

***DECLARATION OF ASSETS, INCOME,
LIABILITIES AND INTERESTS***

***National Integrity Agency (ANI)
ROMANIA***

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BRIEF HISTORY OF THE ASSETS AND INTERESTS DISCLOSURE LEGAL FRAMEWORK

1996

- Assets disclosures are introduced for the first time in Romania;
- Disclosures are not available to public;
- Lack of an authority to check the content and the submission of the disclosures.

2003

- The disclosures becomes public (by institutionalizing the liability of public institutions to make available to the population these documents and posting on its own internet webpages);
- By Law 161/2003 the form of the disclosure is simplified;
- Still no systematic integrity control exercised over the content of these disclosures in the absence of a specialized authority.

2004

- More detail requirements of the information concerning the real estates, vehicles and personal savings have been introduced;
- Changes were significant also in extending the content of the law, so that the declaring person should also include the family wealth.

2007

- By Law 144/2007 National Integrity Agency is established, an administrative, independent authority with its main role of handling the system of assets and interests disclosure in Romania.

2010

- A series of articles from A.N.I.'s law are declared unconstitutional, including the article referring to the transparency of assets and interests disclosures;
- In September it is passed a new law that resolves the problem of personal data from disclosures through anonymization of some information like the personal identification code, addresses, signature etc.

SITUATION BEFORE ESTABLISHING THE NATIONAL INTEGRITY AGENCY (1996 - 2007)

- In Romania, in the last 60 years, **no politician or official of the state submitted information about their financial situations.**
- In 1996, a hesitating beginning took place towards the adoption of certain reforms to fight corruption, such as the introduction of mandatory filling assets and interests disclosures by certain state officials, but the **measure wasn't effective in practice - the declarations were not publicly available** and there was no systematic monitoring of declarations' content.
- With an increasing vulnerability to corruption, **Romania had to adopt new anticorruption measures**, the reform adopted in 2003 making the assets and interests disclosure available to the public and introducing a more detailed template.
- Almost 11 years after introducing the assets and interests disclosures, **the idea of establishing a control mechanism in this way began to take shape.** Generating vivid political debates, the Romanian Parliament found, however, the wisdom to adopt the law empowering the National Integrity Agency to fill the gap of integrity and transparency in exercising public function.

THE SITUATION TODAY (2008 - 2013) (I)

5200

- Finalized investigation

420

- Incompatibility cases

340

- Cases referred to Prosecutor's Offices for breaching criminal legislation

165

- Conflict of interests cases (administrative and criminal nature)

50

- Unjustified assets cases

13.000.000 €

- Total approx.. amount of unjustified differences between assets and incomes ascertained by ANI in 50 cases

5000

- Administrative fines for non-compliance with legal provisions regarding assets and interests disclosures submission

4.000.0000

- Assets and interests disclosure which are public on ANI's Portal

THE SITUATION TODAY (2008 - 2013) (II)

Quality of the person where ANI identified unjustified assets, conflicts of interests, incompatibilities:

- 3** • Members of the Parliament lost their mandates following ANI's findings
- 1** • Deputy Secretary General of the Government dismissed after ANI's findings
- 3** • Ministers of the Government were not appointed into the new Cabinet because of the ANI's findings
- 9** • Members of the Parliament or important mayors resigned after ANI's evaluation

Quality of the persons where ANI identified unjustified assets, conflicts of interests, incompatibilities:

- 51** • Members of the Parliament (including members of the European Parliament)
- 12** • Presidents and Vice-presidents of county councils
- 10** • Members of the Government (ministers, secretaries of state)
- 700** • Police officers, public servants, judges, prosecutors, local elected officials, heads of public authorities etc.

**NUMBER OF COVERED OFFICIALS AND STAFF RESPONSIBLE
(according to an OECD study)**

Country	No. of public officials who should file statements (approx.)	No. of persons responsible for disclosure verification (approx.)	No. of responsible persons per 1.000 covered officials
Albania	4.200	20	2,4
Bosnia and Herzegovina	6.000	3	0,5
Bulgaria	7.073	9	1,2
Croatia	1.850	5	2,7
Latvia	70.800	66	1,07
Romania	300.000	33	0,11
Slovenia	5.264	2	0,4

WHO HAVE THE OBLIGATION TO DECLARE INTERESTS AND ASSETS?

PERSONS HOLDING HIGH AND OFFICIAL POSITIONS

(MP`s, Ministers *etc.*)

CIVIL SERVANTS

POLITICAL APPOINTEES

ELECTED OFFICIALS

CANDIDATES RUNNING FOR:

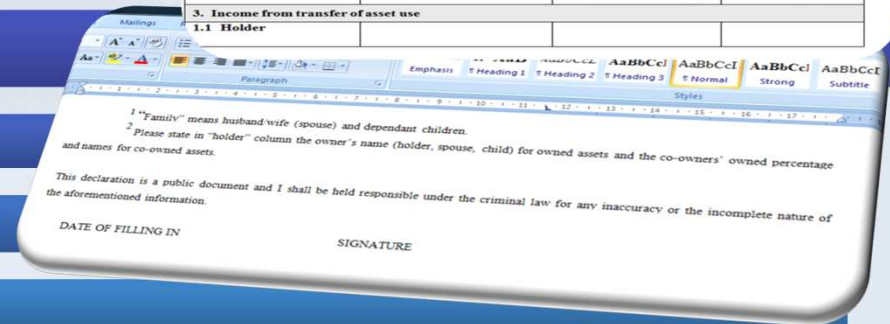
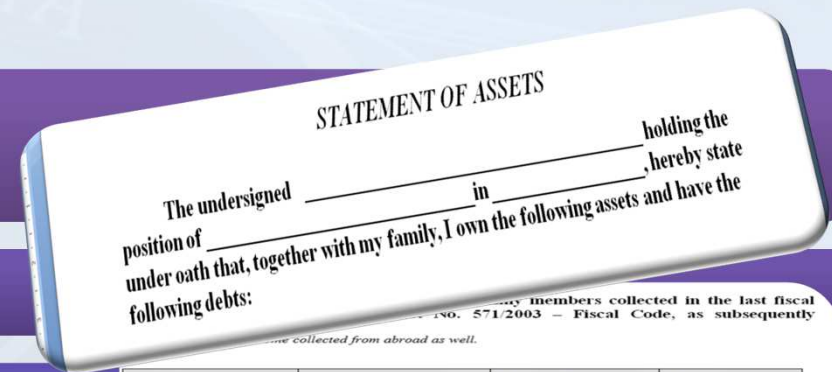
PRESIDENT OF ROMANIA

EUROPEAN PARLIAMENT

ROMANIAN PARLIAMENT

COUNTY AND LOCAL COUNSELOR

MAYOR



A. THE ASSET DISCLOSURE (I)

Must be done in writing, on oath, and include the rights and obligations of the declaring person, declaring person spouse, according to Annex 1 of the Law 176/2010.

The declaring person must fill in the form with information regarding:

- real estate (lands, buildings);
- movables (cars, boats, yachts or goods representing precious metals, jewelry, art collections, numismatic objects *etc.*, that summed exceed the value of 5.000 EURO);
- movable property whose value exceeds 3.000 EURO each;
- financial assets (accounts and bank deposits, investment fund, equivalent forms of saving and investment, including credit cards, if all their value summed exceeds 5.000 EURO, including those in banks or financial institutions in other countries, investments, direct investments and loans granted, if their market value summed exceeds 5.000 EURO *etc.*);

A. THE ASSET DISCLOSURE (II)

- debts (loans, mortgages, warranties issued for a third party, goods acquired in leasing and other similar goods if all their value summed exceeds 5.000 EURO);
- gifts, services or benefits received free or subsidized to market value from persons, organizations, businesses, public corporations, companies / public institutions, national companies either Romanian or foreign, including scholarships, loans, guarantees, payments for expenses other than those of the employer, whose individual value exceeds 500 EURO;
- income of the declaring person and family members, completed within the last fiscal year by the owner, spouse or the dependent children (incomes from salary, incomes from independent activities, income from disposal of property use, from investments, pension, agricultural activities, prizes, gambling etc.).

B. THE INTERESTS DISCLOSURE (I)

Must be done in writing, on oath, and include functions and activities listed in Annex 2 of the Law 176/2010.

The declaring person must fill in the form with information regarding the:

- **holding the position of associated or shareholder** in commercial companies/national companies, loan institutions, groups of economic interest, as well as member in associations, foundations or other non-governmental institutions;
- **holding the position of member in the management**, administration and control bodies, commercial companies/national companies, loan institutions, groups of economic interest, as well as the position of member in associations, foundations or other non-governmental institutions;
- **holding the position of member in the professional associations and / or unions;**
- **holding the position of member in the management, administration and control bodies**, paid or unpaid, held in political parties, position hold and name of the political party.

B. THE INTERESTS DISCLOSURE (II)

Contracts including those of legal and civil assistance, legal consultancy, consultancy obtained or running during the time of the respective person holding the position mandates, public dignities financed by the state budget, local or from external funds or closed with companies with state capital where the state is a major or minor shareholder.

These contracts must be declared along with the **beneficiary of the contract**:

- declaring person;
- spouse;
- 1st degree relatives* (parents on ascending line and children on descending line);
- Commercial companies / Authorized individual person / Family associations / Individual offices, Associated offices, Professional civil societies or professional civil societies with limited liabilities that are lawyers / Non-governmental associations / Foundations, Associations*.

* *It must be declared the name and address of the contract beneficiary where, through the quality held by the owner, spouse and 1st degree relatives obtain contracts.*

It will not be declared the contracts of public limited liability companies in which the declarant along with his spouse and first-degree relatives **hold less than 5% of the share capital of the company**, regardless of the acquisition of shares.

IS THE INFORMATION TO BE DECLARED ALSO REQUIRED FOR A MEMBER OF PARLIAMENT'S FAMILY MEMBERS AND / OR RELATIVES? (I)

THE ASSETS DISCLOSURE:

- **real estate** – owned by the **declaring person, spouse, children**, and for the co property goods, the share and the name of the other **co-owners**. *(must be declared all real estates whether they are located in Romania or abroad);*
- **movables** – owned by the **declaring person, spouse, children**, and for the co property goods, the share and the name of the other **co-owners**. *(must be declared all movables whether they are located in Romania or abroad);*
- **movable property whose value exceeds 3000 EURO each** – owned by the **declaring person**;
- **financial assets** of the **declaring person** *(must be declared all financial assets whether they are in banks or financial institutions from Romania or abroad);*
- **debts** of the **declaring person** (must be declared also the investments or the shares from abroad);
- **gifts, services or benefits received free etc.**, by the **declaring person, spouse or children** *(must also be declared the liabilities acquired abroad)* – there are excepted from declarations **the gifts and treats commonly received from** first and second degree relatives (parents, children, grandparents, grandchildren, brothers and sisters, uncles or aunts);
- **incomes** – obtained by the **declaring person, spouse or children** *(must also be declared the incomes obtained abroad).*

IS THE INFORMATION TO BE DECLARED ALSO REQUIRED FOR A MEMBER OF PARLIAMENT'S FAMILY MEMBERS AND / OR RELATIVES? (II)

THE INTERESTS DISCLOSURE:

- holding the position of associated or shareholder (...) by the declaring person;
- holding the position of member in the management (...) by the declaring person;
- holding the position of member in the professional associations and/or unions (...) by the declaring person;
- holding the position of member in the management, administration and control bodies (...) by the declaring person;
- contracts including those of legal and civil assistance, legal consultancy, consultancy obtained or running during the time of the respective person holding the position mandates, public dignities financed by the state budget, local or from external funds or closed with companies with state capital where the state is a major or minor shareholder.

These contracts must be declared along with the *beneficiary of the contract*:

- declaring person;
- spouse;
- 1st degree relatives (parents on ascending line and children on descending line);
- Commercial companies / Authorized individual person / Family associations / Individual offices, Associated offices, Professional civil societies or professional civil societies with limited liabilities that are lawyers / Non-governmental associations / Foundations, Associations.

THE OBLIGATION TO DISCLOSE

Assets and interests disclosure must be submitted / updated:

- annually, no later than June 15;
- within 30 days from date of appointment or election in the position or from the date of commencement of work;
- no later than 30 days from the date of termination / cessation of the mandate / public position office;
- at the moment the person applies for the local, parliamentary or euro parliamentary elections.

Assets disclosures are drafted for the previous fiscal year ended, December 31, in the case of acquired incomes, and for the other chapters of the disclosure – at the status from the date of completion or submission.

Assets and interests disclosures are submitted by the MPs (deputies and senators) to the person designated by the Secretary General of the Chamber of which they belong. These persons later send the disclosures, in certified form, to the National Integrity Agency – the institution with exclusively competence in evaluating the content of the forms.

THE TRANSPARENCY OF THE ASSETS AND INTERESTS DISCLOSURES (I)

The assets and interests disclosures are publicly available, as follows:

- on ANI's Portal – www.integritate.eu (approx. 4.000.000 assets and interests disclosures are public, submitted within 2008 – 2013);
- on the institution's Website, where it operates the person (e.g.: the Senate / Chamber of Deputies Website).

The Agency displays the disclosures on the Portal, not later than 30 days after receipt.

According to the law, the personal identification number, the address for the declared buildings (except city location), address of the institutions that manages financial assets and the signature **must be anonymous**.

Assets and interests disclosures are maintained on the Website of the Agency for the duration of the term in office and three years after its termination and archived them.

THE TRANSPARENCY OF THE ASSETS AND INTERESTS DISCLOSURES (II)

The **Portal of assets and interests disclosures** (<http://declaratii.integritate.eu>) contains over **3.860.000 disclosures** submitted to A.N.I. These disclosures are submitted in the period 2008 - 2012.



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AGENTIA NATIONALA DE INTEGRITATE

At this moment the number of statements of assets and interests is **3 860 365** documents.
Last portal update: **06/13/2013**

Statements of assets and interests search

Name and surname

Statement type Year

Institution category Position category City

Institution subcategory Position subcategory County

Standard institution Standard position **SEARCH**

The portal is constantly updated and enables you to see declarations and statements of interest submitted to the National Integrity Agency (ANI) in the years **2008 - 2012.**

SANCTIONS FOR NON / LATELY SUBMISSION OF DISCLOSURE

Failure to submit assets and interests disclosures in terms provided by the law and withholding information in regard to the amount of income gained or referring to other documents is a contravention and is punished with administrative fine from **50 Lei to 2.000 Lei**. The Agency may automatically trigger the assessment process.

This penalty applies to all categories of public officials who have the obligation to submit assets and interests disclosures, including the members of the parliament.

THE EVALUATION MECHANISM

- The Agency performs the evaluation activity ex officio or upon notification by any individual or legal entity. Failure to submit assets and interests disclosures in terms provided by the law and withholding information in regard to the amount of income gained or referring to other documents is a contravention and is punished with administrative fine from 50 Lei to 2.000 Lei. The Agency may automatically trigger the assessment process.
- The evaluation activity is performed by the integrity inspectors (public servants with special statute) through standardized evaluation operational procedures and the Informatic System of Integrated Management of Assets and Interests Disclosures.
- The assessment activity run by the integrity inspectors of the Agency is conducted for the existing wealth while exercising public positions, conflict of interest and incompatibilities of persons covered by the law.

FOLLOWING THE EVALUATION / ASSESSMENT ACTIVITY, THE AGENCY'S FINDINGS MAY BE THE FOLLOWING:

- **unjustified significant difference between the assets acquired and obtained incomes during exercising the public position** (*in this case, the Agency sends the file to the Wealth Investigation Commission – formed by two judges and one prosecutors. If the Commission finds ANI's referral as grounded sends the file to the competent Court with the proposal of confiscating this unjustified difference in assets*);
- **incompatibility** (*the evaluation report of the Agency can be challenged in Court; if ANI's report remain definitive – through Court decision or by not challenging the file - the person is subject to administrative sanctions which varies from removal from the office to suspension of the right of promotion or reducing the salary*);
- **conflict of interests – administrative nature** (*the evaluation report of the Agency can be challenged in Court; if ANI's report remain definitive – through Court decision or by not challenging the file - the person is subject to administrative sanctions which varies from removal from the office to suspension of the right of promotion or reducing the salary*);

FOLLOWING THE EVALUATION / ASSESSMENT ACTIVITY, THE AGENCY'S FINDINGS MAY BE THE FOLLOWING:

- **conflict of interests – criminal nature** *(the evaluation report is sent by the integrity inspector to the Prosecutor`s Office in order to check the allegation of committing the offense of conflict of interests);*
- **false statements** *(the action of the persons who intentionally, submits assets and interests disclosure which do not correspond to the truth);*
- **breaching tax, money laundering etc., legislation** *(the evaluation report is also referred to the competent fiscal authorities or FIUs).*

AWARENESS AND PREVENTION

The National Integrity Agency constantly conducts campaigns of awareness for all the categories of public officials covered by law. The members of the parliament have the possibility to consult the guidelines available on the Agency`s Website:

- ❖ *The Guide for filling in the assets and interests disclosures;*
- ❖ *The Guide of incompatibilities and conflict of interests.*

The Agency also constantly respond to several points of view requested by the members of the parliament and constant formal / informal meetings are organized with them.

The Agency issues a press release every time a case is finalized with findings and submits the document to its own webpage. Information regarding compliance / non-compliance with the rules provided by the integrity legislative framework are included in ANI`s activity reports (www.integritate.eu).

Also the status of the files pending before Court is available on the Agency`s Webpage.

THANK YOU FOR YOUR TIME!

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