

**LAW NO. 176 DATED 1 SEPTEMBER 2010**

**REGARDING THE INTEGRITY IN EXERCISING THE PUBLIC OFFICIALS AND DIGNITIES, IN  
ORDER TO MODIFY AND COMPLETE LAW NO 144/2007  
REGARDING THE ESTABLISHMENT, ORGANIZATION AND OPERATION OF THE NATIONAL  
INTEGRITY AGENCY AS WELL AS FOR THE MODIFICATION AND COMPLETION OF OTHER  
NORMATIVE ACTS**

**- including subsequent amendments and additions -**

**ISSUER: ROMANIAN PARLIAMENT  
PUBLISHED IN OFFICIAL GAZETTE NO. 621 dated 2 September 2010**

The Romanian Parliament adopts the present law.

**PART I**

**TITLE I**

Integrity and transparency obligations in the performance of the public officials and dignities positions

**CHAPTER I**

**Assets and interests disclosures**

Article 1

(1) The provisions of the present Law are applied to the following categories of persons, that have the obligation to declare their assets and interest:

1. The President of Romania;
2. Presidential Advisors and State Counselors;
3. The Presidents of the Chambers of Parliament, Deputies and Senators;
4. The Members from Romania in the European Parliament and Members in the European Committee on behalf of Romania;
5. The Prime-Minister, Members of the Government, State Secretaries, State Deputy-Secretaries, their comparables, as well as the State Counselors from the persons from the work-group of the Prime-Minister;
6. The Members of the Superior Council of Magistracy;
7. The Judges, Prosecutors, Deputy-Magistrates, their comparables, as well as Judicial Assistants;
8. The Specialized support staff in Courts and Prosecutor's Office;
9. The Judges from the Constitutional Court Of Romania
10. The Members of the Romanian Court of Accounts and the personnel holding management and control positions in this institution;
11. The President of the Legislative Council and Section Presidents;
12. The Romanian Ombudsman and its deputies;
13. The President and Vice-President of the National Authority for the Supervision of Personal Data Processing;
14. The Members of the Competition Council;
15. The Members of the National Council College for Studying the Intelligence Service Archives;
16. The Members of the National Securities Commission
17. The Members of the Economic and Social Council

18. The Members of Insurance Supervision Commission
19. The Members of the Supervisory Commission of Private Pension System
20. The Members of the National Council for Discrimination Combat
21. The Members of the National Audiovisual Council;
22. The Members of the Boards of Administration and Board of Directors of the Romanian Radio and TV Company;
23. The President and Vice-President of the National Integrity Agency as well as the members of the National Integrity Council;
24. The General Manager and members of the Board of Directors of the National Press Agency AGERPRESS;
25. The Manager of the Romanian Intelligence Service, Prime-Deputy and its deputies;
26. The Manager of the Foreign Intelligence Service and its deputies;
27. The Diplomatic and Consular personnel;
28. The Manager of the Security And Protection Service, Prime-Deputy and its Deputy;
29. The Manager of the Special Telecommunication Service, Prime-Deputy and its deputies;
30. The local elected persons;
31. The persons holding management and control positions as well as the public officials, inclusively those with special status that run their activity in all central government or local authorities or, where appropriate, in all public institutions;
32. The persons holding management and control positions the state education system units and units of state public health system;
33. The personnel assigned to central government officials in the public administration and the personnel assigned to the prefect's office;
34. The Board Members, Board of Management or Board of Supervisors, and persons holding management positions in the national interest or autonomous local companies and national companies, or, as appropriate companies in which the State or an local governmental authority has a significant holding;
35. The Governor, First Vice-Governor, Vice-Governors, the Members of the Board Administration, employees responsible for the management of National Bank of Romania as well as the bank management personnel where the state is significant shareholder;
36. The personnel of public institutions, including employees with individual employment contract, involved in carrying out the privatization process as well as the personnel government institutions, including employees with individual employment contract, that manage or implement programs or projects funded from external or budgetary funds;
37. The Presidents, Vice-Presidents, Secretaries, Trades in the union federation and confederation;
38. The Prefects and Deputy-Prefects;
39. The candidates applying for the position of the President of Romania, Deputy, Senator, Local Counselor, Chairman Of The County Council and Mayors;

(2) The obligation to declare assets and interests also returns, according to this law, to other categories of persons, who are appointed by the President of Romania, by the Parliament, Government or Prime Minister, except those who occupy positions in the religious cults.

(3) The evaluation activity of assets disclosures, data, information and patrimonial changes that may have occurred, interests and incompatibilities for those persons mentioned in paragraph (1) and (2) will take place at the National Integrity Agency, established by the republished Law no. 144/2007 regarding the establishment, organization and operation of the National Integrity Agency, hereinafter called the Agency. For the President and Vice-President of the Agency and its personnel, evaluation activities of assets, interests and incompatibilities shall be conducted within the National Integrity Council.

## Article 2

Assets and interests disclosures are to be completed according to Annexes no. 1 and 2 and send certified copies to the Agency along with the declaring person personal identification number.

## Article 3

(1) Assets and interests disclosures are acts of personal interests, which can be corrected only as provided by this law.

(2) The assets disclosures shall be done in writing, on oath, and include rights and include the rights and obligations of the declaring person, declaring person spouse and dependent children, according to Annex 1.

(3) The interests disclosures shall be done in writing, on oath, and include functions and activities listed in Annex 2, according to the provisions of Law no. 161/2003 regarding some measures for ensuring transparency in the exercise of public dignities, public positions and in business, prevent and punish corruption, with subsequent amendments.

(4) Persons applying for positions of President of Romania, Deputy, Senator, Romanian Member in the European Parliament, County Councilor, Alderman, Chairman of The County Council or Mayor are required to declare their assets and interests.

(5) Assets and interests disclosures of persons referred to in paragraph (4) shall be submitted to the Central Election Office or, where applicable, the Election District Office, with the declaration of application acceptance, in duplicate. Central Election Office and Election District Office send a copy of the assets and interests disclosures to the Agency within 48 hours of submission.

(6) Assets and interests disclosures of the candidates for the Presidency of Romania, made according to the provisions of Annexes no. 1 and 2, are published in the Official Gazette, Part III and are displayed on the website of the Agency within 10 days of the date of receipt or, where appropriate, and are kept on this page.

(7) Assets and interests disclosures of candidates for deputy, senator, county councilor, alderman, chairman of the county council or mayor position, elaborated according to the provisions of Annexes no. 1 and 2, are displayed on the website of the Agency within 10 days of receipt.

## Article 4

(1) Assets and interests disclosures shall be submitted within 30 days from date of appointment or election in the respective position or from the date of commencement of work.

(2) Persons covered by the present law have the obligation to submit or update their Assets and interests disclosures annually, no later than June 15. Assets disclosures are elaborated as follows: for the previous fiscal year ended December 31, for the income, respectively the status at the disclosure date and for the other chapters of the disclosure, according to Annex 1. The persons suspended from exercising their positions or dignity of public office for a period covering the full fiscal year will update their disclosures within 30 days after termination of the suspension.

(3) No later than 30 days from the date of termination or cessation of office, persons covered by this law are required to submit further representations of assets and interests disclosures.

(4) Within 30 days of the entry into force of this law, persons who were not required to file assets and interests disclosures, and now the law sets this obligation, have to submit such disclosures.

## **CHAPTER II**

### **Implementation of legal provisions on assets and interests disclosures**

#### Article 5

(1) Within the entities in which persons are required to submit assets and interests disclosures, in accordance with law, there will be designate persons responsible to ensure the implementation of legal provisions in regard to the assets and interests disclosures.

(2) Assets and interests disclosures shall be submitted as follows:

a) The President of Romania, Presidential Advisors and State Counselors – to the person designated by the Head of Chancery of the Presidential Administration;

b) The Presidents of the Chambers of Parliament, Deputies and senators – the person designated by the Secretary General of the Chamber of which they belong;

c) The Romanian Members of the European Parliament and the Romanian Members of the European Commission – the Permanent Election Authority;

d) Prime-Minister, Members of Government, State Secretaries, State Deputy-Secretaries and the comparable, as well as State Counselors from the working cabinet of the Prime Minister - the person designated by the Government General Secretary;

e) Members of the Superior Council of Magistrates, judges, prosecutors, judicial assistants and assistant-magistrates - the person designated by the Secretary General of Supreme Council of Magistrates;

f) Members of the National Integrity Council as well as the President and Vice-President - the person designated by the General Secretary of the Senate;

g) County and Local Councilors, Mayors as well as Presidents of County Council - the person designated by the secretaries of administrative-territorial units;

h) Prefects and deputy-prefects - the person designated by the Prefect Secretary Chancery;

i) Other categories of persons foreseen by law - the person designated by the Head of the Human Resources Department or, where appropriate, the Head of the Secretariat of the public authorities, public institutions or units to which they belong.

(3) In exercising the duties under this law, the persons designated under the provisions of paragraph (2) are directly subordinated to the institution manager, who is responsible for smooth conduct of their activity.

(4) In the period of traveling or delegation, persons who are required to submit assets and interests disclosures have to submit them to the institution from which they were delegated or seconded.

## Article 6

(1) The persons responsible for implementing the provisions on assets and interests disclosures have to fulfill the following requests:

a) Receive, record the assets and interests disclosures and issues at the submission date a proof of receipt;

b) Upon request make available to the personnel the assets and interests disclosures;

c) Advise on the correct filling in and submission of the assets and interests disclosures in order to be submitted in due time;

d) Highlights the assets and interests disclosures in particular records of a public character, called Assets Disclosures Register and Interests Disclosures Register, examples of which are established by the Government Decision on a proposal from the Agency;

e) Ensures and maintains displayed of the assets and interests disclosures provided in Annexes 1 and 2, on the website of the institution, if any, or its bulletin board, of the institution not later than 30 days after receipt by anonymous address declared for the buildings, except the city location, the address of the institution that manages assets financial as well as the personal identification number and signature. Assets and interests disclosures are kept on the website of the institution and of the Agency for the entire duration or term in the office and three years after their termination and then these will be filed according to law;

f) Submits to the Agency in order to perform the evaluation duties certified copies of assets and interests disclosures already submitted together with a certified copy of records provided at letter d) within 10 days of receipt;

g) Prepare, after the submission deadline, a list of persons who have not submitted the assets and interests disclosures in this period and immediately inform them, asking for their point of view within 10 working days;

h) Advise on the content and application of legal provisions concerning the disclosure and evaluation of assets, conflicts of interest and incompatibilities, and prepared opinion notes in this respect, at the request of persons who are responsible for filing assets and interests disclosures.

(2) The final list of persons who have not submitted within the deadline or those that have submitted late their assets and interests disclosures, together with the point of views received, shall be submitted to the Agency by 1 August of the same year.

## Article 7

(1) If, within 10 days from the receipt of assets and interests disclosures, those responsible, according to article 5 alignment (2), seize deficiencies in the filing in of the disclosures, will recommend, in writing, on signature or letter basis, to the respective person the rectification assets and/or interests disclosures no later than 30 days after the recommendation. Correction of the disclosure may be initiated by persons referred to in article 1, within 40 days from the initial submission. Rectified assets and/or interests disclosures may be accompanied by justifying documents.

(2) Assets and/or interests disclosures submitted together with the supporting documents are immediately sent to the Agency in certified copy.

(3) By the deadline for submitting the rectified assets and/or interests disclosures, the Agency can not initiate the proceedings under this Law, provided they are submitted in due time.

## **TITLE II**

Procedures to ensure the integrity and transparency in performing public positions and dignities

### **CHAPTER I**

#### **Proceedings before the National Integrity Agency**

### **SECTION 1**

#### **GENERAL PROVISIONS**

##### Article 8

(1) The goal of the Agency is to ensure the integrity in the exercise of public positions and dignities and to prevent institutional corruption through exercising responsibility in assessing assets disclosures, data and information regarding the assets as well as patrimonial changes occurred, incompatibilities and potential conflicts of interest where the persons from article 1 may be implied, during the performance of public positions and dignities. In achieving this goal, the Agency may develop collaboration through the conclusion of protocols with entities in the country or abroad.

(2) The evaluation activity run by the integrity inspectors of the Agency shall be conducted for the existing wealth while exercising public positions, conflict of interest and incompatibilities of persons subject to this law, according to its provisions, amended with normative regulation in force.

(3) The principles according to which the evaluation activity is run are legality, confidentiality, impartiality, operational independence, speed, good governance, right to defense and the presumption of lawful acquisition of assets.

##### Article 9

(1) In order to conduct the activity in terms of professionalism, respecting the principles laid in article 8 alignment (3), the allocation of work is done randomly by the integrity management inspectors through electronic system.

(2) Reallocation of works assigned to the integrity inspectors can be done only in the following cases:

a) Impossibility to run its duties for at least 20 days;

b) The integrity inspector that has been assigned reasoned request;

c) Suspension of activity, according to the law;

d) Incompatibility;

e) Conflict of interest;

f) There are significant differences in regard to the provisions of article 18 between the changes in property of the integrity inspector while exercising the public position and the revenues obtained in this period;

g) Not working the files, for reasons attributable to the integrity inspector for a period exceeding 30 days.

#### Article 10

Integrity inspectors perform the following activities:

a) Receive, collect, collate and process data and information in regard to the existing wealth while exercising public positions, incompatibilities and conflicts of interest of persons holding public positions;

b) Assess the assets and interests disclosures;

c) Evaluate the timely submission of the Assets and interests disclosures by persons covered by this law;

d) Evaluate, under this chapter, significant differences in the provisions of article 18, between the changes appeared in the wealth during the exercise of public positions and the income during the same period;

e) Assesses conflict of interest or incompatibility of persons holding public office or dignity;

f) Prepare evaluation reports where, after evaluation, identifies elements of infringement on the regime of assets disclosure, conflicts of interest, respectively of incompatibilities and, where appropriate, disciplinary law, and criminal offenses;

g) Prepare evaluation reports where, after evaluation, identifies the elements of infringement on the regime of assets disclosure, conflicts of interest respectively the incompatibilities;

h) Take actions and apply penalties provided by law in their jurisdiction.

#### Article 11

(1) The evaluation of the assets disclosures, data and information on existing wealth and economic changes occurring during the performance of existing public position or dignity, and the evaluation of conflicts of interest and incompatibilities shall be done during the performance of public dignities, and within three years after their termination.

(2) The work carried out on the duration mentioned under paragraph (1) consists in the evaluation of the assets disclosure, the data and information on existing wealth and economic changes occurred, conflicts of interest and incompatibilities, only for the exercise of public positions or dignity.

#### Article 12

(1) The Agency shall perform the evaluation activity mentioned under article. 8 ex officio or upon notification by any individual or legal entity, respecting the Government Ordinance no. 27/2002 regarding the regulation of settlement petitions approved with amendments by Law no. 233/2002.

(2) Ex officio notification will be done in one of the following ways:

a) Referral based on a report prepared by the President of the Agency;

b) Based a note prepared by the integrity inspector, approved by the inspectors integrity management if it rejects the ex officio notification, the reasoned refusal will be submitted to the President of the Agency who decides either to start the investigation or to maintenance the proposal.

(3) A seize done in bad faith attracts the legal liability of the person who seized.

(4) Allocation of the work initiated undo seizes both of the individual and legal entity and that of ex officio as provided in paragraph (2) is done random, according to article 9 paragraph (1).

(5) The Agency may bring action for recovery in maximum one year from the date the decision become final, decision through which it was forced to pay against the guilty party.

(6) The Agency shall ensure the display of assets and interests disclosures, provided in Annexes 1 and 2 on the website of the Agency, not later than 30 days after receipt by anonymous address for the declared buildings, except city location, the address of the institution that manages financial assets, the personal identification number, and the signature. Assets and interests disclosures are maintained on the website of the Agency for the duration of the term in office and three years after its termination and archive them according to the law.

## **SECTION 2**

### **ASSETS EVALUATION**

#### Article 13

(1) After the random distribution of work, the integrity inspector shall proceed with the evaluation of assets disclosures, data, information and existing economic changes in the meaning of this law as follows:

a) Until the information of the person subject to evaluation and its invitation to present a point of view, are performed administrative procedures by reporting only to public information;

b) After informing the person subject to evaluation and its invitation to present a point of view, individuals or legal entities are requests data or information that are not public.

(2) The documents prepared by the integrity inspector based on data and non-public information requested front the intervals or legal entities, after the start of evaluation, without the person being called and informed according to article 14, are null and void.

#### Article 14

(1) If from the evaluation activity results that there are significant differences in the provisions of article 18, the integrity inspector informs the person concerned and it has the obligation to invite that person to present a point of view.

(2) The person informed and invited under paragraph (1) may submit to the integrity inspector data or information it deems necessary, in person or by sending written terms.

(3) The information and are invitation are done by post, by registered letter with receipt confirmation.

(4) The person under evaluation has a right to be assisted or represented by a lawyer and is entitled to present any evidence, data or information it deems necessary.



(5) If the person whose wealth is assessed is married or if it has dependent children, within the meaning of Family Code, the evaluation will extend to property of the spouse and, where applicable, dependent children of wealth.

#### Article 15

(1) During the course of evaluation, the integrity inspector may require to all public institutions and authorities, other legal entities governed by public or private rights and individuals, documents and information necessary to carry out the evaluation, under the confidentiality obligation.

(2) On reasoned request of the integrity inspector, individual and legal entities, authorities managers, institutions, public or private companies managers and managers of the autonomous companies are obliged to communicate, not later than 30 days, data information, records and documents required under the provisions of paragraph (1), regardless of their support, and data, information or documents in their possession, which could lead to settlement evaluation.

#### Article 16

(1) For explanation of all aspects of significant differences in the provisions of article 18, it can be carried out extrajudicial expertise, by law, with the consent of the person whose property is subject to evaluation.

(2) The person whose assets are subject to review has the right to choose an expert assistant, at its own expense, under the provisions of paragraph (1).

(3) Where the person whose property is not subject to review consents for making expertise, integrity inspector may request the court in whose jurisdiction the investigated person resides extrajudicial admission of carrying out an expertise at the Agency's expense.

#### Article 17

(1) If, after the person invited expressed its the point of view orally or in writing, or not, following a period of 15 days of information receipt confirmation by the person under evaluation following are identified, based on existing data and information available to the integrity inspectors, significant differences in the provisions of article 18, the integrity inspector shall elaborate an evaluation report.

(2) In the absence of the confirmation referred to in paragraph (1) the integrity inspector may elaborate an evaluation report after completion of a new communication procedure.

(3) The evaluation report will have the following content:

a) The descriptive part of the facts;

b) The point of view of the person to be assessed, whether it was expressed;

c) The evaluation of the possible differences in the provisions of article 18;

d) The conclusions.

(4) The evaluation report shall be communicated within 5 days of completion to the person subject of evaluation and, where appropriate, to the fiscal authorities, to the criminal investigation authorities and the disciplinary and wealth investigation committee case foreseen in Law no. 115/1996 for the

declaration and control of the wealth of dignitaries, magistrates, of persons holding management and control positions and public officials, with subsequent amendments, as well as those brought by the present Law. Within the fiscal authorities and the criminal investigation authorities will be designated the persons responsible for the relation with the Agency, which provides emergency outbreak especially their specific procedures.

(5) If the integrity inspector considers that the condition under paragraph (1) elaborates an evaluation report to that effect, which is sent to the person who made the proceeding. This report may include, where appropriate, references to errors in the filling in the assets disclosures and remedial suggestions.

(6) A person whose assets disclosure was subject to review and there have been significant differences identified according to the provisions of article 18 is considered incompatible.

(7) The provisions of article 22 paragraph (1) and (2) shall apply accordingly.

#### Article 18

By significant differences, in the meaning of the present law, is the difference of more than EURO 10,000 or its equivalent in lei between the wealth during the dignity/the exercise of public positions and the revenues from the same period.

#### Article 19

(1) The evaluation reports, submitted to the tax authorities, the criminal investigation authorities, wealth investment committee under the Law. 115/1996, with subsequent amendments, and those made by the present law and institutions referred to in article 26, will be binding assessed by these institutions, including in terms of proposals, and will be taken particular urgent and appropriate measures, according to legal provisions.

(2) The tax and the criminal investigation authorities will quarterly inform the Agency upon the measures taken in the files submitted under the provisions of paragraph (1).

### **SECTION 3**

#### **EVALUATION OF CONFLICT OF INTEREST AND INCOMPATIBILITIES**

#### Article 20

(1) If, after evaluating the interests disclosures and other data and information, integrity inspector identifies items that there represent a conflict of interest or incompatibility, inform the person concerned and it has the obligation to invite the respective person to present a point of view.

(2) The person notified under the provisions of paragraph (1) is invited by the integrity inspector to submit information or data as it considers necessary, personally or by sending a written point of view.

(3) The information and the invitation will be sent by post, with confirmation receipt.

(4) A person under evaluation has a right to be assisted or represented by lawyer and is entitled to submit any data or information it deems necessary.

(5) The provisions of article 13 and 15 will apply properly.

## Article 21

(1) If, after the person invited expressed its the point of view orally or in writing, or not, following a period of 15 days of information receipt confirmation by the person under evaluation, the inspector integrity still considers that there are elements that confirm a conflict of interest or incompatibility, elaborates an evaluation report.

(2) In the absence of confirmation referred to in paragraph (1) the integrity inspector may elaborate the evaluation report after completion of a new communication procedure:

(3) The evaluation report will have the following content:

a) The descriptive part of the facts;

b) The point of view of the person to be assessed, whether it was expressed;

c) The evaluation of the conflict of interest or incompatibility elements;

d) The conclusions.

(4) The evaluation report shall be communicated within 5 days of completion to the person subject of evaluation and, where appropriate, to the fiscal authorities, to the criminal and disciplinary investigation authorities

## Article 22

(1) The person under evaluation can challenge the conflict of interest or incompatibility evaluation report within 15 days of its receipt, to the administrative court.

(2) If the conflict of interest evaluation report has not been challenged within the period specified in paragraph (1) to the administrative court, the Agency notifies within six months, the competent bodies to trigger disciplinary proceedings and, where appropriate, the administrative court in order to annul the issued documents adopted or elaborated with the breach of the legal provisions regarding the conflict of interest.

(3) If the incompatibility evaluation report was not challenged within the period specified in paragraph (1) to the administrative court, the Agency within 15 days notifies the competent bodies to trigger disciplinary proceedings; if appropriate, the Agency notifies within six months the administrative court in order to annul the issued documents adopted or elaborated with the breach of the legal provisions regarding the incompatibles.

(4) If after the evaluation of the interests disclosures as well as other data and information the integrity inspector notes the absence of a state of incompatibility or conflict of interest it elaborates a report to that effect and send it to the person who was the subject of the evaluation in terms of article 17 paragraph (5) second thesis.

## Article 23

(1) Where there is a conflict of interest or only something related to a conflict of interest situation, all legal or administrative documents closed directly or through intermediaries in violation of laws on conflict of interest, are null and void.

(2) The absolute nullity action in judicial or administrative provisions documents closed in violation of laws on conflict of interest, may be introduced by the Agency even if the respective person no longer has that position.

(3) The court may have reasoned, in addition to absolute nullity, and throw parties in the previous situation.

#### Article 24

(1) The actions brought in administrative courts follow the rules of jurisdiction laid down in Administrative Contentious Law no. 554/2004 with subsequent amendments that apply accordingly.

(2) The Court procedure is that prescribed by Law no. 554/2004, with subsequent amendments, and duly applied, insofar as there is in this law provisions derogating from it.

#### Article 25 \*)

(1) The act on the person who it was found that issued an administrative act, a legal act or has taken a decision or participated in a decision contrary to legal requirements on conflict of interest or incompatibility is considered disciplinary and is punished according to applicable rules of dignity, position or activity in question, insofar as this law does not derogate from it and if the action does not meet the elements of an offense.

(2) The person removed from office under the provisions of paragraph (1) or towards which it was found the existence of a conflict of interest or incompatibility loses its right to exercise a public position or dignity that is the subject of this law, except for election, for a period of three years after removal from office or that public dignity or from the date of mandate termination. If the person has occupied an eligible position, it cannot occupy the same position for a period of three years of mandate termination. If the person no longer has a public office or a dignity when it is found the state of incompatibility or conflict of interest, the three years prohibition according to the law, remains valid from the date of the final evaluation report, respectively from the date of the final court irrevocable decision confirming the existence of a conflict of interest or a state of incompatibility.

(3) The act of the person to whom it was found the state of incompatibility or conflict of interest it is considered grounds for dismissal or, where appropriate, it is considered and it is punishable under applicable rules for dignity, public position or respective activity.

(4) By derogation from the provisions of special laws governing disciplinary liability, disciplinary sanctions that may be imposed as a result of having committed the offense of the present law can not consist in a reprimand or warning.

*\*) The Constitutional Court, through Decision no. 418/2014, stated that the provisions established under article 25, paragraph (2), second thesis of the present law are constitutional in as far as the phrase "same position" is referred to all the eligible positions provided by the article 1.*

#### Article 26

(1) The Agency will communicate the evaluation report as follows:

a) For the Romanian President and Prime Minister - Parliament;

b) For the other members of Government – The Prime Minister, who proposes to the President of Romania the removal from office, according to the Romanian Constitution, republished, and Law no. 90/2001 regarding the organization and functioning of the Romanian Government and ministries, with subsequent changes.

c) For State Secretaries, State Deputy-Secretaries and for their comparable – the Prime Minister, who may order dismissal;

d) For the Senators and Deputies – The Chamber from which are they from, this will apply disciplinary sanctions according to the law and regulation the respective Chamber;

e) For the judges, prosecutors, members of the Superior Council of Magistrates and deputy- magistrates - Superior Council of Magistracy that will impose a disciplinary sanction;

f) For the judges of the Constitutional Court - Constitutional Court that will impose a disciplinary sanction;

g) For the Members of the Court of Accounts, the Ombudsman and his deputies - Parliament;

h) For local officials, except Mayors and Presidents of county councils - local council or, where appropriate, the county council, which will impose a disciplinary sanction under the law;

i) For the Mayors and Presidents of county councils - the institution of the Prefect;

j) For the civil servants - Disciplinary Committee or Disciplinary Board, the authority provided by law proposes a penalty under the law;

k) For the persons covered by this law - the disciplinary committee, authority or the competent institution, which will impose a disciplinary sanction under the law.

(2) The disciplinary sanction is valid even if the evaluation report of the Agency was communicated to the Prosecutor's Office, according to article 21 paragraphs (4).

(3) By derogation from the provisions of special laws governing disciplinary liability, disciplinary sanctions that may be imposed in maximum six months from the date of the final evaluation report, according to the legal provisions. If the incompatibility clause has ceased before referral to the Agency the disciplinary sanction may be applied within 3 years after the cause of incompatibility, unless the law provides otherwise.

### **TITLE III**

#### **Penalties**

#### **Article 27**

(1) Failure to respond to the requests of the Agency, foreseen in this law is punishable by civil fine of 200 lei for each day of delay. Seize to the court is done by the integrity inspector of the Agency.

(2) The court that may decide on imposing the fine under paragraph (1) is the court in whose jurisdiction the registered legal person fined or sanctioned has its individual residence. The judgment is done especially urgent and summoning the parties.

(3) The decision of the court referring to the imposing the fine is subject to appeal within 10 days from the calling date for those present, and within 10 days from communication for those that were absent.

#### Article 28

The action of the persons who intentionally, submitted assets and interests disclosures which do not correspond to the truth constitutes the offense of making false statements and punishable under the Criminal Code.

#### Article 29

(1) Failure to submit assets and interests disclosures in terms provided by this Law, and withholding information in the disclosure made under Annex 1, the amount of income gained or their disclosure with reference to other documents is a contravention and is punished with fine from 50 lei to 2.000 lei. The Agency may automatically trigger the evaluation process.

(2) If the obligations foreseen in article 6 by the persons responsible for implementation of this Law is a contravention and is punishable by from 50 lei to 2.000 lei. The same penalty applies to the entity manager if it does not fulfill its obligations under this law.

(3) Non disciplinary sanction or non-observance of termination of the public position, as appropriate, where the notice of determination has become final, is a contravention and is punished with fine from 50 lei to 2,000 lei, if the action is an offense.

#### Article 30

Finding and sanction violations under this law shall be made by persons empowered by the Agency according to the Government Ordinance no. 2/2001 regarding the legal regime of contraventions, approved with amendments by Law no. 180/2002, with subsequent amendments.

#### Article 31 - *Repealed*

#### Article 32

The provisions of this Law shall be supplemented by the Law no. 115/1996, with subsequent amendments, as well as those made by this law, Law no. 188/1999 on the Statute of civil servants, republished, with subsequent amendments, Law no. 53/2003 - Labor Code, with subsequent amendments, the Code of Civil Procedure, the Government Ordinance no. 2 / 2001, approved with amendments by Law no. 180/2002, with subsequent amendments, Law no. 554/2004, with subsequent amendments, and with other regulations, including those governing other incompatibilities or conflicts of interest, if not contrary to this Law and the Law no. 161/2003, with its subsequent amendments.

## **PART II TRANSITIONAL AND FINAL PROVISIONS**

#### Article 33

Law no. 144/2007 on the establishment, organization and functioning of the National Integrity Agency, republished in the Official Gazette, Part I, no. 535 of 3 August 2009, is amended and supplemented as follows:

1. Articles 1 to 12 are repealed.
2. Article 13 alignment (3) is repealed.
3. Article 14 is repealed.
4. Article 15 alignments (2) and (3) are amended and will have the following content:

(2) The Agency is managed by a President, assisted by a Vice-President appointed by the Senate, on a competitive basis, organized by the National Integrity Council. The mandates of President and of the Vice President remain valid until the end of their exercise.

(3) According to the principle of operational independence, the President, Vice President and integrity inspectors shall not seek or receive disposals relating to the evaluations on the wealth of persons, conflicts of interest and incompatibilities from any public authority, institution or person. "

5. Article 16 alignments (2) and (4) are amended and will have the following content:

(2) The President of the Agency shall act as Chief Officer. Should the Agency President position to be vacant, as well as in other cases where the President is unable to perform its duties, the Chief Officer position is exercised by Vice President or General Secretary of the Agency.

.....

(4) The Agency's organizational duties, tasks and the responsibilities of the staff from its own device is set by the organization and operation regulation (ROI) approved by order of the President of the Agency and published in the Official Gazette, Part I. "

6. Article 17 is repealed.

7. Article 26 alignment (2) is amended and will have the following content:

(2) Finding as provided in article 25 letter b) will be done by a committee made up of five members appointed by the Council according to the proposal of the Council President which, based on independent external audit report provided in paragraph (3), evaluates the managerial capabilities of the Agency positions. The conclusions of the evaluation committee shall be submitted to the Council and forwarded to the President of the Council. "

8. Article 28 alignment (1) letter h) is amended and will have the following content:

"h) Ensures the elaboration of the strategy regarding the procedures for assets disclosure evaluation, conflicts of interest and incompatibilities by the Agency, taking into account the recommendations of the Council, the strategy is elaborated annually and presented to Council for approval;

9. Article 28 alignment (3) is amended and will have the following content:

(3) The President, the Vice President and the General Secretary will not have operational positions referring to the evaluation of the wealth of the persons, conflicts of interest and incompatibilities. "

10. Article 29 is amended and will have the following content:

(1) The salaries and other rights of the Agency staff shall be determined taking into account the importance, responsibility, complexity and specific work performed, the prohibitions and incompatibilities provided for by law, seeking to guarantee its independence and autonomy according to the law.

(2) The President and Vice-President of the Agency are remunerated according to the Annex no. XI from Framework Law no. 330/2009 regarding the unity of the salaries for the personnel remunerated from government funds and they will receive other bonuses, awards and salary rights provided by law for the integrity inspectors.

(3) The basic salary level for the integrity inspector positions are those in Annex no XI from Framework Law no. 330/2009.

(4) The Agency will support for Council members, travel expenses, where their residence is in another city than Bucharest and other expenses necessary for traveling in the country and abroad in the interest of achieving the objectives of this laws, within the approved budget.

(5) The Board Members are entitled to an allowance for each hearing, in accordance with Government Emergency Ordinance no. 27/2010 on the amendment of art. II of Law no. 203/2009 approving Government Emergency Ordinance no. 79/2008 regarding the financial and economic measures of economic operators, approved by Law no. 148/2010, respectively 1% of gross salary income of the President of the Agency. These rights shall be taxed according to the law. "

11. Article 31 alignments (1) and (5) are amended and will have the following content:

"Article 31

(1) The preventive arrest of the President, the Vice President or of an integrity inspector of the Agency will trigger the rightful suspension from the position it currently holds.

.....  
(5) If preventive arrest measure is revoked, the suspension shall cease and that person will be reintegrated into the position previously held and will be paid the remuneration for the period of suspension. "

12. After Article 35 is inserted a new Article 35 ^ 1, with the following content:

"Article 35 ^ 1

(1) It may be appointed as a member of the National Integrity Council a person who meets the following conditions:

- a) It is a Romanian citizen;
- b) It has full legal capacity;
- c) It is attested with high educational background, according to the law;
- d) It was not an agent or employee of intelligence before 1990 was not operational and is not employed, including undercover informer or collaborator of intelligence service;
- e) It was definitely found that it was never in a state of incompatibility or conflict of interest that there were significant differences of more than \$ 10,000;
- f) It has not been convicted for offenses committed with intent, for which rehabilitation has occurred, and has no tax records;
- g) It is medically and psychological fit to exercise this function.

(2) Proof of the conditions under paragraph (1) letter d) is made by statement on oath, certified by a notary public. "



13. Article 37 (1) and (3) is amended and will have the following content:

Article 37

(1) The mandate of the members of the Council is four years.

.....

(3) The mandate as member ceases before term, by removal by the Senate, for breach of the legal duties or by the resignation or death. It is considered not fulfilling the legal duties if a Council member is unmotivated absent from three consecutive meetings or from any six meetings of the Council during the year. "

14. Article 38 (2), letters c) and f) is amended and will have the following content:

"c) Approves by decision organization and operation regulation (ROI) of the Council and Council Committees as well as internal rules of conduct:

.....

f) Elaborates recommendations regarding the strategy and assets evaluation activity of the Agency as well as the evaluation of conflicts of interest and incompatibilities.

15. After Article 38 is inserted a new Article 38 ^ 1, with the following wording:

"Article 38 ^ 1

The evaluation of assets, interests and incompatibilities for the President and the Vice- President of the Agency and its staff is made according to the present law, by an evaluation committee from the National Integrity Council, composed of five members appointed by Council based on the proposal from the Council President. "

16. Articles 41-57 are repealed.

Article 34

(1) The evaluation in progress at the Agency after the entry into force of the current law will continue under the procedure presented therein.

(2) Acts and the works done within the Agency, become final until publication of the Constitutional Court Decision no. 415 of April 14, 2010 in the Official Gazette, Part I, no. 294 of May 5, 2010, remain valid.

(3) The evidence and procedural acts carried out in courts and prosecution bodies before the entry into force of the present Law shall be maintained.

(4) Assets and interests disclosures submitted until the date of entry into force of the present Law shall remain valid and will be valued by the Agency within its procedures to exercise its specified duties foreseen by the law.

## Article 35

Law no. 115/1996 for the declaration and control of assets evaluation (assets disclosure) of the officials, magistrates, of persons holding management and control positions and of public officials, published in the Official Gazette, Part I, no. 263 of October 28, 1996, is amended and supplemented as follows:

1. Article 3 shall be repealed.
2. Article 10 is amended and will have the following content:

### Article 10

(1) In addition to each appellate court will operate a wealth Investigation Committee, hereinafter called "Investigation Committee" composed of:

- a) 2 Court of Appeal judges, appointed by its President, from who one will act as chairman;
- b) 1 prosecutor from the Prosecutor's Office that works with the court of appeal, appointed by the Prime Prosecutor of the institution above mentioned.

(2) The President and Investigation Committee members are appointed for a period of three years. For the same period, and by the same persons will be appointed three deputies who will replace the President and Investigation Committee members if they, by legal reasons, will not be able to take part in the proceedings of the research.

(3) The Investigation Committee has a secretary appointed by the President of the Court of Appeal out of that court clerks. "

3. After Article 10 introduces four new articles, Articles 10<sup>1</sup>-10<sup>4</sup>, as follows:

#### "Article 10<sup>1</sup>

The Investigation Committee will begin the control action once it is brought to its attention by the National Integrity Agency with the evaluation report.

#### Article 10<sup>2</sup>

(1) The documents and proceedings of the Investigation Committee are not public. The person concerned may inspect the documents and the files and may be assisted by an attorney.

(2) The President may urgently summon to appear in front of the Investigation Committee, the representative of the National Integrity Agency and the person whose property is subject to review and spouse, if applicable, to be heard. Investigation Committee may summon any person who can give useful information in order to clarify the origin of property of the controlled person and may require government or any other legal information necessary to resolve the case. Those who, in the period under review, have acquired property from the person subject to investigation will automatically be heard.

(3) The Investigation Committee may conduct local investigation or it may ask for an expert for the clarification of the case.

(4) The investigations conducted by persons other than members of the Investigation Committee are null.

### Article 10 ^ 3

The persons summoned in front of the Investigation Committee will be all heard and will have the opportunity to present evidence which gave rise to the evaluation report. The person whose property is subject to the investigation by the Investigation Committee will be able to produce evidence in its defense or it may request their administration by the Investigation Committee and, if it considers necessary, may submit a disclosure that will show income and the acquisition of wealth.

### Article 10 ^ 4

(1) The Investigation Committee decides, by majority vote, within three months from the date of referral, calling a reasoned order, which may have:

a) Submitting the case to the Court of Appeal afferent to the residence of the person whose property is subject to investigation if it finds, based on the evidence, that the acquisition of a share of it or certain specific assets is not legally justified;

b) Dismissal, if it finds that the origin of goods is justified;

c) Suspension of the control and referral to the competent Prosecutor's Office, whether the goods whose origin is unjustified represents an offense.

(2) The ordinance of is communicated to the parties and Prosecutor's Office by the Court of Appeal that works in range of Investigation Committee o, if the case, to the Prosecutor's Office by the High Court of Cassation and Justice or fiscal institutions.

(3) The control is resumed by the Investigation Committee if:

a) After the dismissal of the case appear new elements that can lead to a contrary approach;

b) The prosecuting authority, after conducting the investigation, in the situation referred to in paragraph (l), letter c), do not refer to the Criminal Court of Justice. "

4. Article 14 (2) is repealed.

5. Article 24 is repealed.

6. Article 26 (1) is amended and will have the following content:

#### "Article 26

(1) The legal decision that remained irrevocable, stating that the acquisition of a certain part of the wealth or several determined goods do not have a justified character will be published in the Official Gazette Part III and it is communicated to the National Integrity Agency as well as to the specialized body of the Ministry of Finance where is the domicile of the person whose property was searched, in order to be enforced/seized. The publication expenses are borne by the budget of the Ministry of Justice. "

7. Article 28 (3) is amended and will have the following content:

(3) The investigation request regarding the wealth a person who held a public office or dignity of those specified in this Law, may be made not later than three years after the end of office or its removal from the position.

#### Article 36

Upon entry into force of this law is repealed Government Emergency Ordinance no. 14/2005 regarding the modification forms for assets and interests disclosures published in the Official Gazette, Part I, no. 200 of March 9, 2005, approved by Law no. 158/2005.

#### Article 37

Within 60 days after entry into force of this law, persons who have the obligation to submit assets and interests disclosures will fill in and will submit them, according to Annexes no. 1 and 2.

#### Article 38

Annexes 1 and 2 are part of this law.

This law was passed by the Parliament of Romania, in terms of art. 77 paragraph (2) of the Romanian Constitution, republished with the provisions of article 75 and article 76 paragraph (1) of the Romanian Constitution, republished.

PRESIDENT OF THE CHAMBER OF DEPUTIES  
ROBERTA ALMA ANASTASE

SENATE PRESIDENT MIRCEA-  
DAN GEOANA Bucharest,  
September 1, 2010. No.176

**Annex 1**

**ASSETS DISCLOSURE**

I, the undersigned ....., am holding the position of ..... at ....., PIN ....., having the residence ....., aware of the provisions of article 292 from the Criminal Code regarding the false statements, I declare that together with my family\*1) I own the following:

\*1) by family it is understood spouse and dependants children.

I. Fixed assets

1. Lands

NOTE:

It will be declared including those in other countries.

Address /area	Category*	Acquisition   year	Surface	Share	Acquisition   method   *2)	Owner

\* Indicated categories are: (1) agricultural; (2) forestry; (3) inside; (4) water body; (5) other categories of outside land that are in the civil circuit.

\*2) At "Owner" it is mentioned, in the case of own goods, owner name (owner, spouse, child/children), and for the co-property goods, the share and the name of the other co-owners.

2. Buildings

NOTE:

It will be declared including those in other countries.

Address /area	Category*	Acquisition   year	Surface	Share	Acquisition   method   *2)	Owner

\* Indicated categories are: (1) flat; (2) house; (3) vacation house; (4) commercial-premises/production premises.

\*2) At "Owner" it is mentioned, in the case of own goods, owner name (owner, spouse, child/children), and for the co-property goods, the share and the name of the other co-owners.

## II. Movable

1. Vehicles/cars, tractors, farm machinery, boats, yachts and vehicles are subject to registration by law

Nature	Brand	Pieces	Production year	Acquisition method

2. The goods that of precious metals, jewelry, art and workshop, art collections and numismatic objects that are part of the national and universal culture heritage that summed exceed the value of 5.000 EURO.

NOTE:

It will be mentioned all goods that are in the possession, no matter if these are on the Romanian territory or abroad at the date of the disclosure.

Brief description	Acquisition year	Estimated value

III. The movables value of which exceeds 3.000 EURO each and the fixed asset acquired in the past 12 months.

Nature of the alienated good	Date of alienation	Person that has alienated	Form of alienation	Value

## IV. Financial assets

1. Accounts and bank deposits, investment fund, equivalent forms of saving and investment, including credit cards, if all their value summed exceeds 5.000 EURO.

NOTE:

It will be declared including those in banks or financial institutions in other countries.

Administrating institution And its address	Type*	Currency	Opened in year	Balance/value to date

\* Indicated categories are: (1) current account or equivalents (inclusively cards); (2) bank deposits or equivalent; (3) investment funds or equivalents, inclusively private pension funds or other similar funds (it will be declared the one afferent to the previous fiscal year).

2. Investments, direct investments and loans granted, if their market value summed exceeds 5.000 EURO

NOTE:

It will be declared the investments and participation in other countries.

Issuer/Company where The respective person is Shareholder or borrowed	Type*	No of financial instruments Participation share	Total value to date

\* Indicated categories are: (1) financial instruments hold (T-bills, certificated, bonds); (2) actions or other social parts in commercial companies; (3) loans granted personally.

3. Other assets that generate income, if all their value summed exceeds 5.000 EURO annually:

.....  
.....

NOTE:

It will be declared including those in other countries.

#### V. Debts

Loans, mortgages, warranties issued for a third party, goods bought in a leasing system and other similar goods if all their value summed exceeds 5.000 EURO

NOTE:

It will be declared the financial debts cumulated abroad.

Creditor	Contracted in year	Due date	Value


VI. Gifts, services or benefits received free or subsidized to market value from persons, organizations, businesses, public corporations, companies / public institutions, national companies either Romanian or foreign, including scholarships, loans, guarantees, payments for expenses other than those of the employer if all their value summed exceeds 5.000 EURO\*

\* Are exempted from disclosure the goods and treats that are received from 1<sup>st</sup> and 2<sup>nd</sup> degree relatives.

Who has generated The income	Income source: name, address	Service/Object generating income	Annual income   cashed
1.1. Owner			
1.2. Spouse			
1.3. Children			

VII. Income of the declaring person and family members, completed last fiscal year ended (according to art. 41 of Law no. 571/2003 on Fiscal Code, with subsequent amendments)

NOTE:

It will be declared including that income generated in other countries.

Who has generated The income	Income source: name, address	Service/Object generating income	Annual income   cashed
1. Salary income			
1.1. Owner			
1.2. Spouse			
1.3. Children			



2. Income from independent activities			
2.1. Owner			
2.2. Spouse			
3. Income from disposal of property use			
3.1. Owner			
3.2. Spouse			
4. Investment income			
4.1. Owner			
4.2. Spouse			
5. Pension income			
5.1. Owner			
5.2. Spouse			
6. Income from agricultural activities			
6.1. Owner			
6.2. Spouse			
7. Income from prizes and gambling			
7.1. Owner			

7.2. Spouse			
7.3. Children			
8. Income from other sources			
8.1. Owner			
8.2. Spouse			
8.3. Children			

This disclosure is a public document and I respond to criminal law for any inaccuracy or incompleteness of the data set.

Filling in date

.....

Signature

.....

**Annex 2**

**INTERESTS DISCLOSURE**

I, the undersigned, ....., am holding the position of ..... at ....., PIN ....., having the residence ....., aware of the provisions of article 292 from the Criminal Code regarding the false statements, I declare the following:

1. Associated or shareholder in commercial companies/national companies |  
 Loan institutions, groups of economic interest, as well as |  
 Member in associations, foundations or other non-governmental institutions: |

Company - name and address -	Quantity hold	No of shares social parts	Total value of shares/ social parts
1.1. ....			

2. Member in the management, administration and control bodies |  
 Commercial companies/national companies |  
 Loan institutions, groups of economic interest, as well as |  
 Member in associations, foundations or other non-governmental institutions

Company - name and address -	Quantity hold	Value of the benefits
2.1. ....		

3. Member in the professional associations and/or unions: |

3.1. ....

4. Member in the management, administration and control bodies, |  
 Paid or unpaid, held in political parties, position hold |  
 And name of the political party: |

4.1. ....

5. Contracts, including those of legal assistance, legal consultancy, consultancy and civil contracts |

obtained or running during the time of the respective person holding the position  
 Mandates, public dignities financed by the state budget, local or from  
 External funds or closed with companies with state capital  
 Where the state is majority or minority shareholder:

5.1. Contract beneficiary: Company	Procedure	Type	A	B	C
Name and surname/name	contracted: through	contract			
address	name and address	it was given			
	contract				
Owner.....					
Spouse .....					
1 <sup>st</sup> degree relatives*1) of the Owner .....					
Commercial companies/Person					
Individual/Family					
Associations/Individual					
Cabinets, associated					
Cabinets, civil and professional					
Societies or civil or professional					
Activities					
LTD that					
are					
Lawyers/Non-governmental					
Associations/Foundations/					
Associations *2)					

\*1) by 1<sup>st</sup> degree relatives are understood: parents on ascending line and children on descending line.

\*2) It will be declared the name and address of the contract beneficiary where, through the quality held by the owner, spouse and 1<sup>st</sup> degree relatives obtain contracts, as these were defined at point 5.

- The signification of the columns from the above table is: A  
 – Date of signing the contract  
 B – Duration of the contract  
 C – Total value of the contract

This disclosure is a public document and I respond to criminal law for any inaccuracy or incompleteness of the data set.

Filling in date  
 .....

Signature  
 .....

Figure 1 Lex: Interests disclosure

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