)

One of the crucial measures under this specific objective is “carrying on the professional and impartial investigations in cases of DNA jurisdiction” (measure 3.1.2). The DNA is a prosecutor’s office, which investigates high- and medium-level corruption. During the on-site visit, a representative of the DNA presented data attesting to the increase of enforcement activity - increase of the number of persons sent to trial (828 in 2012 v. 1258 in 2015),

persons convicted in DNA cases (743 in 2012 v. 973 in 2015), and the amount of assets to be confiscated by the court (around EUR 100 million in 2012 v. around EUR 200 million in 2015). Moreover the number of dignitary officials sent to trial has increased five-fold in 2015 if compared to 2013. The dignitary officials in DNA investigations include 21 members of parliament (deputies and senators), 5 ministers, one former prime minister as well as 100 mayors and presidents of county councils.

It is known that possible politicization of the DNA activity has been invoked in some public debates. However, according to analysis by the alliance “Clean Romania”, which reviewed cases of the DNA between May 2013 and April 2014, individuals of all major parties have been targeted with the Social Democratic Party being represented most often (approx. 40% of the reviewed 33 cases). During the mandate of the current Chief Prosecutor of the DNA Laura Codruța Kövesi the situation was said to be balanced in terms of party affiliations of sentenced persons. (România Curată, 2014) In the Eurobarometer survey of companies in 2013, Romania had the highest proportion of respondents (61%) among all EU members who agreed that in their country measures against corruption are applied impartially and without ulterior motives. (European Commission, 2014b: 98) The figure was lower but still high (49%) in 2015. (European Commission, 2015a: 147)

The measure 3.1.3 addresses the speed of trial and envisages “adopting managerial measures for allowing for the trial within a reasonable timeframe of high-level corruption cases in all competent courts”. According to data of the DNA in 2015 “the duration of the entire criminal trial, since the notification of the criminal investigation bodies until a court decision remained final, was as shown below:

- maximum 1 year in the case of 84 convicted persons, a 64,71% increase compared to 2014 (51 convicted persons),
- between 1 and 2 years in the case of 113 convicted persons, a 56,94% increase compared to 2014 (72 convicted persons),
- between 2 and 3 years in the case of 72 convicted persons, a 19,10% increase compared to 2014 (89 convicted persons),
- between 3 and 4 years in the case of 68 convicted persons, a 48,87% decrease compared to 2014 (133 convicted persons),
- between 4 and 5 years in the case of 346 convicted persons, a 198,28% increase compared to 2014 (116 convicted persons),
- more than 5 years in the case of 290 convicted persons, a 57,29% decrease compared to 2014 (679 convicted persons)”. (National Anticorruption Directorate, 2016)

Comparable figures for 2013 were:

- within 1 year in the case of 20 convicted persons,
- between 1-2 years in the case of 77 persons,
- between 2-3 years in the case of 90 persons,
- between 3-4 years in case of 166 persons,
- between 4-5 years in the case of 61 persons,
- between 5-6 years in the case of 55 persons,
- between 6-7 years in the case of 41 persons,
- more than 7 years in the case of 541 persons. (Direcția Națională Anticorupție, 2014)

The overall trend in terms of speed appears favourable given the reduction in the number of final convictions that took more than 5 years since the notification of investigation bodies.

The proportion of such cases was 60.6% in 2013, 59.6% in 2014 and only 29.8% in 2015. Of course, changes in the data may reflect not only increased efficiency but also developments in the nature of cases. However, the experts did not hear any evidence suggesting that the cases handled by the DNA have become on average simpler.

The intensity of enforcement activity in high- and medium-level corruption cases has increased strongly while the proportion of very lengthy investigations and court proceedings among the cases of the National Anti-corruption Directorate has somewhat decreased. Criminal repression in Romania is a potential restraint on corruption on all levels (sometimes even with the chilling side effect of public officials avoiding any decisions because of fear of possible repression). However, according to the National Anti-corruption Directorate more than a half of sentences are conditional. Confiscation decisions regarding proceeds of corruption often do not result in actual recovery of money for the state.

A further specific objective addresses “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” (specific objective 3.2). The ANI has a particularly prominent role regarding this specific objective given that it is the agency, which with the help of administrative means verifies suspicions of unjustifiable wealth, conflicts of interest and incompatibilities. The experts were told that the adoption of the NAS for the period of 2012-2015 was preceded by the ANI’s own strategy for identifying, preventing and sanctioning conflicts of interest, incompatibilities and unjustified wealth approved in 2011.

The Action Plan of the NAS envisages “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 the ANI” (measure 3.2.5). According to the account of the representative of the ANI during the first on-site mission, with regard to unjustified assets, during the period of the NAS the agency finalized almost 100 cases where the difference between the assets acquired and the income obtained during the exercise of public function was between 30 and 40 million EUR in total. It has been possible to confiscate and return to the state budget almost 3 million EUR. Thus the confiscation of unjustified assets based on civil law shows its effect even when the amount of actually confiscated assets is much lower than the total unjustified amounts.

The activity of the ANI has not brought about a measurable decrease in the cases of conflicts of interest and incompatibilities. The explanation provided by the ANI is that the investigations prompt other people to provide more notifications of suspected violations to the agency. Therefore the number of cases actually slightly increases from year to year. In-depth analysis would be needed to assess if the increase in the number of identified cases could be caused by insufficient preventive measures, insufficiently dissuasive sanctions or both. In the self-evaluation data, institutions mostly do not report ANI’s decisions confirming the conflict of interests among the employees (see the Table 4 below). The reasons for this are unclear but it could be *prima facie* evidence of limited attention that many institutions pay to decisions of the ANI. For a full picture, the self-reporting data should be compared with statistical data of the ANI.

Table 4. Annual number of ANI’s decisions confirming the conflict of interests in ministries (including subordinate agencies), anti-corruption and other independent institutions (source - self-evaluation reports)

	MoINT	MoAGRI	MoDEF	MoREG	MoFIN	MoHEA	DGA	General Insp-rate of Police	Other institutions
2012	0	0	0	0	Reference to ANI	68%	Incl. in MoINT	0	Zero, no reply, etc.
2013	5	1	0	0	2 and reference to ANI	1		2	
2014	0	3	1	0	1 and reference to ANI	7		0	
2015	0	0	0	1	Reference to ANI	1		Included in MoINT	

Note that the inconsistencies in the data format (absolute numbers and percentage) reflect the way the information was provided in the self-evaluation.

The Action Plan of the NAS envisaged monitoring cases of the ANI forwarded to competent institutions (measure 3.2.1). During the on-site visit we gained an impression that ANI possesses good overview over the handling of cases of unjustified assets, conflicts of interest or incompatibilities in courts and other authorities. The website of the ANI contains information on persons prohibited to hold public functions or dignitary positions, cases under court review and final judgments.

Extensive enforcement activity has targeted cases of unjustified assets, conflicts of interest and incompatibilities among all levels of public officials. Despite certain resistance, even members of parliament have had to leave their positions due to violations of incompatibilities. However, the long-term effects of these activities are not visible yet. The desired evidence of the ultimate impact would be a reduction in the number of cases in the presence of strong administrative and criminal enforcement capability.

The specific objective 3.3 aims to “ensure effective protection of EU financial interests in Romania by specific legislative, operational and informational means”. The documents that were available for this evaluation and interviews during on-site visits provided limited information as to means for specifically ensuring the protection of EU financial interests. The Table 5 shows that very few institutions have self-reported data on breaches according to the register for misbehaviours of the officials, public servants, contractual personnel with attributions in the field of protection the EU financial interests and administrative measures adopted to eliminate the causes or circumstances encouraging the breaches.

Table 5. Annual indicators regarding the register for misbehaviours of the officials, public servants, contractual personnel with attributions in the field of protection the EU financial interests (source - self-evaluation reports)

(Number and type of provisions breached / number of administrative measures adopted to eliminate the causes or circumstances encouraging breaches)

	MoINT	MoAGRI	MoCUL	MoHEA	Council for Solving Complaints	Anti-fraud Dept	DGA	General Inspectorate of Police	Other institutions
2012	0/0	No data	No data	10%/10%	No the case	According to action plans	Incl. in MoINT	No data	Zero, no data, no reply, etc.
2013	13/19	No data	No data	No reply	Not the case			13/19	
2014	7/1	The Agency for Funding Rural Investment - 57 persons, written reprimand/ no data	13/13	No data	Not the case			7/0	
2015	2/4	0/0	No data	No data	Decisions No. 134 and 259 2015			Included in MIA	

Note that the inconsistencies in the data format (absolute numbers, percentage, descriptions) reflect the way the information was provided in the self-evaluation. The Ministry of European Funds only provided general references to the annual report.

Evidence is controversial regarding the impact of corruption on the use of EU funds in Romania. The available information does not allow for concrete conclusions under this evaluation. Self-evaluation reports of ministries provide very little data regarding misbehaviors of the officials, public servants, contractual personnel with attributions in the field of protection the EU financial interests.

The specific objective 3.4 envisages the “strengthening of administrative control”. Measures under this specific objective include assessing the system of administrative sanctions and their implementation (measure 3.4.1), strengthening of the operational autonomy of the internal control and audit structures (measure 3.4.3), introduction of integrity tests as an administrative measure to assess compliance with ethical standards (measure 3.4.5), applying dissuasive disciplinary sanctions for violation of ethics and anticorruption standards (measure 3.4.6).

The documents and interviews during the on-site visits did not contain sufficient information for a comprehensive evaluation of the impact of measures under this specific objective. Integrity testing has been carried out by the DGA with regard to officers of the Ministry of Interior (87 tests carried out in 2015 with 12 negative results). (Anti-corruption General Directorate, 2016: 3) However, the experts did not obtain evidence about the use of integrity testing elsewhere in the public administration.

During interviews with stakeholders, the following observations regarding administrative control were expressed but were not independently verified by the experts:

- internal anti-corruption measures are often perceived as mere formality and they are not internalized in many public organizations
- the number of civil servants who have been disciplined for integrity incidents is lower than the number prosecuted, which is an indication of insufficient application of disciplinary liability
- internal control and audit are, for the most part, of little effect for preventing corrupt activities and not used much as management tools
- in parts of the public administration civil servants do not feel able to resist pressures from the top level to carry out unethical tasks.

We did not find evidence of overall effective administrative practices to counter corruption and unethical conduct in the public service with particular exceptions, for example, in the Ministry of Interior Affairs.

The specific objective 3.5 envisages “increasing the degree of the recovery of proceeds of crime following the best practices from other EU Member States and strengthening legal practice”. During the period of the NAS, Romania made a number of major steps in order to strengthen the recovery of the proceeds of crime. For example, in 2012 provisions came into force regarding the extended confiscation allowing the confiscation of assets that belong to a convicted person if he/she cannot explain the origin of such assets (measure 3.5.2). The amounts of seized assets in corruption cases have increased: “The DNA reports seizures for cases sent to Court during 2015 of a total amount of approximately €452 million. The confiscated amounts ruled by a final Court decision during the same reference period for DNA cases were of €29.6 million and a large number of movable goods.” (European Commission, 2016: 34) During the on-site visit a representative of the DNA told that the Directorate had ordered assets to be confiscated by the court in the amount of approx. EUR 200 million in 2015 and the respective figure was approx. EUR 100 million in 2012.

However, the European Commission found that it was still difficult to see the effective recovery rate due to the lack of reliable statistics, which is unfortunate in light of the task envisaged under the NAS to develop “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” (measure 3.5.5). During the on-site visit the experts were told that indeed this problem still persisted and would be solved when the National Agency for the Management of Seized Assets becomes operational in 2016/2017.

The Action Plan of the NAS included also a task to start a greater number of investigations in cases of money laundering as a stand-alone crime (measure 3.5.3). The High Court of Cassation and Justice has clarified that no prior or simultaneous conviction for a predicate offence is required in order to be able to convict a person for money laundering. (MONEYVAL, 2013: 13) However, during the on-site visit the experts did not hear whether the number of investigations in cases of money laundering as a stand-alone crime has increased as foreseen in the Action Plan.

Romania has made important legislative steps to strengthen the recovery of proceeds of crime, the amounts of seized assets and ordered confiscations have increased radically

during the implementation period of the NAS but the level of enforcement of the confiscations remain unclear.

5.4. Other evidence of impact

The fourth general objective “Approving the sectoral plans and developing the national system to monitor NAS” focuses mainly on how the implementation of the NAS is organized. Therefore the respective activities are reviewed under the Chapter 6 “Supportive and hindering elements in the implementation process of NAS 2012-2015”. According to the status report on the implementation the NAS in the period 2012-2014 all central government and independent authorities had appointed coordinators of the sectoral plans: “The sectoral plans are updated on regular bases and progress reports are submitted every six months, including the inventory of anticorruption prevention measures and evaluation indicators.” (Status report) In the survey carried out for this evaluation, a good number of respondents (78%) believe that sectoral anti-corruption plans are useful tools for preventing corruption.

The evaluation of the impact of NAS is affected by the design of performance indicators of the NAS and its action plan. First, many of the indicators of the action plan reflect what shall be done and counted (for example, the number of press releases or users of e-platforms) but do not define targets. Hence it is not possible to know what level of activity shall be considered success. For example, one of the two indicators for the measure 1.4.4 “ensuring the publicity of the sources of funding of political parties and the electoral campaigns” is the number of sanctions. Without taking into account the context and additional explanations, it is impossible to tell whether a higher or lower number would be a sign of success. Second, most of the indicators reflect outputs and provide no information on how these outputs affected work of particular institutions, corruption occurrence or integrity. In other words, there has been a lack of outcome indicators.

In parts, the incremental approach of the NAS Action Plan brings in a sense programmed limited impact, for example, regarding the widely controversial topic of the immunities of members of parliament the Action Plan merely envisaged a time limit (maximum of 72 hours) for solving of the respective requests. By itself this does not give grounds for criticising the Action Plan as the incremental approach may reflect the real challenges as perceived at the time of drafting the document. However, it also means that a modest achievement will count as successful implementation of the action even when major problems may remain unsolved.

During the on-site visit, several stakeholders praised the NAS as a management tool, which strengthened the accountability of public institutions for developing and implementing integrity measures in line with the NAS. A typical observation was that now at least all institutions know that they are obliged to carry out different activities to counter corruption and strengthen integrity.

The experts found that the performance indicators of the NAS and its action plan contain few targets and were rather developed so as to register outputs without focusing on the wider impact. The direct impact of sectoral plans on the number of integrity incidents is probably limited in many institutions but they are commonly regarded as useful awareness raising tools among civil servants.

6. Supportive and hindering elements in the implementation process of the NAS

Coordination and inclusion of stakeholders: Most people who responded to the survey (68%) think that the strategy was sufficiently coordinated and managed. The implementation of NAS is managed centrally under the Minister of Justice who reports to the government. At the Ministry of Justice the **Technical Secretariat** was created as an anticorruption expertise centre. Initially, it was staffed with 7 experts. 3 additional persons from the Ministry of Regional Development and Public Administration (1 person between 2014 and 2016) and 1 person from the General Anticorruption Directorate worked in the Secretariat together with the permanent staff. In 2016, the number of positions was increased from 7 to 17.

Coordination and inclusion of stakeholders have taken place largely through five **cooperation platforms** of various stakeholders. During the on-site mission, particularly in discussions with representatives of NGOs and business, stakeholders generally attested to the inclusive character of this cooperation mechanism and appreciated its effects regarding trust building. Meetings of the platforms were not very frequent, for example, the platform for cooperation with the business environment met twice every year. (Calinescu, 2015) According to the Status Report on the Implementation of the National Anticorruption Strategy 2012-2015 eight rounds of convoking the platforms were organized in the period 2012-2014. This could be an indication of limited possibilities to tap into resources of stakeholders unless it is possible to remunerate their efforts.

The implementation of the NAS benefited from the fact that there was a clearly designated coordinating body (the Ministry of Justice) and institutional mechanism (cooperation platforms) for tapping into the expertise of various stakeholders as well as building trust and enhancing joint efforts. However, the number of staff at the Technical Secretariat of the Ministry was insufficient for ensuring comprehensive monitoring and analysis.

Allocation of resources: A large number of anti-corruption experts (63%) who took part in the expert survey think that **the funding of the strategy was insufficient**. An equal number disagrees with the statement that too much resource was spent on certain activities. Note that these two questions received a relatively high proportion of “don’t know” answers as experts might not be aware of the exact allocation of funds for the implementation of the NAS (20% and 28% respectively). These findings were also reflected during the on-site interviews, as the lack of resources was often pointed as the major lacunae of the strategy. The implementation of the NAS depended on the incidental allocations from foreign aid or EU funds, while applications for funds highly depend on the initiative of the implementing institutions. A number of internationally funded projects have been carried out to implement activities under the NAS. They supported activities under all of the general objectives of NAS. At least it is good that, in terms of international resources, it has been possible to ensure a certain balance between various components of the NAS.

The action plan for the implementation of NAS shows that, for example, activities in the area of preventing corruption shall be financed mostly by funds limited to the approved budget of the relevant institutions. In a certain sense this states the obvious, namely responsible institutions normally shall carry all or most of their activities based on funding from their approved budgets. On the other hand, such representation of needed resources may create the false impression that the implementation of the NAS does not represent additional costs to the national budgets. In fact, by not spelling out the envisaged costs, resources for many

activities under the NAS were left up to *ad hoc* decisions by each of the responsible institution or any other relevant decision makers.

It has been reported that budgets of key institutions the National Integrity Agency and the National Anticorruption Directorate have been increased during the period of the implementation of the NAS. For example, in 2014, 50 additional posts of judicial police officers and, in 2015, 50 additional posts of prosecutors and 55 posts of support staff were allocated for the DNA. (European Commission, 2016: 28) It has been reported that “the minister of justice repeatedly promoted the interests of the Romanian anticorruption agencies, by supporting budgets to enable them to carry out the activity in optimal conditions, both in [DNA] and [ANI]”. (Status report) During the on-site mission, representatives of the DNA and ANI confirmed that they currently had adequate budgetary resources. This is important because in this way Romania has demonstrated its preparedness to devote resources to anticorruption. However, in 2014, the U.S.-Romania Initiative Working Group found that “the technical secretariat in charge with implementing the [NAS] should benefit from an increased budget and more qualified personnel to undertake the monitoring and training functions”. (Center for European Policy Analysis, 2014: 22)

The budgetary funding for the implementation of the NAS understandably concentrated with the dedicated anti-corruption agencies (their resources even increased during the implementation period). Still the needs of other institutions in the anti-corruption area were neglected and this attested to the low priority of anti-corruption.

Monitoring: The NAS contains a **self-assessment mechanism** whereby public institutions (ministries, independent authorities and local units) are requested to submit biannual self-evaluations. The Ministry of Justice itself admits that the self-evaluations are of generally low quality and answers were not standardized. (Maticoc, 2015) Probably the counterparts did not feel that provision of this information is obligatory in a strict sense and this contributed to the unreliability of the data. The provision of the data was envisaged via an online tool that would make the information available also to the broader public. However, apparently due to technical reasons the publication did not succeed.

In addition to the above, a review of the compilation of institutions’ responses gave grounds for following observations:

- certain institutions apparently ignored the request to provide the data either for particular periods or for the whole duration of the NAS
- for evaluations provided, it is hard if not impossible to know what exactly they represent, for example, do 80% mean that 80% of employees know something or that the average level of knowledge is 80%, it is even more challenging with evaluations such as “average” or “good”
- the large number of reported categories may make the reporting personnel feel that this is a major burden and could be done in a formalistic fashion with little concern for the quality of the data
- the lack of qualitative assessment limits possibilities to learn the nuances of anti-corruption efforts in the different institutions
- self-evaluation is helpful first of all for institutions themselves that fill the data but it has limitations for gaining reliable data for the needs of central monitoring, e.g. bias of reporting institutions

The self-assessment mechanism whereby public institutions were requested to submit biannual self-evaluations has provided a large amount of mainly quantitative data

regarding their activities under the NAS. However, due to several reasons the reliability of the data is questionable, interpretation is difficult and due publicity was not ensured.

Thematic missions to public institutions have been an innovative tool that partially replicated international experience, for example, GRECO evaluations on the national level. During the on-site mission, stakeholders praised the thematic missions, among other things, due to the fact that they truly allowed assessing progress in the implementation of the NAS. Interaction during the thematic missions permitted enhanced mutual understanding among different stakeholders and provided detailed insights into achievements and challenges of many institutions.

It is commendable that the findings of the thematic missions are published and this publicity probably has pressured public authorities to follow up on the relevant recommendations. As of 26 April 2015, 66 evaluations of local units and 9 evaluations of central authorities were published on the website of the NAS. (Ministerul justiției, 2013) However, indirect evidence also hints to the fact that some public institutions did not deem the recommendations of the missions as requirements that shall be implemented.

The evaluations contain precise and relevant recommendations. For example, regarding the topic of conflict of interest, the evaluation recommended to the Department of the Fight against Fraud (DFAF) to include in a written internal procedure mandatory steps to be followed in case abstention is required due a conflict of interest of a public official. Another recommendation was assigning control missions by an IT program that takes into account automatically functions that each employee held before employment in DFAF in order to avoid conflicts of interest concerning former employers. (Raport de evaluare tematică privind implementarea Strategiei naționale anticorupție 2012-2015, Departamentul de lupta antifraudă) For the National Council for Solving Complaints it was recommended to (1) develop operational procedures on the management of declarations of wealth and interest; (2) register declarations of assets and interests in dedicated registers separate for each year and close the registers at the end of each year; (3) implement measures for the early identification of incidents of integrity; (4) draw up a register to record the recommendations made by the responsible person, in writing and verbally, to employees who requested advice; and (5) for the person responsible for declarations of assets and interests to participate in a relevant specialized course. (Raport de evaluare tematică privind implementarea Strategiei naționale anticorupție 2012-2015, Consiliul Național de Soluționare a Contestațiilor) A weakness of the exercise lies in the fact that no information is published on the implementation the recommendations even though these particular ones were made several years ago (in 2013).

The thematic missions of the NAS have been a pioneering tool and this Romanian experience is worth disseminating as best practice internationally. In particular the thematic mission allowed the evaluators to gain such detailed insight into particular institutions that most national monitoring mechanisms used in different countries fail to achieve. The new strategy may build on this practice and envisage regular/annual missions for follow-up that will focus on progress by the institutions in implementing recommendations.

Another monitoring tool is the evaluation of the efficiency of the institutional reaction to integrity incidents. Institutions were requested to present measures that they adopted to

address factors, which facilitated the incident. Currently these evaluations are not published on the NAS website. We reviewed the reports by 18 institutions.

For example, the Prosecutors Office at the High Court of Cassation and Justice has reported 19 incidents (12 convictions and 7 disciplinary actions). The information on the institutional reaction is limited to suspension and dismissal of the relevant judiciary officials without describing whether factors, which facilitated the incidents, were addressed. Also in the case of the Ministry of Culture, which reported on 11 incidents both criminal and disciplinary, the measures are confined to suspension or dismissal. The Agency for Funding Rural Investment reported three integrity incidents and mentioned only the promotion of penal complaints as measures taken. The report of the Ministry for Environment, Water and Forests did not contain any information on measures adopted to remedy aspects, which facilitated the incidents of integrity.

Another category of reports are those that contain information on sanctions applied as well as on follow-up prevention measures. For example, in the report of the Ministry of Education and Scientific Research and subordinate institutions for the year 2015, 11 out of 32 institutions mentioned preventive measures such as communication of the report of the commission of ethics to relevant institutions, elaboration of an anticorruption strategy and action plan, cooperation between an education institution and the General Anticorruption Directorate of the county, development on internal corruption prevention rules, issuance of periodic warnings about incidents of corruption, training/ courses, thematic debates, presentation and discussion of the cases, setting up a hotline, prohibition for teachers to evaluate national exams, etc. The General Inspectorate for Immigration in its report for the second semester of 2015 reported the elaboration of an instruction for territorial units for the intensification of measures of training and control in the area of anticorruption including already existing and additional measures to prevent corruption risks identified in the central office of the Directorate. In this category of reports falls also the one submitted by the Romanian Gendarmerie (for the 1st semester of 2015). Numerous follow-up actions have been reported regarding the Romanian Police and the Border Police.

For some bodies responses vary among different related institutions. For 2015 the National Agency of Fiscal Administration reported incidents from nine institutions. The responses regarding various institutions where incidents took place varied. One of them provided comparatively detailed descriptions of subsequent actions. However, other institutions merely registered actions such as termination of service relations or did not provide any information on subsequent measures at all. The report of the Ministry of Labour, Family, Social Protection and Elderly Persons was similar.

The report of the Chamber of Deputies (the first half of 2015) contained an overview of votes on applications for consent to prosecution, detention and arrest MPs and ministers as well as decisions regarding incompatibilities, conflicts of interest and applied penalties. The report also mentions the adoption of law amendment simplifying the voting procedure.

Some of the reports on institutional reactions provide valuable overview of preventive measures taken while other contain only some dry facts of repression, e.g. suspension or dismissal. The reports also served as important reminders to public authorities that integrity incidents are failures whose repetition risk should be limited by adequate management actions.

7. Suggested next steps

Unmistakably, Romania has plethora of corruption issues to solve. Below you will find what we, as anti-corruption experts, chose as the most burning issues to be settled. Our standpoint is that less is more, which means that in order to have at least some tangible results, government should do less and focus on few priorities. Experience from some other countries show that when choosing priorities justified critique arises of what has been left out from the strategy. In response, the strategy is not made of rubber, neither the budget, thus either one will be able to do almost everything and accomplish almost nothing, or do only a little and accomplish more. Recall that according to the majority of opinions of the anti-corruption experts who participated in the survey, the strategy lacked sufficient resources and was overloaded with too many objectives. Concern for lack of focus was also stressed in open answers of the survey as a loophole of the previous strategy. Some of our thoughts are similar to those expressed in the assessment of the strategies 2005-2010, and we are not going to fall into repetitions.

As of what should be in the focus of the Romanian future anti-corruption policy, each expert in the survey could choose three priorities. The respondents prefer among three top priorities focus on public procurement (16%), implementation of institutional anti-corruption measures in public institutions (risk assessment, hotlines, ethics training, internal audit) (16%), and prevention of political corruption (13%). The second set of priorities include education, increasing public awareness, preventing corruption in judiciary and in local governments, which received less support than the first group - between 7-10%. The third group, also with much less support (3-5%) of priorities included prevention of corruption in business environment, health care, state subsidies and EU funds, and transportation. The rest of the areas were not deemed as priorities and gained support by up to 2% of the experts. These were energy, law enforcement, environment, agriculture, and defence. This, however, does not say that there is less corruption in these sectors than, for example, in education and healthcare, which have already been prioritised by the previous anti-corruption strategy. Rather, it may say that corruption in other sectors has been less visible. People's direct contacts with healthcare and education are much more intense than those with defence or environment or many others. Moreover, healthcare and education have been under the scrutiny of researchers and NGOs for much longer and benefit from research, therefore they happen to be replicated from one policy document to another. This could be taken into account by the Romanian government when drafting the new strategy - to acquire more in-depth knowledge on corruption risks in other sectors.

Recall that according to the word-cloud above, which portrayed the most important loopholes of the previous strategy (figure 2), the most oft-cited included the lack of financial and human resources, weak managerial involvement in implementing sectoral plans, and formalism; lack of training and education, and finally, lack of preventive measures. Other loopholes were less noticeable according to the anti-corruption experts who took part in the survey. The intervals between loopholes are different on the tape-line of limiting anti-corruption opportunities, which means that lack of training and education is not comparable to lack of political will in limiting corruption. We, however, took into account most of the mentioned loopholes, of which some with greater importance were shaped into separate recommendations, while the other ones were included in explanations and analysis. Moreover, final recommendations took the shape of ideas from experts during on-site missions, tens and tens of documents and files, studies, articles and analysis. The real authors of the

recommendations are Romanians, and it should be like that, while we had the role of formulating and prioritising their thoughts.

Based on this, the skeleton that the next strategy will contour is **public procurement**. The muscles will be **transparency**. Above all and in all processes, transparency should be the key aspiration, while on the other hand procurement could constitute the key issue in all sectors, be it health care, defence, education or any other. Rather than stressing punishments, inspire compliance by providing better opportunities for those agencies that have in practice made changes in their organisations and sectors. That would be a key turn from punishment to encouragement and motivation, which will in the end, help to internalise norms.

Public procurement and contracting - make it a real priority

Procurement feeds corruption, as it involves huge amount of money, it gives profit to businesses, helps to cover party expenses to politicians and makes possible self-enrichment of public administrators, making them all pursue their interests simultaneously and interdependency mutually beneficial (Neu et al, 2014). Public procurement constitutes more than a third of the public expenditures in Romania and is the most oft cited area of concern by most reports and opinions, where kickbacks in cash-money are widespread (Mungiu-Pippidi et al, 2015). In Romania public procurement in construction absorbs loads of public money, yet has poor quality results. Non-EU procurements are under greater risk of political favouritism and there is a tendency towards one-bidder preferences in public institutions. Around 15% of bids are won by companies who have donated to governing political parties. (Mungiu-Pippidi et al, 2015) Reportedly, payments to contractors are often delayed due to lack of financial resources by local governments, which will evoke further corruption and diminish trust towards public institutions. Moreover, people responsible for public procurement hardly received any specialised anti-corruption training, while the general approach to tackling corruption in procurement is better described as technocratic and attached to EU-regulations.

Therefore the priority of the Romanian anti-corruption policy could be public procurement and contracting (prevention activities should target all contracts despite the official procurement level of EUR 30,000) both in pre-contract and post-contract period, regardless of the sector. Corruption that appears during the pre-contract period of procurement most commonly include limiting the call for tendering bids, prescribing biased compliance requirements and bid specifications, making fake calls for procurement, being dependent on certain service provider (e.g. hospital equipment where doctors are used to certain types of goods and changes are difficult), spreading confidential information. Corruption in post-contract period involves contract modifications, bypassing subcontracting rules, etc. (Neu et al, 2014)

In Romania efforts are already made in procurement area, for example, plans for implementing the transparency-increasing measures, according to which the allocations of government funds to public authorities would be made conditional on their active disclosure of public expenses on a centralized online platform (Anticorrp, 2016), yet more firm approach should be taken in all sectors. The DNA has identified different types of abuse in public procurement (including where the gains are used to fund political parties). The types of abuse should be analyzed carefully for the development of effective solutions. Internal control and auditing are seen as the cornerstones of preventing corruption in procurement,

operationalised in low discretion, division of duties, maintenance of records, equal access to documents (Neu et al, 2014).

Therefore we recommend making procurement and contracting process throughout the public service (regardless of the government level or area of activity) as transparent as possible, including analysing the whole procurement process from the point of view of transparency. Make people who draft and decide conditions for the bids declare their conflicts of interests in all public entities; implement the register for monitoring conflicts of interests in public procurement (PREVENT); make all questions asked during the procurement process available and accessible online in Electronic Public Procurement System (SICAP) to anyone in open data format; make all offers public; disclose all expenses in public database with easy-to-use analytical tool to public, and guarantee the timeliness of payments by public contractors; provide constant conflict of interest related training to all officials responsible for procurement in central and local government and state-owned enterprises; prioritise sectors of monitoring (risk-based monitoring) and provide training to those responsible for monitoring procurement in the Ministry of Finance. Introduce “black list” of companies and their managers having trespassed the procurement laws - a measure already prescribed in the previous anti-corruption strategy.

*In addition to procurement and contracting as a horizontal priority, several types of institutions and sectors should be considered as priorities, for example, **local public administration** because the internalization of anti-corruption compliance seems particularly uneven on this level, **healthcare** where a large part of the Romanian populations encounter corruption in the most direct way, **education** because of its fundamental role in awareness raising and value formation, **political parties** (financing and other integrity enhancing measures) because corrupt proceeds are known to be used for party funding while these organizations are crucial in forming political will, and **state-owned enterprises** because this is an area with particularly high risks of siphoning off public assets.*

Make transparency a rule in practice and provide people with adequate information

Transparency, which was already an underlying principle of the previous strategy, means rules, actions and decisions that enable the public to easily get answers to questions of why, what and how much. Transparency enables the public authority's responsibility towards society and increases the trustworthiness of institutions (Uslaner, 2001). This, in turn, reduces corruption (Sööt and Rootalu, 2012). Transparency of decision making forms the cornerstone of any successful anti-corruption policy, and concurrently happens to be central concern throughout Romanian public administration. Transparency and access of people to decision making and decision making process in the public administration itself and the potentials for conflicts of interest are two sides of the same coin.

Looking at the first side of the coin (public's access to decision-making), transparency is jeopardised by press that is only partly free, where media's messages are sometimes prescribed by obscure owners of media. Even more, owing to the reports and bad publicity by NGOs the compliance with the Law on Transparency of Decision Making has improved in many public institutions (Dragos et al, 2012). Yet it was echoed during the interviews that the Law on Access to Public Information and Law on Decisional Transparency are not seen as priorities by some public institutions, and in some local governments officials are sometimes not acquainted with such legislation, not to mention some who even do not know that such legislation exists. This is confirmed by a study according to which local officials are reluctant

to provide access to the information, and that most ordinary people are not familiar with these laws (Androniceanu, 2011). Participatory budgeting in local governments where citizens can decide the spending of local budget to a certain degree could be an idea worth experimenting in some local governments that would increase transparency of local budgeting. We learned that this idea has already been discussed in the Open Government Partnership.

The other side of the coin is directly linked to the prevention of conflict of interests in public institutions, which we will touch upon in our next opacity-related recommendation.

Regarding the public's availability to acquire information, we will recommend you to monitor implementation of freedom of information requirements on local level and involve local people in local budgeting. Although transparency rules and access to information are in place on paper, there is a need to map all processes where opacity could cause corruption, e.g. granting of licenses and permits. Training to local officials and municipally owned enterprises, systemic evaluation of proactive publication requirements of local data (local legislation, data on salaries, budget, etc), analysis of actual implementation of information requests; awareness campaign about citizens' rights to obtain information from local governments could be used to increase transparency on local level. Make media ownership transparent: the obligation to disclose detailed information about media ownership and end beneficiaries, bans for offshore economic zones to establish media companies, de-politization of the National Audiovisual Council could be among the choices of increasing transparency of media.

Find the timid corners and put on the light: make processes within public administration simple and transparent

Another important issue of transparency is related to the processes in public institutions (issuing of licences, allocation of funds, making other decisions). Focus of the previous strategy on education and health care reflects actual areas of concern, as according to the surveys these areas are perceived as most corrupt, which is often supported by actual experiences. The previous strategy puts a lot of stress on educating different experts, as awareness and education of teachers or doctors and patients are important elements of anti-corruption policy, while it has modest attention on more fundamental issues, such as financing of local schools, political appointments of school directors, financing of hospitals. As it was expressed in one of the meetings that Romanian politicians tend to see corruption in healthcare as the problem of doctors and patients, while it is not. Focusing primarily on awareness of doctors and patients deepens this understanding even more, while the problem is not that of "greedy healthcare staff". Acknowledging that the wages in healthcare do not meet actual requirements, as resident doctor earns around EUR 200 and specialist about EUR 500, and some newly qualified are forced to bribe in order to get the job in the hospital, while many are migrating to Germany and England (Economist, 2015; Odobescu, 2015; Stancu, 2014), much could be done ameliorating managing of public healthcare institutions. It was expressed in the interviews that health sector is described by bad administration due to which the amounts of money lost is huge. Lack of transparency in fund allocation to hospitals by the National Health Insurance was considered non-transparent in the interviews. Similar patterns are revealed in education, where bribes for diplomas and recruitments are common (Mungiu-Pippidi, 2013).

Accordingly, awareness raising and educating different groups should be an integral part of the anti-corruption policy, but even more attention needs to be paid on vulnerable and non-transparent decision making processes and point out where decision making is not transparent, and hence change it (e.g. in case of hospitals recruitment of doctors, allocating money to medical institutions, procurement of medical equipment and medicines). A good start is made with already existing risk analysis, yet fundamental changes are yet to follow. Carry out studies (or risk analysis) which show vulnerabilities in all sectors, including defence, environment and others. Encourage use of e-solutions (e-certificates, e-registering for doctors, e-prescriptions, e-counselling by doctors, e-school, including e-testing) for limiting the opportunities of corruption. Initiatives such as the Coalition of Clean Universities and their assessment of clean universities should be encouraged.

Cut formalism and provide positive incentives

Alongside with transparency of decision-making, while the previous strategy equalled corruption with bad management and drew the attention of many on the connections between public management and corruption, in practice weak managerial involvement and formalism remain as one of the most serious hindrances to successful implementation of anti-corruption strategy. The survey we conducted revealed that prevention of corruption in public institutions and sectoral plans did not meet their desired end in the strategy, while at the same time it is considered as an important objective of anti-corruption policy. This is especially true when implementing sectoral plans. Formality means that the management shows on paper what they have done and consider this to be sufficient, while their actual interest in anti-corruption is low and considered as externally forced upon them. Organizations formally implement anti-corruption policies but are not interested in their substantial success (Hein, 2015). It was expressed during the interviews that too much hope is put on laws, instead of teaching ethical norms and values. Moreover, the study on convicts of corruption assures that preventive instruments have been lacking in the organizations in which the convicts have been working (Huisman et al, 2015). Neither internal audit nor disciplinary sanctions are very popular within organizations. This shows that managers do not have the motivation to comply either because there is no enforcement behind it or they just do not see that this would bring them any advantage.

Various incentives could be used in order to motivate organizations and their managers to integrate the anti-corruption policies in their organizations. For example, allocation of extra funds according to the presence of anti-corruption measures (Romania already plans to use confiscated proceeds of corruption crimes for allocating to public institutions in proportion to their anti-corruption activities), issuing of a certificate of “good governance” for the institution or local government. Current modest interest by employees of most public institutions in participating in anti-corruption trainings could be boosted by awarding people who have attended trainings some “carrots”. Similarly, provide business incentives to the companies who have anti-corruption policies in place. These include granting public advantages, public recognition, favourable payment conditions (Brooks, 2014). Compulsory (on-line) training with interactive testing in web-environment to all managers of public institutions could be provided where they will get acquainted with the list of anti-corruption measures for organizations, which include:

- 1) ethics and value based measures: managers personal example and role in explaining anti-corruption values and activities, ethics trainings and codes of conduct, including discussion of conflict of interest cases, developing practical manual for conflicts of*

- interest, establishing good and trusting working climate in an organization, encouraging reporting of incidents;*
- 2) *administrative measures: discussing incidences during meetings, wording of recruitment principles, declaration of interests (special ad-hoc declarations for procurement procedures), rotation, 4-eyes principle, separation of roles, risk analysis, internal and external audit, linking the latter to risk analysis and organization's strategy;*
 - 3) *control measures: use of administrative sanctions, reporting to law enforcement of incidents, monitoring compliance with rules.*

Make awareness-raising visible. Do not forget businesspeople

Many experts have noticed that the Romanian anti-corruption policy is dominated by legal aspects and heavy reliance on enforcement tools, which will not enable an impact on the extent of corruption but only deal with consequences (Hein, 2015). Several experts shared concerns about too little attention on prevention, drawing the example where numerous arrests have been televised, while the public awareness campaigns have been less visible. Although the strategy itself is inclined towards prevention rather than coercion, control and punishment, which is supported by the observation that there are more measures on prevention than coercion, the image of the states' actions and how they appear to the stakeholders and public have an important role in delivering the message.

Therefore from the communication point of view, it is crucial for the Ministry of Justice to publicly demonstrate and introduce awareness raising initiatives. This should not solidly mean "no to bribes" or similar campaigns, but could include conferences, systematic local initiatives (in some countries the best way to reach local communities is through mixed events of concerts and speeches), special central and regional radio broadcasts, Facebook communities for anti-corruption news and discussions, mobile games and apps for youngsters, regional workshops with businesspeople, school events and any other means of raising awareness and drawing attention to the topic. Focus awareness-raising on most important groups (e.g. youngsters as message deliverers to their parents, and businesspeople as message deliverers to their employees). Advocate for specific curricula among the high schools and mandatory education system (already some work in progress by NGOs who are developing a graduate course on integrity with the University of Romania), in order to substantiate the concepts of transparency and democracy. Include risks of foreign bribery as per OECD convention in the trainings of businesses.

Members of parliament should show their personal example

A country like Romania where enforcement is outstanding still witnesses impenetrable examples of parliamentarians who continue their work at parliament, although sentenced by court. This is possible as occupational ban can be imposed by court as an additional punishment and the law does not automatically ban those convicted of corruption offences from office. Accordingly, the court practice in this regard remains uneven throughout the country, as some judges impose additional punishment, while the others do not (we deal with the issue in the next recommendation when introducing guidelines on sentencing to judges). This issue is amplified by the notion that "political elite do not respect rule of law and set themselves above the legal system (Hein, 2015)". We were often told that deterrence does not work, some think this is partly because a half of the convicted never serve sentence in prison but receive suspended sentences. However, the issue is more complex than this and

there seem to be two issues related to the deterrence: behaviour and personal example of parliamentarians and harshness of sanctions and the potential of sanctions for general prevention in keeping others from wrongdoing (we will deal with the latter in the next recommendation). The issue of law-abidingness must not be directly related to punishing more people, as the thought goes that when removing penalty without internalising the norm, people would still act the same way as they used to or as they consider right.

Definitely, members of parliament and their activities are under scrutiny of the general public and international organisations, and what they set as personal example will be followed by the rest of the society. Internalisation of anti-corruption norms by parliamentarians cannot be left as a matter of chance. Government's hands are partly tied in respect of parliament (parliament being a principal, while government an agent, while principal being the supervisor), although international obligations compel actions by state to a certain degree. A good start would be implementing recommendations by GRECO. As of positive note, corruption is a strong electoral mobilisation factor and although corrupt politicians get to be re-elected, the tendency in Europe is to drive "rascals out" of parliament through elections (de Sousa & Moricioni, 2013).

Increasing public awareness and reducing tolerance towards corruption, removing entrance barriers to newcomers in party politics, increasing trust in judiciary are a few of the major variables that could be influenced by state policy with the aim of raising social condemnation and lowering political corruption.

Implement GRECO's recommendations on parliamentarians, i.e. adopting codes of conduct to parliamentarians accompanied by guidelines and trainings, clarifying rules on conflicts of interest and acceptance of gifts (GRECO 4th round evaluation report). Oblige political parties to adopt internal codes of conduct. Consider establishing a committee in the parliament which can provide members of parliament guidelines and advice on prevention of conflicts of interest. (Consider an idea proposed during the on-site visit by the NGO's to connect budgetary allocations to political parties with their members' rate of conviction for corruption, which would mean that more corrupt members in the party would automatically reduce the allocations to the party.)

Keep your sword sharp

With regard to law enforcement, Romania is doing relatively well, and it has highly reputable anti-corruption agents, such as the ANI and DNA. Recall that although the level of trust in many public institutions is low, the DNA benefits from relatively high public trust. The side-effect of high trust among others is growing numbers of reports to the DNA, sometimes not related to the work of the DNA. The number of investigations has already increased in the DNA and its workload is increasing, which literally means waiting lists and on average 100 case files are pending per a prosecutor. Slower investigations may bring along reduced level of trust, and accordingly lower numbers of reports. From another end Romania struggles with lengthy and inconsistent court rulings, as similar cases receive completely different verdicts in different courts. The fact that 73% of Romanians believe that high-level corruption cases are not pursued sufficiently in Romania only adds to it (Eurobarometer, 2014). Corruption court proceedings are lengthy caused by procedural delays on the one hand and lack of capacity in courts on the other, and judges are still corrupt (Hein, 2015). Similar cases are not treated equally and convicts get different sentences from different courts or panels of judges. There are guidelines for sentencing in courts, which are however not followed.

As regards sanctioning, Romania has already a relatively high number of incarcerated people and according to the World Prison Brief, Romania has 144 prisoners per 100 000 inhabitants, making it the middle-position in Europe, while in Northern-Europe the prison population is around 50-60 per 100 000 inhabitants. Considering that Romanian anti-corruption strategy suffers from underfunding, imprisonment is one of the most expensive forms of punishment. Some of the interlocutors stressed their concern that currently there are more criminal cases related to conflict of interest and corruption compared to administrative cases (for example, dismissals), which makes corruption fighting more expensive for the state, thus organisations need training for use of administrative sanctions (see above). According to the study of convicts in Romania, the criminal justice intervention has considerable impact on the personal and professional lives of the convicted offenders (Huisman et al, 2015). The corruptees' experiences seem to serve as deterrence for getting engaged in future offending. Better communication of these consequences might also serve as a deterrent to peers that operate in similar corruption-prone settings, as the authors of the study propose.

Ensure the stability of key anti-corruption institutions: the DNA and the ANI. In order to retain the level of investigation and trust towards the DNA, staff the institution and allocate extra funds to the DNA in the framework of the strategy. On the other hand the DNA could explain its mandate and role to the public, so that complaints of perceived injustice would not be reported to them.

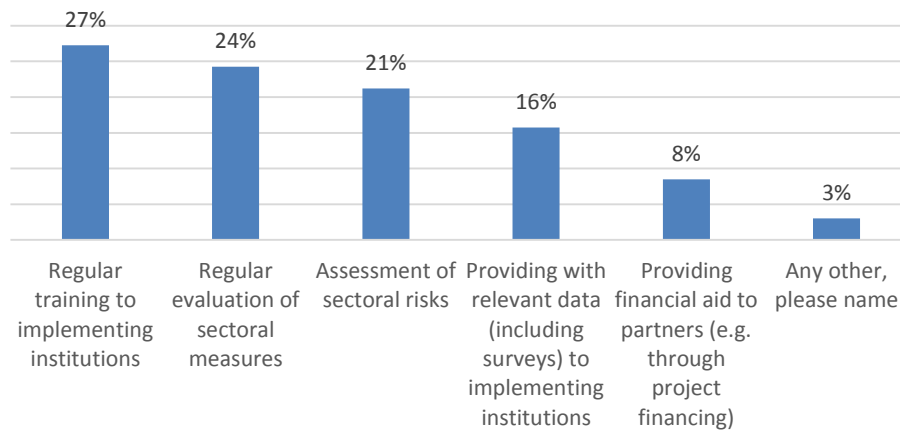
Focus on confiscation (enforcement of confiscation of illicit assets still does not seem to be sufficiently consolidated). Community work (those convicted of corruption could serve their sentence in social establishments like hospitals, nurseries, schools etc), compensation, dismissals and occupational bans could be enforced consistently for those convicted of corruption.

Make sure that pre-court and court proceedings will not drag behind and be lengthy, monitor time lines and other performance indicators for court proceedings. Integrity of judges (as this has direct effect on law-abidingness for the rest of society) and uniformity of court rulings should prevail in the focus of the anti-corruption strategy. Make greater use of the guidelines on sentencing prepared by the DNA.

The role of the Ministry of Justice should include coaching, data analysing and requesting of funds for anti-corruption policy

The experts who responded to the survey believe that the main role of the Ministry of Justice in supporting the implementation of sectoral anti-corruption measures should be regular training to implementing institutions (27%). Recall that lack of training and education were considered among the biggest loopholes of the strategy (see figure 2). A slightly smaller amount thinks that the Ministry of Justice should regularly evaluate sectoral measures (24%). Less is expected with respect to providing analytical data (16%) and financial aid (8%). It was also noted that periodic assessment should be more frequent, and include major integrity incidents in the evaluation. The role of the Ministry should also be coordination of activities of institutions among sectors. It is hoped that the Ministry will provide technical assistance for monitoring and constantly provide with information of best practices, legislative measures and similar, thus establishing a common platform of counselling.

Figure 3. In your opinion, what should be the main role of the Ministry of Justice in supporting the implementation of sectoral anti-corruption measures? Please choose three answers! (Total number of answers: 165)



As regards data analysing, the biannual self-evaluations submitted by public institutions render only inconsistent data at least partly because of modest motivation by many agencies to fill in the form, and therefore cannot be used to analyse the impact of strategy, despite of three years of gathering the data. In short, the survey tool does not work. Altogether, policy analysis could be easily and significantly strengthened. A lot of data is acquired through various sources, such as the DNA typologies or peer review missions to local governments where authentic face-to-face impressions are gathered, which could be systemised and used for the purposes of anti-corruption policy analysis. These data sources could be used for the evaluation of impact of anti-corruption strategy. Besides the Corruption Perceptions Index of TI, various other indicators could be used. We have proposed some in the box below:

List of possible performance indicators and possibilities to measure awareness and contacts of corruption

- Index of public integrity which is a novel and comprehensive index of various corruption co-variables (incl. press-freedom, e-governance, administrative burden etc)
- Public’s tolerance towards corruption (Eurobarometer)
- Importance of corruption problems (Eurobarometer)
- Trust towards various institutions (local surveys or international surveys, e.g. European Social Survey)
- Awareness of corruption by the general public, businesspeople and public officials separately. Carry out dedicated survey which measures change in opinions towards corruption and ethics. These could include corruption and ethics related scenarios, which respondents need to mark as acceptable or not and which are good indicators of change in values. Here are some proposals for questions taken from Estonian anti-corruption surveys²:

Respondents can evaluate the situation in terms of its acceptability, using a 4-choice Likert scale ranging from ‘I find this completely acceptable’ to ‘I find this completely unacceptable’.

² Please see www.korruptsioon.ee in case of further interest or ask mari-liis.soot@just.ee

A patient receives surgery bypassing the waiting list, because the doctor is his brother's coursemate.

A public official makes a promise to a businessman that in return for a favour he will persuade a higher-ranking public official at the ministry to pass a decision in favour of a project related to the businessman.

Etc.

Another option would be to make them evaluate whether they thought the statements would be deemed an instance of corruption or not ('I agree completely' to 'I disagree completely')

It is corruption when an official accepts a gift after providing a service.

It is corruption when an official accepts money, a gift or a favour in return for not fining a person or for expediting paperwork.

It is corruption when a businessman gives a donation to a political party in return for a favourable decision.

Etc.

Yet another option would be using an experiment in the survey of businessmen in order to understand their contacts with corruption. The researchers "trick" by manipulating the number of options to the respondent. If there is a difference in mean in question between the base and the treatment, they will know that it is the "taking cash" that made it. Thus the researchers will be able to estimate the proportion that will actually take a bribe. The difference in mean should be larger than 0 and less than 1. Half of the respondents answer to the "base", while other half answer to the "treatment" questions. The statements should be adapted to the needs of Romania.

Some people find a number of the following actions unacceptable. How many - not which - of the following 4/5 actions have you done? (ROTATE STATEMENTS)

Base	Treatment
1. Private shopping during lunch hours	1. Private shopping during lunch hours
2. Buying my family holiday on the internet during work time	2. Buying my family holiday on the internet during work time
3. Participating in a weekend with business partners	3. Participating in a weekend with business partners
4. Going on a weekend with my family paid by my business partners	4. Going on a weekend with my family paid by my business partners
	5. Giving a cash payment to public officials in relation to a deal

Separate indicators for procurement and vulnerable sectors (healthcare, education) could be used, such as:

- Perception of corruption in procurement according to businesspeople (Eurobarometer).
- One may think of developing a composite index for healthcare and education integrity, which takes into account transparency of procurement, simplicity of procedures, access to the service (e.g. waiting lists), awareness in sector, etc.

Use official statistics, however take into account that statistics is heavily dependent on the changes in legislation and enforcement capacity.

According to the survey, the biggest loophole of the previous strategy was the lack of funding. Needless to say that priorities need to be at least some extent reflected in the budget, the previous strategy was the fourth in row without extra allocations from the budget. Using only existing or project-based application of funds from donors will not render sustainable results, a gap already mentioned in the assessment of the strategies 2005-2010 (see Assessment Report...). Lack of allocations exacerbates the perception that anti-corruption in Romania has made progress owing to the European Commission and a few anti-corruption activists. That would give a wrong signal to the international community, among which is OECD anti-bribery working group, which Romania aspires to become part of. Thus, the Ministry of Justice should be the main negotiator for extra allocations from the state budget to anti-corruption initiatives. The importance of strategy related allocation lies in the power of convincing - many ministers would, then, back the measure in the government (for example money allocations to DNA would be the concern of both interior and justice ministers). Financing prevention and education in other bodies and more stress on analytical work and educational activities demand more resources from the Ministry of Justice, which should be taken into consideration when drafting the budget. We learned that, in the framework of the EU financing period of 2014-2020, submission of project proposals will be possible to the Administrative Capacity Operational Programme, which has a budget of EUR 100 million.

Maintain the role of the Ministry of Justice in coordinating the implementation of the anti-corruption strategy and strengthen its analytical capacity. Provide systemic training and advice to public and private stakeholders, and give regular feedback on sectoral measures to the stakeholders. Make joint-trainings to law-enforcement and people from various sectors (energy, healthcare). Prioritize people responsible for procurement. Keep on with your novel peer review and monitoring missions because they constitute a great and highly beneficial part of awareness-raising and counselling among local governments. Prepare training modules for public officials, combining e-module and face-to-face discussions, use value games. Collect best practices and put them on the webpage (an example of best practices' webpage on countering hate crime can be found on the web-page of [FRA](#)).

Build your anti-corruption policy on data analysis, include data from onsite visits, risk-analysis, official statistics etc, and include various indicators in your policy assessment - see the proposed list in the box above.

Provide extra budget for implementing the anti-corruption policy.

Make it ongoing

Last, we took into account that the time frame for tackling the issues is short (up to 4 years), so that fundamental changes in delivering public services cannot be accomplished, while from

the other hand it seems that fundamental changes are actually what is needed, thus steps towards these should be made. This will also address the concerns of formalism, according to which legal and technocratic solutions replace substantial issues. Some public services can be improved quickly via e-services and other simplifications (e.g. e-payments, e-registering). Romania could plan an anti-corruption strategy (up to 10 years), approved by parliament, with 4-year implementation plans (with budget) approved by the government, with annual reporting and speech by the minister of justice to the parliament. That would also be a step to resolving the lack of political support to anti-corruption issues by parliament and animate political initiative in ministries for the topic.

Think strategically, dare to stab the most fundamental public services and draft the strategy for at least for 10 years. Let it be approved by the Parliament and make Government report about the implementation to the Parliament.

References

Actmedia (2016) *EY Survey: the perception level of corruption decreases in Romania*. <http://actmedia.eu/daily/ey-survey-the-perception-level-of-corruption-decreases-n-romania/63378>. (Last accessed 27.04.2016)

Androniceanu, A. (2011) Transparency of the Romanian Local Public Administration. *Administration and Public Management*, 17: 33-46. http://www.ramp.ase.ro/en/_data/files/articole/2011/17-02.pdf. (Last accessed 29.04.2016).

Anticorrp (2016) *2016, the Decisive Year for Public Integrity Reform in Romania*. <http://anticorrp.eu/news/2016-the-decisive-year-for-public-integrity-reform-in-romania/>. (Last accessed 27.04.2016).

Anti-corruption General Directorate (2016) *Assessment of the results obtained in 2015*.

Assessment report on the implementation of the 2005-2007 National Anti-Corruption Strategy and the Strategy on Fighting Corruption in Vulnerable Sectors and Local Public Administration 2008 - 2010 in Romania.

BBC (2015) *Romania Country Profile*. <http://www.bbc.com/news/world-europe-17776265>. (Last accessed 25.04.2016).

Brooks, J. (2014). *Fear of punishment not enough to combat corruption. Give rewards too*. <http://news.trust.org/item/20140305231013-yop9d/>. (Last accessed 14.05.2014).

Calinescu, C.V., Coordinator, Secretariat of the National Anti-corruption Secretariat, the Ministry of Justice, (2015), information provided for a study of OECD.

Center for European Policy Analysis (2014) *Romania's "Tipping Point", Advancing Rule of Law, Governance and Public Leadership*. <http://cepa.org/sites/default/files/CEPA.Report.Romania'sTippingPoint.July2014.compressed.pdf>. (Last accessed 26.05.2016).

Centre for Legal Resources (2013) *Ethics and Compliance in the Romanian Business Sector*, research report, Bucharest.
http://issuu.com/crjromania/docs/ethics_and_compliance_in_the_romani. (Last accessed 26.05.2016).

Direcția Națională Anticorupție (2014) *Raport privind activitatea desfășurată - 2013*.
http://www.pna.ro/bilant_activitate.xhtml?id=27. (Last accessed 26.05.2016).

Doroftei, M., Dimulescu, V. and (ed.) Mungiu-Pippidi, A. (2015) *Romanian public procurement in the construction sector. Corruption risks and particularistic links*. Romanian Academic Society. <http://anticorpp.eu/wp-content/uploads/2015/06/D8.1.5-Romania.pdf>. (Last accessed 26.05.2016).

Dragos, D.C; Neamtu, B; Cobarzan, B. V. (2012) Procedural transparency in rural Romania: linking implementation with administrative capacity? *International Review of Administrative Sciences* 78(1): 134-157.

Economist (2015) *Health-Care Corruption. Patients Bearing Gifts*.
<http://www.economist.com/news/europe/21647087-central-and-eastern-europe-low-paid-doctors-accept-bribes-and-patients-offer-them-patients-bearing> (Last accessed 29.04.2016).

Ellis, G. (2015) *Romania's War on Corruption*.
<http://www.aljazeera.com/programmes/peopleandpower/2015/10/romania-war-corruption-151021134500708.html> (Last accessed 25.04.2016).

EUbusiness (2014) *Romanian top court rejects MPs' 'super immunity' legislation*.
<http://www.eubusiness.com/news-eu/romania-justice.svp> (Last accessed 26.05.2016).

European Commission (2011) *Report from the Commission to the European Parliament and the Council based on Article 9 of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector*. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/docs/report_corruption_private_sector_en.pdf. (Last accessed 26.05.2016).

European Commission (2014a) *Annex Romania to the EU Anti-Corruption Report*.
http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_romania_chapter_en.pdf. (Last accessed 26.05.2016).

European Commission (2014b) *Flash Eurobarometer 374, Businesses' attitudes towards corruption in the EU*. http://ec.europa.eu/public_opinion/flash/fl_374_en.pdf. (Last accessed 26.05.2016).

European Commission. (2014c) *Special Eurobarometer 397. Corruption*.
<http://ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/Survey/getSurveyDetail/search/397/surveyKy/1076>. (Last accessed 26.04.2016).

European Commission (2015a) *Flash Eurobarometer 428, Businesses' Attitudes Towards Corruption in the EU*.

<http://ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/Survey/getSurveyDetail/instruments/FLASH/surveyKy/2084>. (Last accessed 26.04.2016).

European Commission (2015b) *Romania: Technical Report Accompanying the document Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification mechanism*.

http://ec.europa.eu/cvm/docs/swd_2015_8_en.pdf. (Last accessed 26.05.2016).

European Commission (2016) *Romania: Technical Report Accompanying the document Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification mechanism*.

http://ec.europa.eu/cvm/docs/swd_2016_16_en.pdf. (Last accessed 26.05.2016).

EY (2015) *Fraud and Corruption- the Easy Option for Growth? Europe, Middle East, India and Africa Fraud Survey 2015*, EYGM Limited. [www.ey.com/Publication/vwLUAssets/ey-emeia-fraud-survey/\\$FILE/ey-emeia-fraud-survey.pdf](http://www.ey.com/Publication/vwLUAssets/ey-emeia-fraud-survey/$FILE/ey-emeia-fraud-survey.pdf). (Last accessed 26.05.2016).

Freedom House (2015a) *Romania, Freedom of the Press*.

<https://freedomhouse.org/report/freedom-press/2015/romania>. (Last accessed 25.04.2016).

Freedom House (2015b) *Romania, Nations in Transit 2015*.

<https://freedomhouse.org/report/nations-transit/2015/romania>. (Last accessed 26.05.2016).

Freedom House (2016) *Romania, Nations in Transit 2016*.

<https://freedomhouse.org/report/nations-transit/2016/romania>. (Last accessed 26.05.2016).

Global Legal Monitor (2015) *Romania: Court Finds Immunity Law Unconstitutional*.

<http://www.loc.gov/law/foreign-news/article/romania-court-finds-immunity-law-unconstitutional/>. (Last accessed 11.05.2016).

GRECO (2012) *Compliance Report on Romania*.

[https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2012\)18_Romania_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2012)18_Romania_EN.pdf). (Last accessed 26.05.2016).

GRECO (2015a) *Evaluation Report Romania*.

[https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4\(2015\)4_Romania_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4(2015)4_Romania_EN.pdf). (Last accessed 26.05.2016).

GRECO (2015b) *Interim Compliance Report on Romania*.

[https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2015\)13_Interim_Romania_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2015)13_Interim_Romania_EN.pdf). (Last accessed 26.05.2016).

Hein, M. (2015) The Fight Against Government Corruption in Romania: Irreversible Results or Sisyphian Challenge? *Europe-Asia Studies* 67:5, 747-776.

Huisman, W.; Gorsira, M; Trandafir, A-R. (2015) *Offenders on Causes and Consequences of Corruption. A Study on Corruption in Romania*. VU University Amsterdam, University of Bucharest, Ministry of Justice of Romania.

Index of Public Integrity. <http://integrity-index.org/>. (Last accessed 11.05.2016).

International Bank for Reconstruction and Development / The World Bank (2012) *Implementing Right to Information. A Case Study of Romania*.
<http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/285741-1343934891414/8787489-1344020463266/RTI-CS-Romania.pdf>. (Last accessed 26.05.2016).

LaForgia, E. (2014) *Romania Court Finds Immunity Law Unconstitutional*.
<http://www.jurist.org/paperchase/2014/01/romania-court-finds-immunity-law-unconstitutional.php>. (Last accessed 25.04.2016).

Matioc, A. (2015) *Report on Self Assessment of Implementation of NSA*.

Ministerul justiției (2013) *Rapoarte misiuni de evaluare*.
<http://sna.just.ro/monitorizarea/sna/misiunievaluare.aspx>. (Last accessed 26.05.2016).

Ministry of Justice (2015) *Update information on the implementation of the European Commission recommendations regarding the Anticorruption Report*.

Ministry of Justice (n.d.) *Implementation of the National Anti-Corruption Strategy 2012-2015 at the Level of Local Public Administration*.

Ministry of Regional Development and Public Administration (2016) *Monitoring report (R4) on the progress and impact of the 2012-2015 National Anticorruption Strategy implementation at the level of local public administration in 2015 compared to the 2012 - 2015 period*.

MONEYVAL (2014) *Report on Fourth Assessment Visit, Anti-Money Laundering and Combating the Financing of Terrorism, Romania*.
[http://www.coe.int/t/dghl/monitoring/moneyval/Evaluations/round4/ROM4_MERMONEYVAL\(2014\)4_en.pdf](http://www.coe.int/t/dghl/monitoring/moneyval/Evaluations/round4/ROM4_MERMONEYVAL(2014)4_en.pdf). (Last accessed 26.05.2016).

Mungiu-Pippidi, A. (2013). *Corruption in universities: a blueprint for reform*.
<https://www.timeshighereducation.com/comment/opinion/corruption-in-universities-a-blueprint-for-reform/2009139.article>. (Last accessed 29.04.2016).

Mungiu-Pippidi, A. (2015a) *Corruption: Romanian-Style*. Aspen Institute. Prague.
<http://www.aspeninstitute.cz/en/article/1-2015-corruption-romanian-style/>. (Last accessed 11.05.2016).

Mungiu-Pippidi, A. (2015b) *Public Integrity and Trust in Europe*. European Research Centre for Anti-Corruption and State-Building (ERCAS), Hertie School of Governance. Berlin:
<https://www.government.nl/documents/reports/2016/01/18/public-integrity-and-trust-in-europe>. (Last accessed 25.04.2016).

Mungiu-Pippidi, A. (ed) et al (2015). *Volume 3: Government Favouritism in Europe. The Anticorruption Report*. EU FP7 ANTICORRP Project. Barbara Budrich Publishers. Opladen. Berlin. Toronto. <http://anticorrrp.eu/publications/volume-3-government-favouritism-in-europe/>. (Last accessed 27.04.2016).

National Anticorruption Directorate (2016) *Extract from the National Anticorruption Directorate 2015 activity report*.

Neu, D., Everett, J., Rahamann, A.S. (2015). Preventing corruption within government procurement: Constructing the disciplined and ethical subject. *Critical perspectives on Accounting*, 28: 49-61.

Nineoclock (2014) *Basescu rejects law that eliminates incompatibility of local representatives*. <http://www.nineoclock.ro/basescu-rejects-law-that-eliminates-incompatibility-of-local-representatives/> (Last accessed 26.05.2016).

Odobescu, O. (2015) *Romania considers legalized bribery to keep doctors*. The Washington Times. <http://www.washingtontimes.com/news/2015/oct/6/romania-considers-legalized-bribery-to-keep-doctor/?page=all>. (Last accessed 29.04.2016).

OECD ACN (2015) *Liability of Legal Persons for Corruption in Eastern Europe and Central Asia*. www.oecd.org/corruption/acn/ACN-Liability-of-Legal-Persons-2015.pdf. (Last accessed 26.05.2016).

Olaru, B. (2013) Inequalities in Access to Healthcare. A Comparison between Romania and the European Union. *Revista Română de Bioetică*, Vol. 11, No 1: 111-122.

Paun, C. (2016) *Romania's Corruption Crackdown Pays Off*. <http://www.politico.eu/article/romania-corruption-crackdown-pays-off-pruna-ciolos-ponta-transparency/>. (Last accessed 25.04.2016).

Pelin, M. & Popescu, A.M. (2015) *New Election Law in Romania*. Radio România Internațional. http://www.rri.ro/en_gb/new_election_law_in_romania-2534281. (Last accessed 25.04.2016).

Popescu, I. (2016) *New corruption cases in Romania target Targu Mures mayor and county council president*. <http://www.romania-insider.com/targu-mures-mayor-county-council-president-prosecuted-for-corruption/169108/>. (Last accessed 25.04.2016).

Raport de evaluare tematică privind implementarea Strategiei naționale anticorupție 2012-2015, Departamentul de lupta antifraudă (DLAF), 27 mai 2013. Noiembrie 2013. http://sna.just.ro/Portals/0/Raport%20DLAF_final%20conciliat%20.pdf. (Last accessed 26.05.2016).

Raport de evaluare tematică privind implementarea Strategiei naționale anticorupție 2012-2015, Consiliul Național de Soluționare a Contestațiilor (CNSC), 18 iunie 2013. Noiembrie 2013. <http://sna.just.ro/Portals/0/Raport%20evaluare%20CNSC%20consolidat.pdf>. (Last accessed 26.05.2016).

Romania-Insider (2016) *Romania records third largest growth in EU*. <http://www.romania-insider.com/romania-records-third-largest-growth-in-eu/166476/>. (Last accessed 14.05.2016).

România Curată (2014) *Is the National Anticorruption Directorate (DNA) creating politicized cases?* [e-mail]

Societatea Academică din România (2016a) *Transparența instituțiilor publice din România și Republica Moldova - un ideal greu de atins*. <http://sar.org.ro/wp-content/uploads/2016/04/Policy-brief-74-Accesul-la-informatii-de-interes-public-in-Romania-si-Republica-Moldova.pdf>. (Last accessed 26.05.2016).

Societatea Academică din România (2016b) *Transparența instituțională în România și Republica Moldova*. http://www.romaniacurata.ro/wp-content/uploads/2016/02/Studiu_SAR_Rapoarte-activitate_544.pdf. (Last accessed 26.05.2016).

De Sousa, L. & Moriconi, M. (2013) Why voters do not throw the rascals out? - A conceptual framework for analysing electoral punishment of corruption. *Crime, Law & Social Change* 60: 471-502.

Stancu, E. (2014). Mass exodus: Why corruption in Romania's healthcare system is forcing its doctors to work abroad. *Independent*. <http://www.independent.co.uk/news/world/europe/mass-exodus-why-corruption-in-romania-healthcare-system-is-forcing-its-doctors-to-work-abroad-9035108.html> (Last accessed 29.04.2016).

Status Report on the Implementation of the National Anticorruption Strategy 2012-2015.

Sööt, Mari-Liis and Rootalu, Kadri (2012) Institutional trust and opinions of corruption. *Public Administration and Development*, 32 (1), 82–95.

Transparency International (2016) *Corruption Perceptions Index 2015*. <http://www.transparency.org/cpi2015#results-table>. (Last accessed 26.05.2016).

Uslaner, E. M. (2001) *Trust and Corruption*. Paper presented at the Conference on Political Scandals, Past and Present at the University of Salford, June.

World Bank (2015) *GDP per Capita*. <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD>. (Last accessed 14.05.2016)

World Prison Brief. http://www.prisonstudies.org/highest-to-lowest/prison_population_rate. (Last accessed 25.04.2016).