

Practice Name:

National Anti-Corruption Strategy

Country: Romania

Practice category:

- Anti-fraud culture
- Guidance and template models



Contact:

- Ministry of Justice
- [Website](#)
- [Link to the English version of NAS](#)
- [Email](#)

Fraud risk(s) countered

- Others

Context and objective(s)

The Romanian Government passed its National Anti-Corruption Strategy (NAS) for the period 2016-2020 in 2016 (Hotărârea Guvernului nr. 583/2016).

NAS answers to the requirements of articles 310 and 325 of the Treaty on the Functioning of the European Union, that is to combat fraud and any unlawful operations harming the Union's financial interests. The Member States are required to take the same measures to counter fraud affecting the financial interests of the Union as they take to counter fraud affecting their own financial interests. The Member States shall coordinate closely between competent authorities.

The current Romanian NAS builds on NAS from previous periods, with the first NAS being published for the period 2001-2004.

The purpose of NAS 2016-2020 is the promotion of integrity through the application of the legal and institutional framework with a view to prevent corruption in Romania.

It distinguishes itself from other such strategies through the definition of very detailed and tangible goals and deadlines and a monitoring mechanism supervised by the Ministry of Justice (MoJ).

Description of the practice

NAS was drafted following a complex public consultation process, where approximately 90 entities from civil society, public institutions, private companies and business association were involved. The process was led by the MoJ and took approximately 6 months. The strategy was approved by a normative act and published in the Official Gazette of Romania.

NAS counts 45 pages in total following this structure:

1. Introduction
2. Values and Principles
3. Framework needed for the implementation of NAS
4. Scope, target group and suggested approach
5. Envisaged impact
6. General and specific objectives and main actions
7. Legal implications
8. Budget related implications
9. Coordination of the strategy implementation and monitoring

The Strategy is complemented by 4 annexes:

- Sets of performance indicators for objectives, risks associated with objectives and sources to verify the implementation of objectives

- List of preventive measures, corresponding legislative acts and evaluation indicators
- List of information that should be published by public authorities/institutions for the sake of transparency
- List of information that should be published by state-owned enterprises for the sake of transparency

In order to identify the core action areas for the period 2016-2020, the developers of the strategy analysed the current state of affairs in the country, using mainly:

- Cooperation and verification mechanism (CVM) reports
- GRECO reports
- OECD reports
- Nations in Transit Report
- EU Anticorruption Report
- Insights form assessment visits during the previous NAS 2012-2015 (17 central institutions were assessed, as well as 66 entities from the local public administration)
- Good practices identified with regard to the implementation of the previous NAS
- Results from the independent evaluation of the implementation of the previous NAS
- Existing other national and sectoral policies, e.g. the National Defence Policy 2015-2019 which identifies corruption as a major risk, the Strategy for the strengthening of the public administration, the Strategy for the development of justice as public service, the National strategy for public procurement, the National Strategy for competitiveness and the National Strategy for a digital agenda for Romania 2020.

In addition, Romania's performance in various indices and surveys has been assessed and compared to the EU average, mainly:

- Corruption Perceptions Index
- Global Corruption Barometer
- Index of Economic Freedom
- Eurobarometer
- Index of Public Integrity
- Index of Corruption Risk

In order to complement the scientific research instruments, the MoJ and the Law Faculties of the Universities of Bucharest and Amsterdam, with the support of the National Anticorruption Directorate (DNA) and Prosecution Office attached to the High Court of Cassation and Justice, conducted a study on corruption. The study's aim was to gain a better understanding of the causes of corruption, as well as the personal and professional consequences of convictions for corruption offences. Hence, the study addressed persons which had immediate experience with the Romanian legal system in the field of fighting corruption and with persons convicted for corruption offences.

Based on the information and research gathered, the strategy formulates clear and measurable envisaged impacts, e.g.:

- Reaching the EU average in terms of perception of corruption
- Significant reduction, by at least 50%, of the cases of fraud and corruption of public procurement procedures and of integrity incidents in the identified vulnerable sectors
- Implementation of the anticorruption preventive measures in more than 80% of the public institutions and public enterprises
- Acceding to the OECD Anti-Bribery Convention
- Regional and international promotion of Romania's anticorruption experience

The strategy clearly outlines the framework needed for its implementation, namely:

- Legislative and institutional stability
- Independence or, as case may be, operational autonomy of the authorities responsible for the prevention of and fight against corruption
- Realisation of the integrity agenda at top executive level
- Transparency regarding the implementation of NAS
- Impact studies for public policy decisions that may affect the business sector and engaging in an

- open dialogue with local and foreign companies
- Allocation of appropriate resources

The core of the strategy is the definition of 6 general objectives with 1- 8 specific objectives each. The objectives build on the analysis of the current state of affairs in the country.

The distinctive factor is that for every specific objective, NAS also lists concrete main actions and attributes an institution responsible, defines a deadline and gives an estimated budget. If the concrete objectives and actions stem from specific reports, e.g. a GRECO report, this is also detailed for transparency. An example of such a breakdown is:

General objective 3 – Strengthening integrity, reduction of vulnerabilities and corruption risks in priority sectors and fields of activity.

Specific objective 3.4 – Increasing integrity, reduction of vulnerabilities and corruption risks in the judiciary

Main actions:

1. Approving and implementing a multiannual action plan for promoting integrity in the judiciary;
2. Complementation of the Code of ethics for judges and prosecutors in such a way so as to offer proper guidance specifically with regard to conflicts of interest (e.g. examples, types), incompatibilities and accessory activities, impartiality and related areas (including notably the acceptance of gifts and other advantages, the conduct in private life) (GRECO recommendation, fourth evaluation round – para. 97) and to ensure the separation of the ethical issues of the disciplinary issues;
3. Approaching the risks for the integrity of judges and prosecutors, in particular by (i) having the Supreme Council of Magistracy and the Judicial Inspectorate play a more active role in terms of analyses, information and advice and (ii) by reinforcing the role and effectiveness of those performing managerial functions at the head of courts and public prosecution services, without impinging on the independence of judges and prosecutors (GRECO recommendation, fourth evaluation round – para.114);
4. Increasing the training and awareness-raising efforts with regard to integrity and the preventive components of anti-corruption policies, including for judges and prosecutors in exercise (GRECO recommendation, fourth evaluation round – para. 119).

Main actions	Institutions responsible	Deadline	Estimated budget
1.		2017-2020	
2.	Supreme Council of Magistracy (SCM)	4th quarter 2017	12.000.000 RON (approx. 2,48 mio EUR)
3.		2nd quarter 2017	
4.	SCM and National Institute of Magistracy (NIM)	2nd quarter 2017	

A set of performance indicators for each objective is detailed in the annex, highlighting associated risks and naming verification sources to monitor the implementation. For the objective and main actions mentioned above, performance indicators for the implementation of point 4. are for instance: number of training sessions, number of participants and number of ethics advisors appointed. Associated risks include non-allocation of necessary resources and low level of participation. The sources which can be used to verify the implementation of the main actions are the annual reports of the SCM and NIM.

To complement the objectives and measures, the annex also contains a list of 12 preventive measures that should be implemented by all organisations, incl. for instance: elaborating a code of ethics, implementing declarations of gifts, managing conflicts of interest, appointing ethics advisors, ensuring incompatibilities of functions, introducing whistle-blower protection and enforcing post-employment interdictions.

For the purpose of transparency, two more annexes detail the information that should be published by public authorities/institutions or state-owned enterprises. This includes for authorities/institutions e.g.

annual reports, budget, organisational charts, full list of persons in managerial capacity and details regarding requests for information of public interest. For state-owned enterprises the list includes e.g. names, CVs, political affiliation and remuneration of each member of the Management board, disclosure of staff related expenditure and debts to the state budget, external audit reports and annual reports.

In order to reach the different objectives, NAS also lists the main normative acts, including, laws, ordinances and deontological codes that need to be changed or new acts that need to be passed.

The strategy estimates that every public institution with at least 50 employees needs to allocate, on average, a budget of about 900,000 RON per year (about 200.000 EUR) to the implementation of the NAS measures. The funding will be ensured from the budgets of the institutions involved in the implementation of NAS, with the possibility to resort to external sources, like the Operational Program for Administrative Capacity (POCA) 2014-2020. Out of the 478 projects financed by POCA since the programme was launched in 2014, 82 (approx. 17%) address integrity, ethics, corruption prevention and transparency, amounting to approximately 70,9 million EUR.

The implementation of NAS is performed under the authority and coordination of the minister of justice who reports to the Government. The implementation is supported by cooperation platforms that meet at least biannually bringing together central or local public administration representatives, as well as members of the business community and civil society.

The Department for Crime Prevention within MoJ hosts the Technical Secretariat of NAS, being responsible for the monitoring of NAS and its activities include:

- Annual monitoring reports incl. progress, deficits and recommendations;
- On-site evaluation missions: in 2019, 48 institutions at central level were evaluated along with 90 entities in the local public administration;
- Training, counselling of public institutions on integrity issues and dissemination of best practices;
- Organisation of anti-corruption events including the Annual Anti-Corruption Conference;
- Regular convocation of the cooperation platforms that are in fact the decisional structures for NAS;
- Methodological support (corruption risk evaluation, ex post evaluation of integrity incidents, internal auditing of the corruption prevention system at the level of all public authorities);
- Creation of an index of institutional integrity;
- Performance of surveys and research.

External evaluators will also be contracted to perform an ex-post evaluation of the impact of NAS, the resources used and the impact, efficiency and sustainability of the interventions.

Unique features

- Development of NAS based on assessment of the previous NAS, international studies, indices and national surveys
- Holistic approach of the document (addressed to all public institutions which represent the executive, legislative and judicial authorities, the local public administrations, the business sector and the civil society)
- Clear outline of the objectives with concrete and detailed measures, definition of responsible institutions, deadlines and budget
- Performance indicators for the objectives and information about sources (e.g. websites) to monitor implementation
- Extensive list of preventative measures
- Definition of legal changes required
- Transparency about required budget
- Monitoring mechanism through Technical Secretariat of NAS
- Methodological support
- Multiple auditing mechanisms (independent external auditing, internal auditing, peer-review missions, CVM)

Outcomes and results

On the website of NAS, one can find external evaluation reports for the different institutions in scope, ministries, county councils, municipalities etc. Additionally, regular monitoring reports regarding the implementation of NAS are published.

This shows a country-wide uptake of NAS and a thorough follow-up regarding its implementation by the Technical Secretariat.

A final judgement regarding the outcome of NAS can only be made at the end of its period. However, both the detailed outline of the strategy and the monitoring mechanism are promising prerequisites to reach the set goals.

Key success factors

First and foremost, a successful implementation requires a dedicated secretariat. NAS Technical Secretariat is staffed with 15 full-time employees and is properly resourced to handle the monitoring of the strategy.

Further key success factors are:

- an all-inclusive approach that guarantees all interested stakeholders have a say in the life of the strategy, including civil society and the business environment;
- a hands-on approach, translated in field missions and continuous contact with anti-corruption experts in public institutions;
- building on the best practices resulted from the previous NAS (thematic evaluation missions, platforms for cooperation);
- holistic character, addressing institutions from all the powers of the state: executive, judiciary and legislative;
- strong monitoring methodology;
- allocation of resources;
- gradually boosting ownership of the integrity agenda of the institutions themselves;
- strong methodological support.

Challenges encountered & lessons learned

The successful implementation of the initiative was challenged by:

- lack of uniform political will / attitudes at the top
- lack of legislative stability and continuous support of Parliament

Potential for the transferability

The consultation process used, the different research sources applied and also the definition of concrete action items are easily transferrable to other countries.

In order to monitor the implementation of the practice, a monitoring body similar to NAS Technical Secretariat should also be created or the task assigned to an existing body, e.g. AFCOS.