

GRECO: Fifth Round Evaluation Report on Romania



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News

On 7 September 2023, GRECO published its [5th Round Evaluation Report](#) on Romania. The country joined GRECO in 1999 and had already been evaluated within the framework of GRECO's First (October 2001), Second (February 2005), Third (November 2010) and Fourth (May 2014) Evaluation Rounds. 100% of recommendations were implemented in the First Evaluation Round, 73% in the Second Evaluation Round, and 75% in the Third Evaluation Round. In the Fourth Evaluation Round, which dealt with corruption prevention in respect of members of parliament, judges, and prosecutors, 56% of all recommendations, including those made in the follow-up to the [Ad Hoc \(Rule 34\) Report](#) had been fully implemented, 22% partly implemented, and 22% not implemented so far. The compliance procedure under the fourth round is still ongoing.

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The 5th round evaluation report evaluates the effectiveness of the measures in place to prevent and combat corruption in top executive functions: the President, the Prime Minister, Deputy Prime Ministers, ministers, secretaries and undersecretaries of State, presidential advisers, state advisers, state councillors and ministerial advisers. Members of two law enforcement agencies, the police and the Gendarmerie, were also subjects of the evaluation.

GRECO calls to mind that Romania has been plagued by high-level corruption scandals throughout the past. It recognises that Romania has developed an institutional integrity framework consisting of the National Integrity Agency (ANI), the National Anti-corruption Directorate (DNA), and the General Anti-corruption Directorate (DGA) within the Ministry of Internal Affairs. A National Anti-corruption Strategy (SNA) is also in place.

The existing legal integrity framework comprises several laws regulating conflicts of interest, incompatibilities, filing of declarations of assets and interests, and acceptance and disclosure of gifts. A new law on the protection of whistle-blowers came into effect in December 2022, with the National Integrity Agency designated as an external reporting channel. The legal framework is, however, spread out in various voluminous laws and requires greater clarity, coherence, and stability. At the same time, the phenomenon of revolving doors for PTEFs still needs to be regulated.

Regarding top executive functions in central governments, GRECO's main recommendations are the following:

- Introducing rules requiring integrity checks prior to or directly upon the appointment of members of the government, presidential councillors, and ministerial advisers in order to identify and manage any possible conflicts of interest;

- Making public and accessible the ministerial advisers' names, areas of responsibility, and any information on ancillary activities;
- Carrying out systemic analysis of corruption and integrity-related risks covering all PTEFs, including the identification of corresponding remedial measures;
- Carrying out a comprehensive analytical study of the existing legal integrity framework and, in the light of the findings, reviewing the current framework to enhance its clarity, coherence, and comprehensiveness;
- Adopting, revising, and publishing online codes of conduct for PTEFs, and another appropriate document for the President, covering all relevant integrity matters;
- Establishing an independent oversight mechanism to examine complaints against the authorities' refusal to disclose public interest information and to guarantee the effective implementation of freedom-of-information legislation;
- Regularly disclosing and updating information of public interest (by the central government authorities) on the relevant websites in order to facilitate the public's access to information and its scrutiny of the authorities' activities;
- Conducting a study to assess the practice of legislating through emergency ordinances and the existence of adequate and effective safeguards and controls, including a revision of the regulatory framework and practice as a follow-up in light of the study's findings;
- Ensuring an adequate level of public consultations on draft emergency ordinances and that only specific, clearly regulated, and limited exceptions to this rule be made possible.

Recommendations for law enforcement agencies (police and Gendarmerie) include the following:

- Carrying out regular integrity vetting throughout the careers of law enforcement officers and establishing rules to regulate the disclosure and management of conflicts of interest in the Gendarmerie;
- As a matter of priority, taking measures to ensure the widespread appointment of law enforcement officers to managerial positions (which is predominantly left to the discretion of the direct hierarchical superior), including through "empowerment" – strictly based on merit and guided by open, standardized, and transparent competitions;
- Systematically publishing all donations and sponsorships received by the Gendarmerie on a centralised, dedicated, accessible webpage that clearly indicates the nature and value of each donation, the donor's identity, and how the assets donated were spent or used;
- Revising the Code of Ethics applicable to the police and the Gendarmerie, with the active participation of relevant stakeholders in the police force and the Gendarmerie, in order to cover relevant integrity issues in detail;
- Increasing the representation of women at all levels of the police and Gendarmerie.

GRECO calls on the Romanian authorities to report back on the implementation of its recommendations by 31 December 2024, so that GRECO can assess the country's level of compliance.

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