



**Factual findings report**  
National Integrity Agency

External audit of ANI management for 2018

May 2019

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## Executive Summary

### Introduction

National Integrity Agency (hereinafter "ANI", "the Agency") has engaged SC Deloitte Audit SRL (hereinafter "Deloitte") according to contract no. 3333 from March 5, 2019 and addendum no. 1 / 27.03.2019 (hereinafter "the Contract") to perform the external audit on ANI's management, as required in art. 32 paragraph (1) of Law no. 144/2007 and the provisions included in Law no. 176/2010 on the integrity in exercising public functions and dignities, for the amendment and supplementation of Law no. 144/2007 on the establishment, organization and functioning of ANI and for the amendment and supplementation of other acts of legislation (hereinafter "Law no. 176/2010").

The agreed work phases in the Initial Report for performing the engagement were:

- Understanding the engagement's scope;
- Planning the work program;
- Performing the work program;
- Forming the conclusions and drafting the factual findings report.

### Engagement's objectives and applicability area

The evaluation of the quality of ANI's management was performed during March 1 - 16<sup>th</sup> of April 2019, by a team of Deloitte qualified professionals, based on interviews, examination of documentation and detailed tests.

During the engagement, Deloitte's team performed the fieldwork in close cooperation with ANI representatives, in order to achieve the goals stated in the technical public procurement tender documentation

The project was performed in accordance with:

- The terms of reference included in the technical offer "External audit of ANI's management for the year 2018", Appendix to the Contract;
- International Standards on Related Services (ISRS) – 4400 Engagements to perform agreed – upon procedures;
- Legal framework applicable to ANI.

The reference period for this report is the year 2018 exclusively, unless otherwise mentioned.

### Procedures performed and factual findings

We have planned and performed the verifications in accordance with the objective and scope of this engagement, and with the agreed-upon procedures, as they are detailed in Chapter 3 – "Approach" of this Report. All the procedures detailed in Chapter 3 have been performed in accordance with the terms agreed within the Contract.

Following the agreed upon procedures performed, we obtained sufficient and appropriate evidence to draft a factual findings report in accordance with the International Standards on Related Services (ISRS) – "4400 Engagements to perform agreed – upon procedures". The procedures performed during this engagement are neither a financial audit, nor a review and thus we do not express any assurance regarding the performance of ANI management and financial statements for the year ended December 31, 2018.

Observations identified in 2018

Total observations with major impact	1
Total observations with medium impact	3
Total observations with minimum impact	17*

\*9 comments aim best practices regarding protection of personal data 2018 is the first year for personal data procedures to be implemented in accordance with the General Data Protection Regulation (thereafter called "GDPR"). The institution's core activities do not fall under GDPR; our observations concern the personal data protection activities that need to be implemented within the Agency's internal administrative work, for example with regard to employees and/ or representatives (or contacts) of the contractual partners.

We have also assessed the remediation status of the deficiencies identified during the external audit of ANI management for the years 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 as well as the implementation status for the measures within the Action Plan for the implementation of the Strategy for control and prevention in Accumulating Unjustified Assets, Conflict of Interest and Incompatibilities.

The remediation status of the deficiencies formulated in the factual findings report for the years 2009 – 2017 is presented within the table below:

Total number of deficiencies for which the recommendations have been implemented	24
Total number of deficiencies for which the recommendations have been partially implemented	13
Total number of deficiencies for which the recommendations have not been implemented	18*

\* 5 of the recommendations that were not implemented are related to the "Prevent" system changes. The Analysis and Prevention Service of the Integrity Inspection Department has submitted the requests for amendments and currently they are under review by the parties responsible for this.

## Findings

The results of the application of the agreed-upon procedures performed according with the International Standards on Related Services (ISRS) – 4400 Engagements to perform agreed – upon procedures, are presented within this report.

Following the assessment of ANI's activity performed during the year 2018, we have identified ANI's functionality parameters, which are based upon ANI's management efforts made because of the changes at the management level, efforts to improve the processes and to increase the efficiency of the activity in order to achieve the objectives planned. The results were as follows:

- Continued efforts to implement the Strategy for Preventing and Sanctioning Conflicts of Interest, Incompatibilities and Unjustified Wealth for the period 2016-2020 and ANI Integrity Plan for the implementation of the National Anticorruption Strategy 2016-2020;
- ANI became the beneficiary of the "LINC - Increasing the Capacity of Central Public Administration to Prevent and Identify Cases of Conflicts of Interests, Incompatibilities and Unjustified Assets" project, a project developed in partnership with Transparency International Romania (project financed through the Operational Capacity Administrative Program)
- Achieving a 67% status on the "implemented" and "partially implemented" status of the performance improvement recommendations
- The involvement of ANI in projects of technical assistance and the continuation of the export of good practices related to the Romanian system of wealth and interests declarations and the process of implementing the objectives established by the Cooperation and Verification Mechanism was continued.
- Continuing awareness and education activities, with several training sessions dedicated to optimizing the process of completing wealth and interest declarations and by establishing collaboration protocols with the National Institute of Administration (INA), the National School of Political and Administrative Studies (SNSPA) and the National Institute for Public Administration Studies and Research (INSCAP).

Areas where remediation actions are still required from management addresses the following aspects, noted as result of the verification performed:

- Agency lacks an entire spectrum of competences required to manage the systems/technologies it is currently using. Consequently, continuity in managing and operating the IT systems depends on the services provided by external suppliers.
- Work and storage space is insufficient;

May 09, 2019

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For signature please refer  
to the Romanian version

## 1. Objectives and Scope of the Project

According to the Contract, engagement's specific objective, as defined in the Tender Documentation, is to add value, by taking an objective picture of the real activities performed within ANI, and improve the overall National Integrity Agency management.

## 2. Project approach

Based on the project's specific objectives, we performed the engagement in four phases, as follows:

1. Planning the engagement;
2. Developing the work program;
3. Performing the work program;
4. Reporting results.

### 2.1 Planning

During the planning phase, we performed the following steps:

- Drafted the preliminary request for information;
- Organized the „kick-off meeting“;
- Determined the professional standards applicable to the engagement;
- Obtained the necessary information for designing the evaluation program and for the preliminary analysis of the risks identified in this phase.

On March 11, 2019, before the beginning of the fieldwork, we organized, at ANI's headquarters, a kick-off meeting with the following results:

- Presenting the team members involved in the project, both from ANI's side and Deloitte's side, and their responsibilities;
- Agreeing the deadlines for performing the procedures and for reporting;
- Agreeing the communication protocol between Deloitte and ANI team throughout the project.

### 2.2 Developing the engagement plan

In this phase, we assessed the internal procedures and controls in order to plan the evaluation. Based on the analysis of the documents made available to us, we developed the verification plan following the structure presented below:

- **Identifying the areas subject to verifications**, including the main activity directions of ANI (verifying the assets, conflict of interest and incompatibilities) as well as the support activities (internal audit, finance, legal, human resources and public relation).
- **Drafting the interview plan in order to identify the specific risks**, including the format and the content of the interview templates with the relevant personnel.
- **Identifying the verification techniques to be used** through:
  - The preliminary analysis of the decision making process, of the actions taken during the year 2018 in order to use these in the sampling process; based on this analysis, we drafted the testing strategy so that the processes under evaluation are relevant for the scope of our project;
  - Asserting the format and content of the detail testing.

By the end of these two phases, on March 19, 2019, we delivered the Initial Report to ANI's management for approval, in which we made a presentation of the verification procedures applicable to each ANI structure, sampling methodology and engagement planning phases.

## 2.3 Executing the verifications procedures

During this phase, we performed the procedures agreed upon with ANI management that included tests and interviews in order to conclude whether policies, procedures and systems are compliant with national legislation in force, as well as best practices in the area.

The verification procedures have been performed on a sample of management actions and in several stages, as follows:

- Acknowledging and understanding the internal regulations and procedures

During this phase we analyzed the Internal Organization Manual approved by ANI President through Order no 7962/4.05.2016 regarding the reorganization of ANI by comparing its provisions to Law no 144/2007, as well as with the provisions of Law no 176/2010 regarding the integrity in the exercise of public functions and dignities for modifying and completing Law no 144/2007 on the establishment, organization and functioning of ANI and to amend and supplement other regulations (hereinafter "Law no 176/2010"), we became familiar with the internal operating regulations and procedures, we identified the responsibilities for each department, tasks allocation, compliance with applicable laws, etc.

We mention that the Internal organization manual is the document that sets up ANI's organizational structure, the duties, tasks and responsibilities of ANI's employees. The document is approved through an Order issued by the President and is in conformity with the provisions included in Law 144/2007, art 6 paragraph 4.

Please refer to Appendix 1 for a complete list of the operating procedures examined

- Evaluation of the primary documents (procedures, internal regulations, orders, internal notes, minutes, evaluation guidelines, etc.), in order to understand the significant terms and conditions, both individually and globally, for:
  - Assessing their area of applicability, and
  - Assessing the accuracy and operating effectiveness of the procedures.
- Investigation, confirmation and specific detail tests
  - Investigation consists of obtaining the information from competent persons within ANI through interviews.
  - Confirmation consists of obtaining the answers as result of an investigation in order to corroborate it with the information from existent procedures.
  - The detailed tests consist of assessing how the institution records its operations for each process

### a. Sampling

Based on the understanding of ANI's working procedures and internal processes, we selected a sample of management actions from each department in order to assess compliance with the legislation in force and ANI's internal procedures/manuals/regulations applicable to each organizational unit. In determining and selecting the sample, we considered each department's specific activity and, where considered necessary, we stratified the population in order to ensure the evaluation of a much representative area of management actions for the respective department.

The sampling methodology specific to each structure, and agreed with the Agency's management, in line with the provisions of the International Standards on Concurrent Services (ISRS) 4400 Engagements to Perform Agreed-upon Procedures, was applied following the rule below:

Total population (number of iterations of control activities)	Sample size
Over 350	25
52-350	15
13-51	5
5-12	2
1-4	1

Please refer to Chapter 6 and Chapter 7 for details regarding the sampling methodology used for each department, agreed in the Initial Report.

- b. Evaluation of the quality of management - verification of the adequacy of the following elements
  - the way the management of ANI manages the managerial tasks on the selected sample;
  - applying procedural rules:
    - formalizing and observing procedural steps;
    - use of standard documents;
    - documentation of the analysis and evaluation indicators;
  - reporting chart;
  - the document circuit;
  - operational procedures;
  - attributions and responsibilities, delimitations and delegations of competence, diagrams of relations, clearly formulated in the Organization and Operation Regulations;
  - how to manage and instrument the decisions;
  - compliance with regulatory obligations;
  - compliance with deadlines;
  - workload of the staff.

The details of the items to be verified were established based on the audit trails and the applicable procedure manuals, depending on the specific situation.

- c. Verifying the IT system to assess the extent to which the IT system responds to the needs arising from the specific tasks the ANI has to fulfill.
- d. Verifying the process of protecting individuals with regard to the protection of personal data.

## **2.4 Reporting**

Following the evaluations made, Deloitte submits to ANI management this factual findings report containing the deficiencies identified regarding internal processes and/or procedures applicable at the Agency's level, as detailed in Chapter 6 – IT system evaluation and Chapter 7 – Work methodologies specific to each verified area.



### 3 Implementation Status of Action Measures Corresponding to ANI Strategy for the prevention and sanctioning of conflicts of interest, incompatibilities and unjustified assets (2016 – 2020)

The National Integrity Council approved, by Decision no. 4 of June 14, 2016, the "Strategy for Prevention and Punishment of Conflicts of Interest, Incompatibilities and Unjustified Assets (2016-2020)".

For the period January 1, 2016 – December 31, 2018 we have followed the status of the measures assumed in the Strategy for the prevention and sanctioning of conflicts of interest, incompatibilities and unjustified assets (2016-2020).

Following the tests performed for determining the degree of measures' implementation status corresponding to ANI Strategy for control and prevention regarding accumulation of assets, conflict of interest and incompatibilities, the following statistics resulted:

<b>Total measures</b>	<b>Implemented</b>	<b>Partially implemented</b>	<b>Not implemented</b>
<b>56</b>	36	16	5

Please refer to Appendix 2 for a detailed analysis of the progress related to the measures taken by the new strategy.

## 4 Remediation status for deficiencies identified during the verifications for the periods 2009-2017

Following the tests performed to determine the extent to which the observations identified as result of the 2009 - 2017 verifications were corrected, the statistics of the implementation status for the observations on 31 December 2018 are presented below:

Directorate/ Department	Total number deficiencies	Stage		
		Implemented	Partially implemented	Not implemented
PREVENT	9	3	1	5*
Information Technology Department	16	3	6	7
Integrity Inspection	5	3	2	-
Internal Public Audit Department	2	1	-	1
Human Resources Department	4	4	-	-
Economic Directorate	3	3	-	-
Communication, Public Relations and Strategy Directorate	4	1	2	1
Systemic observations	3	-	1	2
Managerial internal control system	5	4	1	-
Activity on the National Anticorruption Strategy	3	2	-	1
Archive	1	-	-	1
Total	55	24	13	18

\* The status is influenced by the lack of response from the service provider for the PREVENT system

For details on the corrected / partially corrected observations, please refer to the IT System Evaluation, chapter 5 and the Working Methodologies of each verified area, chapter 6.

## 5.IT System Evaluation

The IT system procedures consisted of evaluation of applications and processes that sustain their operation, as follows:

1. We evaluated the integrated Information System for the Management of Declarations of Assets and Interests (**SIMIDAI**), its functionalities and the related infrastructure, as well as the process of data recovery and the related risks, in order to assess the way in which the IT system responds to the necessities derived from the specific tasks ANI has to fulfil.
2. We have performed verifications on the **SAP ERP** IT system, designed for the Agency's support activities, as well as on the operating of the application's security controls, the databases and operating systems.
3. We have performed verifications on the **PREVENT** IT system and the operating of the application's security controls, as well as the databases and operating systems. The Prevent system has a preventive role, identifying the conflict of interest cases during SEAP offences.

In order to test and evaluate the IT environment, we covered the following phases:

- Understanding ANI's IT system;
- Establish the evaluation criteria and develop the testing plan;
- Performing and documenting the tests;
- Defining the identified deficiencies.

In order to understand ANI's IT system we attended interviews organized to present and discuss the system functionality with IT Department representatives and with the team that provides the services for designing, administration, analysis and development of the IT system on behalf of the external partner responsible for these services.

This report includes the factual findings from the verifications carried out on ANI's IT system and is based on:

- The information and documentation made available by the employees of the Information Technology Department;
- Analysis of the daily activities performed by the IT Department;
- Visiting and checking the locations where the hardware serving ANI's software and infrastructure is installed.

### IT environment and management of IT systems security evaluation

We verified the manner in which IT systems architecture and structure answer the needs of their operation from the point of view of sufficient internal control implementation possibility.

The IT system verification comprised the following steps:

- Verification of the adequacy and operational effectiveness of IT system general controls;
- Review of the IT system;
- Perform a diagnosis of IT environment security.

Verifications of the IT general controls comprised the identification of the potential risks that might adversely affect the functioning of the application, as well as the evaluation of the control elements designed to mitigate these risks.

During our system verification activities, we paid close attention to the evaluation of the:

- functionalities of the integrated IT system;
- process of data recovery and related risk assessment;
- critical areas and data to be recovered;
- documentation and recovery procedures;
- the roles of the personnel involved in the data recovery process.

### IT systems functionalities evaluation

For the applications in scope, we evaluated the initial end-users requirements as they were submitted by the beneficiary. Based on these requirements, as well as the most common end-user issues we verified how applications meet the requirements.

The verification procedures for the Agency's IT system consisted of evaluating the applications and processes supporting their operation.

We also analyzed the integrated IT system for managing assets and interest statements (SIMIDAI), PREVENT and DMS and their functionalities, as well as the process of data recovery and related risks, in order to appreciate how they respond to the needs emerging from the specific tasks ANI has to fulfill.

The Information Security Management System used by the Agency went through a successful re-certification process in 2016 according to ISO 27001:2013. Governed by the provisions of Standard ISO 27001:2013, ISMS offers better control to the Management on the information flow within the Agency and can provide a unitary management of the matters related to IT security through the active control of internal resources and processes.

## Findings

Following the evaluation of the operating procedures and based on the methodology applied, the following deficiencies have been identified, which affect the following areas:

- Business continuity;
- Maintenance and support services provided by external suppliers;
- Logical and physical security;
- Change management process.

In addition, following the verifications performed, we found that the Agency lacks an entire array of competences necessary to manage the systems/technologies it is currently using. Consequently, continuity in managing and operating the IT systems depends on the services provided by external suppliers. During 2018, we noted that there was no continuity of contracts with IT and related service providers for the Agency's applications.

In conclusion, we noted that, apart from three deficiencies identified in previous years, which were remediated, for the other thirteen, the Agency is still in the process of implementing corrective measures to fully eliminate the risks identified by the Deloitte team regarding the IT environment and management of the IT systems security.

## 6. Work Methodologies specific to each verified area

Following the evaluation of the activity performed during 2018, we noted a continuation of management's efforts for processes improvement and for the efficiency of the activity performed in order to achieve the planned objectives.

### **Follow up the remediation of the observations identified for the period 2009-2017**

The following systemic deficiencies below **have been remediated**:

- *Lack of monitoring the degree of implementation of all measures defined in the Integrity Plan.*

During 2018 was defined a process to monitor the degree of internal measures implementation in order to track the implementation of objectives included in the Integrity Plan.

- *The particular responsibilities of the people appointed for SNA implementation are not presented into a formalized work procedure.*

During 2018, the procedure "PS 14 / SCM The activity for monitoring the measures of ANI Integrity Plan for implementing the National Anticorruption Strategy 2016-2020" was defined, which includes the responsibilities of the persons designated for SNA implementation.

### **The following systemic deficiencies below have not been remediated:**

- *ANI's integrity plan for implementing SNA 2016-2020 includes evaluation indicators for assessing the degree of implementation of the measures defined for achieving objectives, but they are not measurable in all cases or reported relative to a reference system in order to allow an objective evaluation*
- *Employee training sessions on SAP use have not been conducted.*

### **The following systemic deficiency below have been partially remediated:**

- *Observations on the Strategy level for prevention and punishment of conflicts of interest, incompatibilities and unjustified assets (2016 - 2020):*
  - *Indicators for tracking measures are not SMART and in some cases they are incomplete;*
  - *Deadlines are not correlated with the objective measure;*
  - *Not all risks have been identified.*

#### **a. ANI Management**

We have analyzed the responsibilities of ANI President and Vice-President as stated in the ANI Internal Organization Manual approved by ANI President through Order no 7962/04.05.2016.

We noted a high level of communication was maintained at Agency management level through weekly management meetings that facilitate the process of identification of possible cross-functional issues and best solutions agreed upon.

#### ***President, Vice-president and General Secretary***

ANI's leadership fulfill their responsibilities based on the provisions of the Law 144/2007, the Law no 176/2010 regarding the integrity and dignity in the exercise of public functions for modifying and

completing Law no 144/2007 on the establishment, organization and functioning of ANI and to amend and supplement other regulations and the ROF.

ANI's General Secretary is the person designated to coordinate and monitor ANI's Integrity Plan for the implementation of the National Anticorruption Strategy 2016-2020, approved by ANI's President Order 6476 / 12.05.2018. We have reviewed the narrative report on the work of the National Integrity Agency to implement the targets set by the NAS for 2018 together with the monitoring report on the implementation of the Integrity Plan objectives.

Regarding the status of implementing the action measures corresponding to the Strategy for preventing and sanctioning conflicts of interests, incompatibilities and unjustified assets (2016 - 2020), 91% of the measures defined for achieving the objectives have been either implemented or partially implemented, ANI's leadership being actively implicated in this process.

In 2018, no discrepancies have been identified between the practical activity and the Internal organizational manual provisions regarding the positions of President, Vice-president and General Secretary.

## **b. Integrity Inspection Directorate**

During 2018, the Integrity Inspection the activity was carried out under the provisions of Law no. 176/ 2010 on integrity in the exercise of public functions and dignities, amending and completing Law no. 144/ 2007 on the establishment, organization and functioning of ANI, as well as for the modification and completion of other normative acts, published in Official Monitor no. 621/ 02.09.2010, and under the provisions of Law no. 184/ 2016 re the establishment of a mechanism to prevent conflicts of interest in the procedure for awarding public procurement contracts.

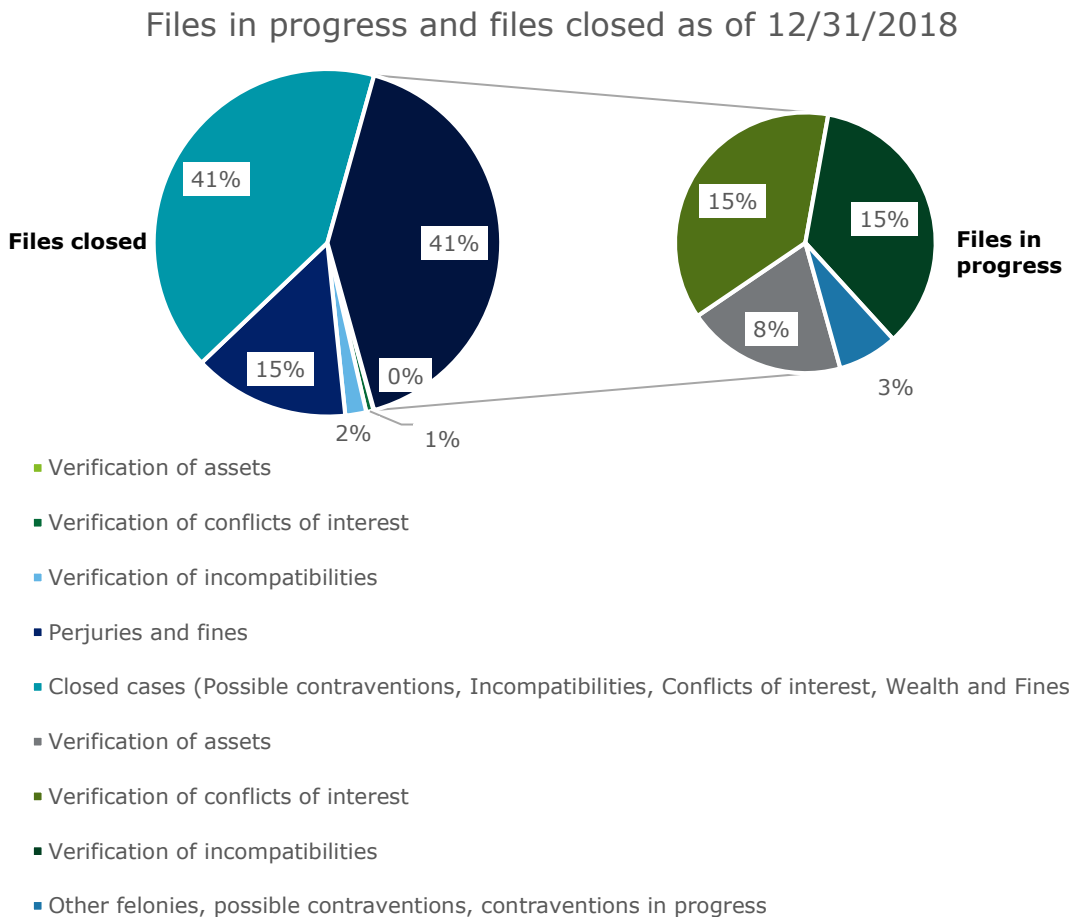
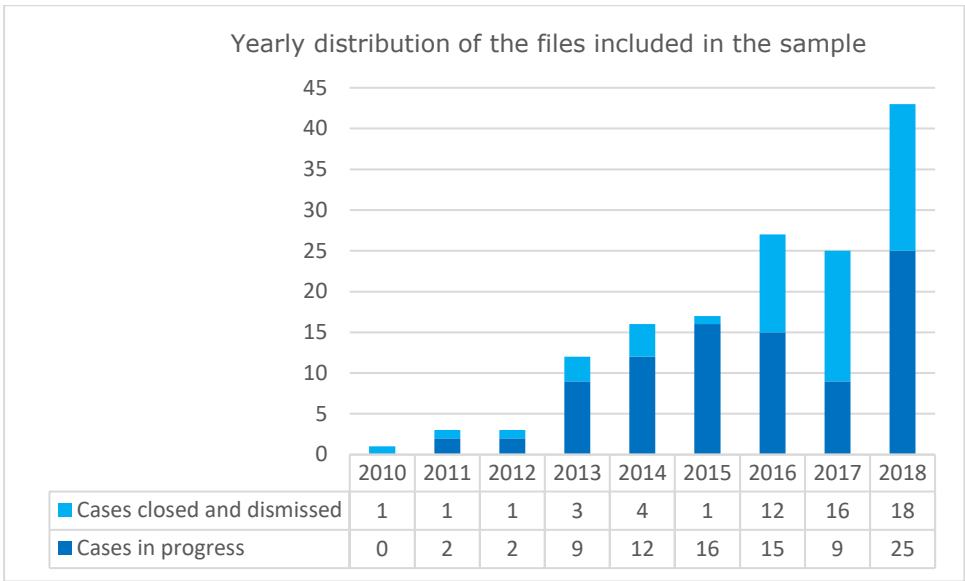
In order to evaluate the management activities within the Integrity Inspection, we selected a sample based on the following procedure agreed upon with ANI's Management:

- a) We requested the statistics regarding the number of causes verified by ANI in 2018, based on the following structure: files closed and in progress, files dismissed and files reallocated as of December 31, 2018. With respect to settled files, we requested their breakdown in the following categories: wealth, penal conflicts, administrative conflicts, incompatibility, money laundering, fines; with regards to files in progress, we inquired their breakdown in the following categories: unjustified wealth, conflicts of interest, contraventions, incompatibility, possible contraventions;
- b) based on the statistics we determined the size of the sample subject to analysis;
- c) we have requested the list of the causes which were subject to ANI's evaluation procedures in 2018;
- d) Based on the list of causes, we randomly selected the sample of files subject to verifications.

Following the procedures presented above, a sample of 147 causes (146 unique files) resulted, as follows:

<b>Number of cases closed in 2018 ( January 1<sup>st</sup> – December 31) <sup>1</sup></b>	<b>Population</b>	<b>Sample size</b>
Verification of assets	5	2
Verification of conflicts of interest	55	15
Verification of incompatibilities	158	15
Perjury and fines	1178	11
Closed cases (Possible contraventions, Incompatibilities, Conflicts of interest, Wealth and Fines)	3,362	14
<b>Number of cases in progress as of December 31, 2018</b>	<b>Population</b>	<b>Sample size</b>
Verification of assets	665	25
Verification of conflicts of interest	1,251	25
Verification of incompatibilities	1,187	25
Other felonies, possible contraventions, contraventions in progress	249	15

<sup>1</sup> Data is based on the statistics made available by the Integrity Inspection over the during the audit period



The methodology for testing the sample was developed following our understanding and evaluation of the operational procedures. We have analyzed the content of the operational procedures in order to identify the processes within the Integrity Inspection and determine relevant criteria for stratifying the sample base according to the specific activities of the department.

Therefore, the documents contained in the analyzed files were verified according to the steps determined based on the operational procedures regarding the activities of verifying assets, conflicts of interest and incompatibilities, carried out in 2018 by the integrity inspectors.

## Aspects regarding the activity of the Integrity Inspection

### Aspects noted from the analysis of the sample of cases representing the verification of assets

Based on the sampling method described above, we obtained a number of 31 cases regarding the verification of assets, out of which:

- 15 files derived from ANI's ex-officio notification, and
- 16 files derived from notifications submitted by individuals or legal entities.

### Aspects noted from the analysis of the sample of cases representing the verification of conflicts of interest

Based on the sampling method described above, we obtained a number of 44 cases regarding the verification of conflicts of interest, out of which:

- 8 files derived from ANI's ex-officio notification, and
- 36 files derived from notifications submitted by individuals or legal entities.

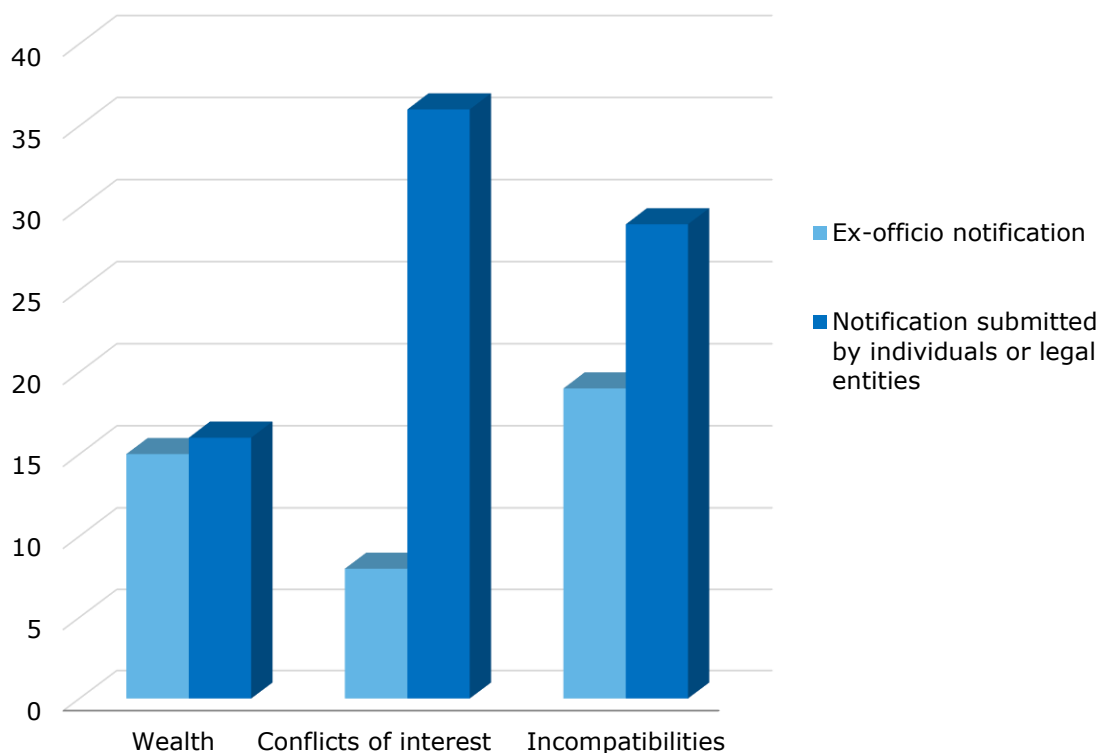
### Aspects noted from the analysis of the sample of cases representing the verification of incompatibilities

Based on the sampling method described above, we obtained a number of 44 cases regarding the verification of incompatibilities, out of which:

- 15 files derived from ANI's ex-officio notification, and
- 29 files derived from notifications submitted by individuals or legal entities.

### Aspects noted from the analysis of the sample of cases representing compliance with legal requirements regarding the timely completion and submission of wealth and interest statements.

Based on the sampling method described above, we determined 28 files representing the verification of compliance with the legal requirements regarding the timely completion and submission of wealth and interest statements.



The activity of the Integrity Inspection is standardized and takes place according to the specific operational procedures, developed in compliance with the provision of Order no. 600/ 2018 regarding the approval of the internal managerial control Code for public entities.



## Follow up on the remediation of the observations identified for the period 2009-2017

We noted that the following deficiencies **were rectified**:

- *Failure to prepare and submit claims to courts for applying fines, in accordance with the provisions of art. 27, par. 1, rep. to art. 15 par. 2, Law 176/ 2010, corresponding to cases in which institutions did not reply to second requests from ANI within 30 days.*

Following our verifications performed for 2018, we did not identify cases in which it was necessary for inspectors to prepare and forward notifications to courts for applying fines, in accordance with provisions of art. 27, par. 1, rep. to art. 15 par. 2, Law 176/ 2010.

- *The result of the evaluation is not communicated in a unitary manner to the applicants, as specified in the procedure.*

Following our tests performed, we did not identify cases in which the result of the evaluation report was not communicated to the applicant within the 5 days term, as mentioned in the operational procedure.

- *The note regarding the evaluation period and prescription term was not prepared*

Among the files initiated in 2018, we did not identify cases where the note regarding the evaluation period and prescription term was missing.

The following deficiencies **were partially rectified**:

- *Procedural acts have not been issued for periods longer than 30 days, in terms of preparing the evaluation report (when the information existed within the file) or submitting other information requests;*

On March 24, 2019 Law no. 54/ 2019 came into effect, for the completion of Law no. 176/ 2010 on the integrity in exercising public functions and dignities, for the amendment and supplementation of Law no. 144/2007 on the establishment, organization and functioning of ANI and for the amendment and supplementation of other acts of legislation , through which under article 25 of Law 176/ 2010, a new paragraph is added, stipulating the following: "Civil or administrative liability, disciplinary, for the facts which determine the existence of conflict of interest or incompatibility of the persons exercising public functions or dignities is removed and cannot be engaged in the circumstances in which the prescription deadline of 3 years from their commencement is exceeded, according to art. 2.517 of Law no. 287/ 2009 regarding the Civil Code, republished and subsequently amended."

Through this amendment, all files that are in progress when Law 54/ 2019 comes into effect, and for which the prescription term mentioned above became effective, will be dismissed.

- *The reminders were not drawn up and sent to the institutions that failed to respond to ANI's initial letters in the 30 days term stipulated in the procedure.*

In 4 cases out of the 147 files selected for verification, we noted that, in 2018, certain institutions to which information requests were sent, did not reply within 30 days, and the integrity inspectors to which the files were allocated, did not perform the necessary steps indicated in the operational procedure.

## New observations identified following the audit for 2018

Following the evaluation of the operating procedures and based upon the methodology the **following deficiency** has been identified at the level of Integrity Inspection in **2018**:

- *Failure to submit on time a letter to NAFA regarding the unpaid minutes ascertaining the minor offense, to register the debt.*

In one of the files selected for testing, we noted that the integrity inspector did not prepare and submit on time (within 90 days) the letter to NAFA regarding the unpaid minutes ascertaining the minor offense, to register the debt

- *No address was send to the petitioner regarding the start of the assessment procedure.*

Within the 147 files selected, we identified five files in which the address regarding the start of the assessment procedure was not sent to the petitioner. The operating procedure does not mention the possibility of transmitting this address at any time during the evaluation.

- *The proposal-to-sanction report was not prepared which results in dismissing the offence.*

Based on the performed tests, we identified that in five cases of possible contraventions, the proposal-to-sanction report was not prepared within the deadline of the operational procedure (6 months from the deadline for submitting wealth and interests statements – 06/15/2018), resulting in the dismissal of the offence. In December 2018, as a result of analyzing the wealth and interest statements submitted to the Agency, it was decided to send addresses on the deficiencies identified in the statements to the heads of the institutions and to the attention of the responsible persons, indicating the legal basis, respectively the deficiencies encountered, to emphasize to the designated persons their attributions according to art. 6 of Law 176/2010. Thus, in December, addresses were sent to 261 institutions, this procedure being finalized in January of 2019, when addresses were sent to 303 institutions.

- *The minute for acknowledgement of the contravention was not published on ANI's website.*

Following our analysis of the files regarding contraventions, we noted that in 2018, in three cases, the sanctioned person did not confirm the receipt of the minute for acknowledgement of the contravention, and the minute was not published on ANI's website, according to the procedure. In two cases, the Tax and Local Taxes Directorate (LTD) confirmed the counterfeit debits and in one case, the acknowledgement of the contravention was communicated to LTD, but the debit confirmation was not received by the date of the audit.

## **Analysis and Prevention Department**

During 2018, the Analysis and Prevention Department functioned under the provisions of Law no. 184/2016 regarding the establishment of a prevention mechanism for conflicts of interest in the procedure of awarding public procurement contracts.

In view of evaluating the management actions within the Analysis and Prevention Department, a sample was selected based on the following procedure agreed upon with ANI's Management:

- a) We requested the statistics regarding all public procurement procedures published in SEAP, that were automatically transmitted to Prevent system in 2017, which were the subject of verification by integrity inspectors of the Analysis and Prevention Department, with the following structure: type of procurement procedure, date of offers submission, number of lots, source of financing, date of completion of the Identity Form, type of awarding contract, type of participation notice, the status of the public procurement procedure
- b) the size of the sample subject to analysis was determined;
- c) the sample of procedures subject to testing was randomly selected, based on the principle of "procedure=lot".

Based on the methodology presented above, a sample of 29 public procurement procedures resulted, corresponding to a number of 172,280 public procurement procedures (lots) which were part of the verification performed by the Analysis and Prevention Service in 2018.

The sample testing methodology was developed as a result of our understanding and evaluation of the operational procedures, of Law no. 184/2016 regarding the establishment of a mechanism to prevent the conflict of interest in the procedure for the award of public procurement contracts and the functionality of the PREVENT system.

We have analyzed the content of the operational procedures regarding the verification of procedures initiated through the public system of public procurement in order to prevent conflicts of interest and other suspicions of irregularities identified in the procedure of awarding public procurement contracts, in order to understand the actions/processes at the level of the Analysis and Prevention Department and to determine the relevant criteria for stratifying the sampling base, in accordance with the functionality of the PREVENT system.

## Follow up on the remediation of the observations identified for the period 2009-2017

We noted that the following deficiencies were **rectified**:

- *The Internal Organization Manual does not include explicit and differentiated responsibilities of the Analysis and Prevention Service with regards to the activities for preventing conflicts of interest and other suspicions of irregularities identified in the procedure for awarding public procurement contracts*

During 2018, The Internal organization manual was updated to include the specific responsibilities of the Analysis and Prevention Service.

- *The minutes for telephone conversations, through which integrity inspectors offer assistance to the representatives of contracting authorities on filling in and the efficient use of the Integrity Form, are not prepared any time the contracting authorities request the helpdesk services offered by the Analysis and Prevention Department, but only in the case when, following discussions, the integrity inspectors identify certain clues of possible conflicts of interest*

Operational Procedure PO 15/II/2017 was revised to include the necessity of preparing the minute for telephone conversations – Appendix 6b, simultaneously with filling in the Appendix 2C by NAPA, only in the cases when possible irregularities are automatically detected.

- *The monthly reports regarding the statistics of procurement procedures managed through PREVENT and sent to the Communications, Public Relations and Strategy Directorate are prepared only when requested by the Department, and not monthly as specified by the procedure.*

The Analysis and Prevention Department prepares monthly reports according to the provision of Operational Procedure PO 15/II/2017.

**The following observations were partially rectified** during 2018, as follows:

- *In 2018, public procurement procedures of the type "Negotiation without an announcement of participation" were conducted, which were allocated for verification to the integrity inspectors through the PREVENT system, even though the legal provisions stipulate that only public procurement procedures carried out through SEAP are subject to ex-ante verifications, for which the Contracting Authorities have the obligation of preparing the Integrity Form. Procurement procedures performed by private companies were also received for analysis. This leads to an inefficient utilization of the Department, which has to clarify these situations even though the inspectors do not perform an analysis of these procedures.*

During 2018, together with the Helpdesk service of the Romania Agency for Digital Agenda, a common effort was made to achieve a unitary approach regarding the support provided to Contracting Authorities in the completion of the Integrity Form. During 2018, public procurement procedures of the type "Negotiation without an announcement of participation" were allocated for analysis to the integrity inspectors through the PREVENT system.

Deficiencies that were **not rectified** during 2018:

- *The algorithm for calculating the score of possible conflicts of interest, which is established automatically by the PREVENT system following the query of ONRC, DEPABD and SEAP databases, is not visible in order to allow its evaluation regarding the degree of adequacy.*
- *The PREVENT system does not allow users to generate monitoring reports of the activity of the Analysis and Prevention Department. During 2017, the monitoring performed quantitative, not qualitative.*

The Analysis and Prevention department sent requests to the IT Department within ANI, concerning the possibility that the system could generate certain reports that would allow visualizing the calculation algorithm of the possible conflicts of interest score. At this moment, the system allows the generation of three types of reports (according to the answer of the IT Department), with the mention that only one

report, “report regarding the canceled procedures”, is completely functional. The other 2 reports, “total procedures and lots”, and “total procedures for which the 5-day deadline was exceeded”, allow the generation of information which, at present, changes every time updates are performed on the systems used through other agencies involved in the process of collecting information (e.g. ONRC – Ministry of Justice, DEPABD – MAI, SICAP – AADR). For the generation of reports relevant to the monitoring of the Analysis and Prevention Department’s activity, an IT expert should update the PREVENT system accordingly, after clearly establishing the requirements of the Analysis and Prevention Department.

- *The PREVENT system does not take over the status of the procedure from SICAP, but from the Integrity Form which is filled in manually by the Contracting Authority.*

ANI’s Analysis and Prevention Department sent requests to the IT Department, about the possibility of allowing the PREVENT system to automatically take over the status of the procedures from SICAP. Additionally, PREVENT users have reported deficiencies of the system concerning the retrieval of information from other systems. These deficiencies were reported electronically to the support department (helpdesk). In order to retrieve information, communication was ensured through direct correspondence with the Contracting Authorities. Additionally, discussions with AADR took place, in order to correct the deficiencies of the SICAP system.

- *The PREVENT system cannot display a history of the score of possible conflicts of interest, from the moment the procurement procedure is allocated until its completion.*

ANI’s Analysis and Prevention Department sent requests to the IT Department, concerning the possibility of allowing the PREVENT system to generate reports which allow displaying the history of the score of possible conflicts of interest.

At this point, the system allows the generation of three types of reports (according to the answer of the IT Department), with the mention that only one report, “report regarding the canceled procedures”, is completely functional. The other 2 reports, “total procedures and lots”, and “total procedures for which the 5-day deadline was exceeded”, allow the generation of information which, at present, changes every time updates are performed on the systems used through other agencies involved in the process of collecting information (e.g. ONRC – Ministry of Justice, DEPABD – MAI, SICAP – AADR). For the generation of reports relevant to the monitoring of the Analysis and Prevention Department’s activity, an IT expert should update the PREVENT system accordingly, after clearly establishing the requirements of the Analysis and Prevention Department.

- *PREVENT system’s interface does not have enabled the option of archiving the public procurement procedures assigned, aspect which makes it difficult to use the system.*

Following our inquiry with the responsible person within ANI’s Analysis and Prevention Department, our understanding is that a request was sent to the IT Department, with regards to improving the PREVENT system so it would allow the archiving of the completed public procurement procedures

### **c. Internal Public Audit Department**

We analyzed the responsibilities within ANI for the Internal Public Audit Department (hereinafter “CAPI”) in accordance with the Internal organization manual provisions and the “Methodological Norms regarding the Exertion of the Internal Public Audit Activity within ANI” and the operating procedures that documents the CAPI activity.

The structure activity is standardized and based on specific operating procedures developed in accordance with the Order No. 600/2018 regarding the Internal/Managerial Control Code for public entities, published in the Official Gazette on 7 May 2018.

The analysis was focused on the compliance of the Internal organization manual, internal norms and operating procedures with the applicable laws.

We organized a number of interviews with this department's representative in order to assess the compliance of the practical activity with the procedures' provisions and we performed a number of detailed tests on the following processes within CAPI:

- Preparation of the Internal public audit annual plan;
- Preparation of the Strategic internal public audit plan;
- Preparation of the Quality assurance and improvement program;
- Elaborating the Annual report over the internal public audit activity;
- Performing the internal audit engagements;
- Assessment of the individual professional performances;
- The continuous vocational training of internal auditors.

In order to assess the management's actions within the Internal Public Audit Department, we selected two audit engagements from the "Annual public audit plan for 2018": "Counseling in the activity of protecting persons with regards to the processing of their personal data within ANI" and "Evaluation of the Ethics Adviser's Activity of A.N.I.". To this effect, we obtained and assessed the documentation applicable for each process in respect to the following criteria: frequency, compliance with the legal provisions, authorization, and compliance with the legal terms, relevance and completeness of the data.

Based on the methodology applied and following the evaluation of the operating procedures, there were no deficiencies identified regarding the activity performed at the level of Internal Public Audit Compartment.

#### **Follow up on the remediation of the observations identified for the period 2009-2017**

The following deficiency was **remediated**:

- *According to the "Methodological norms regarding the internal public audit activity within ANI" and the procedure "Evaluation of the individual professional performances" auditors must attend at least 15 days of professional training per year. In 2018, internal auditors completed 10 and 8 days of formal training through formal courses.*

According to the report regarding the stage of implementation of the planned measures related to the training of civil servants within ANI / ANI personnel in 2018, the employee of the Internal Audit Department attended 19 and 21 days of vocational training.

The following deficiency **has not been remediated**:

- *Attesting internal auditors*

#### **d. Legal, Public Relations and Communication General Directorate**

The activity of the Legal, Public Relations and Communication General Directorate is standardized and runs based on specific operating procedures, drafted in accordance with the provisions of Order No. 600/2018 regarding the Internal/Managerial Control Code for public entities, published in the Official Gazette on 7 May 2018.

In order to analyze the compliance of the practical activity of this directorate with the provisions of the ROF, we interviewed the Manager of the Legal, Public Relations and Communication General Directorate, who identified the risks and areas of activity that could be improved in order to increase the activity's efficiency.

#### **Legal department**

We have analyzed the responsibilities of the Legal, Public Relations and Communication General Directorate (hereinafter "DGJRPC") stated in the Internal organization manual approved by Order of ANI President no 1.288/01.02.2017 regarding the amendment and the improvement of ANI's ROF, approved

by the President of the agency through Order no. 7962/04.05.2016. The operational procedures were updated/ modified in 2018.

## **Legal activity - representation in cases pending before the courts of law and Commissions for wealth investigation near the Courts of Appeal**

According to the information provided by the DGJRPC management, we understood that in 2018, 75% of the court cases were successful.

The directorate consists of seven employees – legal advisers (including management positions). During 2018, two employees left the Legal Department: one legal adviser and the General Director. In addition, a legal adviser joined the Agency on request.

Regarding the carried out activity, it is mostly contentious. Taken into consideration are the complaints regarding the evaluation reports, reports drafted by inspectors - incompatibility / conflict of interest that may be challenged at the litigation court, those concerning the notification of the prosecution bodies if the Inspector of Integrity considers that there are indications regarding certain criminal offenses or those that are drawn up in the matter of administrative confiscation.

As practice at the Directorate level, without being yet transposed in operational procedures, legal advisers always represent ANI in cases pending before the High Court of Cassation and Justice, Court of Appeal, or in cases that may set a precedent the judicial practice. During 2018, the legal advisers of ANI carried out 134 travels in order to represent the institution on the files on the dockets of the courts of law. For all other cases, ANI is applying for judgment by default, submitting written observations. This practice is not formalized in a procedure.

The situation of the hearings and uploading to legal counsel during January 2018 - December 2018 is as follows:

- 300 new registered cases at the DGJRPC in 2018;
- about 121 court representation on monthly average – 1337 court representations in 2018;
- about 168 pending cases/legal adviser.

According to the operational procedure PO 01/DGJRPC, Drafting of documents and National Integrity Agency representation before the courts, defense / greeting shall be made in writing and approved by the Chief DGJRPC. Each file is assigned to a responsible, but the hearings may be attended by another legal counsel chosen by the Director in accordance with criteria such as: experience in specific case, the complexity of the case, oratorical qualities and so on. This practice is formalized in a procedure.

In 2018, Legal advisers did not attend trainings. We were informed that although proposals were submitted to the Human Resources Department on trainings that need to be attended by the legal advisers, these have not been approved because of financial reasons.

In respect to the review of possible conflicts of interest, according to the status of civil servants, we were informed that throughout 2018 there were no cases of legal advisers abstaining with regards to compliance with the provisions of the Civil Servants' Statute concerning the prevention of conflicts of interest in the management of the files that were assigned to them or of the files in which they represented The National Integrity Agency in the courts over the year in question.

During the audit work carried out, we selected a sample of 15 files out of more than 300 files pending before the courts of law and before the Wealth Investigation Commissions attached to the Courts of Appeal in 2018, in order to test the following procedural aspects:

- The manner of recording and assigning the files on the dockets of the courts of law;
- Presentation or preparation, within the specific timelines of procedural documents pertaining to the case's stage in court, by the legal consultant who was assigned the case to represent ANI;
- Compliance with DGJRPC internal procedures.

## **Other activities in responsibility of DGJRPC**

Among the responsibilities of legal advisers are also answers made under Law 544/2001, Ordinance 27/2002, issuance of points of view required by the Department for Relations with the Parliament or /



and Ministry of Justice, endorsing the legitimacy of ANI internal documents (Explanatory note for procurement, contract, addendums, committees), participation as members of disciplinary commissions and dissemination of relevant information on court cases /uniform approach to integrity inspectors.

## **Follow up on the remediation of the observations identified for the period 2009-2017**

The following deficiency **was partially remediated**:

- *We noted inconsistencies between the work carried out and the provisions of PO 07 regarding the communication of the Procedural acts to the Integrity Inspection concerning the deadline for transmission of the information concerning the appeal and the communication of the Civil Decisions.*

In 2018 the OP 07 concerning the communication of procedural acts to the Integrity Inspection, including the provisions regarding the deadline for transmitting the information concerning the appeal and communication of the Civil Decisions, was updated. Thus, the aforementioned 24-hour deadline was replaced by a 5-day deadline.

Following the verification performed in 2018, we noted that in one of the 15 selected cases, the Final Civil Judgment was received on 11.02.2019 and was communicated to the Integrity Inspection on 20.02.2019, consequently the five days term specified by the internal procedure PO 07 / DGJRPC was exceeded.

The following deficiency **was remediated**:

- *Number of legal advisors is insufficient for the workload.*

During 2018, no entry exams were organized for filling the positions, the organization of exams being blocked by GEO no. 90/2017. We were informed that a favorable opinion was received from the Ministry of Finance for the organization of job entry exams, but the allocated budget was the same as last year.

## **Communication, Public Relations and Strategy Directorate**

The activity of the Directorate is standardized and conducted based on the specific operational conditions elaborated in conformity with the Order No. 600/2018 regarding the Internal/Managerial Control Code for public entities.

We have analyzed the responsibilities of the Communication, Public Relations and Strategy Directorate (hereinafter "DCRPS") within ANI both for compliance with the Internal organization manual and the operating procedures. The focus of the analysis was the conformity of the operating procedures valid over 2018 with Internal organization manual provisions and the applicable legislation.

In order to conclude on the conformity of the practical activity with the procedural provisions, we organized a number of interviews with the DCRPS representative and we assessed through detailed tests the following processes:

- preparing the answers to the requests received based on the Law no. 544/2001 regarding the free access to public interest information- **systemic process**;
- monitoring the press publications;
- reporting to Justice Ministry on the implementation status of the measures belonging to ANI for the fulfilment of MCV (Cooperation and Verification Mechanism) Benchmarks;
- implementing the measures for ANI's Strategy on combating and prevention of unjustified assets, conflict of interest and incompatibility Action Plan implementation;
- implementation of the National Anticorruption Strategy

For the detail tests required, we selected from the "Registry of applications received in 2018" a sample of 25 public information petitions and, in order to test the media monitoring procedure, we selected 15 days from the year in scope.

To this effect, we obtained and assessed the documentation applicable to each process in respect to the frequency, compliance with the legal conditions, authorization, adherence to legal terms, etc.

Regarding the implementation of the National Anticorruption Strategy at the level of ANI, we examined the Institutions Integrity Plan and evaluated the process of monitoring its implementation.

## Follow up on the remediation of the observations identified for the period 2009-2017

The following systemic observation **was remediated**:

- *Procedure PO 04 / D.C.R.P.S. The organization of the protocol activities for ANI's management includes references to the Communication, Strategies, Public Relations Department, while in the organization chart this structure is called the Communication, Public Relations and Strategy Directorate.*

Point 1, 8 and 10 related to PO 04 / D.C.R.P.S. procedure - The organization of the protocol activities for ANI's management have been revised so that they reflect the name specified in the organizational structure of the institution.

The following deficiency **was partially remediated**:

- *Replying to requests for information of public interest exceed the maximum term of 30 days from filing the request.*

Following the verification of a sample of 25 responses containing public interest information, sent at the request of physical or legal persons, we identified 11 cases where the 10-day deadline, from registration of the request to respond to the applicant, specified by the law was exceeded and the applicant was not informed about the 30 days response deadline.

The following systemic deficiency **was not remediated**:

- *Evidence of Public Interest Information Requests is not transparent to ensure the completeness of reporting on this issue.*

Although the document management system (DMS) has the option to separate the types of correspondence received by ANI, this facility is not used to differentiate and monitor the requests for public information falling under Law 544/2001. Therefore, DMS does not provide an updated image of requests for public interest information received and their status in order to be able to monitor the compliance with the lawful deadline and avoid the fines that can be received.

## New observations following the audit of 2018

At Directorate level, there are certain practices that are not transposed into the operational procedure, as follows:

- *The Agency is always represented in court by legal advisers in the cases before the High Court of Cassation and Justice, Bucharest Court of Appeal as well as in the cases that may constitute a precedent of judicial practice. For all other cases, the Agency requests judgment in absentia by submitting written conclusions.*
- *Regarding the distribution of files to counselors, each case is assigned to a responsible person, but another legal adviser chosen by the Director of the Division may take part in the trial terms according to criteria such as the case-specific experience, the complexity of the case, the oratory qualities, etc.*

## Implementation of Structural Funds, Studies and Strategies Department

In order to analyze the compliance of work performed by this Department with the provisions of the Internal organization manual, we attended an interview with the head of Department, based on which the risks and areas of activity that could be improved, in order to increase the efficiency of the performed activity were identified.

We were informed that the Implementation of Structural Funds, Studies and Strategies Department is represented by a single counselor acting as head of Department.



Within the Department, the following types of current activities are carried out:

- Identification of ANI needs for project applications;
- Identification of opportunities for application and related project calls;
- Development of applications for projects with extra-budgetary funding (ESF through POCA, grants, etc.).

Starting with 31.07.2018 ANI became the beneficiary of the project "LINC - Increasing the Capacity of Central Public Administration to Prevent and Identify Cases of Conflicts of Interests, Incompatibilities and Unjustified Assets", a project that is being developed in partnership with Transparency International Romania (a project funded through the Administrative Capacity Operational Program).

This project includes the following specific objectives:

1. Increasing the role of ethics counselors and control bodies in public administration in the area of prevention and identification of integrity incidents through the development and implementation of specific procedures during the project and the correlated increase of ANI's capacity;
2. Develop the knowledge of the personnel which have responsibilities in preventing and fighting the non-compliance with the integrity legislation at the level of the central public administration by training 205 persons during the project;
3. Enhance the dialogue on Parliament's role in promoting integrity and to formulate proposals measures regarding this, throughout the project;
4. Increase the efficiency of ANI in carrying out its own activities for the unitary application of norms, mechanisms and procedures concerning ethic and integrity within public authorities and institutions by increasing the competence of 40 inspectors throughout the project.

Currently, a project file is under POCA evaluation and clarifications have been requested, currently they are pending. The possibility of submitting other funding applications / project files within POCA (minimum 1 is set for 2019) for calls to be launched by mid-year in order to access new non-reimbursable grants are also taken into consideration.

The responsibilities of the representative of this service also include:

- Expert implementing the National Anticorruption Strategy (2016 - 2020) within ANI;
- Technical Secretary of the SCIM Commission;
- LINC project manager (SMIS 118824) funded by POCA;
- Expert designated by ANI within a twinning project (project lead in Romania: General Anticorruption Directorate).

## **New observations identified during the verifications for 2018**

- *At the level of the Implementation of Structural Funds, Studies and Strategies Department, although there is a high volume of work, currently only one position is filed, two position are temporary unoccupied and five unoccupied.*

### **e. Human Resources Department**

We have analyzed the responsibilities of the Human Resources Department (hereinafter "SRU") within ANI, in accordance with the Internal organization manual provisions and the operating procedures that document SRU activity. The analysis was focused on the conformity of the valid operating procedures during 2018 with provisions of the internal organization manual and applicable legislation.

In order to conclude on the compliance of the practical work with the procedural provisions, we organized a series of interviews with the SRU representative and we subjected to the following processes the evaluation through detailed tests:

- maintaining the professional file, for both public servants and contractual personnel;
- organizing contests for employment and promotion within ANI;
- receiving, recording, tracking the declarations of assets and interests for the personnel of ANI;

- preparation, certification and the circuit of the timesheets, including inventory of the paid, medical and unpaid leaves etc.;
- professional training – training plan for 2017 and evaluation of training activities;
- confirming the permanent positions for debutant personnel during 2017;
- evaluating the performance of ANI personnel;
- preparation of the work chart of public functions plan for the year 2017;
- promotion operating procedure;
- procedure for terminating work relations;
- monitoring the compliance of ANI personnel with the conduct norms;
- disciplinary Commission Activity at ANI level;
- Ethics Counselor Activity

For this department we used two methods of testing, based on the nature of the assessed activity:

1. Test an operation from initiation to finalization;
2. Stratify the population and test for each segment an operation from initiation to finalization.

In order to conduct the tests on the activity of the Human Resources Department, we have requested on a sample basis the documentation for the following selections:

- from "List of contests organized by ANI in 2018", we selected 1 contests;
- from "Contractual personnel of ANI in 2018", we selected 5 professional files;
- from "List of new-comers in 2018 and fully-certified personnel in 2018", we selected 1 personnel file;
- from "List of labor relationships termination", we selected 5 files;
- from "Nominal table of ANI personnel who attended vocational training courses/seminars in 2018", we selected 15 persons who attended such courses/seminars;
- from "Record of public servants", we selected 15 professional files;
- for June and December 2018, we requested pockets, salary states and all supporting documents for them.

To this effect, we obtained and assessed the applicable documentation for each process in respect to the periodicity, compliance with legal conditions, authorization, adherence to legal terms, and errors handling.

Furthermore, following the interviews held with the department's representatives and ANI management, as well as from the analysis performed over HR Department's activity during 2018, we noted the fact that the personnel from this department has a good professional background adequate to the complexity of the tasks to be performed.

Also, we performed an analysis of the responsibilities as per the job descriptions and noted that these are differentiated according to the professional position held and with the provisions stipulated in the national legal framework specific to each specialization, existing distinct responsibilities for the coordinators of the structures, which leads to an improvement of the managerial control function.

Human Resources department activity is standardized and operates based on specific operational procedures developed in accordance with the provisions of Order no. 600/2018 for the approval of the Code of Internal / Managerial Control of Public Entities.

## **Follow up of the remediation of the observations for the period 2009-2017**

The following deficiency **has been remediated**:

- *Individual performance reports for 2017 were not available, as they were not approved by the time of the verification process, thus not in conformity with procedural provisions. In addition, there are reports counter-signed after the deadline for completing the performance evaluation process*

The evaluation reports drawn up for ANI employees were countersigned by the responsible persons, in compliance with the deadlines provided by the legislation.

- *Following the performance evaluation review, we noted that the evaluation reports of the selected contract staff did not contain a heading on the training courses followed during the assessed period, although according to the additional documents at the CIM they attended the courses.*

Evaluation reports of the selected contractual staff do not include the training courses attended during the evaluation period.

- *The documentation drawn up related to the termination of the work relationship is incomplete, thus not in conformity with the procedural and legal provisions.*

The delivery / receipt reports are prepared according to the operational procedure "PO 19 / SRU - Termination of Service Relationships" by each department at the moment of termination of the service relationship. Ensure that there is a copy of the delivery / receipt minutes concluded on termination of the service relationship and the Human Resources Service in the professional files.

## **New observations identified following the audit of 2018**

Based on the evaluation of the operational procedures and the application of the methodology, the following observation for the Human Resources Service was identified:

- *Following the analysis of the operational procedure "PO 19 / SRU - Termination of Service Relations", we noted that the documents to be drawn up in case of termination of the transfer service transfer are not specified.*

## **Labor Protection Compartment**

We assessed the overall compliance of the operating procedures valid for 2018 with the Internal organization manual provisions and the applicable legislation. Furthermore we organized an interview with the representative of the Labor Protection Department (hereinafter "CPM") in order to draw conclusions on the compliance level of the practical activity with the provisions of the operating procedures.

The activity of the compartment is standardized and operates based on the specific operational procedures elaborated according to the provisions of Order no. 600/2018 for the approval of the Code of Internal / Managerial Control of Public Entities.

The following observation for 2017 was **remediated**:

- *Regarding the periodic training in the field of occupational safety and health, we found that in three of the 15 selected cases, the 6-month training period was not respected, as stated in the procedure "PO 04 - Activity of regular training in the field of safety and health at work".*

Throughout 2018, the regular training process was conducted in accordance with procedural requirements, every six months.

## **f. Economics General Directorate**

We analyzed and evaluated the compliance of the operational procedures applicable for 2018 with the Internal organization manual and applicable legislation. We also conducted an interview with the Director of the Economic General Directorate (hereinafter "DGE") to conclude on the compliance of the practical work with the provisions of the operational procedures.

DGE activity is standardized and operates based on specific operational procedures developed in accordance with the provisions of Order no. 600/2018 for the approval of the Code of Internal / Managerial Control of Public Entities.

## Financial and Accounting Department (SFC) - Accounting Compartment

In order to assess the managerial actions within Economic Directorate we performed detailed test on the following processes:

- Procedure for establishing the necessary credits for 2018;
- Procedure for drafting the expenses budget;
- Implementing the investment project for 2018;
- Expense hiring, liquidation, authorization and payment processes
- Cash register;
- Internal preventive financial control;
- Monitoring the expenses of personnel;
- Asset count.

In this regard, we have obtained and evaluated the documentation applicable to each process in terms of periodicity, compliance with legal provisions, authorization, compliance with legal deadlines and the treatment of errors.

Based on the work carried out in 2018, no observations were identified.

## Public Procurement, Investments and Patrimony Management Compartment

We have analyzed the responsibilities of the Public Procurement, Investments and Patrimony Management Compartment (hereinafter "BAPIGP") in accordance with Internal organization manual provisions and operating procedures that document the activity of BAPIGP. The analysis focused on the compliance of the operating procedures valid during 2018 with Internal organization manual provisions and the applicable legislation.

To conclude on the conformity of the practical activity with the procedural provisions we organized a number of interviews with BAPIGP representative and we assessed through detailed tests the public procurement process.

We have obtained the list of public procurements started in 2018. Following the analysis of this status, we noted the fact that during 2018 there were purchased goods, services and assignments through the processes of call for tenders, open tender, direct purchase and subsequent contracts.

For the necessary detail tests, we selected 15 direct purchases, 2 simplified purchase procedures, and 2 subsequent contract allotments from the "2018 Procurement List".

We have also stratified the sample so that it includes different types of purchases of goods and services and direct purchase works.

The evaluation of the acquisitions included in the sample concerned the compliance of the activities carried out with the legal provisions and operational procedures in force in 2018.

## Follow up on the remediation of the observations identified for the period 2009-2017

We have found that the following observations have been **remediated**:

- *In the planning process of the procurement procedure for "SAP Prevent Application User Technical Assistance Services", the service delivery period was erroneously determined. This influenced the estimated value of the procurement procedure and implicitly the amount of the participation guarantee and the minimum value for meeting the requirements of the "qualification and selection" criteria established by the beneficiary.*

Following the analysis of the procurement procedures carried out in our sample, we found that the public procurement planning process was improved and the sending of the requisite reports by the requesting departments was done in due course. At the same time, the analysis of the submitted needs and the

issues that have an impact on the awarding documentation, carried out by BPI, was carried out according to the planning. These actions have avoided possible delays in the signing of public procurement contracts and the implementation period of the procurement contracts has been carried out in accordance with the identified needs and the deadlines.

- *The assignment of two subsequent contracts was not published in SEAP.*

Base

d of the analysis of the procurement procedures in our sample (15 direct procurement procedures, 2 simplified procedures and an open tender), it emerged that the award notices were published in the SICAP, thus ensuring the transparency of the information.

- *Within the framework of the contracting strategy and the awarding documentation for assigning help services for user of the SAP PREVENT application, includes references to the provisions of Order no. 509/2011 (which no longer apply) on the formulation and establishment of qualification and selection criteria.*

Following the review of the public procurement procedures contained in our sample, we found that references to legislation that are not applicable or which are repealed have been removed. from the awarding documentation.

## Archiving activity

In August 2016, a responsible person was appointed by the order of appointing the person responsible for archive issues within the ANI, Nr. 13011 / 08.01.2016.

Currently, archiving is done following the operational procedure PS 07 / ANI - Archiving and keeping of documents within ANI. As a result of the last two contracts signed in 2018, both inspection documents and all internal and / or public documents will be physically and electronically archived. In 2018, all Declarations of Treasures and Interests Received, as well as the resolved / classified files processed by integrity inspectors, were archived.

By address number no.18424 / 17.11.2016 the National Integrity Agency submitted to the National Archives of Romania, the Central Historical National Archives Service, the Administrative and Cultural Archives Bureau the draft Archival Nomenclature. The Archival Nomenclature was approved by address 19638 / 13.12.2016.

## Follow up on the remediation of the observations identified for the period 2009-2017

### The following observation was not remediated:

- *The files belonging to ancillary activities have not been archived physically or electronically;*

According to the subsequent contract no. 10462 / 01.08.2018 concluded with Star Storage, the object of the archival contracts in force in 2018 was the physical archiving of Statements of Witnesses and Interests and all other documents of an internal and / or public nature. It follows from the annex to the subsequent contract that physical and electronic archiving services were provided only for Statements of Interests and Interests and documents related to the Integrity Inspection Department. We recommend that in drafting the following subsequent contracts for archiving and working documents other than those of the Integrity Inspection Department, consider the exact reference within the scope of the contract to the types of documents worked out of the internal directorates of the institution so that ensures complete archiving of the ANI documentation in accordance with the legal provisions.

### New observations following the audit of 2018:

- In 2018, the employment contract of the designated archiving officer was terminated, and the new employee who took over the archiving duties did not have archival competencies.

## **g. The activity of the Commission for monitoring the internal control management system at ANI level**

To ensure compliance with Standard 15 of SGG Order no. 600/2018, at ANI the Monitoring Committee for the Managing Control System, which functions permanently with attributions and responsibilities in:

- the development of the internal management control system of ANI,
- sustaining the independent external audit, conducted annually for the evaluation of the management quality of ANI,
- Updating ROF and Evaluation Reports of the individual annual performance of subordinate staff.

Thus, by Order no. 7290 / 25.05.2018 establishes the composition of the SCM Monitoring Committee (Annex 1) and the tasks of the Monitoring Committee of the SCM (Annex 2) regarding the development of the SCM of ANI (Annex 2 and Annex 5), the support of the independent external audit (Annex 3) as well as tasks related to updating ROF and Annual Individual Performance Reports (Annex 4).

Order of the President no. 7290 / 25.05.2018 repeals the provisions of the President's Order no. 17751 / 29.12.2017 on the functioning of the SCM Monitoring Commission and those of the Order no. 17748 / 29.12.2017 on the composition of the risk management team.

Taking into account the need to manage the risks that may affect the achievement of the general objectives and the specific objectives of the departments within the NNI, the members of the SCC Management Committee there are risk managers at the level of ANI

In addition, ANI's procedures manual includes the risk management system procedure for the unitary application of risk identification and control principles across ANI's functional structures. It contains provisions on:

- Implementation and development of the implementation of Standard 15 of Order no. 600/2018 for approval of the Code of internal / managerial control of public entities;
- The risk management process at ANI level;
- Establishing and implementing actions / measures / control devices.

In order to assess the adequacy and effectiveness of the Commission for monitoring the internal control management system at ANI's level, we analyzed the following aspects through the actions taken during 2018:

- The program for the development of the managerial internal control system;
- Regular meetings of the Commission for monitoring the internal managerial control system;
- Quarterly reporting to SGG regarding the implementation status of internal control management system;
- Unique Risks Registry prepared and revised at ANI level;
- The process of risks identification, reporting, assessment and monitoring;
- Existence of procedures / internal norms to formalize the risk management process;

## **Follow up on the remediation of the observations identified for the period 2009-2017**

The following deficiency **was remediated**:

- *No formalized management plan for sensitive functions has been drafted at ANI's level as required by the PS 01 / SCM - Sensitive Function Management procedure.*

In 2018, the Policy for Managing Sensitive Functions for 2018 was developed to minimize potential adverse effects on ANI activities. The policy sets out specific measures for the management of sensitive functions and is registered under no. CAPI 7503 / 31.05.2018 - Option 2.

- *The internal auditor, who is a member of the Monitoring Committee for the internal management control system as a methodological coordinator, has developed various system procedures. This may have an impact on the auditor's internal independence in auditing those areas.*

In 2018, as a result of Order 600/ 2018, the SCM Monitoring Commission was restructured and no internal auditors were found in the Commission.

- *The self-assessment questionnaires of the managerial internal control system are unequal completed by certain departments.*

It was sent by the Secretary of the SCM Commission, an Internal Note to all ANI structures on completing the self-assessment questionnaires of the managerial internal control system. Self-evaluation forms were completed in a unitary manner.

- *The internal procedure governing the management of the ANI`s public interest alerts includes provisions that transpose the requirements of Law no. 571/2004 on the protection of personnel from public authorities, public institutions and other units reporting violations of the law and those of OG. no. 27/2002 regarding the activity of solving petitions.*

Revised PO 06 / D.G.J.R.P.C. - Elaboration of the answers to the requests formulated on O.G. no.27 / 2002 regulating the petitions settlement activity (revision point 8.1.3). PO 03 / R.G.A was revised. Circuit of petitions at the level of the National Integrity Agency (point 5).

#### **The following observation, relating to 2017, was partially remediated:**

- *Managing ANI`s public interest alerts is not carried out by an independent person. The role of the Ethics Adviser in recent years has been limited to ANI staff awareness of the Code of Conduct of the institution and has not been explicitly directed towards the legal framework governing SNA 2016-2020.*

Revision PS 10/SCM On Integrity Alerts (p.8). Until the date of the audit, no person has been appointed to handle complaints from whistleblowers.

#### **New observation identified during the verifications for 2018 period:**

- *The organization and functioning of the SCM Monitoring Committee is not updated as Order 400/2015 has been repealed. We recommend updating the Regulation for the organization and functioning of the Monitoring Committee of the SCM in accordance with Order 600/2018.*

#### **h. The assessment of personal data processing activities**

According to Article 2, paragraph 2, point d), the General Data Protection Regulation no. 679/2016 (hereinafter referred to as "**Regulation**" or "**GDPR**") shall not apply to the competent authorities for the purpose of the prevention, investigation, detection or prosecution of criminal offenses or the execution of criminal penalties. Thus, with regard to the processing of personal data collected by completing and registering wealth / interest declarations (whose incomplete, incorrect completion is a criminal offenses), the GDPR provisions will not apply. In this respect, from February 2019, regarding the data processing activities, there are applicable the provisions of Law no. 363/2018 on the protection of individuals with regard to the processing of personal data by the competent authorities for the purpose of prevention, discovery, investigation, prosecution criminal and counterfeiting of offenses or the execution of sentences, educational and safety measures and the free movement of such data.

Although the GDPR does not apply to the processing of personal data by National Investigation Agency (hereinafter referred to as "**ANI**" or "**Agency**"), the Agency has implemented a number of good practice measures with regard to the protection of personal data, implementing the requirements of the Regulation.



With respect to the employees and / or of the representatives (or contact persons) of the contractual partners personal data processing activities carried out by ANI the GDPR provisions are fully applicable, and there is no applicable exemption in this respect.

In this context, our assessment considered the good practices in the area of personal data protection in respect to ANI's processing activities related to the object of Agency's activity (those relating to wealth and interest declarations). At the same time, regarding the personal data processing activities carried out by the ANI in relation to its own employees and with the representatives (or, if applicable, the contact persons) of the legal entities with whom ANI has contractual relations, our assessment considered the principles of GDPR.

In order to assess the compliance with good practices in the area of personal data protection and GDPR requirements, the main elements we assessed were:

- responsibilities at the level of ANI regarding the protection of personal data;
- the need of a Data Protection Officer ("DPO")
- positioning the DPO relative to ANI organigram (in accordance with the criteria imposed by the Regulation)
- professional qualities, competence and tasks of the DPO;
- policies and procedures (personal data protection policy, notification procedure for security incidents affecting personal data, procedure / data access template for data subjects) to ensure compliance with the requirements of the Regulation;
- reporting mechanisms to monitor compliance with the requirements of the Regulation;
- privacy notices of individuals targeted on processing activities and in accordance with the requirements of the Regulation;
- Training and awareness programs on personal data protection and compliance with legal requirements.

The evaluation implied, as phases of the process: understanding and knowing the ANI internal rules and procedures, as well as interviewing the representatives of the main departments that are processing personal data.

This section of the report contains our observations resulting from the verifications made for this area and it is based on the documentation and information received from the DPO and the employees who were involved in the interviews.

## **Comments pursuant our assessment correspondent to year 2018:**

- *At the date of our assessment and following the review of ANI's organizational chart analysis, we have identified that the Data Protection Officer (DPO) is not specifically referred to in the organizational chart.*
- *ANI drafted and implemented a procedure regarding personal data processing inside ANI. The procedure mentions categories of personal data collected and processed by ANI, with reference to applicable legal regulations without specifying all the types of personal data.*
- *The identification and notification process regarding the breach of security in relation with the personal data is briefly stated in ANI's documentation regarding the handling of security incidents, without a clear definition of incidents and a classification of types of incidents.*
- *In order to respect the principle regarding storage limitation and in order for ANI to not store data for longer periods of time than necessary for fulfilling the processing purposes, the controller has established an archiving registry, approved by the National Archives through the address no. ANB - 11423-U, which identifies the specific terms for storage of all documents, including documents that contain personal data. From the analysis of the specific document, we have concluded that there are documents that will be kept permanently and documents that will be stored for terms such as 5-10 years.*



- *In order to observe art. 30 of the Regulation, ANI has drafted an internal record comprising its processing activities. In this regard, the record contains all the mandatory information to be included, in accordance with art. 30, with the exception of the information regarding joint controllers, in case they exist. Furthermore, from the analysis of the legal grounds mentioned in the record, we have identified that ANI bases almost all its processing activities on legal obligations. Nevertheless, there may be cases in which the processing activities have other legal grounds, such as legitimate interest.*
- *The operational procedure PS 12/SCM/GDPR regarding the Processing of Personal Data does not include references regarding the right of the data subjects to be informed.*
- *With respect to the informing sessions in relation with the data protection and information security matters, the DPO and other ANI employees have participated at different trainings.*
- *Although technical and organizational matters which prove the compliance with the GDPR have been implemented, following our interviews with the responsible persons we have identified certain areas which are not yet technically implemented (storage period of data/activity logs in the systems, implementation of the right to be forgotten).*
- *The analyzed contracts with the IT service providers as empowered persons contain a GDPR requirements compliance clause, without the provisions of Article 28 paragraph 3 of the Regulation.*

## 7. Use of the present report

This report is intended for the use of the management of ANI, for its communication to the National Council for Integrity and publication on ANI website. As such, the findings/deficiencies included in this report should not constitute a basis for any other type of action.

Our findings, as presented in this Report, are based upon the documentation made available to us by ANI.

We cannot exclude that we may have arrived to additional or different findings had further information and documentation been provided to us. We have relied upon the contents of such documentation and information provided to us, and we have assumed the documentation and information to be accurate and complete.

Should further information and/or documentation and/or data exist, which was not divulged or provided to us, or if any of the verbal statements or explanation are incorrect or misleading, any findings, interpretations or opinions contained herein may be incomplete and may have generated different results, which would require further or amended procedures outside of the applicability area of the present engagement.

The verification procedures performed by us were agreed between Deloitte and ANI. Deloitte provides no assurance regarding the sufficiency of these verification procedures performed for the purposes of ANI.

Had we performed additional specified procedures other matters might have come to our attention, which would have been reported to ANI.

This Report must not be construed as expressing opinions on matters of law, which are outside our area of expertise.

Deloitte has no responsibility to update the Report for events and circumstances occurring after December 31, 2018.

This Report or its contents should not be used, reproduced or circulated to any other party or for any other purpose than that for which it was intended, in whole or in part, without our prior written consent, except those provisions stipulated in the first paragraph. Furthermore, we do not accept responsibility to any third parties for any breach of this obligation or for any opinion expressed, or information included within this Report. The information within this Report is provided on the basis that the recipient will not rely upon it as the sole basis for any action or decision. This Report relates only to the items specified above and does not extend to any other financial information.

Some of the information included in this Report has been provided by external sources. We were unable to test the accuracy and completeness of the information obtained from these external sources in all the cases. Therefore, we take no responsibility and we do not provide any assurance upon the accuracy and completeness of the information provided by these external sources.

This report refers only to the audit of ANI's management quality for the year 2018 conducted in accordance with the provisions of standard ISRS 4400, as defined in the specifications.

## APPENDIX 1 List of procedures analyzed

Operating procedure
<i>Integrity Inspection Department</i>
PO 01/II – Activity of checking the declarations of assets and conflict of interest received from ANI Registry
PO 02/II – Apply contravention sanctions for: I. Not submitting DA/DI within the timeframe stipulated under the law; II. Not submitting amended DA/DI within the timeframe stipulated under the law; III. Not stating, in the declaration of assets, the amount of income obtained or not stating them with cross reference to other documents; IV. Not fulfilling legal obligations by the persons responsible with the implementation of provisions regarding the declarations of assets and conflict of interest; VI. Not applying disciplinary sanctions or not contesting suspension of public function, as appropriate, when the evaluation report remains final
PO 03/II – Activity of evaluation of declarations of assets, of data and information regarding existing assets, as well as of patrimonial changes appeared existing in the exercise of public functions or dignity
PO 04/II – Evaluation of compliance with legal provisions regarding conflict of interest in the exercise of public functions or dignity
PO 05/II – Checking compliance with legal provisions regarding incompatibility regime in the exercise of mandates or public functions or dignity
PO 06/II – How to fill in the declarations of assets and interests
PO 07/II – Redistribution of the works assigned to the integrity inspectors, in conformity with article 9 paragraph 2 of Law no 176/01.09.2010
PO 08/II Execution of extrajudicial expertise with the agreement of the person whose assets are subject to evaluation or in case the person whose assets are subject to evaluation does not agree with the execution of the expertise
PO 09/II – Taking action in ascertain absolute nullity of legal or administrative acts concluded infringing legal obligations regarding conflict of interest by the person subject to evaluation
PO 10/II – The documents flow between Integrity Inspection and Legal, Public Relations and Communication Directorate
PO 11/II – Random distribution of causes in conformity with article 9 paragraph 1 of Law no 176/2010
PO 12/II – Receiving, Collecting, Centralizing and Processing the Declarations of assets and Interests by the Integrity Inspectors of the General Registry Office and Integrity Inspection, in compliance with article 10 paragraph 1 of the Law no. 176/2010
PO 13/II – Settlement of claims
PO 14/II – Supervision of integrity inspector activity
PO 15/II – Analysis of the procedures initiated through the public procurement system in order to prevent the conflict of interest and other suspicions of irregularities found in the award procedure of public procurement contracts
PO 16/II – Assessment of compliance with legal provisions on conflict of interest in public procurement procedures conducted through SEAP by local public authorities
PO 17/II – Communication of irregularities detected from the analysis of data and information in the PREVENTION system
<i>Human Resources Department</i>
PO 01/SRU – Evaluation of public servants individual professional performance

<b>Operating procedure</b>
PO 02/SRU – Appointment in a vacant public position
PO 03/SRU – Completion of the registry of contractual employees
PO 04/SRU – Organization of the contest / examination for occupying the position of integrity inspector
PO 05/SRU – Organization of the contest for occupying a contractual position within ANI
PO 06/SRU – Confirmation on the job of entry-level employee
PO 07/SRU – Scheduling and attribution of vacations for ANI personnel
PO 08/SRU – Delegation of work tasks within ANI
PO 09/SRU – Drafting, approval and submission of collective timesheets
PO 10/SRU – Communication of ANI Internal Regulation to employees
PO 11/SRU – Promotion of public servants
PO 12/SRU – Drafting the Annual Plan of Professional Training and of the plan of measures for professional development of ANI personnel
PO 13/SRU – Registering and recording of medical certificates within ANI
PO 14/SRU – Drafting and approval of ANI functions list
PO 15/SRU – Drafting and maintenance of public servant professional file
PO 16/SRU – Fulfilling the legal obligations regarding declarations of assets and conflict of interest by ANI personnel
PO 17/SRU – Drafting and updating job descriptions
PO 18/SRU – Approval of overtime for ANI personnel
PO 19/SRU – Termination of workplace relations
PO 20/SRU – Evaluation of contractual personnel’s professional performances
PO 21/SRU – Plan for occupancy of public functions
PO 22/SRU – Monitoring compliance with conduct norms of public servants within ANI
PO 23/SRU – Granting salaries to ANI personnel
PO 24/SRU – Organizing and conducting the contest/exam for recruiting public operating positions within ANI
PO 25/SRU – Redistribution of public servants, organizing and conducting professional testing within ANI
PO 26/SRU – Preparation, update and submission of public servants evidence register
PO 27/SRU – Preparation, approval and submission of quarterly reports on professional development of public servants within ANI and of the yearly report on Agency’s personnel professional development
PO 28/SRU – Preparation and modification of ANI’s ROF
PO 29/SRU – Organizing and conducting the contest / exam for recruiting/promotion for public management functions within ANI
PO 30/SRU – Preparation and management of personnel file
<i>Labor Protection Department</i>

<b>Operating procedure</b>
PO 01/CPM – Training on occupational security and health
PO 02/CPM – Introductory and general training on occupational security and health
PO 03/CPM – On the job training on occupational security and health
PO 04/CPM – Periodic training on occupational security and health
PO 05/CPM – Collective training
PO 06/CPM – Drawing up own instructions on occupational security and health
PO 07/CPM – Research, registration, declaration and record-keeping of labor accidents and professional illnesses
PO 08/CPM – Risk assessment
PO 09/CPM – Drawing up the prevention and protection plan
PO 10/CPM – Preparing the list of employees' protection equipment
PO 11/CPM – Supervision of workers' health
PO 12/CPM – Maternity protection at the workplace
PO 13/CPM – Organization and operation of the health and safety committee
<i>President's/ Vice president's office</i>
PO 01/CP – Submission for approval of documents and internal and external correspondence
PO 02/CP – Issuing orders
PO 03/CP – Making appointments to the president
PO 04/CP – Keeping records of the working hours of the dignitary offices
<i>Commission for monitoring, coordination and methodological guidance of the ANI managerial control system development</i>
PS 01/SCM – Risk management
PS 02/SCM – Functioning of the SCM monitoring commission and risk management team organized within ANI
PS 03/SCM – Drafting of the operational procedures specific to the ANI activities
PS 04/SCM - Preparation of Scorecard – basis of discussions scheduled at the Cabinet of the President
PS05/SCM - Drafting quarterly / annual report for SGG regarding the implementation and development of control systems management within ANI
PS 06/ANI - Inventory of assets and liabilities
PS 07/ANI - Archiving and keeping documents within ANI
PS 08/SCM - Managing sensitive functions
PS 09/SCM - Evaluation and inventory of goods received free of charge in connection with protocol actions
PS 10/SCM –Integrity warnings-
PS11/SCM – Public acquisition contract administration
PS12/SCM/GDPR Processing of personal data within ANI

<b>Operating procedure</b>
PS 13 / SCM Communicating of public interest information within AN
PS14 / Monitorization of ANI Integrity Plan measures to Implement the National Anti-Corruption Strategy 2016-2020
<i>Internal Public Audit Department</i>
PO 01 / CAPI - Preparation of the Internal Public Audit Department activity
PO 02 / CAPI - Preparation of the Annual Report of Internal Public Audit Activity
PO 03/CAPI – Human resources management within CAPI
PO 04/CAPI – Performance of internal public audit missions based on the Internal public audit annual plan
PO 05/CAPI – Prepare internal public audit engagements
PO 05.1/CAPI – Order of work preparation and circulation
PO 05.2/CAPI – Auditor's independence statement
PO 05.3/CAPI – Notification of audited structure on the start of audit engagement
PO 05.4/CAPI – Opening/Kick-off meeting for audit engagements
PO 06.1/CAPI – Conducting of the "intervention of auditors on site" stage
PO 06.2/CAPI – Preparation and circulation of Closing meeting minute
PO 07/ CAPI - Audit engagement report preparation
PO 08/CAPI – Follow up on the implementation of recommendations from previous engagements reports
PO 09/CAPI – Supervision of audit engagements
PO 10/CAPI – Personnel evaluation
PO 11/CAPI – Internal auditors national attestation process
PO 12/CAPI – Performing consulting engagements
PO 13/CAPI – Preparation and update of "Applicable legislation on auditable domains" Registry
PO 14/CAPI – Designing and monitoring the Program for providing and improving the quality of the internal public audit
PO 15/CAPI – Designing and revising the Methodological rules on the exercise of the internal public audit at ANI
PO 16/CAPI – Conduct of the ad-hoc engagement
PO 17/ CAPI – Conduct of the internal audit performance mission
PO 18/ CAPI - Conduct of the system audit mission
<i>Legal, Public Relations and Communication General Directorate</i>
PO 01/ DJCRP – Drafting the documents and ANI representation before courts
PO 02/ DJCRP – Procedure regarding the approval of ANI contracts
PO 03/ DJCRP – Procedure regarding the approval of ANI internal documents

PO 04/ DJCRP – Procedure ways and conditions to keep, record and archive DJCRP documents (started/prepared by)
PO 05/ DJCRP – Monitoring, analysis and dissemination of applicable jurisprudence, specific to ANI activity
PO 06.1/ DCRPS – Drafting the answers to the requests formulated under the Law no. 544/2001
PO 06.2/ DGJCRP – Drafting the answers to the requests formulated under the Government Ordinance no. 27/2002
PO 07/ DJCRP – Monitoring, analysis and dissemination of applicable jurisprudence, specific to ANI activity
<i>Communication, Public Relations and Strategy Directorate</i>
PO 01/ DCRPS – Drafting the answers to the requests formulated under the Law no. 544/2001
PO 02/ DCRPS – Drafting media materials
PO 03/ DCRPS – Performance of media monitoring activities
PO 04/ DCRPS – Organization of protocol events
PO 05/ DCRPS – Organization of domestic and international travels
PO 06/ DCRPS – Follow-up on the fulfillment of the ANI allocated measures to achieve the MCV conditions, within the framework of the National Anticorruption Strategy as well as in the evaluations of G.R.E.C.O.
PO 07 / DCRPS - Drafting ANI communication strategy
PO 08/ DCRPS - Communication of public interest information to individuals, legal entities or mass-media that are presenting at ANI
<i>General Records</i>
PO 01/RGA –Receiving, sorting, checking and distributing correspondence from the Romanian National Post Company, Military Post and Courier Post within ANI
PO 02/RGA - Preparing and sending mail
PO 03/RGA –The Circuit of petitions within ANI
PO 04/RGA –The Circuit and the recording of correspondence requested during the assessments by II
PO 05/RGA –Processing of the Statements of Interests and Wealth
PO 06/RGA –Processing and transmission of the Statements of Interest and Wealth to the Star Storage Archiving Service Provider
PO 07/RGA - Recording audience requests and sending them to C.P.
PO 08/RGA - Phone call pick-up and targeting them activity
PO 09/RGA - Managing C.N.I. (dispatch)
<i>Economic Directorate</i>
PO 01 / F / DGE - Justification, preparation and approval of the annual draft public investment program
PO 01 / C / DGE - Keeping the record of material guarantees constituted under the law
PO 01 / DGE - Own financial preventive control
PO 02 / F / DGE – Justification of the monthly loan requirement in order to get budgetary credits

PO 02 / C / DGE – Keeping the record of salary expenditure, on the structure of the budget classification
PO 03 / F / DGE – Performing credit transfers within the approved expenditure budget
PO 03 / C / DGE - Keeping record of payments made by the bank on expenditure on goods and services and capital expenditures related to the budget year, on the structure of the budgetary classification
PO 04 / F / DGE - Opening of the financing of investments approved through the Agency's budget
PO 04.1/C/DGE - Keeping the record of the expenses related to international travel, on the budgetary classification structure
PO 04.2/C/DGE - Keeping the record of the documents related to the cash collections and payments in "lei"
PO 05/F/DGE – Activity of preparation and justification of the budgeted expenses of the Agency
PO 05/C/DGE - The monthly, quarterly and annually activity of editing the general ledger, account details and synthetically and analytical balance sheet, using SAP system
PO 06/ANI - Inventory of assets and liabilities
PO 6.1/F/DGE - Activity of expenses commitment
PO 6.1/C/DGE – Quantity / value stocks record.
PO 6.2/F/DGE - Activity of expenses clearance
PO 6.2/C/DGE - Evidence of tangible and intangible assets in course of execution
PO 6.3 / C / DGE - Evidence of inventory items in use
PO 6.3/F /DE – Activity of expenses authorization
PO 6.4/F/DE – Activity of expenses payment
PO 6.4/C/DGE – Preparing the inventory numbers registry
PO 06/C/DE – Accounting records of salary expenses on the budgetary classification structure
PO 06.5/C/DGE - Decommissioning fixed assets, removing intangible assets, disposing of inventory items, downgrading and disposing of inventories
PO 6.5/F/DGE – Organization, recording and reporting of budgetary appropriations, legal appropriations, approved commitment appropriations and employed commitment appropriations
PO 07/C/DGE - Preparing, signing, submitting, composition, and instructions on filling in ANI quarterly and annual financial statements
PO 08/C/DGE – Preparing the inventory register
PO 8.1/F/DGE - Performing the Cash operation in "lei"
PO 8.2/F/DGE - Performing the Cash operations in foreign currency
PO 9.1/F/DGE - Filling in and verification of the "lei" Cash Registry
PO 9.2/F/DGE - Filling in and verification of the foreign currency Cash Registry
PO 10/F/DGE - Preparing the payment orders for the payments performed from the expenses and availabilities accounts, opened by the Agency at the State Treasury, based upon the payment authorizations approved by the credit release authority
PO 11/F/DGE - Preparing the payment sheets and submitting them to the State Treasury
PO 12/F/DGE - Obtaining the account statements from the State Treasury and Credit Europe Bank



PO 13.1/F/DGE - - Preparing the Situation regarding monitoring of personnel expenses in the month ... year ...
PO 13.2/F/DGE - Quarterly monitoring of the personnel expenses
PO 14.1/F/DGE - Preparation and submission of the Declaration regarding the payment obligations to the state budget, code 14.13.01.99/bs -D100
PO 14.2/F/DGE - Preparation and submission of the Statement on payment obligations of the social contributions, income tax and individual evidence of insured persons
PO 15/F/DGE - Checking the domestic and international travel expenses
PO 16/F/DGE - Archiving and keeping registers and financial - accounting documents
Investment and Public Procurement Department
PO 01/ BAPIGP - Procurement through the "request for offer" procedure of goods / services / works
PO 02/ BAPIGP - Procurement through direct acquisition of goods / services / works
PO 03/ BAPIGP - Elaboration and update of the Public Acquisition Annual Program
PO 04/ BAPIGP - Procurement through "open bidding" procedure of goods / services / works
PO 05/ BAPIGP - Preparation of tender documentation within the public acquisition procedures
PO 06/ BAPIGP - Administration of the public procurement contract
PO 07/ BAPIGP - Monitoring the establishment and return of the good performance bond for public acquisition contracts
PO 08/BAPIGP - Preparing the reception note
PO 09/BAPIGP - Preparing the storage sheet
PO 10/BAPIGP - Preparing the consumption ticket
PO 11/BAPIGP - Evidence and keeping the original version of the public acquisition contracts
Information Technology
POL - 01/SMSI IT Security Management System Policy
POL - 02/SMSI Computer security policy
POL - 03/SMSI Security regulations for users of information resources
POL - 04/SMSI Information classification policy
POL - 05 Physical Security Policy
PO 01/STI - Users account management
PO 02/STI - IT incidents management
PO 03/STI - Configuration management
PO 04/STI - Change Management
PO 05/STI - Patch Management
PO 06/STI - Monitoring of IT services provided by third parties

## APPENDIX 2 Implementation Status of action measures related to ANI Strategy for combating and preventing undue accumulation of assets, conflicts of interest and states of incompatibility

### Objective no. 1: Boosting prevention and awareness activities

#### 1.1 Preventing the conflict of interest in public procurement

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as 31.12.2018
1.1.1.	Implementation and full functioning of the computer system PREVENT after publication in the Official Journal.	Permanent action and annually evaluated.	<p>No. of procurement procedures analyzed.</p> <p>No of integrity warnings issued</p> <p>No of conflicts of interest prevented.</p>	<p>Technical malfunctions</p> <p>The delay of the regulation's approval</p>	ANI	<p><b>Implemented</b></p> <p>PREVENT system was officially launched at the end of June 2017.</p> <p>According to the data provided by the management of ANI, during the reference period, 1.72280 public procurement procedures were analyzed through PREVENT system.</p> <p>During the same reporting period, integrity inspectors issued 69 integrity warnings possible violations of public conflict of interest legislation.</p> <p>Furthermore, the integrity inspectors notified the National Agency for Public Procurement (ANAP) that a number of 45 irregularities regarding possible relationships which may exist between persons from the category of the economic operations who have bidding capacity in the procurement procedures initiated by a contracting authority.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as 31.12.2018
1.1.2.	Entry of the law on preventing conflict of interest in public procurement and monitoring on how it applies;	July 2016	The law published in MOF  Statistical data resulting from PREVENT.	Delayed approval of the legislative text.  Submission of amendments that are not consistent with the law.	The Romanian Parliament	<p><b>Implemented</b></p> <p><i>Law no. 184/2016 regarding the establishment of a mechanism for prevention of the conflict of interests in the procedure of awarding the public procurement contracts was adopted by the Parliament of Romania and was published in the Official Gazette no. 831 of 20 October 2016. According to the legal provisions, the PREVENT computer system became operational on 20 June 2017.</i></p> <p>The quarterly activity reports published by ANI include statistical data on the results obtained under the conflict prevention mechanism in public procurement financed through national and European funds. .</p> <p>At the same time, in 2018, ANI issued 4 press releases on the first results of the PREVENT Information System.</p>
1.1.3.	Publication of statistical data in open format on the results of the conflict of interest prevention mechanism in public procurement financed from national and European funds.	Permanent action and annually evaluated.	Statistical data published on the website of ANI.	N/a	ANI	<p><b>Implemented</b></p> <p>The quarterly activity reports published by the NIA include statistical data on the results obtained under the conflict prevention mechanism in public procurement financed from national and European funds.</p> <p>At the same time, in 2018, ANI issued 4 press releases on the first results of the PREVENT Information System.</p>

## 1.2 Preventing corruption and integrity incidents among the members of Parliament

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
1.2.1.	Working with Parliament to improve the consulting system regarding the integrity, by providing regular specialized training and clarifying implications for the members of Parliament on the conflicts of interest, incompatibilities and enforcement in practice, in line with the recommendations of GRECO	May 2018	<p>Joint Working Group</p> <p>Performed study</p> <p>Designated ANI expert</p> <p>Formalized consulting system</p> <p>Number of joint meetings with the decisive factors from both entities</p>	Lack of human and technical resources availability of	<p>ANI</p> <p>The Romanian Parliament</p>	<p><b>Partially implemented</b></p> <p>An integrity inspector has been appointed to clarify certain aspects of how to fill in the wealth and interest statements as well as to observe the deadlines for their submission because of the relationship developed with those responsible for the implementation of D.A.I. from the two Chambers of Parliament.</p> <p>A Task Force consisting of senior staff from the Integrity Inspectorate of ANI was set up to improve the integrity counseling system for deputies and senators.</p> <p>Next, ANI conducted an internal study on the recurring situations of conflicts of interest and incompatibilities among MPs for the past three years. The conclusions of the analysis were transmitted to GRECO in June 2017, in order to report on the progress made by the Agency to implement the recommendations for this category of public office.</p> <p>Some of the conclusions included in the analysis were brought to the attention of the persons concerned whenever ANI issued a press release on the application of disciplinary sanctions, in accordance with the law, in the case of some MPs.</p> <p>At the same time, the Agency sends to the European Commission, the steps taken to apply disciplinary sanctions to deputies and senators through progress</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>reports from the Agency in the context of the Cooperation and Verification Mechanism.</p> <p>Also, under the project "LINC - Increasing the Capacity of Central Public Administration in Prevention and Identification of Instances of Conflict of Interests, Incompatibilities and Insufficient Assets" SMIS 118824, implemented by the National Integrity Agency (ANI) in partnership with the Romanian Association for Transparency - Ro ), a "Research Report on the EU Member States' Regulations on Conflicts of Interest and Incompatibilities applicable to Members of Parliament and Candidates in the Parliamentary Elections" was drafted.</p> <p>The document will be disseminated during the year 2019 and was developed within the specific objective no. 3 of the project, respectively intensifying the dialogue on the role of Parliament in promoting integrity and proposing measures in this regard.</p>
1.2.2.	Identify ways to accelerate and enforce judgments relating to incompatibilities for the members of Parliament	May 2017	Ways to implement the identified and formalized judgments	N/a	ANI  The Romanian Parliament	<p><b>Implemented</b></p> <p>The "Procedure for the communication of procedural acts to the Integrity Inspection" was issued to ensure the speedy communication of the courts' solutions to the integrity inspectors, in order to dispose of the legal measures required as result of the evaluation reports becoming definitive.</p> <p>The operational procedures were updated indicating that the integrity inspector requests from D.G.J.R.P.C. an</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>opinion regarding regulatory issues, prior to forwarding the requests to the Parliament.</p> <p>ANI continued to take steps to enforce court rulings requesting the Parliament (8 requests in 2017) to enforce legal provisions regarding the persons for whom the courts had issued final and irrevocable decisions confirming the Agency's findings.</p>

## 1.3 Preventing corruption and integrity incidents among judges and prosecutors

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
1.3.1.	Strengthen the cooperation with CSM in order to provide assistance in relation to the Code of Ethics on the recommendations of GRECO Report	May 2018	Joint organized events Designated ANI expert Formalized consulting system	Lack of human and technical resources availability of	ANI  CSM	<p><b>Partially implemented</b></p> <p>At the request of the Superior Council of Magistracy, the National Integrity Agency issues views on possible incidents of integrity found, which concern the magistrates.</p> <p>Between November 22-23, 2018, two integrity inspectors participated in the meeting on <i>"Combating crime in the priority areas of the Public Ministry: corruption, conflict of interests, tax evasion, smuggling and money laundering"</i>, which took place in Poiana Brasov.</p> <p>The meeting was attended by general prosecutors of the prosecutor's offices attached to the courts of appeal and the prosecutors of the prosecutor's offices attached to the tribunal, as well as the prosecutors who managed the cases selected to be presented at the meeting.</p> <p>No joint events have been organized in partnership by the two institutions until now.</p>
1.3.2.	Increasing training efforts and awareness of integrity	May 2018	Joint organized events	Lack of human and technical resources availability of	ANI  CSM	<p><b>Implemented</b></p> <p><b><u>Collaboration protocol with the National Institute of Magistracy</u></b></p> <p>In June 2018, ANI signed a cooperation protocol with the National Institute of Magistracy, with the main objectives</p>



Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>organization of initial training actions for justice and continuous training for judges and prosecutors, as well as integrity inspectors, on themes of common interest, ensuring the dissemination of informative materials on issues of conflict of interest, incompatibilities, ensuring integrity in the exercise of public dignities and functions, and preventing institutional corruption against judicial auditors, judges and prosecutors.</p> <p><b><u>Working meeting "Combating crime in the priority areas of the Public Ministry: corruption, conflict of interest, tax evasion, smuggling and money laundering"</u></b></p> <p>Between November 22-23, 2018, two integrity inspectors participated in the meeting "Combating Crime in Priority Areas of the Public Ministry: Corruption, Conflict of Interest, Tax Evasion, Smuggling and Money Laundering".</p> <p>The meeting was attended by general prosecutors of the prosecutor's offices attached to the courts of appeal and the prosecutors of the prosecutor's offices attached to the tribunal, as well as the prosecutors who managed the cases selected to be presented at the meeting.</p>

## 1.4 Enforcement of the integrity rules in the electoral processes organization

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
1.4.1.	Improving the effectiveness of reporting and submission of DA / DI	December 2016	<p>The number of notifications sent to prefectures</p> <p>Contact Person designated within ANI</p> <p>Number of meetings held at local / central level</p>	Lack of responsiveness of decision makers at the local / central level	<p>ANI</p> <p>Prefectures</p> <p>Parliament</p> <p>AMR</p> <p>AOR</p> <p>ACR</p>	<p><b>Implemented</b></p> <p>In the context of the local elections in 2016, with the support of the Ministry of Internal Affairs, ANI organized a videoconference with all prefects in the territory. This aimed to optimize the process of filling in and submitting the wealth and interests declarations, as well as the dissemination of useful information on improving the flow of transmission of wealth and interest statements to ANI</p> <p>In order to clarify the difficulties in filling in the declarations and the efficiency of the system of declaration and submission of the assets and interests statements, the Agency transmitted to all counties prefects: the Electronic forms of the assets and interests statements, the Guide for completing the declarations of assets and interests, the Guide on Incompatibilities and Conflicts of Interest.</p> <p>In addition, with the help of the Permanent Electoral Authority and the Central Electoral Bureau, ANI has disseminated information to all categories of entities involved in the electoral process as well as to legally established political parties and has submitted to the above mentioned authorities both Guidelines on Incompatibilities and Conflicts of Interests / Completion of Wealth and Interests statements, Electronic Forms of</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>DAI, as well as the list of persons under the interdiction to occupy a public office or dignity for a period of 3 years.</p> <p>Integrity inspectors have been appointed to respond to a special telephone line, providing specialist assistance to candidates, the legal status of completing wealth and interest declarations, incompatibilities and conflicts of interest. In addition, a unique email address was provided, where individuals and entities submitted complaints and requests for points of view.</p>
1.4.2.	Updating guidelines on incompatibilities and conflicts of interest / DA / DI completion	June 2016	Updated guide	N/a	ANI NGOs	<p><b>Implemented</b></p> <p>The National Integrity Agency has updated the Guidelines for filling the wealth and interest statements as well as the Guidelines on Incompatibilities and Conflicts of Interest available on the Agency's website.</p>
1.4.3.	Study regarding the repetitive cases in matter of conflicts of interest and incompatibilities with reference to several categories of public offices	June 2016	Drafted study	N/a	ANI NGOs	<p><b>Implemented</b></p> <p>Based on the expertise accumulated in the field of integrity incidents, the National Integrity Agency has synthesized, in the context of the local and parliamentary elections of 2016, the most frequent cases of incompatibilities and conflicts of interest applicable to local elected representatives and members of Parliament, alongside the cited law, which are published on the website of the Agency.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
1.4.4.	DA / DI Collection and publication in a separate section on the website	June 2016	All statements published on the ANI website	Delays caused by the documents transmission by the electoral offices	ANI External provider	<p><b>Implemented</b></p> <p>The wealth and interest statements submitted in the context of the 2016 elections were collected, processed and published in a separate section on the website of the Agency.</p> <p>Thus, approximately 520,000 statements of candidates in local elections and 11,490 statements of candidates in parliamentary elections were published.</p>
1.4.5.	Creating a special contact line for effective communication with candidates	June 2016	Special section published on the ANI website	Delays in design and programming execution	ANI External provider	<p><b>Implemented</b></p> <p>In the context of the local and parliamentary elections of 2016, ANI has created a dedicated section on its website, which has a special contact point for making communication with the candidates more efficient. In this respect, integrity inspectors have been appointed to respond to a special telephone line, providing specialist assistance to candidates for elections, regarding the legal status of completing wealth and interest declarations, incompatibilities and conflicts of interest. In addition, a unique email address was provided where individuals and entities submitted complaints, requests for views on the legal status of incompatibilities and conflicts of interest, or regarding filling in the wealth and interest statements.</p> <p>Furthermore, the Agency updated the Guidelines on Incompatibilities and Conflicts of Interest / filling in the</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						wealth and interest statements available on the institution's website.
1.4.6.	Updating the list of people under the ban to run for elective position	June 2016	Updated list of persons  Updated web section	N/a	ANI	<b>Implemented</b>  The National Integrity Agency permanently updates the section "Definitive Incompatibilities - 3 Years Ban" on its Internet site. Moreover, in the context of local and parliamentary elections in 2016, ANI has created a distinct section that included the list of locally elected representatives and parliamentarians under the ban on holding a public office or dignity for a period of three years.
1.4.7.	Creating a special section on the ANI website that would group all relevant information on the existing obligations that all the candidates in elections have.	June 2016	Special section created and available on the ANI website	Delays in design and programming execution	ANI  External provider	<b>Implemented</b>  A special section grouping all relevant information on the candidates' election obligations as well as other informative materials were created on the Agency's websites. The section has been updated permanently, distinctly, for each category of functions.

## 1.5 Preventing corruption and integrity incidents among civil servants

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
1.5.1.	Collaboration with the National Agency of Civil Servants in order to organize training courses on integrity compliance in public function	Permanent action, annually evaluated	No of common events organized	Lack of availability of human and technical resources	ANI ANFP	<p><b>Implemented</b></p> <p>In August 2018, the National Integrity Agency established a collaboration protocol with the National Administration Institute, with the objective of developing professional training programmes in the field of ethics and integrity.</p> <p>Additionally, in 2018, the ANI's Management initiated discussions with the National Agency of Public Servants, in order to sign a collaboration protocol between the two institutions.</p> <p>At the same time, throughout 2018, integrity inspectors have participated as lecturers, at a series of events with the target audience being civil servants from central and local public administration.</p> <p>ANI assigned integrity inspectors to participate in the events organized by the National Agency of civil servants, where approximately 1000 persons participated.</p> <p>Additionally, within the project "Training for the structures within the coordination, management and control system of FESI in Romania, regarding priority themes for developing the management capacity of the coordination, management and control system of FESI", the Agency contributed with its expertise in order to develop the Guide for Managing frauds and</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						irregularities in contracts financed from FESI, and applying financial corrections.
1.5.2.	Adopting measures in order to improve the submission process for the assets and interests statements	Permanent action, annually evaluated	<p>Number of information sent to public institutions</p> <p>Designated Contact Person within ANI</p> <p>Number of meetings held</p>	Lack of responsiveness from decision makers	<p>ANI</p> <p>Decision makers in public institutions</p>	<p><b>Implemented</b></p> <p>During 24-26 May 2017, ANI organized multiple training sessions dedicated to the optimization of the process for filling in assets and interests statements, by using offline and online electronic forms. On this occasion, approximately 300 persons were trained regarding the optimization of the process of filling in assets and interests statements.</p> <p>In order to improve the process of submitting assets and interests statements, a plan of measures was prepared in April 2018, which involved the following:</p> <p>Sending 204 notifications to institutions, in which the following aspects were mentioned:</p> <ul style="list-style-type: none"> <li>– The deadlines for submitting assets and interests statements;</li> <li>– The possibility of filling in the statements electronically, while specifying the location from which the forms can be downloaded;</li> <li>– The role of the assigned person;</li> <li>– Mentions regarding the obligation of indicating income obtained in the previous fiscal year,</li> </ul>



Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>and in case a confidentiality clause exists, anonymity should be specifically requested</p> <ul style="list-style-type: none"> <li>– Indicating the question and answer from the guide with regards to confidentiality and specifying the link to the guide;</li> <li>– References regarding the submission of amended assets and interests statements;</li> <li>– References to the sanctioning for not submitting/ not complying with the deadlines/ not filling in the statement adequately;</li> <li>– Indication two contact persons within the inspection, responsible with offering support to the interested persons, regarding the method for filling in and submitting assets and interests statements;</li> <li>– Attaching a CD that contains electronic forms for assets and interests statements, Guides.</li> </ul> <p>In 2018, ANI has updated the <i>"Guide for filling in assets and interests statements, as well as the Guide regarding incompatibilities and conflicts of interest"</i>, which includes a Q&amp;A section, also available on the institution's website.</p> <p>ANI assigned integrity inspectors responsible with offering support to the interested persons, concerning</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>the method for filling in and submitting assets and interests statements.</p> <p>An email address was created, dedicated to the depositors who wish to use electronic forms (with or without electronic signature), <a href="mailto:eforms@integritate.eu">eforms@integritate.eu</a>, managed by S.T.I.</p> <p>At the end of May 2018, ANI issued a press release, through which the public was informed of the deadline for submitting assets and interests statements. The press release summarized information such as the legal provisions regarding the process of submitting and filling in declarations, links to the electronic forms, the "<i>Guide for filling in assets and interests statements</i>" and the "<i>Guide on incompatibilities and conflicts of interest</i>", as well as the Q&amp;A section. The press release included an infographic regarding the submission of assets and interest statements in electronic format, meant to facilitate the process of submitting and filling in the declarations in electronic format.</p> <p>Additionally, during 2018, the Agency issued <b>180 points of view</b> to individuals and companies, concerning the method for filling in and submitting declarations.</p>

## 1.6 Preventing corruption and integrity incidents among local elected officials

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
1.6.1	Fostering the prevention activity through spreading guides and informative materials about the consequences of breaches of integrity.	June 2016	Guidelines and updated materials	N/a	ANI	<p><b>Implemented</b></p> <p>In the context of the 2016 local and parliamentary elections, the National Integrity Agency has updated the Guide to filling in wealth and interest statements, as well as the Guide on Incompatibilities and Conflicts of Interest, available on the Agency's website.</p> <p>In the year 2017, the Agency issued two infographics on <i>Conflicts of interest and incompatibilities among parliamentarians</i>, as well as the <i>submission of wealth and interest statements in electronic format</i>.</p> <p>Furthermore, the <i>Guide for filling in the wealth and conflict of interest statements and the Incompatibilities and Conflicts of Interest Guide</i>, which includes a section of questions and answers, have also been updated and are available on the Agency's website.</p> <p>Furthermore, the <i>Guide for filling in the integrity form</i>, available on the Agency's website, has been developed in the special section PREVENT.</p> <p>Integrity inspectors within the events they attended have disseminated these guides.</p>
1.6.2	Developing and implementing projects to prevent conflicts of interest and	Permanent action and	Cooperation agreements initiated	Not allocated necessary resources	ANI Decision makers	<p><b>Implemented</b></p> <p>Concerning conflicts of interest, in January 2018, the operational procedure for assessing compliance with</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
	incompatibility situations at central public administration level.	annually evaluated	No. of common events organized	The lack of responsiveness decision makers at central level	at the central public administration level	<p>legal provisions on conflicts of interest in public procurement procedures conducted through SEAP by local public authorities entered into force.</p> <p>During the events attended, the integrity inspectors distributed to the participants about 400 copies of the Integrity Form Completion Guide, available on the Agency's website, PREVENT section.</p> <p>In 2018 ANI initiated and / or implemented the following projects to prevent conflicts of interest and incompatibilities in the central and local public administration:</p> <p><b><u>Project "Early identification and prevention of conflicts of interest in the local public administration"</u></b></p> <p>In continuation of the regional debates "Early identification and prevention of conflicts of interests in the local public administration", which took place in 7 counties in 2017, the representatives of the Agency participated in January 2018 at the last regional debate, which took place in Bucharest.</p> <p>The session was attended by secretaries of the sectoral mayoralities, secretaries of the administrative-territorial units in Ilfov, civil servants with attributions in the field of conflict of interest, officers of the integrity department within the City Hall of Bucharest, as well as persons from the public procurement departments from city halls.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>The debates were organized based on the project implemented by the National Integrity Agency, in collaboration with the Institute for Public Policies, through the Swiss-Romanian Cooperation Program.</p> <p>Also, in the continuation of the regional debates, an integrity inspector participated in working sessions with the representatives of the Brasov County Council, on the importance of prevention policies in the implementation of the legal framework for conflict of interests, respectively with representatives of Oradea City Hall and City Hall Constanța, with a view to providing practical assistance on the development of conflicts of interest prevention procedures / practices.</p> <p>At the same time, on September 25, ANI and IPP held a debate at the Agency's premises on the launch of the Annual Report on Early Identification and Prevention of Conflicts of Interest. On this occasion, the impact of the PREVENT system in the local public administration was presented, in order to increase transparency and integrity in the implementation of public procurement procedures.</p> <p><b>PREVENT Seminar</b></p> <p>In January, the National Integrity Agency together with the Expert Forum Association organized at the headquarters of ANI two training seminars on the PREVENT program, aimed at completing the integrity forms related to award procedures, as well as incompatibilities and conflicts of interest in public</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>procurement procedures. The events brought together approximately 85 representatives of public institutions at central and local level and aimed at supporting the work of contracting authorities by facilitating a better understanding of their obligations with regard to the ex-ante verification system for public procurement, PREVENT and the procedures that this program implies.</p> <p><b>Postgraduate Program „Public Integrity and Anti-Corruption Policies”</b></p> <p>Based on the partnership between the National Integrity Agency and the Faculty of Political, Administrative and Communication Studies (FSPAC) of the Babes - Bolyai University of Cluj - Napoca in May, an expert from ANI as a lecturer participated in a training and education activity within the postgraduate program "Public Integrity and Public Policy Anticorruption".</p> <p>Thus, the expert of the Agency shared with the learners the experience gained in identifying incompatibilities and conflicts of interest, how to fill in wealth and interest declarations, asset valuation, the effectiveness of public policy strategies and policies in public integrity.</p> <p>At the same time, in October, the leadership of the Agency participated in the graduation ceremony of graduates of the third postgraduate program "Public Integrity and Public Policy Anticorruption".</p> <p>The program was launched in October 2016 and aims to increase the level of education among certain groups of people - civil servants, teachers, students, in order to prevent conflicts of interest in public administration.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p><b>Cooperation with the Ministry of Culture and National Identity</b></p> <p>Based on the collaboration protocol concluded in December 2017 between the National Integrity Agency and the Ministry of Culture and National Identity, the Rapid Response Mechanism was launched at the institutional needs of the Ministry of Culture and National Identity. In this respect, two training sessions were held in June with representatives of the Ministry and its subordinated / coordinated institutions.</p> <p>At the same time, a training session was held in November with representatives of the Ministry and its subordinated / coordinated institutions, in which the PREVENT system was presented.</p> <p>The Protocol aims at strengthening cooperation and coordinating efforts at the institutional level with a view to improving the mechanisms for preventing and combating corruption in the exercise of public functions and dignities, by conducting prevention and awareness-raising activities at staff level within the Ministry Culture and National Identity, as well as within the subordinated / coordinated institutions.</p> <p>In addition, during 2018, integrity inspectors participated as lecturers at a series of events in which they held presentations and disseminated information on conflicts of interest and incompatibilities as well as on the importance of compliance with integrity in public office.</p> <p>At the same time, in 2018, the following cooperation agreements / protocols were concluded:</p>



Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p><b>National Institute of Administration</b></p> <p>In August 2018, the National Integrity Agency concluded a collaboration agreement with the National Institute of Administration, focusing on the development of ethics and integrity training programs.</p> <p><b>Cooperation with educational institutions</b></p> <p>In 2018, the National Integrity Agency concluded a collaboration protocol with the National School of Political and Administrative Studies (SNSPA), focusing on academic cooperation to achieve the goals of public integrity education and dissemination of integrity standards, through the development of university and postgraduate education programs.</p> <p>At the same time, during the reporting period, ANI has concluded a collaboration protocol with the National Institute for Public Administration Studies and Research (INSCAP), with the main objective of organizing programs of specialization, training and training in public administration in the field of public integrity and dissemination of integrity standards.</p> <p>Based on the two protocols, the Agency will provide specialists to support lectures and case studies in programs on: elements and concepts of practical analysis of conflicts of interest and incompatibilities, valuation of wealth, completion of wealth declarations and interests, as well as public policy strategies and policies in the field of public integrity.</p>

## 1.7 Improvement of prevention and awareness at all levels

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
1.7.1.	Professional training of persons from public institutions designated to implement the law on DA / DI	Permanent action and annually evaluated	50 trained persons	Lack of budgetary resources	ANI	<p><b>Implemented</b></p> <p>In order to support the persons responsible for implementing the provisions of Law no. 176/2010, starting with May 1, 2018, ANI submitted addresses describing the responsibilities. The Guide on filing the declarations of assets and interests and the Guide on incompatibilities and conflicts of interest as well as the forms of declarations of wealth and interests were attached to addresses.</p> <p>At the same time, an e-mail address for the responsible person was created, two integrity inspectors being appointed to respond in real time on requests regarding the wealth and interest statements.</p> <p>Furthermore, in December 2018, because of analyzing the wealth and interest statements transmitted to the Agency, integrity inspectors sent addresses to each institution with the deficiencies identified in the statements. These addresses were sent to the head of the institutions and to the attention of the responsible persons, indicating the legal basis, respectively the deficiencies encountered, and the purpose of the addresses being to emphasize the attributions of designated persons according to art. 6 of Law 176/2010. Thus,</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>in December 2018 addresses were sent to 261 institutions and in January 2019 to 303 institutions.</p> <p>The Agency's <i>Guide for filling the wealth and interests statement</i> and the <i>Incompatibilities and Conflicts of Interest Guide</i>, as well as the forms of wealth and interest statements, have been published on the Agency's website.</p> <p>By participating to a series of event in 2018, the integrity inspectors disseminated the updated <i>Guide for filling the wealth and interests statement</i>.</p> <p>At the end of May, ANI issued a press release informing the people about the deadline for filing the declarations of assets and interests. The press release contained synthesized useful information, such as the legal provisions on submitting and filing the statements, links to electronic forms, <i>Guide for filling the wealth and interests statement</i>, the <i>Incompatibilities and Conflicts of Interest Guide</i> and to the FAQ section. The press release also included an infographic on the submission of declarations of assets and interests in electronic format, meant to facilitate the process of submitting and filling the statements in electronic format.</p> <p>Furthermore, within LINC project it was established the development of an online platform that facilitates the promotion of information in the online environment. The environment is under development and is based on an integrated content</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>management system (CMS), open source, Drupal, which will allow the web site to link to its web platform.</p> <p>An e-learning platform will be enforced on the hosting server to ensure access to online learning resources. It will be used the Moodle platform, which will be installed and configured by the project partner, namely the Romanian Association for Transparency. The e-learning platform will also be integrated with a video conference system to support the synchronized learning part, using the Open Meetings platform.</p>
1.7.2.	Implementing „software” programs for constant education of persons covered by Law 176/2010	January 2019	Projected program  Program implemented in 5 pilot institutions	Lack of availability of human and technical resources	ANI	<p><b>Not implemented</b></p> <p>The Moodle / Open Meetings platforms are scheduled to be integrated into the technical specifications for the development of Agency's integrated IT systems for 2019-2020 period.</p>

**General objective no. 2: identification and sanction of incompatibilities, conflicts of interest, unjustified wealth and ensure the compliance with the legal regime of DA / DI submission**

**2.1 Improvement of integrity incidents evaluation**

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
2.1.1.	Continue to identify and sanction integrity incidents	Permanent action and annually evaluated	<p>Number of evaluation reports issued</p> <p>Number of administrative penalty imposed</p> <p>Number of final evaluation reports provided to the institutions for taking disciplinary action</p>	N/a	ANI	<p>Implemented</p> <p>In 2018, integrity inspectors from ANI have completed <b>2,077 evaluation reports</b>, indicating the existence of integrity incidents or classified the file.</p> <p>Moreover, integrity inspectors applied <b>1,210 sanctions for minor offenses</b>, most of them for failing to submit or late submitting statements of wealth and interests and for disregarding disciplinary sanctions because of the final retention of the evaluation report, all categories of persons prescribed by law.</p> <p>Because of the final assessment reports issued by A.N.I, integrity inspectors have requested institutions to take disciplinary measures that are required by law in <b>237 cases</b>.</p> <p>The wealth and interests statements submitted by 1,885 institutions were also checked, as possible violations of the filing / filing deadlines and 3,770 declarations of wealth and statements</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						Moreover, in the reference year, a total of 4,130 wealth statements were analyzed from the perspective of revenue confidentiality.
2.1.2.	Strengthening the proactive approach in monitoring the statements of assets and interests	Permanent action and annually evaluated	<p>No. studies prepared on compliance with the legal regime of incompatibilities, conflicts of interest or unexplained wealth</p> <p>No. of assessment procedures initiated as a result of studies</p>	N/a	ANI	<p><b>Partially implemented</b></p> <p>Within the “Early Identification and Prevention of Conflicts of Interests in Local Public Administration” project, implemented through the Swiss-Romanian Cooperation Program, the representatives of the Agency participated in a debate in January 2018 in Bucharest, attended by secretaries of the sectoral mayoralities, secretaries of the units administrative-territorial offices in Ilfov, civil servants with attributions in the field of conflict of interest, officers of the integrity department within Bucharest City Hall, as well as persons within the public procurement departments within the mayoralities.</p> <p>During this session, the representatives of the Agency presented the PREVENT system of ex-ante verification in order to prevent the conflict of interest in the procedure of awarding the public procurement contracts. Also, in the continuation of the regional debates, an integrity inspector participated in working sessions with the representatives of the Brasov County Council, on the importance of prevention policies in the implementation of the legal framework for conflict of interests, respectively with representatives of Oradea City Hall and City Hall Constanta, with a view to providing practical assistance on the development of conflicts of interest.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>At the same time, on September 25, ANI and IPP held a debate at the Agency's premises on the launch of the Annual Report on Early Identification and Prevention of Conflicts of Interest. On this occasion, the impact of the PREVENT system in the local public administration was presented, in order to increase transparency and integrity in the implementation of public procurement procedures. Collaboration with the National Agency of Civil Servants</p> <p>Also, within the project "Training for Structures within the FESI Coordination, Management and Control System in Romania, on Priority Issues for Managerial Capacity for the FESI Coordination, Management and Control System", the Agency has submitted its expertise in to develop the Guidelines on Fraud and Irregularity Management in FESI-funded contracts, to apply financial</p> <p>The LINC project</p> <p>Moreover, within the framework of the project "LINC - increasing the capacity of the central public administration to prevent and identify cases of conflicts of interests, incompatibilities and unjustified wealth" SMIS 118824 implemented by the National Integrity Agency (ANI) in partnership with the Romanian Association for Transparency -Ro), in 2018 a working document entitled "Evaluation of regulations on conflicts of interest, incompatibilities and wealth control" was drafted.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						The document is addressed to all persons involved in the implementation of the National Anticorruption Strategy 2016 - 2020 and constitutes both a guideline for persons under Law no. 176/2010 and an early identification tool for integrity incidents (incompatibilities and conflicts of interest and unjustified wealth) in public institutions and authorities and is to be disseminated within the project during 2019.
2.1.3.	Improving the quality of evaluation reports issued by the integrity inspectors	Permanent action and annually evaluated	Updated operational procedure	N/a	ANI	<p><b>Partially implemented</b></p> <p>In order to improve the quality of the evaluation reports issued by the National Integrity Agency, the permanent updating of the operational procedures of the Intelligence Inspection General Directorate was ordered. At the same time, the personalization of the minutes of the telephone conversation or the hearing, aspects that can be found in the operational procedures, was also ordered.</p> <p>At the same time, in 2018, the jurisprudence section managed by the Integrity Inspection was updated.</p> <p>Also, steps have been taken to implement a module called jurisprudence, managed and updated by the Directorate-General for Legal Affairs, Public Relations and Communication with access to the Integrity Inspection. At this point, the procedure is blocked. We have been informed that a pilot platform has been developed by the ITS department and that now it defines</p>



Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>the features that it should encompass. The project is at the discussion stage due to insufficient funds.</p> <p>Furthermore, the evaluation reports are drawn up in accordance with the practice of the Agency maintained by the courts, and contain relevant case law on the integrity incident.</p>

## 2.2. Effective monitoring of the status of cases completed by ANI that come before the courts

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
2.2.1.	Increasing the confirmation percentage of cases completed by ANI	Permanent action and annually evaluated	The confirmations percentage for each category of incidents greater than 80%	N/a	ANI	<p><b>Partially implemented</b></p> <p>At the end of 2018, the final statement of ANI in the case of unjustified wealth, conflicts of interest and incompatibilities is as follows:</p> <ul style="list-style-type: none"> <li>• out of 1,305 final cases of incompatibility, <u>279 were won by ANI</u>, the percentage of confirmation of the Agency's findings regarding incompatibilities being 78,62%,</li> <li>• out of 418 cases of administrative conflicts of interest remained final, <u>387 were won by ANI</u>, the percentage of confirmation of the Agency's findings in the field of administrative conflicts of interest being 92.58%;</li> <li>• out of 38 cases of unjustified wealth remaining final, <u>24 were won by ANI</u>, the percentage of confirmation of the Agency's findings regarding the unjustified wealth being 63.16%;</li> </ul> <p>Furthermore, by the end of 2018, the courts issued 1,616 final decisions on complaints against administrative fines applied by ANI. In <u>1,314 out of these cases, the decision was to maintain the contravention sanctions applied by ANI</u>. Thus, the</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						percentage of confirmation of administrative fines applied by ANI is 81.31%.
2.2.2.	Improving the activity referring to	Permanent action and annually evaluated	<p>Meet the deadlines of response to requests under Law no. 544</p> <p>Updated Procedure</p> <p>Number of adopted measures</p>	The complexity of the requests addressed to ANI that require a longer time for response.	ANI	<p><b>Partially implemented</b></p> <p>In 2018, ANI issued 1,138 points of view on the possibility of incompatibility and / or conflict of interest, as well as on how to fill in / submit statements of wealth and interests.</p> <p>There have been cases where the legal deadlines have been exceeded because of the high volume of requests submitted to ANI, relative to the number of staff assigned to respond.</p> <p>At the same time, the <i>Guide on filling in wealth and interest statements</i>, as well as the <i>Guide on Incompatibilities and Conflicts of Interest</i>, which includes a Q&amp;A section, have been updated and are available on the Agency's website.</p> <p>At the same time, the <i>Integrity Form filling in Guide</i> is available on the Agency's website, developed in the special section PREVENT.</p> <p>The National Integrity Agency has appointed integrity inspectors responsible for assisting interested parties on how to fill in and submit the statement of wealth and interests or fill in the integrity form.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						<p>Additionally, in order to improve the work of assisting persons looking for clarification on the legislative framework governing the integrity system, the operational procedures for dealing with petitions within the General Directorate for Integrity Inspection and D.G.J.R.P.C. have been updated.</p> <p>Furthermore, the operational procedure for petitions is disclosed annually to integrity inspectors to improve the procedural steps provided by it.</p>
2.2.3.	Improve the recovery of the amounts ordered for confiscation by final and irrevocable decisions issued by courts, following procedures regarding unjustified wealth	Permanent action, annually evaluated	Confirmation percentage for each evaluation report through which it retain unjustified difference between income and wealth acquired	<p>Lack of precautionary measures</p> <p>The low level of involvement of relevant institutions and authorities</p>	ANI ANAF	<p><b>Implemented</b></p> <p>At the end of 2018, out of the 38 final cases of unjustified wealth, 24 were won by ANI by the final and irrevocable decisions of the courts. Thus, the percentage of confirmation of the Agency's findings on unjustified wealth is 63.16%.</p>

## General objective no.3: Administrative consolidation of the National Integrity Agency

### 3.1 Internal Consolidation of ANI's administrative activities

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
3.1.1.	Optimal assurance and efficient design of financial, human and technical resources	Permanent measure assessed on an annual basis	<p>Parliament Approved Budget</p> <p>Filled in Personnel Scheme</p> <p>Purchased/Implemented Technical Resources</p>	<p>Lock of political will</p> <p>Economic instability</p>	<p>ANI</p> <p>The Government</p> <p>The Parliament</p>	<p><b>Partially implemented</b></p> <p>Through the Budget law, no. 2/2018, the budget of the National Integrity Agency for the year 2018 was approved for a total amount of 21.644.000 Lei of which:</p> <ul style="list-style-type: none"> <li>• Staff costs – 9.744.000 Lei;</li> <li>• Goods and services – 10.000.000 Lei;</li> <li>• Capital expenditures – 1.900.000 Lei.</li> </ul> <p>The budget of the National Integrity Agency for 2018 following the rectification:</p> <ul style="list-style-type: none"> <li>• Commitment appropriations totaling RON 21,231,000 of which: <ul style="list-style-type: none"> <li>○ Staff costs - 9,874,000 Lei;</li> <li>○ Goods and services - 9,217,000 Lei;</li> <li>○ Programs from the European Social Fund (ESF) - 910,000 Lei;</li> <li>○ Other Expenses - 100,000 Lei;</li> <li>○ Capital expenditures - 1,130,000 Lei.</li> <li>○ Budget appropriations totaling RON 20,905,000, out of which: <ul style="list-style-type: none"> <li>○ Staff costs - 9,874,000 Lei;</li> <li>○ Goods and services - 9,217,000 Lei;</li> <li>○ Programs from the European Social Fund (ESF) - 604,000 Lei;</li> <li>○ Other Expenses - 100,000 Lei;</li> </ul> </li> </ul> </li> </ul>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>○ Expenditures - 1,110,000 Lei.</p> <p>Taking into account the application of the provisions of OUG no. 90/2017, according to which at the level of the year 2018 the vacancy or examination of vacant or temporary job vacancies in public institutions and authorities was suspended during the year 2018, the procedures for organization and employment, by competition, were started for two positions public executives with a special status, as well as two public positions of head of office, respectively head of department, these being occupied after the contests. In order to fill these positions, the contest files were submitted by 6 persons.</p> <p>In order to complete the staffing needs, by the year 2018, 5 posts within the Agency were filled by posting and one post was transferred by transfer. At the level of the 2018 budget year, the ITS allocated all budgeted financial resources in order to make the ANI employees more efficient. Regarding technical resources, they are constantly monitored so that their allocation and use are effective, efficient and in line with the need to perform their job duties. However, the moral wear and tear and EOS (End of Support) and EOL (End of Line) status of the old IT &amp; C infrastructure from 2008 to 2009 have to be taken into account. In this regard, the ITS has made proposals to improve the whole infrastructure IT &amp; C, and depending on the budget allocated, these proposals will be implemented as well.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
3.1.2.	Efficiently design resources in order to boost activity	Permanent measure assessed on an annual basis	Resources designed depending on needs  Increase in the number of integrity inspectors  Training of ANI staff	Insufficient financial resources	ANI	<p><b>Partially implemented</b></p> <p>Taking into account the small number of persons in public functions with special status within the Agency, related to the average of the files in progress, namely 77 files / inspector, in 2018 the procedures for organizing and carrying out the employment contests for a number of 2 public positions with special status, which were occupied after the competition.</p> <p>In total, 4 competition files have been submitted.</p> <p>During the year 2018, 46 ANI employees participated in training and retraining programs, accounting for approximately 44% of all employees.</p>
3.1.3.	Increase in the number of externally funded projects or projects funded by the state budget.	Permanent measure assessed on an annual basis	Number of initiated projects  Number of implemented projects	Lack of budgetary resources	ANI  External Partners	<p><b>Partially implemented</b></p> <p>In order to implement objective no. 5.2. SNA 2016 - 2020, the National Integrity Agency, starting 31.07.2018, became the Beneficiary of the project "LINC - Increasing the Capacity of Central Public Administration to Prevent and Identify Cases of Conflicts of Interest, Incompatibilities and Unjustified Assets", a project in partnership with Transparency International Romania (project funded through the Operational Capacity Administrative Program).</p> <p>In addition, in 2018 a project file was submitted in the project application no. IP12 / 2018 (MySMIS: POCA / 399/1/1) on "Support for actions to strengthen the capacity of central public authorities and institutions", which was rejected.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>Moreover, in 2018, the Consortium consisting of Romania, through the General Anticorruption Directorate and Lithuania, through the Special Investigation Service was declared the winner of the Twinning Project "Strengthening Capacities of Internal Control in the Fight Against Corruption in the Ministry of Interior of Serbia".</p> <p>Together with the General Anticorruption Directorate, experts from the National Integrity Agency, the Control Body of the Minister and the General Directorate for Communications and Information Technology of the Ministry of Internal Affairs participate in the implementation.</p>
3.1.4.	Extension and operationalization of the workspace	July 2016	Purchased and operationalized workspace	Lack of availability of adequate space	ANI The Romanian Government	<p><b>Partially implemented</b></p> <p>At the end of 2019, it is expected that the secondary center of the National Integrity Agency, which will serve as a workspace for the Agency's administration, will be operating.</p> <p>In addition, the basics of the computer network, access by communications equipment to the servers at the headquarters and the telephone exchange were installed.</p>
3.1.5.	Improving the institutional capacity by implementing recommending recommendations	Permanent measure assessed on an annual basis	Number of implemented recommendations	Lack of resources	ANI	<p><b>Partially implemented</b></p> <p>For the observations of the 2009-2017 checks (no recommendations for the ANI Strategy), 24 recommendations were implemented, 17</p>



Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
	made by the external auditors					recommendations were partially implemented and 13 recommendations were not implemented.
3.1.6.	Improvement of the operational working procedures	Permanent measure assessed on an annual basis	Number of updated operational procedures	N/a	ANI	<b>Implemented</b>  In 2018, 181 operational procedures specific to ANI activities were updated / revised / issued.
3.1.7.	Increasing the quality of the conducted activities of the Public Internal Audit Department and the implementation of recommendations laid out in the Public Internal Audit Report	Permanent measure assessed on an annual basis	Number of employees reported to the workload  Number of audit system missions and performance audit missions included in the audit plan  Certified internal auditors  Workspace assigned to internal auditors	Lack budgetary resources	ANI	<b>Partially implemented</b>  Planned activity is performed 100% with the existing staff.  In order to increase the quality of the activities carried out by the Internal Public Audit Compartment and to implement the recommendations formulated in the Internal Public Audit Report, a performance audit mission was carried out in 2018.  The work area for the Internal Audit Department is in compliance.  Internal ANI auditors are not certified because the procedures mentioned in OMFP Order no.659 / 2015 modified by the Order of OMFP no. 783/2016, have not been approved, which leads to the failure to certify internal auditors by UCAAPI.

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
3.1.8.	Elaboration of the Information Technology Policy	June 2016	Elaborated Information Technology Policy	N/a	ANI	<b>Implemented</b>  In April 2016, the Information Technology Service developed a document called the IT Strategy for 2015-2020, approved by ANI's Management.

## 3.2 Increasing the efficiency of the Human Resources Policy

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
3.2.1.	Increasing the number of employees in supporting departments for Integrity Inspection	December 2016	Minimum 5 persons employed	Insufficient number of posts budgeted	ANI	<p><b>Implemented</b></p> <p>During 2016, there were launched the procedures for organizing and conducting contests for a number of 7 public positions within the Support Compartments for the Integrity Inspection; out of these, 1 was a public management position. 1 public management position and 6 public execution positions were occupied.</p> <p>Next, during 2018, the procedures for organizing and conducting employment contests for a number of 3 public positions, of which a leading public office, were started.</p> <p>A public management position and two public execution positions were occupied.</p>
3.2.2.	Increasing the number of integrity inspectors	Permanent measure assessed on an annual basis	Minimum 5 integrity inspectors employed / year	<p>Insufficient number of posts budgeted</p> <p>Low exam pass rate</p>	ANI	<p><b>Partially implemented</b></p> <p>In 2018, the procedures for organizing and conducting employment contests for a number of 2 public positions with special status were started and these were taken after the competitions were held. In order to fill these positions, 4 competition files were submitted.</p>
3.2.3.	Elaborating the human resources management policy	January 2018	Issued policy	n/a	ANI	<p><b>Not implemented</b></p> <p>At the end of 2018, the Human Resource Management Policy was in the process of being developed.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
3.2.4.	Training ANI's experts on train the trainers component	Permanent measure assessed on an annual basis	Minimum 2 persons trained/year	Lack of training offers	ANI  External suppliers	<b>Not implemented</b>  During the year 2018, 18 integrity inspectors participated in the <i>TRAINING FORMATORY</i> program.
3.2.5.	Integrity inspectors and administrative staff training	Permanent measure assessed on an annual basis	Minimum 15 persons trained/year	Lack of training offers  Lack of budgetary resources	ANI  External suppliers	<b>Implemented</b>  During the year 2018, a number of 46 ANI employees participated in training and retraining programs.

### 3.3 Streamlining of communication policy

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
3.3.1.	Elaborating the communication policy	January 2018	Issued policy	N/a	ANI	<b>Not implemented</b>  At the end of 2018, the Communication Policy was in the process of development.
3.3.2.	Improving the communication process of information of public interest including those available on the Agency website	Permanent measure assessed on an annual basis	Web sections updated annually  Improved operational procedures	N/a	ANI	<b>Implemented</b>  Web sections of the Agency website are permanently updated.  At the same time, 47 public information materials were posted on the Agency's website in 2018.  As a result of the entry into force of Law no. 184/2016 regarding the setting up of a mechanism to prevent the conflict of interest in the procedure for the award of public procurement contracts, the National Integrity Agency has launched on the website a distinct section, meant to inform the persons with attributions in the implementation of this normative act. In addition, ANI has made available to interested parties on the website a set of useful information on completing the Integrity Form and a list of the most frequent requests for information on the mechanism for preventing conflict of interest in the procedure for the award of public procurement contracts, related answers.  At the same time, PS 13 / S.C.M. The public interest information communication activity within the National Integrity Agency.

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
3.3.3.	Modernizing communication tools	January 2018/ Permanent measure assessed on an annual basis	<p>Updating the ANI's presentation brochure</p> <p>Using newsletter and social media tools</p> <p>Using info graphs to present relevant information</p>	Lack budgetary resources	<p>ANI</p> <p>External supplier</p>	<p><b>Partially implemented</b></p> <p>On the 10th anniversary of the establishment of the National Integrity Agency, ANI has produced a brochure summarizing the activity and the results achieved in the 10 years of fighting corruption through administrative means.</p> <p>The brochure includes detailed information on the legal framework of operation, institutional organization, administrative capacity, evolution of the wealth and interest statements system, the results obtained in identifying, preventing and sanctioning integrity incidents, the work in the field of export of best practices at international level, and the main challenges and strategic objectives for the coming years. The brochure can be consulted electronically on the Agency's website, both in Romanian and English. At the same time, ANI will disseminate the Brochure among institutions and organizations in Romania as well as internationally.</p> <p>In 2018, two infographics there were elaborated on Conflicts of interest and incompatibilities among MPs, as well as the submission of state</p> <p>ments of wealth and interests in electronic format. In order to improve the level of knowledge and understanding of the Agency's activity at the local and regional level, ANI has used social media platform (Facebook) for the dissemination of the published public information materials. At the same time, the Agency has published on the Facebook page information about the main events and projects it has been part of.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte Evaluation as of 31.12.2018
						At the end of 2018, the newsletter server was shut down for an update.

## General objective no. 4: Ensuring Transparency

### 4.1 Ensuring transparency in respect of declarations of assets and interests

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
4.1.1.	Increasing the number of people submitting assets and interest statements in electronic format	December 2019	20.000 assets and interest statements submitted in electronic format	Persons refusing to submit statements in electronic format  Lack of resources	ANI  Persons that are obliged to submit the Assets statement/ Interest statement  Public institutions and authorities	<b>Partially implemented</b>  During 2018, 20,000 declarations of assets and interests were filled in electronically.  Training sessions on optimizing the process of filling in wealth and interest statements in electronic format.  Between May 24 and 26, 2018, ANI has organized several training sessions dedicated to optimizing the process of filling in wealth and interest declarations by using online and offline electronic forms.

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>On this occasion, about 300 people were trained in optimizing the process of filling in wealth and interest statements.</p> <p>At the same time, there were released the Guide to fill in assets and interests statements as well as an infographic on the submission of declarations of assets and interests in electronic format in order to facilitate the process of submitting and filling in the statements in electronic format.</p>
4.1.2.	Ensuring continuity on public declarations of assets and interests and helping institutions in a transparent presentation of declarations of assets and interests	2018	<p>Re launched tender procedure</p> <p>Awarded contract</p>	Lack of finance resources	ANI	<p><b>Implemented</b></p> <p>During the entire period of 2018, the continuity in the publication of the wealth and interest statements on the institution's website was ensured, based on a framework agreement on archiving and other related services, no. 4045 / 12.03.2014, services which include, among others, both the retrieval and processing of statements, as well as the hosting of the site and Portal.</p>



## 4.2 Update ANI web page

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
4.2.1.	Developing the English version of the Website	January 2017	Translated sections of ANI web page	Lack of budget resources	ANI  External supplier	<b>Not implemented</b>
4.2.2.	Constantly completion of sections	Permanent measure assessed on an annual basis	Permanently updated sections	Lack of human resources	ANI	<p><b>Implemented</b></p> <p>Based on an internal note on the methodology for updating the content of the sections on the Agency's website, each department responsible for a section / subsection requests, whenever necessary, the publication of information and data.</p> <p>The sections available on the Agency's website are permanently updated, as follows:</p> <ul style="list-style-type: none"> <li>• <i>Definitive incompatibilities - 3-year ban;</i></li> <li>• <i>Files in court;</i></li> <li>• <i>Definitive and irrevocable judgments of the courts;</i></li> <li>• <i>Minutes for sanctioning contraventions;</i></li> <li>• <i>Legislation views;</i></li> <li>• <i>Organization;</i></li> <li>• <i>Budget and public procurement;</i></li> <li>• <i>Statements of Wealth;</i></li> <li>• <i>Legislation;</i></li> <li>• <i>Reports and Audit;</i></li> <li>• <i>A.N.I careers;</i></li> <li>• <i>Cooperation;</i></li> </ul> <p>At the same time, in 2018, the <i>Guidelines for filling in Wealth and Interests Statements</i>, as well as the</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p><i>Guidelines on Incompatibilities and Conflicts of Interest</i>, which includes a Q&amp;A section, were also updated and available on the Agency's website. In addition, the <i>Guide to filling in the integrity form</i>, available on the Agency's website, has been developed in the special section PREVENT.</p> <p>Furthermore, 47 public information materials were posted on the Agency's website.</p>
4.2.3.	Publication of final and irrevocable decisions issued by courts on matters regarding wealth confiscation, conflicts of interest and incompatibilities	Permanent measure assessed on an annual basis	Number of published decisions	N/a	ANI	<b>Not implemented</b>

## General objective no 5: Cooperation with inter institutional and non-institutional entities

### 5.1 Cooperation at national level

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
5.1.1.	Disseminating the concept of integrity in schools	Permanent measure assessed on an annual basis	No. of common events organized  No. cooperation agreements initiated	Lack of budgetary resources  Lack of availability of human resources	ANI  Educational institutions	<p><b>Implemented</b></p> <p><b><u>The Postgraduate Program „ Public Integrity and Anti-Corruption Policies”</u></b></p> <p>Based on the partnership between the National Integrity Agency and the Faculty of Political, Administrative and Communication Studies (FSPAC) of the Babes - Bolyai University of Cluj - Napoca, in January and March, an expert from ANI he held two lectures in the postgraduate program <i>"Public Integrity and Public Policy Anticorruption"</i>.</p> <p>Thus, the expert of the Agency shared with the learners the experience gained in identifying incompatibilities and conflicts of interest, the method for filling in the wealth and interest statements, wealth assessment, the effectiveness of public policy strategies and public integrity policies</p> <p>On October, the President of the Agency participated in the debate held in Cluj - Napoca on the occasion of graduating the postgraduate course <i>"Public Integrity and Public Policy Anticorruption"</i> by the first two classes of the programme.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>The program was launched in October 2016 and aims to increase the level of education among certain groups of people - civil servants, teachers, students, in order to prevent conflicts of interest in public administration.</p> <p><b><u>National School of Political and Administrative Studies (SNSPA) and National Institute for Studies in Public Administration (INSCAP)</u></b></p> <p>In 2018, the National Integrity Agency concluded a collaboration protocol with the National School of Political and Administrative Studies (SNSPA), focusing on academic cooperation to achieve the goals of public integrity education and dissemination of integrity standards, through the development of university and postgraduate education programs.</p> <p>At the same time, during the reporting period, ANI has concluded a collaboration protocol with the National Institute for Public Administration Studies and Research (INSCAP), with the main objective of organizing programs of specialization, training and training in public administration in the field of public integrity and dissemination of integrity standards.</p> <p><b><u>Cooperation protocol with the "Alexandru Ioan Cuza" Police Academy</u></b></p> <p>In June 2017, the President of ANI and the Rector of the "Alexandru Ioan Cuza" Police Academy signed a cooperation protocol between the two institutions, the main objectives being the promotion of the integrity</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						concept among the students in the study programs conducted at the level of the Police Academy "Alexandru Ioan Cuza", as well as increasing the level of education in the field of public integrity of the staff within the Academy by organizing conferences, seminars or roundtables.
5.1.2.	Fostering of cooperation with public institutions and authorities, as well as with the associative structures of local authorities	Permanent measure assessed on an annual basis	No. of common events organized	Lack of availability of budgetary and human resources	ANI  National Union of County Councils in Romania  Association of Municipalities in Romania  Association of Romanian Towns  Association of Communes	<b>Implemented</b>  During the reporting period, the Agency carried out cooperation activities with the public institutions and authorities as well as with the associative structures of the local public administration authorities, as follows: <ul style="list-style-type: none"> <li>• The project "Early identification and prevention of conflicts of interest in local public administration"</li> <li>• PREVENT Seminar</li> <li>• Training sessions on optimizing the process of completing wealth statements and electronic interests</li> <li>• Cooperation protocol with the Ministry of Culture Cooperation protocol with the National Institute of Administration</li> </ul>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
					es of Romania	
5.1.3.	Develop and strengthen partnerships with non-governmental organizations	Permanent measure assessed on an annual basis	No. of common events organized No. of cooperation agreements initiated	Lack of availability of budgetary and human resources	ANI ONGs	<p><b>Implemented</b></p> <p><b>Project "Early identification and prevention of conflicts of interest in the local public administration"</b></p> <p>In the continuation of the regional debates "Early identification and prevention of conflicts of interests in the local public administration", which took place in 7 counties in 2017, the representatives of the Agency participated in January 2018 in the last regional debate, which took place in Bucharest.</p> <p>The debates were organized based on the project implemented by the National Integrity Agency, in collaboration with the Institute for Public Policies, through the Swiss-Romanian Cooperation Program.</p> <p>At the same time, on September 25, ANI and IPP held a debate at the Agency's premises on the launch of the Annual Report on Early Identification and Prevention of Conflicts of Interest. On this occasion, the impact of the PREVENT system in the local public administration was presented, in order to increase the transparency and integrity in the implementation of the public procurement procedures.</p> <p><b>PREVENT Seminar</b></p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>In January, the National Integrity Agency together with the Expert Forum Association organized at the headquarters of ANI two training seminars on the PREVENT program, aimed at completing the integrity forms related to award procedures, as well as incompatibilities and conflicts of interest in public procurement procedures.</p> <p>The events brought together approximately 85 representatives of public institutions at central and local level and aimed at supporting the work of contracting authorities by facilitating a better understanding of their obligations with regard to the ex-ante verification system for public procurement, PREVENT and the procedures that this program implies.</p> <p><b>Project "LINC - Increasing the Capacity of Central Public Administration in Preventing and Identifying Cases of Conflicts of Interest, Incompatibilities and Unjustified Property" SMIS 118824</b></p> <p>In order to implement objective no. 5.2. SNA 2016 - 2020, the National Integrity Agency, starting 31.07.2018, became the Beneficiary of the project "LINC - Increasing the Capacity of Central Public Administration to Prevent and Identify Cases of Conflicts of Interest, Incompatibilities and Unjustified Assets", a project in partnership with Transparency International Romania (project funded through the Operational Capacity Administrative Program).</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
5.1.4.	Providing viewpoints to entities that have legislative initiative regarding drafting laws related to ANI's objects of activity	Permanent measure assessed on an annual basis	No. of viewpoints provided	Refusal of the authorities to seek viewpoints from ANI	ANI DRP	<p><b>Implemented</b></p> <p>The National Integrity Agency constantly expresses its views on the draft normative acts regulating its activity.</p> <p>In 2018, ANI has granted 19 points of view to the entities that have a legislative initiative regarding the draft laws related to the Agency's object of activity, referring to the following normative acts:</p> <ul style="list-style-type: none"> <li>➤ Administrative Code;</li> <li>➤ Law no. 7/2006 on the statute of the public official;</li> <li>➤ The laws of the recession;</li> <li>➤ Law on cadaster and real estate advertising no. 7/1996;</li> <li>➤ Law no. 161/2003 on certain measures for ensuring transparency in the exercise of public dignities, public functions and in the business environment, prevention and sanctioning of corruption;</li> <li>➤ Law no. 176/2010 on integrity in the exercise of public functions and dignities, amending and completing the Law no. 144/2007 regarding the establishment, organization and functioning of the National Integrity Agency, as well as for the modification and completion of other normative acts;</li> <li>➤ Law no. 35/1997 regarding the organization and functioning of the People's Advocate Institution;</li> <li>➤ Law no. 144/2007 on the establishment, organization and functioning of the National Integrity Agency;</li> <li>➤ Law no. 350/2005 on the regime of non-reimbursable grants from public funds allocated for non-profit activities of general interest;</li> </ul>



Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						➤ Law no. 393/2004 on the Statute of local elected officials.
5.1.5.	ANI involvement in implementing the objectives and measures of National Anticorruption Strategy	Permanent measure assessed on an annual basis	<p>No. of common activities</p> <p>At least two experts appointed to assist the Technical Secretariat</p> <p>No. of meetings</p> <p>No. of evaluation missions involving experts ANI</p>	Lack of human resources	ANI	<p><b>Implemented</b></p> <p>Two representatives from the institution, responsible for implementing the Strategy, were appointed in 2016.</p> <p>At the beginning of 2017, the National Integrity Agency adopted the Declaration on the Adherence to the Values, Objectives, Principles, Measures and Monitoring Mechanism of the <i>National Anticorruption Strategy 2016-2020</i>.</p> <p>At the same time, an internal assessment of the risks related to corruption has been developed. As a result, an integrity plan, approved internally, by ANI, has been developed, comprising four distinct sections, according to the general objectives assumed in the document:</p> <p><b>Internally</b>, based on previously identified corruption risks, objectives and measures for their management have been outlined.</p> <p><b>Externally</b>, in order to combat, prevent corruption and educate the target audience, the objectives and measures of the Strategy for preventing and sanctioning conflicts of interest of the incompatibilities and unjustified assets of the National Integrity Agency were taken over.</p> <p><b>In the third part of the integrity plan</b>, there were identified the objectives and measures included in the</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>National Anticorruption Strategy. 2016 – 2020 to which the Agency can contribute actively and effectively. In addition to those mentioned, ANI may also contribute to other objectives, depending on the specific requirements arising from the implementation of the S.N.A.</p> <p><b>In the fourth part of</b> this plan, the objectives and measures aimed at minimizing or eliminating the specific risks and vulnerabilities of the <b>National Integrity Council</b> are described.</p> <p>In this context, ANI representatives participated in two meetings of the <i>Cooperation Platform of Independent Authorities and Anticorruption Institutions</i> in May and December of 2017, which aimed to establish the following steps in fulfilling the objectives set by the S.N.A., but also the participants' presentation of the methodology to monitor the implementation of the National Anticorruption Strategy.</p> <p>In June 2017, the National Integrity Agency submitted the first report on the stage of implementation of the measures provided by the National Anticorruption Strategy 2016-2020.</p> <p>A thematic evaluation mission was organized at the ANI headquarters in October 2017 on the three topics subject to evaluation: Gifts reporting process, Whistleblowing in public interest, and Sensitive Functions. A first draft containing the recommendations made by technical secretary experts from the SNA was sent to the Agency.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>Furthermore, in October 2017, ANI together with an NGO partner applied for funding to implement a project targeting OS 2.2. - <i>Increasing the transparency, ethics and integrity within the public authorities and institutions of SNA</i> through the Operational Capacity Administrative Program. The application is still being evaluated.</p> <p>In April 2018, an evaluation report was published on the <a href="http://sna.just.ro">sna.just.ro</a> website, which contains the recommendations made by experts from STN of SNA.</p> <p>On the external plan, in August 2018, in order to implement objective no. 5.2. SNA 2016 - 2020, the National Integrity Agency, starting 31.07.2018, became the Beneficiary of the project <b>"LINC - Increasing the Capacity of Central Public Administration to Prevent and Identify Cases of Conflicts of Interest, Incompatibilities and Unjustified Assets"</b>, a project in partnership with Transparency International Romania (project funded through the Operational Capacity Administrative Program). Thus, in the year 2018, two documents were drafted as follows:</p> <p>1. The "Assessment of Conflicts of Interest, Incompatibilities and Property Controls" document addressed to all persons involved in the implementation of the National Anticorruption Strategy 2016-2020 and constitutes both a guideline for persons under Law no. 176/2010 and an early identification tool for integrity incidents (incompatibilities and conflicts of interest and</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>unjustified wealth) in public institutions and authorities and is to be disseminated within the project during 2019.</p> <p>2. "Research report on EU-level regulations on conflicts of interest and incompatibilities applicable to members of Parliament and candidates in parliamentary elections" The document was developed within the specific objective no. 3 of the project, respectively intensifying the dialogue on the role of Parliament in promoting integrity and proposing measures in this regard.</p>
5.1.6.	Harmonization and clarification of the legal framework on incompatibilities	June 2019	<p>Working group established</p> <p>No. of proposals submitted</p> <p>Legislative changes made</p>	<p>Legislative instability</p> <p>Legislative delay</p> <p>The dilution of the existing legislative framework</p>	<p>ANI</p> <p>MJ</p>	<p><b>Partially implemented</b></p> <p>Taking into account the initiative to harmonize the legislation on conflicts of interest and incompatibilities regarding the public function, a working group for the elaboration of the administrative code was set up at the level of the Ministry of Regional Development, Public Administration and European Funds. In 2016, two experts from the Agency were co-opted in this working group, participating in a series of meetings to bring about changes to the current legislation. ANI representatives participated in 5 working meetings, and made 10 proposals to amend the legislation.</p> <p>The draft Administrative Code was adopted on July 9, 2018 by the Parliament and sent for promulgation to the President of Romania. A petition for unconstitutionality was filed, which was approved by the Constitutional Court of Romania on November 6, 2018.</p>

## 5.2 Cooperation at international level

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
5.2.1.	Agency involvement in technical assistance projects	Permanent measure assessed on an annual basis	No. of activities  No. of experts appointed	Lack of resources  Lack of availability of experts	ANI  MAE  Civil society	<p><b>Implemented</b></p> <p>In 2018, the consortium composed of Romania, represented through the General Anticorruption Directorate, and Lithuania, through the Special Investigations department, was declared winner of the Twinning Project "Strengthening the capacities of the internal control in the fight against corruption in the Ministry of Internal Affairs of Serbia".</p> <p>Together with the General Anticorruption Directorate, experts from ANI participated in the implementation of the Minister's Control Body and the General Directorate for Communications and Information Technology of the Ministry of Internal Affairs.</p> <p>Additionally, in June, at the invitation of the Ministry of Internal Affairs, ANI's management participated at the 5<sup>th</sup> reunion of the Romania – Republic of Moldova intergovernmental Commission for European integration, which took place in Bucharest. On this occasion, the summary of the discussions within the sectoral Groups (ANI Romania – ANI Republic of Moldova) was presented, as well as the future collaboration for supporting the National Integrity Authority from the Republic of Moldova, in the preparation of the Manual of control procedures for assets and personal interests regarding compliance with the legal regime of conflicts of interest, incompatibilities and restrictions, as well as the</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>preparation of the guide for preventing conflicts of interest.</p> <p>In this context, the two institutions agreed to also collaborate in the future with regards to the following priorities:</p> <ul style="list-style-type: none"> <li>– Updating the collaboration protocol established on September 2015 By the Agency and the National Integrity Commission (current Authority);</li> <li>– Organizing training sessions either directly, or with the support of other parties (institutions and non-institutions);</li> <li>– Exchanging experiences regarding the Authority's "e-Integrity" Informational System for submitting and verifying personal assets and interests statements, with a new module, similar with the "PREVENT" integrated IT system for preventing conflicts of interest in public procurement, or preparing the methodology regarding preventing and identifying conflicts of interest in public procurement procedures;</li> <li>– Collaborating on other levels, which would allow the efficient development of the Authority (attracting external investments, management, communication, internal control, wealth confiscation, representation in court, developing,</li> </ul>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						implementing and evaluating policies, appointing expertise etc.).
5.2.2.	Continuing exporting best practices referring to Romanian system of declaration of assets and interests	Permanent measure assessed on an annual basis	No. of activities	Lack of resources  Lack of availability of experts	ANI  MAE  Civil Society	<p><b>Implemented</b></p> <p>In 2018, the National Integrity Agency has been actively involved in exporting best practices regarding the Romanian system of assets and interests statements, as follows:</p> <p>At the end of January, at the invitation of the Regional Anticorruption Initiative (R.A.I.), an agency representative participated at the winter School with the theme "Fighting corruption through administrative methods and supporting the development of new anti-corruption policies", which took place in Roma and Perugia, Italy. On this occasion, the Agency's representative participated at the debate held by the university teachers/ persons that hold functions and qualities relevant to preventing and fighting corruption, presenting at the same time the activity of the Agency concerning preventing and fighting corruption through administrative methods.</p> <p>In February, at the invitation of the Central Anti-corruption Bureau (CAB) of Poland, a delegation of ANI, composed of three representatives, has participated at a series of work meetings with CAB's experts, on the subject of the electronic system for asset statements. Throughout the two days, the Agency's representatives presented aspects</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>regarding the establishment, as well as the Agency's activity, with emphasis on the method for filling in and submitting assets and interests statements. Additionally, the Agency's experts presented, the existing sections in the assets and interests statements, as well as two case studies regarding the evaluation of complying with the legal regime corresponding to conflicts of interests, as well as the evaluation of presumptive significant differences existing in assets, reported to achieved earnings.</p> <p>Additionally, in March, at the invitation of the Permanent Secretary of the Network for Integrity, a delegation from ANI participated, in Paris, at the workshop Network for Integrity regarding digital instruments for promoting and monitoring public integrity. The workshop was organized with the support of the Organization for Economic Cooperation and Development (OECD), on the occasion of Integrity Week 2018, and reunited approximately 15 institutions and experts from international organizations (European Council, OECD), in order to share actual experiences in the development and utilization of digital instruments for collecting, monitoring and/ or publishing data regarding integrity in the public sector. On this occasion, ANI's representatives held two presentations regarding the Agency's activity, the integrity framework in Romania and the system for declarations of assets (from 1996 to the present date), as well as a presentation of the PREVENT system, with references regarding data collected from public and private sources, as well as</p>



Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>databases. Additionally, the Network's members discussed the action plan for 2018, restating their commitment to continue the exchange and to improve the procedures and instruments for strengthening the integrity, ethics and transparency in public life.</p> <p>In April, at the proposal of the Ministry of European Funds, ANI has organized at its headquarters, the visit of Lithuania's Agency representatives for Public Procurement. On this occasion, the integrity inspectors have shared ANI's practices, case studies, and presented the PREVENT system with the goal of preventing conflicts of interest in the procedure for the assignment of public procurement contracts.</p> <p>Additionally, in April, at the invitation of Alternative Institutes, Mr. Silviu-Ioan Popa, the General Secretary of ANI, has participated, as a guest speaker, at the Conference for the conclusion of the project "Towards Qualitative Signs of the Anti-corruption Efficacy", implemented by Alternative Institutions with the support of the Kingdom of Netherlands Embassy. The conference addressed the subject of repressive and preventive mechanisms for fighting corruption in Montenegro and their efficiency, with a panel dedicated to the preventive mechanisms for fighting corruption, both within the Agency regarding Preventing Corruption in Montenegro, as well as within other similar institutions. On this occasion, the Agency's Secretary General presented</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>ANI's model, as well as the expertise and results of the Agency's activity.</p> <p>In June, at the request of the INK Association, ANI has organized at its headquarters the study visit of a group of 16 young jurists from the Republic of Moldova, participants in the leadership programme LEAD 2018, implemented by the INK Association and CRPE with the support of The Embassy of the Kingdom of the Netherlands in Romania and the Republic of Moldova. On this occasion, Mr. Silviu-Ioan Popa, the Secretary General of the Agency, and Mr. Tiberius-Florin Tanase, the President of the National Integrity Council, have presented both the activity of ANI, as well as the activity of the National Integrity Council.</p> <p>Additionally, in June, at the request of the National Anti-corruption Directorate, ANI has received the study visit of the delegation from the National Anti-corruption Bureau (NABU) of Ukraine. During the visit, integrity inspectors have presented the Agency's legal framework in place, as well as the PREVENT system.</p> <p>In July, at the invitation of the Permanent Secretary of the Network for Integrity, Mr. Florin-Ionel Moise, the Vicepresident of ANI, and Mr. Silviu-Ioan Popa, the Secretary General of ANI, have participated in the Open Government Network Summit, in Tbilisi. In this context, the Agency's management has participated in the panel titled "Publishing and reusing open data".</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>for consolidating public integrity”, organized by the Network of Integrity in collaboration with the Secretary General of Chile’s Presidency. On this occasion, on July 19, ANI and the Civil Service Bureau of Georgia have signed a Cooperation and Understanding Memorandum between the two institutions, with the objective of exchanging best practices and expertise on the topic of preventing corruption through administrative methods.</p> <p>In July, at the request of the National Anti-corruption Directorate, the Secretary General of ANI received the study visit of representatives from Ukraine’s civil society, as well as from the Civic Supervisory Council of the National Anti-corruption Bureau from Ukraine. On this occasion, the legal framework corresponding to the Agency’s activity was presented, as well as best practices and ANI’s experience concerning the integrity framework.</p> <p>In September, at the invitation of Center for the Study of Democracy, Mr. Silviu-Ioan Popa, Secretary General of ANI has participated, on 13-14 September 2018, at the international conference “Defending the State against Corruption: innovative methods for investigating fraud and corruption in projects funded from EU funds in the field of agriculture”, organized in Sofia. On this occasion, ANI’s Secretary General has participated in debates held by university teaches/ persons which hold functions and attributes related to preventing and fighting corruption, while also presenting the Agency’s activity with regards to</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>preventing and fighting corruption in public procurement.</p> <p>In the beginning of October, at the request of the Central Anti-corruption Bureau of Poland, The Agency has received the visit of a delegation composed of six representatives. During its visit at ANI's headquarters, the delegation had a meeting with the Agency's management, as well as other thematic meetings with the integrity inspectors, which presented the general framework of ANI's activity, the system related to assets and interests statements, as well as the PREVENT system.</p> <p>Additionally, in October, at the invitation of the World Bank, in collaboration with the Ministry of Foreign Affairs from Denmark, Mr. Bogdan Stan, the Agency's President, and Mr. Florin Ionel Moise, the Vicepresident of ANI, have participated at the 4<sup>th</sup> biannual reunion International Corruption Hunters Alliance (ICHA). The event, focusing on the subject of "Coalition against corruption", has reunited high officials, leaders of institutions with attributes in investing acts of corruption, as well as criminal prosecution bodies from over 100 countries, with the objective of granting ICHA members with the opportunity of discussing common priorities and concerns. In this context, ANI's President held a presentation within the panel "data &amp; Privacy: Emerging Tools, Practices, and Regulations".</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>Also in October, at the invitation of Crans Montana Forum, a delegation led by Mr. Silviu-Ioan Popa, Secretary General, ANI participated at the 20<sup>th</sup> annual session of the Homeland &amp; Global Security Forum, organized in Geneva. On this occasion, the Agency's Secretary General held a presentation within the panel dedicated to fighting corruption and economic crime, on the subjects of the rule of law and good governance, the fight against corruption, and mechanisms for financial transparency.</p> <p>In December, ANI received a study visit of a delegation from Tunisia, composed of 24 representatives. On this occasion, the integrity inspectors have presented the legal framework corresponding to ANI's functioning, best practices, as well as the Agency's experience concerning the integrity framework.</p> <p>Also in December, at the invitation of the Anti-corruption Agency from Serbia, an ANI representative participated, as a guest speaker, at the international conference on the subject of "Implementation of Corruption Prevention Mechanisms". On this occasion, ANI's representative held two presentations regarding the Agency's activity, the integrity framework in Romania, as well as the Prevent system, within the panel "Assets and income Declaration in the Regional Context – Next Steps on the Way Forward".</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
5.2.3.	Cooperation in activities belonging to organizations of which ANI is a part of	Permanent measure assessed on an annual basis	No. of activities	Lack of availability of experts	ANI  Regional / international organizations	<p><b>Implemented</b></p> <p><b><u>Network for Integrity</u></b></p> <p>At the invitation of the Permanent Secretariat of the Network for Integrity, a delegation from the National Integrity Agency participated in the Network for Integrity Workshop on Digital Instruments to Promote and Monitor Public Integrity.</p> <p>The Workshop was organized with the support of the Organization for Economic Co-operation and Development (OECD) on the 2018 Integrity Week and brought together about fifteen institutions and experts from international organizations (Council of Europe, OECD) to share concrete experiences in the development and use digital tools for collecting, monitoring and / or publishing data on integrity in the public sector. On this occasion, representatives of ANI have supported two presentations on the activity of the National Integrity Agency, the integrity framework in Romania and the declaration of wealth system (since 1996), as well as a presentation of the PREVENT system with references to data collected from public and private sources, as well as from databases.</p> <p>At the same time, the Network members discussed the 2018 action plan, reaffirming their commitment to continue exchanging and improving procedures and tools to strengthen integrity, ethics and transparency in public life.</p> <p>In addition, in 2018, at the invitation of the Permanent Secretariat of the Integrity Network, Mr. Florin-Ionel MOISE, Vice-President of the National Integrity Agency and Mr. Silviu-Ioan POPA, General-</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>Secretary of ANI participated in Tbilisi, Georgia at the Open Government Network Summit. In this context, the leadership of the Agency participated in the panel entitled "Publication and Reuse of Open Data for Enhancing Public Integrity", organized by the Integrity Network in collaboration with the Chilean Presidency General-Secretariat. On this occasion, on July 19, the National Integrity and Civil Service Bureau of Georgia signed a Memorandum of Cooperation and Understanding between the two institutions, aiming at the exchange of good practices and expertise in the field of corruption prevention through administrative means.</p> <p>At the beginning of December, at the invitation of the National Institute for Transparency, Access to Information and Personal Data Protection, President of the National Integrity Agency, Vice-President ANI and Secretary-General ANI, participated in the second plenary meeting of the Network for Integrity. On this occasion, the National Integrity Agency was chosen by Network members to be Vice President Network for Integrity, alongside France's High Authority for Transparency in Public Life, who will serve as President for a two-year term.</p> <p>The Integrity Network is the first international platform dedicated exclusively to the field of integrity and, together with ANI, is made up of institutions from France, Greece, Ukraine, Latvia, South Korea, Peru, Mexico, Senegal etc., authorities responsible for managing declarations wealth and interests, preventing and sanctioning conflicts of interest, incompatibilities or unjustified wealth.</p>

Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p><b><u>European Partnership Against Corruption Network (EPAC / EACN)</u></b></p> <p>In October, Vice President of the National Integrity Agency, participated in Rust at the 18th edition of the Annual Professional Conference and General Assembly, organized by the Austrian Federal Anti-Corruption Bureau (BAK).</p> <p>The 2018 Conference on "Multiple Challenges Requires Sustainable and Interactive Solutions" brought together about 100 delegates from over 30 member states to EPAC / EACN, providing an important platform for information sharing. The conference focused on identifying innovative solutions that help to prevent and combat corruption efficiently.</p> <p>EPAC / EACN President Andreas Wieselthaler was elected as EPAC / EACN President, as well as two Vice-Presidents, namely Ms. Monique Stirn, Luxembourg Police Inspector General and Ms. Ruta Kaziliunaite, Deputy Head of the Department of Administration of the Special Investigation Service Lithuania.</p> <p><b><u>Organization for Economic Cooperation and Development (OECD)</u></b></p> <p>In March, at the OECD invitation, a representative of the Agency attended the OECD Global Anti-Corruption &amp; Integrity Forum in Paris.</p> <p>The Forum brought together representatives of the political environment, the private sector, public policy makers, as well as representatives from civil society and academic organizations. At the same time, topics such as: Integrity for a Fairer Globalization:</p>



Level	Action	Deadline	Evaluation indicators established by ANI	Risks	Responsible institutions	Deloitte evaluation as of 31.12.2018
						<p>Challenges and Trends, Integrity in Local Government, Integrity in Public Procurement.</p> <p><b><u>World Bank</u></b></p> <p>At the invitation of the World Bank, in cooperation with the Danish Ministry of Foreign Affairs, the President of the National Integrity Agency and Vice-President ANI participated in the Fourth Biannual Meeting of the International Hunters Corruption Alliance (ICHA).</p> <p>The event, Coalition Against Corruption, brought together senior officials, heads of institutions to investigate corruption and prosecution in over 100 countries, to provide ICHA members with the opportunity to discuss their priorities and concerns common.</p> <p>In this context, the President of ANI held a presentation in the panel "Data and Privacy: Emerging Tools, Practices and Regulations".</p>



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