



Strasbourg, 13 October 2006

**Public**  
**Greco RC-I (2004) 8E**  
**Addendum**

## **First Evaluation Round**

### **Addendum to the Compliance Report on Romania**

Adopted by GRECO  
at its 30<sup>th</sup> Plenary Meeting  
(Strasbourg, 9-13 October 2006)

## I. INTRODUCTION

1. GRECO adopted the First Round Evaluation Report on Romania at its 8<sup>th</sup> Plenary Meeting (4-8 March 2002). This report (Greco Eval I Rep (2001) 13E), which contains 13 recommendations addressed to Romania, was made public on 28 March 2002.
2. Romania submitted the Situation Report required by GRECO's compliance procedure on 30 January 2004. On the basis of this report and a Plenary debate, GRECO adopted the First Round Compliance Report (RC-report) on Romania at its 19<sup>th</sup> Plenary Meeting (2 July 2004) which was made public on 8 July 2004. The Compliance Report (Greco RC-I (2004) 8E) concluded that Romania had implemented all the recommendations of the First Round Evaluation Report with the exception of one which had been partly implemented. Recommendations i, ii, iii, iv, v, vi, vii, viii, ix, x, xi and xiii had been implemented satisfactorily. Recommendation xii had been partly implemented. GRECO requested additional information on its implementation. The information requested was submitted on 21 July 2006.
3. Pursuant to Rule 31, paragraph 9.1 of GRECO's Rules of Procedure the objective of the present Addendum to the First Round Compliance Report is to appraise the implementation of recommendation xii in the light of the additional information referred to in paragraph 2.
4. The Addendum also contains further additional information which the Romanian authorities supplied on recommendations i and ii which, already at the time of the adoption of the First Round Compliance Report, had been implemented satisfactorily. GRECO is grateful to the Romanian authorities for having provided this information which is detailed in Section IV.

## II. ANALYSIS

### Recommendation xii.

5. *GRECO recommended to amend the national legislation to restrict the categories of people entitled to immunity from criminal prosecution (genuine inviolability, guaranteed inter alia to former ministers, seems incompatible with the standards set out in guiding principle 6).*
6. GRECO recalls that in the Compliance Report, on-going progress was noted in certain areas. In particular, consideration was given to amending Act N° 115/1999 on the liability of ministers (to abolish the special procedure pertaining to the prosecution of former government members for illegal acts) and the special law on notaries - who also enjoyed immunity. Therefore, GRECO invited the Romanian authorities to supply additional information concerning the continuation of the system of inviolability for former ministers and with regard to the legislation on notaries.
7. The Romanian authorities now report that, since then, the following changes have taken place:
  - the immunity applicable to **former ministers** was abolished by Law no. 90/2005 of 13 April 2005, amending Law no. 115/1999 on the liability of ministers;
  - the immunity of **public notaries** was abolished by Law no. 178/2005 of 9 June 2005, amending Law no. 36/1995 on public notaries and notaries' activity;
  - the immunity of **bailiffs** was abolished by Government Order no. 190/2005 (approved by Law no. 332/2006 of 17 July 2006) amending Law no. 188/2000 on bailiffs;

- the immunity of **lawyers** was abolished by Government Order no. 190/2005 of 21 November 2005, amending Law no 51/1995 on the organisation and exercise of the profession of lawyer.
8. GRECO welcomes the legislative changes introduced with a view to narrowing the scope *ratione personae* of immunities to a reasonable number of categories of persons. Therefore, it is led to conclude that the country complies at present with Guiding Principle 6.
  9. GRECO concludes that recommendation xii has been implemented satisfactorily.

### **III. CONCLUSION**

10. In addition to the conclusions contained in the First Round Compliance Report on Romania and in view of the above, GRECO concludes that Romania has implemented satisfactorily recommendation xii.
11. The adoption of the present Addendum to the Compliance Report terminates the First Evaluation Round compliance procedure in respect of Romania.

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### **IV. FURTHER ADDITIONAL INFORMATION**

#### **Recommendation i.**

12. *GRECO recommended to obtain more precise information about the scale of corruption in the country, by conducting the relevant research in order to understand how this phenomenon affects two key state institutions, such as the police and the judiciary, and its possible causes, with the intention of adopting specific solutions to eliminate it or at least restore it to acceptable levels.*
13. The Romanian authorities report several new initiatives taken with a view to assessing the perception and causes of, and resistance to corruption. These include a) two surveys to evaluate the integrity and the resistance to corruption among judges and prosecutors which were carried out between 2003 and 2005 by the Ministry of Justice; b) similar research done by non-governmental organisations between February and December 2005 (Romanian chapter of Transparency International, Freedom House); c) the government initiative of March 2006 on measuring and monitoring judicial performance as well as d) monthly analyses of the dynamics of complaints against police forces regarding corruption and other matters, by the Ministry of Administration and Interior (MoAI).
14. These initiatives have led to adjustments to the National Anticorruption Strategy 2005-2007, the National Strategy for the Reform of the Judiciary 2005-2007, and to the adoption of new overall initiatives (MoAI Anticorruption Strategy adopted in January 2006, Anticorruption Action Plan of the Financial Guard adopted in July 2005, Strategy for Countering Corruption and the corresponding Action Plan for the Customs adopted in April and December 2005 respectively). Finally, the General Anti-Corruption Directorate (GAD) was established in 2005 within the MoAI.

#### **Recommendation ii.**

15. *GRECO recommended that an explicit and detailed programme be introduced to:*

- *raise public awareness of the danger that corruption poses for the stability of democratic institutions and for economic and social progress;*
  - *inform the public about the measures taken to fight corruption, the sanctions that may be imposed in corruption cases and the institutions involved in fighting corruption, which the public may contact;*
  - *involve the media and non-governmental organisations in a co-ordinated awareness-raising campaign;*
  - *raise awareness of the Civil Service Law (n° 188/1999) among all civil servants in order to make them more aware of its requirements on corruption;*
  - *reduce the scope of administrative powers and enhance the transparency of administrative procedures.*
16. The Romanian authorities refer to several new campaigns and initiatives aimed at increasing awareness on corruption-related issues, including a) the campaign launched in June 2006 by the Ministry of European Integration with the leitmotif "I don't give bribes – I don't take bribes"; b) the information campaign of the MoAI started in 2005 together with the creation of a hotline for reporting corruption-related acts by MoAI personnel (with the publication of 30,000 leaflets and 35,000 posters); c) the information campaign initiated by the Department for Fighting Fraud; the main component being the protection of the European Communities' funds and d) several actions by the Supreme Council of Magistrates to promote the updated Deontological Code for judges and prosecutors.
17. GRECO takes note of the information provided by the Romanian authorities concerning new developments connected with the further implementation of Recommendations i and ii above. The combined effect of measures to analyse the extent of the problems and of awareness-raising initiatives relating to corruption issues may well have a powerful impact when it comes to preserving essential state functions such as justice and law enforcement. GRECO encourages Romania to pursue its efforts in this direction.