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## FOURTH EVALUATION ROUND

Corruption prevention in respect of members of  
parliament, judges and prosecutors

### INTERIM COMPLIANCE REPORT

### ROMANIA

Adopted by GRECO at its 83<sup>rd</sup> Plenary Meeting  
(Strasbourg, 17-21 June 2019)

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## **I. INTRODUCTION**

1. The [Fourth Evaluation Round Report on Romania](#) was adopted by GRECO at its 70<sup>th</sup> Plenary Meeting (on 4 December 2015) and made public on 22 January 2016, following authorisation by Romania. GRECO's Fourth Evaluation Round deals with "Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors".
2. As required by GRECO's Rules of Procedure, the Romanian authorities submitted a Situation Report containing information on measures taken to implement the recommendations. GRECO selected Denmark (in respect of parliamentary assemblies) and Turkey (in respect of judicial institutions) to appoint Rapporteurs for the compliance procedure.
3. In the [Compliance Report](#), which was adopted by GRECO at its 78<sup>th</sup> Plenary Meeting (on 8 December 2017) and made public on 18 January 2018, it was concluded that two of the 13 recommendations had been implemented satisfactorily or dealt with in a satisfactory manner, four recommendations had been partly implemented and seven recommendations had not been implemented. In view of this result, GRECO concluded that the very low level of compliance with the recommendations was "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. GRECO therefore decided to apply Rule 32, paragraph 2 (i) concerning members found not to be in compliance with the recommendations contained in the mutual evaluation report, and asked the Head of the Delegation of Romania to provide a report on the progress in implementing the pending recommendations by 31 December 2018 (subsequently extended). New information was received on 4 March 2019 and served as a basis for the Interim Compliance Report.
4. This [Interim Compliance Report](#) assesses the further implementation of the pending recommendations since the adoption of the Compliance Report and performs an overall appraisal of the level of Romania's compliance with these recommendations. The Rapporteurs appointed were Mr Anders RECHENDORFF on behalf of Denmark and Mr Buğra ERDEM on behalf of Turkey. They were assisted by the Secretariat in drawing up this Report.

## **II. ANALYSIS**

5. It is recalled that in the Compliance Report, recommendation xii had been implemented satisfactorily and recommendation x had been dealt with in a satisfactory manner, recommendations ii, v, vii and xi had been partly implemented and recommendations i, iii, iv, vi, viii, ix and xiii had not been implemented.

*Corruption prevention in respect of members of parliament*

### **Recommendation i.**

6. *GRECO recommended that the transparency of the legislative process be improved (i) by further developing the rules on public debates, consultations and hearings, including criteria for a limited number of circumstances where in camera meetings can be held, and ensuring their implementation in practice; ii) by assessing the practice followed and accordingly revising the rules to ensure that draft legislation, amendments to such drafts and the agendas and outcome of committee sittings are disclosed in a timely manner, and that adequate timeframes are in place for submitting amendments and iii) by taking appropriate measures so that the urgent procedure is applied as an exception in a limited number of circumstances.*

7. GRECO recalls that this recommendation had not been implemented in the Compliance Report, as Romania had not undertaken any review of the rules and practices to meet the concerns expressed in neither of the three parts of this recommendation: no adequate rules were put in place to allow for public debates, no clear rules had been adopted to limit the number of circumstances where meetings can be held *in camera* and no review had been carried out of the practice and timelines for consultation, while the use of expedited procedures continued.
8. The Romanian authorities now refer once again to Article 68 of the Constitution, stipulating that meetings of the two chambers of Parliament are public, unless the chamber concerned decides otherwise, or if classified materials are examined. These rules are replicated in relevant provisions of Regulations of the Senate and the Chamber of Deputies. Further, reference was made to Articles 120 and 121 of the Senate Regulations, and Articles 141-142 of Chamber of Deputies' Regulation which set out conditions for accreditation of diplomats, journalists and other representatives of the media, as well as other persons to attend the sessions of respective chambers and their commissions. The authorities point out that, as per Article 54, paragraph 2 of Law no. 96/2006 on the Statute of Deputies and Senators, holding of Chamber sessions *in camera* is only envisaged when deliberating on the application of the sanctions against an MP. The authorities also state that no meetings of the Chamber of Deputies or the Senate have been held *in camera* in the course of the last decade.
9. The authorities also reiterate that meetings of the plenary and the committees of the Chamber of Deputies, as well as meetings of the plenary of the Senate are broadcasted live via the Internet and recordings are archived on their respective websites. The authorities state that representatives of the press and civil society have access to meetings of the committees, and that the accredited journalists, who have to abide by protocol regulations to access the premises of Parliament, were not accompanied during their presence in the premises.
10. Regarding the second part of the recommendation, the Romanian authorities provide no information on any assessment of practice or revision of rules to ensure timely disclosure of the draft legislation, amendments to it, agendas and outcome of committee sittings. The authorities once again recall the rules and practices applicable to the adoption and the publication of draft agendas (Senate plenary and committee meetings: no later than the last day of the week for the session of the following week; Chamber of Deputies: on the day they are approved), publication of the outcome of the meetings (results of meetings and documents adopted by the Senate, as well as the summaries of meetings of the committees of the Chamber of Deputies are published on-line). As for procedure and deadlines for distributing draft laws and proposals for amendments, the authorities provide additional information to the effect that the Senate should examine and decide on draft laws and legislative proposals within 45 days and for codes and other complex legislation within 60 days from their submission to the Standing Bureau. The Chamber of Deputies has maximum deadlines for the consideration of drafts, ranging from 14 to 60 days.
11. Concerning the third part of the recommendation, the authorities maintain the view that the deadlines applicable to the urgent procedures allow for a substantive consultation (30 to 45 session days i.e. over 50 calendar days). The urgent procedure can only be applied when both chambers are involved in the discussion of a text and not if the chamber concerned acts as the decisional chamber.
12. GRECO notes with concern that Romania has not undertaken any legislative or practical measures to implement the present recommendation. The rules in place to allow for public debates, consultations and hearings have not been further

developed and the practice in this regard has not changed. The practice and timelines for consultation have not been assessed/reviewed.

13. Furthermore, GRECO regrets the frequent use of Government Emergency Ordinances (GEOs) for adopting important legal amendments, which does not allow for a comprehensive consultation with all relevant stakeholders and further diminishes the transparency of the legislative process. In the course of 2018-2019, the Government proceeded with adopting several new GEOs<sup>1</sup> bringing further substantial amendments to legislation concerning the judiciary and prosecution. No information concerning the extent of public consultation and the procedure of adoption of these GEOs was provided in the Situation Report received on 4 March 2019. GRECO underlines that the negative consequences of proceeding with important legislative reforms through GEOs are further exacerbated by the dominant perception among the professionals in the areas concerned, and the general public, that the adopted measures are undermining Romania's anti-corruption efforts. GRECO also notes that at a recent public referendum of 26 May 2019, an absolute majority of voters (84%) expressed in favour of banning the adoption by the Government of emergency ordinances in the area of crimes, punishments and judiciary organisation.
14. GRECO concludes that recommendation i remains not implemented.

#### **Recommendation ii.**

15. *GRECO recommended (i) developing a code of conduct for the members of parliament and (ii) ensuring there is a mechanism to enforce [its rules] when it is necessary.*
16. GRECO recalls that, according to the Compliance Report, this recommendation was partly implemented. GRECO welcomed the adoption on 11 October 2017 of a code of conduct for the members of parliament.<sup>2</sup> However, GRECO pointed out contradictions<sup>3</sup> between Article 9 (Procedure for solving complaints) and Article 10 (Sanctions) of the code of conduct and took the view that these contradictions potentially undermine the effectiveness of application of the code of conduct in practice. GRECO asked the authorities to take a more determined approach to implement the second part of this recommendation.
17. The Romanian authorities do not provide any new information which would warrant a renewed substantive analysis of the situation. They again refer to existing provisions under Article 9 of the code of conduct, with no reference to any additional measures taken to implement the second part of this recommendation. According to the authorities, the information regarding the application of sanctions in respect of MPs is accessible on the website of the Chamber of Deputies.<sup>4</sup>

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<sup>1</sup> Emergency Ordinance no. 90 of 10 October 2018 on some measures for the operationalization of the Section for the Investigation of Criminal Offences within the judiciary, Official Gazette no. 862 of 10 October 2018; Emergency Ordinance no. 92/15.10.2018 for amending and completing some normative acts in the field of justice, published in the Official Gazette no 874/16 October 2018; Emergency Ordinance no. 7/2019 of 20 February 2019 and Emergency Ordinance no. 12/2019 of 5 March 2019 amending and supplementing some normative acts in the field of justice.

<sup>2</sup> The text of the Code of Conduct is accessible via the following links: a) the Senate's website <https://www.senat.ro/pagini/statutul/CodConduita.PDF>; b) the Chamber's website homepage [http://www.cdep.ro/pls/dic/site2015.page?den=act6\\_1](http://www.cdep.ro/pls/dic/site2015.page?den=act6_1)

<sup>3</sup> On the one hand, Article 9 has been considered not sufficiently specific, for instance, as to who could report a suspicion or a violation of the code, and whether parliamentary bodies could act ex officio and/or upon information from outside the parliament. On the other hand, Article 10 of the code only refers to the enforcement mechanism under Law no. 96/2006 on the Statute of Deputies and Senators, involving the National Integrity Agency. The text of Law no. 96/2006 is accessible via the following link: [http://www.cdep.ro/pls/dic/site.page?den=act3\\_1&par1=0](http://www.cdep.ro/pls/dic/site.page?den=act3_1&par1=0)

<sup>4</sup> See the following link: <http://www.cdep.ro/pls/dic/site2015.page?id=1046>

18. GRECO concludes that recommendation ii remains partly implemented.

**Recommendation iii.**

19. *GRECO recommended that measures be taken i) to clarify the implications for members of parliament of the current provisions on conflicts of interest independently of whether such a conflict might also be revealed by declarations of assets and interests and ii) to extend the definition beyond the personal financial interests and iii) to introduce a requirement of ad hoc disclosure when a conflict between specific private interests of individual MPs may emerge in relation to a matter under consideration in parliamentary proceedings – in the plenary or its committees – or in other work related to their mandate.*
20. GRECO recalls that this recommendation was not implemented in the Compliance Report, as there were no specific arrangements clarifying situations which would trigger the application of the disciplinary offence provision under Article 19 of Law no.96/2006. Further, the provision on disclosure of personal interest was considered too general, as it did not refer to any ad hoc situations and did not spell out the consequences of such disclosures.
21. The Romanian authorities report again that Article 19 of Law no. 96/2006 on the Statute of Deputies and Senators establishes the breach of legislation on conflicts of interest as a disciplinary offence, punishable by a 10% reduction of salary for up to a maximum of three months. Further, the authorities once again refer to Article 5 of the code of conduct for the members of parliament, which stipulates that “deputies and senators have an obligation to disclose any personal interest that might influence their public actions.” In the authorities’ opinion, this provision covers the recommendation concerning *ad hoc* disclosure of a conflict between private interests of MPs in relation to a matter in consideration under parliamentary proceedings, or other work related to MPs’ mandate. In addition, the authorities refer to a project entitled “LINC”, which is being implemented since August 2018 by the National Integrity Agency (NIA) in cooperation with the Transparency International Romania. The main objective of this project is to increase the capacity of the public administration and Parliament to identify, prevent and sanction cases of conflicts of interest, incompatibilities and unjustified assets. A draft public policy proposal regarding the integrity framework and regulations applicable to MPs, drawn up on the basis of comparative analysis of examples taken from six European Union member States,<sup>5</sup> will be presented for a debate among the representatives of Parliament in mid-June 2019. The final analysis is expected to be disseminated at the end of 2019.
22. In addition, the authorities refer to Article 130, paragraph 1 of the Senate Regulation, and Article 151, paragraph 5 of the Regulation of the Chamber of Deputies, which provide a possibility for a deputy or a senator to take the floor and announce a problematic issue in relation to his/her status, including a possible conflict of interest.
23. GRECO takes note of the information provided. It would appear that regardless of GRECO’s concerns expressed in paragraphs 28 and 29 of the Evaluation Report and the call to take additional measures to implement this recommendation in the Compliance Report, no such measures have been taken by the authorities. The scope of the incrimination of conflicts of interest remains limited and does not promote preventing or managing situations, which could become a criminal offence. No objective criteria has been defined as to who could apply for positions of personnel or parliamentary assistants, regardless GRECO’s proposal to examine

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<sup>5</sup> Belgium, Bulgaria, France, Greece, Lithuania and Poland

such possibility. Article 19 of Law no. 96/2006 under the chapter concerning incompatibilities remains of limited value, as no specific arrangements have been made to clarify situations, other than incompatibilities, which would trigger the application of this article with regard to certain responsibilities in parliament, and with regard to the general management of parliamentary resources and facilities etc. Articles 130, paragraph 1 and 151, paragraph 5 of Regulations of the respective chambers of Parliament are going in the right direction (see paragraph 22), but do not envisage a mandatory disclosure of conflicts between private interests of individual MPs in relation to matters under consideration in parliamentary proceedings, thus falling short of meeting the requirement of recommendation iii. Finally, the benefits of the code of conduct for the members of parliament remain rather limited in comparison with relevant Council of Europe standards<sup>6</sup>. Overall, while noting the on-going project implemented by the NIA (see paragraph 21), GRECO observes no tangible improvement as regards the implementation of this recommendation.

24. GRECO concludes that recommendation iii remains not implemented.

**Recommendation iv.**

25. *GRECO recommended establishing a robust set of restrictions concerning gifts, hospitality, favours and other benefits for parliamentarians, and ensuring that the future system is properly understood and enforceable.*

26. GRECO recalls that this recommendation was not implemented in the Compliance Report.

27. The Romanian authorities once again refer to Article 8 of the code of conduct for the members of parliament, which, in their view, met the concerns raised by this recommendation.

**Article 8 of the code of conduct**

(...)

*(2) Deputies and senators have the obligation to declare any gifts or benefits received in the exercise of their office, except for the situations provided by Law no. 251/2004 on certain measures regarding the goods received free of charge in connection with protocol actions in the exercise of their mandate or function, in compliance with point VI of Annex no. 1 to Law no. 176/2010 on integrity in the exercise of public functions and dignities, amending and supplementing the Law no. 144/2007 on the establishment, organization and functioning of the National Integrity Agency, as well as for amending and supplementing other normative acts, as subsequently amended.*

<sup>6</sup> Guidance for the drafting of rules on the management of conflicts of interest can be found for instance in article 13 of the model code appended to Recommendation R (2000)10 of the committee of Ministers on codes of conduct for public officials:

"Article 13 – Conflict of interest

1. Conflict of interest arises from a situation in which the public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties.

2. The public official's private interest includes any advantage to himself or herself, to his or her family, close relatives, friends and persons or organisations with whom he or she has or has had business or political relations. It includes also any liability, whether financial or civil, relating thereto.

3. Since the public official is usually the only person who knows whether he or she is in that situation, the public official has a personal responsibility to:

- be alert to any actual or potential conflict of interest;

- take steps to avoid such conflict;

- disclose (...) any such conflict as soon as he or she becomes aware of it;

- comply with any final decision to withdraw from the situation or to divest himself or herself of the advantage causing the conflict.

4. Whenever required to do so, the public official should declare whether or not he or she has a conflict of interest. (...)"

28. GRECO takes note of the information provided and remains of the opinion that the provisions of Article 8 of the code of conduct do not spell out whether the duty “to declare any gifts or benefits received in the exercise of their office” serves a specific purpose such as control and approval, and whether certain gifts are prohibited/allowed under certain conditions and/or must be returned or transferred into the ownership of Parliament. Further, it remains unclear whether information on gifts and other benefits declared should be retained and made public. In GRECO’s view, the concerns raised in the Evaluation Report in relation to the lack of effectiveness of the two existing mechanisms for supervising gifts received by parliamentarians remain valid.<sup>7</sup> Therefore, GRECO considers that Romania should step up efforts to implement the present recommendation through regulatory and practical measures by enacting and implementing a robust set of restrictions on gifts for parliamentarians. GRECO notes no progress in the implementation of this recommendation.
29. GRECO concludes that recommendation iv remains not implemented.

**Recommendation v.**

30. *GRECO recommended that i) 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; ii) that ways be found to accelerate and enforce the judicial decisions concerning incompatibilities.*
31. GRECO recalls that this recommendation was partly implemented in the Compliance Report. It noted with satisfaction that an assessment had been carried out and that some improvements had been made. However, further measures were expected to enforce decisions in practice.
32. The Romanian authorities now report that the National Integrity Agency (NIA) continues following up the implementation of its finalised cases pending before Parliament, and keeps requesting enforcement of any sanctions issued in respect of MPs. The NIA updated the mechanism of referring requests to Parliament: the judicial department of the NIA transmits information on final court decisions to integrity inspectors, who in turn refer requests to Parliament. Prior to requesting Parliament to apply disciplinary sanctions in cases of MPs, integrity inspectors request the judicial department of the NIA to issue legal opinions based on relevant jurisprudence, decisions of the Constitutional Court, etc. Further, with the aim of improving the practical application of integrity rules to parliamentarians, the NIA appointed an inspector to clarify aspects of filling in the forms of disclosure of assets and interest, including deadlines for submission of these forms. This process was carried out in cooperation with the two Chambers of Parliament. As the result, the NIA transmitted to both Chambers official letters containing guidance for implementation of legal provisions regarding assets and interests disclosures within each Chamber.
33. In addition, court decisions and the NIA’s practice concerning incompatibilities and conflicts of interests, including in relation to deputies and senators, are reflected in evaluation reports drawn up by the NIA. The authorities refer to a project entitled “LINC”, implemented by the NIA in partnership with the Transparency International Romania since August 2018. The main purpose of this project is increasing the

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<sup>7</sup> These include diverging interpretations of the rules in place, the fact that the system of declaration of interests and assets for assessing variations in these assets and prevent illegitimate donations excludes property benefits received from first and second degree relatives, and the lack of its effectiveness in practice.

capacity of the central public administration and Parliament to identify, sanction and prevent cases of conflicts of interest, incompatibilities and unjustified assets and supporting the implementation of measures contained in the National Anticorruption Strategy 2016-2020 under the NIA's responsibility. As a follow-up to GRECO's recommendations, the expected results of this project also include clarifying Parliament's role regarding conflicts of interest and incompatibilities. The final analysis is expected to be disseminated in 2019 and should serve as the basis for a public policy proposal regarding the integrity framework and regulations applicable to MPs, including the research report, good practices identified at the international level and proposed solutions for verifying integrity standards for MPs and candidates. In addition, the authorities refer to Article 7, paragraph 1e) of Law no. 96/2006 on the Statute of Deputies and Senators, which states that the mandate of a deputy or a senator ceases in case of an incompatibility.<sup>8</sup>

34. GRECO takes note of the information provided and recalls that the NIA's assessment of the rules on incompatibilities and their enforcement in practice, finalised in June of 2017, referred to cases where sanctions notified by the NIA to Parliament were not implemented<sup>9</sup>. The Romanian authorities have not provided information regarding any further improvements in this particular area. However, GRECO notes that within the framework of the National Anticorruption Strategy for

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<sup>8</sup> Unofficial translation of Article 7 of Law no.96/2006, provided by the Romanian authorities:

"Article 7 - Termination of the mandate

(1) The quality of a deputy or a senator terminates:

- a) at the date of the assembly, according to the law, of the new elected Chambers;
- b) in case of resignation, beginning with the date mentioned in the resignation, submitted at the Standing Bureau of the Chamber from which the deputy or senator is a member;
- c) in case of losing the electoral rights, beginning with the date of the final court decision by which the loss of the indicated rights is decided,
- d) in case of death, beginning with the date indicated in the death certificate,
- e) in case of incompatibility.

(2) The termination of the mandate of a deputy or a senator owing to incompatibility takes place:

- a) at the date mentioned in the resignation for incompatibility, submitted at the Standing Bureau of the Chamber from which the deputy or senator is a member;
- b) at the date of the adoption of a decision of the Chamber from which the deputy or senator is a member, which reflects the incompatibility,
- c) at the date of the final court decision which rejects the challenging of the report issued by the National Integrity Agency, report which reflected the incompatibility;
- d) at the expiry of the deadline provided by Law 176/2010 on integrity in exercising public dignities and functions, amending and supplementing Law no. 144/2007 on the establishment, organization and functioning of the National Integrity Agency, as well as for amending and supplementing other normative acts, as subsequently amended, from the date of taking note of the evaluation report of the National Integrity Agency, if during this deadline the deputy or senator did not challenge the report at the administrative court. Taking note of the report is done by the communication of that report of the National Integrity Agency to the deputy or senator, which shall sign for confirmation, or, in the case of refusing to sign, by the announcement issued by the president of the meeting, in the plenum of the Chamber from which the deputy or senator is a member.

(3) In the case of resignation of the deputy or senator, the president, during the first public meeting of the plenum of the respective Chamber, shall ask the deputy or senator if insists to resign and, if the answer is positive or the deputy or senator is not present in the plenum in order to answer, the president takes note of the resignation act and shall submit to the respective Chamber to vote for the decision of vacancy for the place of deputy or senator.

(4) In the cases provided under para 1 lett. c) and d), as well as in the cases provided under para. 2 lett. c) and d), the president of the Chamber takes note of the termination of the mandate of the deputy or senator and proposes to vote in the plenum of the respective Chamber, the adoption of the decision of vacancy for the place of deputy or senator.

(5) The decisions concerning the vacancy of the office of deputy or senator provided under para. 3 and 4, shall be published in the Official Gazette of Romania, Part I.

(6) The mandate of deputy or senator is by law prolonged in the case when the mandate of the Chamber from which he / she belongs is by law prolonged, according to art. 63 para. 1 and 4 of the Romanian Constitution, republished.

<sup>9</sup> As already mentioned in the Compliance Report, the NIA had faced cases where the Parliament refused to apply disciplinary sanctions, or revoked its decision, as well as cases where a person under the interdiction to occupy a public office or dignity was validated by the Parliament in the deputy or senator office, regardless of NIA's notifications.

2016-2020, further results concerning conflicts of interest and incompatibilities are expected later in 2019.

35. GRECO takes the view that pending the results of the project referred to above, and the expected policy proposal regarding the integrity framework and regulations applicable to MPs, the second part of this recommendation remains to be fully implemented. GRECO also refers to the latest CVM report<sup>10</sup> of the European Commission, dated 13 November 2018, which points to delays and inconsistencies in the application of sanctions for Members of Parliament found incompatible or in conflict of interest following a final court decision. It would appear that none of the five final court decisions taken since October 2016 against the MPs following the NIA reports have been effectively enforced; in this respect, GRECO was informed that none of the above court decisions relates to MPs under current legislature (thus disabling Parliament to apply any sanction in respect of the former MPs concerned). Further, the authorities referred to two examples from the previous legislature (2012-2016), when mandates of two MPs ceased *ex officio* (one in 2013 and one in 2015) due to incompatibility.
36. In view of the above, GRECO concludes that recommendation v is now implemented satisfactorily.

#### **Recommendation vi.**

37. *GRECO recommended the introduction of rules on how members of Parliament engage with lobbyists and other third parties who seek to influence the legislative process.*
38. GRECO recalls that this recommendation was not implemented in the Compliance Report, as the authorities had referred to draft laws on lobbying that were already known at the time of the evaluation visit. Consequently, no new tangible developments had taken place since the adoption of the Evaluation Report.
39. The Romanian authorities now inform GRECO that there are still no new developments regarding the draft laws “on the organisation of lobbying activities” (no. PL-x nr. 581/2010<sup>11</sup>) and “on the regulation of lobbying activities” (no. PL-x nr. 739/2011<sup>12</sup>). That said, the authorities also report that on 25 September 2018 a legislative proposal on transparency in the field of lobbying and representation of interests was registered in the Senate for debate (initiated by individual MPs). This proposal deals with the obligations concerning the conduct and registration of the lobbyists in relation with the activities aimed at directly influencing the decision-making in central and local public administration. This draft law was adopted by the Senate on 11 March 2019 and was transmitted to the Chamber of Deputies for final adoption.
40. GRECO notes that no significant developments have taken place concerning the implementation of the present recommendation. However, it would appear that some legislative attempts are under way.
41. GRECO concludes that recommendation vi remains not implemented.

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<sup>10</sup> Report from the Commission to the European Parliament and the Council On Progress in Romania under the Cooperation and Verification Mechanism (COM(2018)851), accessible via the following link:

[https://ec.europa.eu/info/sites/info/files/progress-report-romania-2018-com-2018-com-2018-851\\_en.pdf](https://ec.europa.eu/info/sites/info/files/progress-report-romania-2018-com-2018-com-2018-851_en.pdf)

<sup>11</sup> [http://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?cam=2&idp=10808](http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=10808)

<sup>12</sup> [http://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?cam=2&idp=11970](http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=11970)

## **Recommendation vii.**

42. GRECO recommended that consideration be given i) to further increasing the data-processing capabilities of the National Integrity Agency; ii) to strengthening its proactive approach in the monitoring of declarations of assets and interests.
43. GRECO recalls that this recommendation was partly implemented, as none of its elements had been duly considered.
44. The Romanian authorities now provide information concerning the results of the operation of the PREVENT electronic system, launched by the NIA on 20 June 2017 for the purpose of increasing its processing capabilities in respect of public procurement by automatically detecting possible connections between participants in the public bid and the management in contracting institutions. According to the authorities, since the launching of the PREVENT system, the NIA screened 22 350 public procurement procedures, of which in 79 procedures heads of contracting authorities have been warned for potential conflict of interests and in 91% of the cases the causes of conflict of interests have been removed, or have triggered *ex officio* investigations by the NIA. The authorities report that the processing capacity and the accuracy of information collected by the PREVENT system has improved in the course of 2018, as data concerning procurement procedures were increasingly collected electronically.
45. As regards declarations of assets and interest disclosure, a high percentage of declaring persons continue submitting declarations in a handwritten format. This factor remains a major obstacle to efficient processing of data emanating from asset declarations and interest disclosures. In this respect, the authorities refer to a new integrated system of investigations currently being developed by the NIA, consisting of four modules: i) for registering persons under the obligation to declare assets and interest, ii) internal portal module for the purpose of assisting persons concerned to fill in declarations, iii) external portal module to enable interested persons to consult assets and interest disclosures, while respecting the right of data subjects to personal data protection, iv) reporting module, which would generate reports and statistics on the basis of available data and allow detecting cases triggering *ex officio* investigations by integrity inspectors. The authorities expect that this new system, once in place, would lead to an increase of electronically submitted declarations and improve the NIA's capacity to analyse collected data.
46. In relation to the second part of the recommendation, the authorities inform GRECO that from 2016 to 2018 the NIA initiated *ex officio* some 874 evaluations regarding declarations of assets and interests. Further, the matrix for proactive selection of possible conflicts of interests, mentioned in the Compliance Report, has evolved in 2018 to focus on direct purchase contracts signed in the course of the previous year, as other types of contracts would be monitored by the PREVENT system, and to cover the identification of possible breaches in the declarations of assets and disclosures of interests, including incompatibility, conflicts of interests and unjustified assets. The procedure for implementing measures set out in the matrix evolved into three distinct stages. At the first stage the NIA checks direct purchase contracts concluded in the course of the previous year by local public administration bodies using several risk indicators, such as number of contracts signed with the same bidder, value of contracts etc. to detect any possible integrity incidents (i.e. incompatibilities, conflicts of interests, and unjustified assets). At the second stage, integrity inspectors carry out formal and plausibility checks of the content of declarations concerning assets and interests disclosure to identify any missing information, possible incompatibility, conflict of interests and unjustified assets. Should any false statements, incompatibilities, conflicts of interests or unjustified

assets be identified in the second stage, the integrity inspector will launch an *ex-officio* investigation, as the third stage of the procedure.

47. In addition, according to the authorities, the NIA continues providing guidance through official letters to different public institutions concerning the implementation in practice of legal provisions concerning declaration of assets and disclosure of interests. An e-mail address has been created with designated integrity inspectors to respond to queries on this matter. As the result of analysis of declarations of assets and disclosure of interests from December 2018 to January 2019, the NIA addressed 564 official letters to different authorities and institutions concerning the detected deficiencies. The authorities have not provided information as to the actions taken by respective institutions in response to these letters.
48. GRECO takes note of the information provided by the authorities. Regarding the first part of the recommendation, GRECO notes with satisfaction the increasing number of files processed through the PREVENT system, which has become possible due to a rising amount of data collected electronically. However, the persistent submission of declarations of assets and disclosures of interests in the handwritten form continues to obstruct the use of the PREVENT system to its full potential and limits the NIA's capacity to analyse the collected data in a more efficient manner. GRECO also notes the on-going development of the four-module integrated system of investigations for detecting irregularities and breaches in the declarations of assets and disclosures of interest. While it appears that the systems of declarations are far from being effective in practice and the capacity of the NIA needs to develop further, GRECO accepts that this part of the recommendation has been considered by the authorities, as requested by this recommendation.
49. As regards the second part of the recommendation, GRECO notes the efforts by the NIA to improve the monitoring of declarations of assets and disclosures of interests in a more proactive way, without being prompted on possible violations by other actors. In particular, the three-stage procedure for implementing measures set out in the matrix, mentioned above, has the potential to increase the NIA's capacity to proactively monitor declarations of assets and interests. Nonetheless, the new procedure for implementing the matrix defers the monitoring of indirect procurement contracts to the PREVENT electronic system, while the matrix itself focuses only on direct purchases. In GRECO's view, this creates a risk of insufficient monitoring of indirect purchase contracts, many of which may be concluded in a handwritten form and for this reason not be promptly reflected in the PREVENT system. That said, considerations to strengthen the NIA's proactive approach have taken place, as required in the recommendation. To conclude, GRECO encourages Romania to continue pursuing effective implementation in practice and take further necessary steps to ensure an efficient system of declarations of assets and conflicts of interests in Romania.
50. GRECO concludes that recommendation vii has been implemented satisfactorily.

### **Recommendation viii.**

51. *GRECO recommended that the system of immunities of serving parliamentarians, including those who are also members or former members of government, be reviewed and improved, including by providing for clear and objective criteria for decisions on the lifting of immunities and by removing the necessity for prosecutorial bodies to submit the whole file beforehand.*
52. GRECO recalls that this recommendation was not implemented in the Compliance Report, as the authorities had not addressed any of the concerns expressed therein.

53. The Romanian authorities reiterate that the immunity from criminal responsibility of the members of parliament is limited to preventive measures ordered during criminal proceedings (detention, arrest and search), and does not include immunity from criminal investigation, prosecution and trial. The authorities also refer to procedures and deadlines in both chambers of Parliament, which need to be met in order to lift parliamentary immunity. In addition, the authorities inform GRECO that on 5 June 2019, the Chamber of Deputies amended its Regulation to the effect that decisions on the detention, arrest or search of deputies, as well as on requesting criminal investigation of current and former members of Government, should be based on clear and objective criteria. Further, the amended provisions of the Regulation explicitly refer to Chapter V of the Venice Commission Report on the Scope and Lifting of Parliamentary Immunities,<sup>13</sup> which provides for specific criteria and guidelines for lifting parliamentary immunity. The amendments also require the Legal Commission to include in its reports all the arguments in favour and against such decisions.
54. GRECO takes note with satisfaction of the amendments made to the Regulation of the Chamber of Deputies, which now contain criteria and procedure for removing parliamentary immunity for MPs, including those who are also members of government. Even though the amendments only concern the Chamber of Deputies, and no similar provisions were adopted in the Senate Regulations, in GRECO's view, this is a step in the right direction. Further, GRECO notes that requests for criminal prosecution, detention, arrest, or search of an MP must be reasoned in fact and in law. In this respect, GRECO alerts the authorities to ensure that this requirement is implemented in such a manner as to eradicate the practice of prosecution having to submit the whole case. GRECO notes the intention of the Vice-President of the Chamber of Deputies to send an official letter to the Prosecutor General of Romania, specifying that there is no requirement for the prosecution in such cases to submit the whole file.
55. In light of the above, GRECO concludes that recommendation viii is now partly implemented.

#### **Recommendation ix.**

56. *GRECO recommended that the parliamentary authorities establish for their members i) a system of counselling through which parliamentarians can seek advice on integrity matters and ii) provide dedicated and regular training on the implications of the existing and yet-to-be adopted rules for the preservation of the integrity of parliamentarians, including the future Code of conduct.*
57. GRECO recalls that this recommendation was not implemented in the Compliance Report, as the situation described in the Evaluation Report had not improved in respect of dedicated counselling and there had been no pertinent measures taken as regards training and awareness-raising for the MPs.
58. The Romanian authorities report once again that the deputies can address the Standing Bureau of the Chamber of Deputies to clarify issues relating to incompatibilities. The Standing Bureau would then submit such requests to the Legal Commission for the purpose of drawing up a report, within 15 days. Similar tasks are performed by the Legal Commission of the Senate. Further, the authorities refer to specifically employed persons to advise members of the Chamber of Deputies on matters of integrity.

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<sup>13</sup> The Report on the scope and lifting of parliamentary immunities adopted by the Venice Commission at its 98th plenary session (Venice, 21-22 March 2014) is accessible via the following link: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)011-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)011-e)

59. GRECO takes note of the above information, which suggests that no measures have been taken by the authorities since the Compliance Report to implement this recommendation. The modalities for counselling for parliamentarians remain the same as described in the Evaluation and Compliance Reports. No measures have been taken to train and raise the MPs' awareness of the rules for the preservation of their integrity, including the Code of Conduct.
60. GRECO concludes that recommendation ix remains not implemented.

*Corruption prevention in respect of judges and prosecutors*

**Recommendation xi.**

61. *GRECO recommended that the justice system be made more responsive to 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.*
62. GRECO recalls that this recommendation was partly implemented in the Compliance Report. In particular, GRECO noted that the Romanian authorities began implementing the first part of the recommendation by developing the Integrity Plan of the judiciary to the National Anti-Corruption Strategy (NAS) for 2016-2020 and by drawing up analytical reports by the Prosecutor's Office. However, no measures had been taken to implement the second part of the recommendation.
63. The Romanian authorities now report that the Integrity Plan for implementing NAS 2016 – 2020 by the judiciary and prosecution was approved by Decision no. 161/2018 of the Plenum of the Superior Council of Magistracy (SCM), which was later amended by the Decision of the SCM Plenum no. 941/2018. The integrity plan focuses on following five areas:
- developing a culture of transparency in the justice field (public educational campaigns, legal education programme in schools, main public procurements in the judiciary, information about access to justice, rights and obligations of citizens etc.);
  - enhancing the institutional integrity by including the preventive anticorruption measures as mandatory elements of the managerial plans and their periodic evaluation as part of the performance (e.g. evaluation of the managerial plans by competition commissions from the perspective of the accountability criterion, including the integrity standards; organising objective and transparent competitions regarding recruitment and promotion, including in managerial positions; analysing corruption in the judiciary etc.);
  - increasing integrity, reducing the vulnerabilities and the risks of corruption in the priority areas and fields of activity through, *inter alia* enhancing the role of the Superior Council of Magistracy and the Judicial Inspection in performing analyses, providing information and advice in the field of integrity, training and awareness-raising efforts regarding integrity and corruption prevention policies;
  - enhancing awareness of the integrity standards among the employees and beneficiaries of public services (for example, by dissemination of legal

provisions and internal regulations or procedures relating to integrity standards, evaluating the employees' knowledge of legal norms concerning the integrity etc.);

- consolidating fight against corruption through criminal and administrative means (for example, by improving the means of defending the reputation of the magistrates and the independence of the judiciary, as well as informing the judiciary about them; by publishing the information on confiscation measures applied etc.).

64. The SCM is responsible for monitoring the implementation of measures stipulated in the integrity plan, preparing annual reports on this matter and informing the Technical Secretariat of the NAS on its implementation.
65. Further, in relation to the prevention of risks for the integrity of judges and prosecutors, in the course of 2018 the SCM received and responded to several requests for opinion on possible incompatibilities and interdictions. In particular, the authorities report a total of 52 decisions taken in 2018 in relation to independence, impartiality and professional reputation of judges and prosecutors, of which 11 were admission decisions and 35 were rejections. In the remaining six cases the SCM requested withdrawal or renunciation.
66. To increase awareness of legal provisions and regulations/procedures regarding the integrity standards, the SCM disseminated to central prosecutorial and judicial bodies, as well as courts and prosecutor's offices, the "Guide concerning the completion of the declarations of assets and interests" and the "Incompatibilities and conflicts of interest guide" developed by the NIA, as well as several SCM recommendations. The authorities also report that at its meeting on 11 December 2018, the NAS Implementation Working Group approved the questionnaire on assessing the knowledge of legal norms on integrity, and decided to transmit it to different institutions within the judiciary to be filled out by all relevant professionals. The results of this assessment are planned to be included in the Report on the implementation of the inventory of the institutional transparency and corruption prevention measures in the judiciary in 2018.
67. In relation to the second part of this recommendation, the Romanian authorities refer to one of the objectives of the NAS for 2016-2020, namely to improve the capacity of dealing with management failures by interconnecting the existing tools for early identification of institutional risks and vulnerabilities. Measures envisaged for achieving this objective include the evaluation of managerial plans by the competition commissions, in the light of the accountability criteria and integrity standards. A series of training activities on judicial management were organised in the course of 2018 for this purpose. Further, the authorities report that the Judicial Inspection continues assessing the fulfillment of management objectives through the observance of the procedural norms in resolving cases, or by the heads of courts and prosecutor's offices, regarding the possible occurrence of integrity incidents among subordinate staff. Thus, in 2018, the Judicial Inspectorate carried out 19 such controls, of which 12 concerned courts and seven were carried out within the prosecutor's offices.
68. GRECO takes note of the above information and welcomes the adoption by the SCM of the Integrity Plan of the judiciary, putting in place several awareness-raising measures relating to preventing and combating corruption. Thus, the implementation of the first part of this recommendation appears to have advanced further, as the SCM has enhanced its analytical and advisory role. However, as to the second part of the recommendation, the information provided by the authorities refers to training and awareness raising in respect of managers at courts and prosecution services, but fails to demonstrate how the role and effectiveness of

those performing managerial functions at the head of courts and public prosecution services have been enforced. The authorities also focus on activities of the Judicial Inspection in overseeing the observance by heads of courts and prosecutor's offices of procedural norms and fulfilment of management objectives, which does not respond to the content of the recommendation. The second part of this recommendation has been addressed only partly.

69. Overall, GRECO concludes that recommendation xi remains partly implemented.

*Corruption prevention in respect of prosecutors specifically*

**Recommendation xiii.**

70. GRECO recommended that the procedure for the appointment and revocation for the most senior prosecutorial functions other than the Prosecutor General, under article 54 of Law 303/2004, include a process that is both transparent and based on objective criteria, and that the Supreme Council of Magistracy is given a stronger role in this procedure.
71. GRECO recalls that in the Compliance Report this recommendation was not implemented. The authorities reported several draft legal amendments intended to address the need to decrease the significant role of the executive in appointing most senior prosecutors and to safeguard the prosecutors from undue political pressure. However, by the time of the adoption of the Compliance Report, these amendments had not been adopted. What is more, the legislative process relating to reforms in the judiciary and prosecution had become increasingly controversial, enhancing the risks of jeopardising the independence and impartiality of the prosecution service.
72. The Romanian authorities now report that following the amendments adopted through Law no. 242/2018 (promulgated on 20 October 2018), Article 54 of Law no. 303/2004 on the status of judges and prosecutors reads as follows:

**Art. 54 of Law no. 303/2004, as amended:**

*(1) The General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, the first deputy and deputy, the Chief Prosecutor of the National Anticorruption Directorate, his deputies, the Chief Prosecutor of the Directorate for the Investigation of Organized Crime and Terrorism, his deputies as well as the chief prosecutors of sections of these prosecutors' offices, are appointed by the President of Romania, at the proposal of the Minister of Justice, with the opinion of the Prosecutor's Section of the Superior Council of Magistracy, among the prosecutors who have a minimum seniority of 15 years in the position of judge or prosecutor, for a period of three years, with the possibility of re-investing once.*

*(1<sup>1</sup>) In order to formulate the proposals for the appointments in the management positions stipulated in para. (1), the Minister of Justice shall organise a selection procedure on the basis of an interview in which the candidates present a project on the exercise of the duties specific to the management position for which they have applied. In order to ensure transparency, the hearing of candidates is broadcasted live, audiovideo, on the web page of the Ministry of Justice, recorded and published on the Ministry's web page.*

*(2) The provisions of art. 48 para. (10) – (12) shall apply accordingly.*

*(3) The President of Romania can refuse, in a reasoned manner, only once, the appointment to the management positions stipulated in para. (1), making the reasons for the refusal known to the public.*

*(4) The revocation of the prosecutors from the leading positions provided in para. (1) shall be made by the President of Romania, at the proposal of the Minister of Justice, which may act ex officio, at the request of the general assembly or, as the case may be, of the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice or of the chief prosecutor of the National Anticorruption Directorate or of the Directorate for the Investigation of Organised Crime and Terrorism, with the opinion of the Section for Prosecutors of the Superior Council of Magistracy, for the reasons set out in art. 51 para. (2), which shall apply accordingly.*

*(5) From the date of termination of the mandate in the management position, the prosecutors stipulated in paragraph (1) regain the professional grade of execution and the salary corresponding to this, previously obtained, or those acquired as a result of the promotion, under the law, during the activity in the Prosecutor's Office attached to the High Court of Cassation and Justice, in the National Anticorruption Directorate or in the Directorate for the Investigation of Organized Crime and Terrorism.*

73. GRECO takes note of the information submitted by the Romanian authorities. GRECO notes the introduction of live broadcasting of hearing of candidates to senior prosecutorial positions and placing of recordings of these interviews on the website of the Ministry of Justice, which are steps towards enhancing the transparency of the selection process.
74. GRECO notes that the wording of Article 54 of Law no. 303/2004, presented by the Romanian authorities in March 2019<sup>14</sup> which envisaged seeking of the opinion of the Plenum of the SCM for senior prosecutorial appointments,<sup>15</sup> has again been changed by the GEO no. 12/2019 of 5 March, back to the earlier version of this Article, which requires the opinion of the Prosecutor's Section of the SCM. While the reverse to the previous wording of this provision alleviates some concerns over the reduced role of the Prosecutor's Section of the SCM in the appointment of senior prosecutors, the current wording does not take into account the relevant observations of the Venice Commission,<sup>16</sup> e.g. that the new system [of appointment of top prosecutors], allowing the President to refuse an appointment only once, makes the role of the Minister of Justice in such appointments decisive and weakens, rather than ensures, checks and balances.
75. GRECO is concerned that the ultimate authority for recruitment decisions in the judiciary remains with the executive, i.e. the Minister of Justice. Further, this already uneven distribution of decision-making roles is exacerbated by limiting the President's right to refuse appointment of proposed candidates to only once on the grounds of opportunity.<sup>17</sup> Overall, the recommendation to give the SCM a stronger role in the procedure of appointment and revocation of the most senior prosecutors has not been implemented.
76. As regards the process based on objective criteria, GRECO notes that an interview to present a project on the exercise of duties specific to the senior prosecutorial position only informs the candidates of the methodology used in the selection procedure. No information is provided in law as to the criteria applied in the assessment of such interviews. The authorities provided no further clarification in this respect, so GRECO concludes that this part of the recommendation has not been implemented.
77. In addition to comparative analysis of the previous and newly adopted legal provisions relating to appointment and revocation of most senior prosecutors, GRECO takes the view that their impact should be analysed in the light of the on-going tense political context surrounding the reform of the judiciary in general, and action against corruption in particular in Romania.

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<sup>14</sup> Contained in the authorities' comments to the Compliance Report, received on 4 March 2019

<sup>15</sup> Introduced through the GEO no.7/2019 of 20 February 2019

<sup>16</sup> See the Opinion of the European Commission for Democracy through Law on amendments to Law No. 303/2004 on the statute of judges and prosecutors, Law No. 304/2004 on judicial organisation and Law No. 317/2004 on the Superior Council of Magistracy, accessible via the following link: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2018\)017-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2018)017-e).

<sup>17</sup> As per the Decision no. 358/2018 of the Constitutional Court of Romania, the right of the President to refuse appointment of proposed candidates is limited to once-per-appointment basis ("...one presidential veto is limited to the refusal of a single appointment proposal...")

78. In light of the above, GRECO concludes that recommendation xiii remains not implemented.

### **III. CONCLUSIONS**

79. **In view of the foregoing, GRECO concludes that Romania has now implemented satisfactorily or dealt in a satisfactory manner with four out of the thirteen recommendations contained in the Fourth Round Evaluation Report.** Three of the further recommendations are partly implemented and six remain not implemented.
80. More specifically, recommendations v, vii, x and xii have been implemented satisfactorily, recommendations ii, viii and xi are partly implemented, and recommendations i, iii, iv, vi, ix and xiii are not implemented.
81. With respect to members of parliament, there is very limited progress since the adoption of the Compliance Report: no review has been undertaken regarding the rules and practices of the legislative process. In spite of GRECO's appeal to use the emergency procedures as an exception in a limited number of circumstances, the authorities continued resorting to GEOs for adopting important legal amendments, which does not allow for comprehensive consultation with relevant stakeholders and excludes a parliamentary process. Further, no effective mechanism to enforce the code of conduct of parliamentarians has been set up. The scope of the incrimination of conflicts of interest remains limited and does not promote preventing or managing situations, which could become a criminal offence. No specific arrangements have been made to clarify situations, other than incompatibilities, which would trigger the application of the disciplinary provision (Article 19 of Law no. 96/2006 on the Statute of Deputies and Senators). A robust set of restrictions on gifts for parliamentarians has not been introduced and is still needed. In addition, the application of sanctions for members of Parliament, who were found incompatible or in conflict of interest following a final court decision, remains ineffective in practice. No significant developments have taken place concerning the implementation of rules regulating the engaging with lobbyists and other third parties seeking to influence the legislative process. Further, GRECO notes the review of the system of immunities by the Chamber of Deputies and the introduction of criteria and grounds for lifting parliamentary immunity, and calls upon the authorities to adopt similar provisions in respect of the Senate, and ensure their effective implementation. Finally, Romania has not introduced a dedicated function of counselling for the members of Parliament.
82. GRECO is concerned over the continuing political tensions in Romania over the reforms in the justice system, with its potentially detrimental consequences to combating corruption.<sup>18</sup> The most recent attempts of the Romanian authorities to reduce the statute of limitations for certain corruption offences,<sup>19</sup> if adopted into law, will seriously undermine the fight against corruption in practice. GRECO notes that the adoption by the SCM of the Integrity Plan of the judiciary puts in place some awareness-raising measures relating to preventing and combating corruption.

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<sup>18</sup> GRECO also notes with regret that the recent publication of classified protocols concluded between the National Prosecutor's Office and Romanian Intelligence Service raised questions as to the independence of the prosecution and the admissibility of evidence obtained in numerous anti-corruption cases, thus undermining the credibility of previously highly-praised anti-corruption efforts. GRECO refers to the Constitutional Court decision No. 26/2019 of 16 January 2019, where it is noted that such practices infringe upon the legal security of citizens and ordered all prosecutors' offices and courts of the land to verify in all pending trials if criminal procedural rules have been observed and "to take appropriate legal measures".

<sup>19</sup> <https://www.nineoclock.ro/2019/04/24/bills-amending-criminal-code-criminal-procedure-code-clear-the-chamber-of-deputies/>

However, the role and effectiveness of those performing managerial functions at the head of courts and public prosecution services still remains to be strengthened.

83. Further, the need to have objective selection criteria when appointing and dismissing prosecutors, and the need to enhance the role of the SCM in the process, have not been addressed. In fact, the recent amendments to relevant legal provisions, and the recent jurisprudence of the Constitutional Court,<sup>20</sup> have further increased the role of the executive in the appointments of senior prosecutorial functions and weakened the role of the SCM, to the detriment of checks and balances. While there are no common standards regarding the independence of the prosecution, GRECO is increasingly concerned over the practical consequences of legislative amendments relating to top prosecutors in Romania. The continued attacks by political actors on top prosecutorial functions, the dismissal of the Head of the National Anti-Corruption Directorate, and an attempt to dismiss the Prosecutor General, only strengthen the suspicions as to the genuine objectives of these legislative amendments, adopted through a procedure falling short of the rule of law standards (GEOs).
84. In the light of the above, GRECO concludes that the level of compliance with the recommendations remains “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. Pursuant to paragraph 2(i) of Rule 32 of the Rules of Procedure, GRECO requests the Head of Delegation of Romania to provide a report regarding the action taken to implement the pending recommendations (i.e. recommendations i, ii, iii, iv, vi, viii, ix, xi and xiii) by 30 June 2020.
85. Moreover, in accordance with Article 32, paragraph 2, sub-paragraph (ii.a), GRECO instructs its President to send a letter, with a copy to the President of the Statutory Committee – to the head of the Romanian delegation, drawing his/her attention to the non-compliance with the relevant recommendations, the inclusion of outstanding recommendations from the Follow up Report to the Ad hoc Report (Greco-AdHocRep(2019)1) on Romania under Rule 34 into the on-going Compliance Procedure under the Fourth Evaluation Round, and the need to take determined action with a view to achieving tangible progress as soon as possible.
86. Finally, GRECO invites the authorities of Romania to authorise, as soon as possible, the publication of the report, to translate the report into the national language and to make this translation public.

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<sup>20</sup> Decision no. 358/2018 of the Constitutional Court of Romania