



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

TEMPLATE 2

UN CONVENTION AGAINST CORRUPTION

SPAI COMPLIANCE MATRIX

PHASE ONE:

SPAI RSLO DEVELOPED THE ATTACHED MATRIX IN ORDER TO FACILITATE THE COLLECTION OF THE RELEVANT INFORMATION ABOUT LEGISLATIVE AND INSTITUTIONAL MEASURES ADOPTED BY SPAI COUNTRIES REGARDING THE PREVENTIVE MEASURES, CRIMINALIZATION AND LAW ENFORCEMENT

ACTION REQUIRED

SPAI COUNTRIES ARE INVITED TO FILL IN THE ATTACHED MATRIX AND TO SUBMIT THE INFORMATION TO SPAI RSLO UNTIL MARCH 15 2004.



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
CHAPTER II - PREVENTIVE MEASURES						
1.	Art. 5 <i>Preventive anti-corruption policies and practices</i>	• Each State Party shall develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.			Totally in compliance	PLEASE SEE FOOTNOTE¹ HG no. 231/2005 on the National Anticorruption Strategy 2005 - 2007 and the action plan for the implementation of the National Anticorruption Strategy ²
2.		• Each State Party shall endeavor to establish and promote effective practices aimed at the prevention of corruption.				
3.		• Each State Party shall			Totally in	The assessment of the

¹ When applicable please provide the full title and number of the law, relevant articles and paragraphs
Please also provide the RSLO with the full text or excerpts from these documents in electronic format, both in English and local languages.

² Annex no. 1



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		endeavor to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.			compliance	progress recorded in the implementation of the NAS 2005-2007 will be performed annually, in November, according to the deadlines and indicators included by the action plan for the implementation of the NAS 2005-2007. The NAS will be updated if this necessity results from the annual assessments.
4.		<ul style="list-style-type: none"> Each State Party shall collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes 			Totally in compliance	Romania has participated to international programmes and projects organized by the EU, OECD, Council of Europe, SPAI



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		and projects aimed at the prevention of corruption.				
5.	<i>Article 6 Preventive anti-corruption body or bodies</i>	<ul style="list-style-type: none"> Each State Party shall ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as: <ul style="list-style-type: none"> (a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies; (b) Increasing and disseminating knowledge about the prevention of corruption. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the 			Totally in compliance	The Council for the coordination of the implementation of National Anticorruption Strategy 2005-2007 was set-up to overview the implementation of the Strategy and to ensure the coordination between the institutions with competences in the area (GD no 233/2005). The Council was created under the authority of the Prime Minister and the coordination of the Minister of Justice, through the reorganization of the National Council for Crime Prevention. The representation in the Council is done at the



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		necessary independence, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.				highest level, thus proving the political commitment in the fight against corruption.
6.		<ul style="list-style-type: none"> Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption. 				
7.	Article 7 Public sector	<ul style="list-style-type: none"> Each State Party shall endeavor to adopt, maintain and strengthen 		Partially implemented		Law no. 188/1999, republished, on the statute civil servants



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:</p> <p>(a) That are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;</p> <p>(b) That include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;</p>		<p>The rotation of the personnel is not yet regulated by the Romanian legislation. There are few pilot initiatives at the level of customs, Financial Guard etc.</p>		<p>establishes a transparent and efficient system of recruitment, hiring, retention and promotion.</p> <p>The National Institute of Administration organises training courses for the civil servants from the Romanian administration, including for the mentioned areas.</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>(c) That promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;</p> <p>(d) That promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions. Such programmes may</p>				



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		make reference to codes or standards of conduct in applicable areas.				
8.		<ul style="list-style-type: none"> Each State Party shall consider adopting appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to prescribe criteria concerning candidature for and election to public office. 			Totally in compliance	1. The Romanian Constitution (2003) 2. Law no. 188/1999 on the statute of public officials, republished. 3. Law no. 393/2004 on the statute of local elected
9.		<ul style="list-style-type: none"> Each State Party shall consider taking appropriate legislative and administrative measures, consistent with the objectives of this 		Partially in compliance		Law no. 43/2003 on the financing of political parties and electoral campaigns. The NAS 2005-2007 provides for measures



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.				in amending the legislation for ensuring the transparency in the financing off the political parties. Also, according to the anticorruption strategy, the Courts of Accounts is responsible for the elaboration and publishing of Audit Reports on the financing of political parties and electoral campaigns. The report with regard to the parliamentary and presidential electoral campaigns from November 28, 2004 underlines progresses on: ensuring transparency of the financing sources; control of the activities of printing and



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						distributing of canvassing materials; coordination, from the financial point of view, of the actions developed at central and local level regarding the revenues and expenditures afferent to electoral campaigns.
10.		<ul style="list-style-type: none"> Each State Party shall endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest. 		Partially in compliance To complete the implementation, NAS 2005-2007 provides for the establishment of an institution competent to control the		1. Law no. 161/2003 on certain measures to ensure transparency in the exercise of public dignities, public offices and in the business environment, to prevent and sanction corruption. 2. The Government replaced the templates of the wealth declaration and declaration of interests



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
				assets and interests declarations.		by Law no. 158/25.05.2005. The new templates are now the strictest in Europe and are public (including on each institution's website).
11.	<i>Article 8 Codes of conduct for public officials</i>	<ul style="list-style-type: none"> Each State Party shall promote, <i>inter alia</i>, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system 				See below
12.		<ul style="list-style-type: none"> Each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honorable and proper performance of public functions. 			Totally in compliance	1. Law no. 7/2004 regarding the code of conduct for civil servants; 1. Law no. 477/2004 on the code of conduct for the contractual personnel within the public authorities and



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						institutions. In the same time, almost all the categories of personnel who work in the public administration have codes of conduct for each specific activity (e.g. police officers, customs personnel, financial inspectors, etc).
13.		<ul style="list-style-type: none"> Each State Party shall take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996. 				In the process of elaboration of the conduct code for civil servants, it was considered the model of conduct code issued by the Council of Europe.
14.		<ul style="list-style-type: none"> Each State Party shall 			Totally in	Law no. 571/2004 on



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		consider establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions			compliance	the protection of the personnel within public authorities, public institutions and other budgetary units who notify law's infringements. This normative act aims to ensure the protection of good faith of reporting persons in what concerns any deed that constitutes infringement of law, professional deontology or good administration and transparency principles, when such acts come to their notice in the performance of their functions. Employees who are victimized and subjects to an occupational harm for blowing the whistle on improper behaviour are



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						now protected against any disciplinary or jurisdictional action if they act in good faith.
15.		<ul style="list-style-type: none"> Each State Party shall endeavour to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials. 		Partially in compliance		1. Law no.115/1996 on declaring and control of the assets of the dignitaries, magistrates, civil servants and of certain persons with management positions 2. Law no. 161/2003 3. Law no. 158/2005, which provides for comprehensive templates for the declaration of wealth
16.		<ul style="list-style-type: none"> Each State Party shall consider taking disciplinary or other measures against public officials who violate the 			Totally in compliance	1. Law no. 188/1999 on the statute of civil servants 2. Law no. 7/2004 regarding the code of



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		codes or standards established in accordance with this article.				conduct for civil servants 3. Law no. 477/2004 on the code of conduct for the contractual personnel within the public authorities and institutions
17.	<i>Article 9 Public procurement and management of public finances</i>	<ul style="list-style-type: none"> Each State Party shall take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia: <ul style="list-style-type: none"> (a) The public distribution of information relating 		Partially in compliance NAS 2005-2007 provides for measures to harmonise the legal provision on procurement with the European directives in the field.		1. GEO no. 60/2001 on the public procurement 2. GO no. 20/2002 on the establishment of Electronic Auction System 3.E-procurement Users Manual published by the Ministry of Communication and Information Technology



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;</p> <p>(b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;</p> <p>(c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the</p>				



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>subsequent verification of the correct application of the rules or procedures;</p> <p>(d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;</p> <p>(e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training</p>				



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
18.		<p>requirements.</p> <ul style="list-style-type: none"> Each State Party shall take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia: <ul style="list-style-type: none"> (a) Procedures for the adoption of the national budget; (b) Timely reporting on revenue and expenditure; (c) A system of accounting and auditing standards and related oversight; (d) Effective and efficient systems of risk management and internal control; and (e) Where appropriate, corrective action in 			Totally in compliance	<ol style="list-style-type: none"> 1. Law no. 161/2003 2. Law no. 500/2002 on the public finances 3. Law no. 82/1991 on accounting, republished 4. GEO no. 40/2005 for amending GEO no 60/2001 on public procurement for ensuring transparency in the granting of publicity funds for the advertisement contracts.



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		the case of failure to comply with the requirements established in this paragraph.				
19.		<ul style="list-style-type: none"> Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such documents. 			Totally in compliance	<p>According to article 25 of Law no. 82/1991 on accounting, in case of losing, stealing or destroying accounting documents, measure of reconstituting them will be taken in 30 days from their discovery.</p> <p>In case that the contributor hides or refuses the presentation of the accounting documents, the conditions for the commission of an offence are met and is sanctioned, according to the Law 87/1994 republished on tax evasion. According to</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						article 9 of this law, it is an offence and is sanctioned with imprisonment from 6 months to 3 years or with fine, the refusal to present to the control bodies, competent according to the law, the evidence documents and the accounting documents as well as the goods submitted to taxes and other contributions to the public funds, in order to establish the budget obligations.
20.	Article 10 Public reporting	<ul style="list-style-type: none"> Each State Party shall take such measures as may be necessary to enhance transparency in its public administration, including with regard to 			Totally in compliance	1. Law 52/2003 on the decisional transparency in the public administration (especially Chapter II, Sections 1 and 2, article



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:</p> <p>(a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;</p> <p>(b) Simplifying</p>				<p>6 - 12)</p> <p>2. Law no. 544/2001 on public's access to information</p> <p>3. Methodological norms for the implementation of Law no. 544/2001</p> <p>4. Government Ordinance no. 27/2002 on the regulation of the petitions solving activity, approved by Law no. 233/2002</p> <p>5. Law no. 677/2004 for the protection of the persons on the processing of data with a personnel character and the free circulation of these data.</p> <p>6. Law no. 102/2005 on the establishing, functioning and organizing of National Authority for the</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and (c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.				Surveillance of the processing of data with a personnel character
21.	<i>Article 11 Measures relating to the judiciary and prosecution services</i>	<ul style="list-style-type: none"> Each State Party shall take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary. 			Totally in compliance	1. Law no. 303/2004 on the Statute of Magistrates 2. Law no. 304/2004 on judicial organization 3. Law no. 317/2004 on the Superior Council of Magistracy Currently, these 3 laws are being amended (the Government approved these amendments) in



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						the sense of increasing the integrity of the judiciary and its independence. 4. Magistrate' Deontological Code adopted through the SCM's Decision no. 144/2005 5. The SCM Plenum's Decision no. 145/2005 on the Deontological Code of the Auxiliary Staff of the Judiciary
22.		<ul style="list-style-type: none"> Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service. 				



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
23.	Article 12 Private sector	<ul style="list-style-type: none"> Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures. 		Partially in compliance		See below
24.		<ul style="list-style-type: none"> Measures to achieve these ends may include, inter alia: <ul style="list-style-type: none"> (a) Promoting cooperation between law enforcement agencies and relevant private entities; 				1. Law no. 161/2003 on certain measures to ensure transparency in the exercise of public dignities, public offices and in the business environment, to prevent and sanction corruption,



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>(b) Promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;</p> <p>(c) Promoting transparency among</p>				<p>Book II, Title II, Ensuring transparency and stability in business environment</p> <p>2. The Labour Code adopted by Law no. 53/2003</p> <p>3. Law no. 21/1996 on competition</p> <p>4. Law no. 11/1991 on the unlawful competition</p> <p>5. GEO no. 75/1999 on the financial audit</p> <p>6. Government Ordinance no. 119/1999 on internal control and preventive financial control</p> <p>7. Law no. 161/2003 on certain measures to ensure transparency in the exercise of public dignities, public offices and in the business environment, to prevent and sanction corruption</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities;</p> <p>(d) Preventing the misuse of procedures regulating private entities, including procedures regarding subsidies and licences granted by public authorities for commercial activities;</p> <p>(e) Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities</p>				8. The Codes of Conduct for civil servants



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure;</p> <p>(f) Ensuring that private enterprises, taking into account their structure and size, have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the accounts and required financial statements of such</p>				



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		private enterprises are subject to appropriate auditing and certification procedures.				
25.		<ul style="list-style-type: none"> Each State Party shall take such measures as may be necessary to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention: <ul style="list-style-type: none"> (a) The establishment of off-the-books accounts; (b) The making of off-the-books or inadequately identified transactions; (c) The recording of 			Totally in compliance	<p>Article 25 of Law no. 82/1991 on accounting</p> <p>Article 9 of Law 87/1994 republished on tax evasion³</p> <p>Also, according to article 276 of Law no. 31/1990 on trading companies, the following deeds constitute offences and are punished with imprisonment from 3 to 12 years:</p> <ul style="list-style-type: none"> a) forgery, snatching away or destroying company's records,

³ See also the answer to item 19.



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>non-existent expenditure;</p> <p>(d) The entry of liabilities with incorrect identification of their objects;</p> <p>(e) The use of false documents; and</p> <p>(f) The intentional destruction of bookkeeping documents earlier than foreseen by the law.</p>				<p>concealing part of the company's assets, presenting fictitious liabilities, if each of these actions are intentionally performed to diminish the value of the assets;</p> <p>b) selling, in case of a company going bankrupt, and to the prejudice of the creditors, of an important part of the assets.</p>
26.		<ul style="list-style-type: none"> Each State Party shall disallow the tax deductibility of expenses that constitute bribes, the latter being one of the constituent elements of the offences established in accordance with articles 15 and 16 of this Convention and, where 			Totally in compliance	<p>Law no. 571/2003 on fiscal code provides in article 21, para 4 the prohibition of deductibility for certain payments, but does not expressly mention bribes or other expenses linked to corruption offences.</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		appropriate, other expenses incurred in furtherance of corrupt conduct.				But, according to letter m), there are not deductible the expenses for services of management, consulting, assistance or other supplies of services for which the taxpayer may not justify the necessity of such supply for the purpose of carrying out the own activity and for which contracts are not concluded.
27.	Article 13 <i>Participation of society</i>	<ul style="list-style-type: none"> Each State Party shall take appropriate measures to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and 			Totally in compliance	1. Article 90 of Romanian Constitution concerning the referendum 2. Law no. 215/2001 on public administration 3. Law 52/2003 on the decisional transparency in the public



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:</p> <p>(a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;</p> <p>(b) Ensuring that the public has effective access to information;</p> <p>(c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as</p>				<p>administration (especially Chapter II, Sections 1 and 2, article 6 - 12)</p> <p>4. Law no. 544/2001 on public's access to information</p> <p>5. Methodological norms for the implementation of Law no. 544/2001</p> <p>6. Government Ordinance no. 27/2002 on the regulation of the petitions solving activity, approved by Law no. 233/2002</p> <p>7. Law no. 30/1994 on the ratification of the European Convention on Human Rights</p> <p>8. Law no. 182/2002 on the protection of classified information</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>public education programmes, including school and university curricula;</p> <p>(d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:</p> <p>(i) For respect of the rights or reputations of others;</p> <p>(ii) For the protection of national security or <i>ordre public</i> or</p>				



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		of public health or morals.				
28.		<ul style="list-style-type: none"> Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention. 			Totally in compliance	At the level of anticorruption bodies, green lines are constituted for the reporting of corruption. Also, much media attention is given to the activity of these bodies.
29.	Article 14 Measures to prevent money-laundering	<ul style="list-style-type: none"> Each State Party shall: (a) Institute a comprehensive domestic regulatory and supervisory regime for banks and 			Totally in compliance	Law no. 656/2002 on money laundering National Office for Money Laundering Prevention and Sanctioning



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions;				A protocol between the National Office for Money Laundering Prevention and Sanctioning and NAPO was signed in order to enhance the cooperation: the number and the quality of the notifications.



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		(b) Without prejudice to article 46 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a				



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		national centre for the collection, analysis and dissemination of information regarding potential money-laundering.				
30.		<ul style="list-style-type: none"> Each State Party shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate 			Totally in compliance	These measures are provided by Law no. 656/2002 on money laundering



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
31.		<p>negotiable instruments.</p> <ul style="list-style-type: none"> Each State Party shall consider implementing appropriate and feasible measures to require financial institutions, including money remitters: <ul style="list-style-type: none"> (a) To include on forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator; (b) To maintain such information throughout the payment chain; and (c) To apply enhanced scrutiny to transfers of funds that do not contain complete information on the originator. 			Totally in compliance	Law no. 656/2002 on money laundering



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
32.		<ul style="list-style-type: none"> In establishing a domestic regulatory and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering. 			Totally in compliance	1. The GAFI recommendations 2. The directives of the Council of Europe
33.		<ul style="list-style-type: none"> Each State Party shall endeavour to develop and promote global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering. 			Totally in compliance	The were concluded cooperation agreements for this purpose



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
-----	---------------	--------------------------------	-----------------	-----------------------	-----------------------	--

CHAPTER III – CRIMINALIATION AND LAW ENFORCEMENT						
34.	Article 15 <i>Bribery of national public officials</i>	<ul style="list-style-type: none"> Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: <ul style="list-style-type: none"> (a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for 			Totally in compliance	1. Articles 254 and 255 on active and passive bribery of the Criminal Code in force 2. Article 7 Law 78/2000 concerning prevention and sanctioning corruption deeds.



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;</p> <p>(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.</p>				
35.	<i>Article 16 Bribery of foreign public officials and officials of public</i>	<ul style="list-style-type: none"> Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an 			Totally in compliance	<p>1. Articles 255 of the Criminal Code in force</p> <p>2. Articles 6, 7, 8¹, 8² of Law 78/2000 concerning prevention and sanctioning corruption deeds</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
	<i>international organizations</i>	official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.				
36.		<ul style="list-style-type: none"> Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an 			Totally in compliance	1. Article 254 of the Criminal Code in force 2. Articles 6 and 7, 8 ¹ Law 78/2000 concerning prevention and sanctioning corruption deeds



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.				
37.	<i>Article 17 Embezzlement, misappropriation or other diversion of property by a public official</i>	<ul style="list-style-type: none"> Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position. 			Totally in compliance	1. Article 215 ¹ on the embezzlement offence and article 302 ¹ on the misappropriation of funds of the Criminal Code,
38.	<i>Article 18</i>	<ul style="list-style-type: none"> Each State Party shall 			Totally in	1. Article 257 on



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
	<i>Trading in influence</i>	<p>consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:</p> <p>(a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person;</p> <p>(b) The solicitation or acceptance by a public</p>			compliance	trading in influence of the Criminal Code 2. Articles 8, 8 ¹ of Law 78/2000 concerning prevention and sanctioning corruption deeds



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.				
39.	Article 19 Abuse of functions	<ul style="list-style-type: none"> Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance of or failure to perform an act, in violation 			Totally in compliance	1. Law no. 521/2004 for the amending and completing of Law no. 78/2000 concerning prevention and sanctioning corruption deeds, which adds in the scope of corruption offences the following: <ul style="list-style-type: none"> the abuse in office against



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.				<p>personal interest (article 246 Criminal Code)</p> <ul style="list-style-type: none"> the abuse in office by limiting certain rights (article 247 Criminal Code) the abuse in office against public interest (article 248 Criminal Code) <p>provided that they were committed for obtaining a patrimonial or non-patrimonial advantage for him/herself or for others.</p> <p>2. Articles 246, 247, 248 of the Criminal Code</p>
40.	Article 20 <i>Illicit enrichment</i>	<ul style="list-style-type: none"> Each State Party shall consider adopting such 				



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.				
41.	Article 21 <i>Bribery in the private sector</i>	<ul style="list-style-type: none"> Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities: <ul style="list-style-type: none"> (a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person 				1. The articles 254, 255 of the Criminal Code on active and passive bribery



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting;</p> <p>(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.</p>				
42.	Article 22 Embezzlement of property in	<ul style="list-style-type: none"> Each State Party shall consider adopting such legislative and other measures as may be 			Totally in compliance	<p>1. Article 215¹ on embezzlement, of the Criminal Code</p> <p>2. Article 17, Law no.</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
	<i>the private sector</i>	necessary to establish as a criminal offence, when committed intentionally in the course of economic, financial or commercial activities, embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position.				78/2000 concerning prevention and sanctioning corruption deeds
43.	<i>Article 23 Laundering of proceeds of crime</i>	<ul style="list-style-type: none"> Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: <ul style="list-style-type: none"> (a) <ul style="list-style-type: none"> (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose 			Totally in compliance	1. Law no. 656/2002 on the money laundering 2. The Criminal code incriminates the offences of concealment (art 221 CC), aiding the offender (264 CC), criminal association (323 CC). 3. Law no. 39/2003 on the organised crime.



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;</p> <p>(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;</p> <p>(b) Subject to the basic concepts of its legal system:</p> <p>(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such</p>				4. Law no. 78/2000 concerning prevention and sanctioning corruption deeds



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		property is the proceeds of crime; (ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.				
44.		<ul style="list-style-type: none"> For purposes of implementing or applying paragraph 1 of this article: <ul style="list-style-type: none"> (a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences; (b) Each State Party shall include as predicate offences at a minimum a comprehensive range of criminal offences 			Totally in compliance	Law no. 656/2002 on money laundering implements all these provisions.



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>established in accordance with this Convention;</p> <p>(c) For the purposes of subparagraph (b) above, predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying</p>				



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>this article had it been committed there;</p> <p>(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;</p> <p>(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence.</p>				
45.	Article 24 <i>Concealment</i>	<ul style="list-style-type: none"> Without prejudice to the provisions of article 23 of this Convention, each State Party shall consider 			Totally in compliance	Article 221 on the concealment offence of the Criminal Code



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally after the commission of any of the offences established in accordance with this Convention without having participated in such offences, the concealment or continued retention of property when the person involved knows that such property is the result of any of the offences established in accordance with this Convention.				Law no. 78/2000 concerning prevention and sanctioning corruption deeds
46.	<i>Article 25 Obstruction of justice</i>	<ul style="list-style-type: none"> Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: <ul style="list-style-type: none"> (a) The use of physical force, threats or 				Criminal Code incriminated the following deeds as offences on the obstruction of justice: outrage (art 236) Slandorous denunciation (article



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with this Convention;</p> <p>(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences established in accordance with this Convention. Nothing in this subparagraph shall prejudice the right of</p>				<p>259); False testimony (article 260); Attempt to determine false testimony (article 261); Obstructing participation in the trial (art. 261¹); Non-denunciation of certain offences (art. 262); Failure to notify the judicial bodies (article 263); Supporting offenders (article 264); Failure to inform judicial bodies (article 265).</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		States Parties to have legislation that protects other categories of public official.				
47.	Article 26 <i>Liability of legal persons</i>	<ul style="list-style-type: none"> Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in the offences established in accordance with this Convention. 		Partially		1. The amendments to the new Criminal Code 2. Law no. 299/2004 on the criminal responsibility of legal persons for the counterfeiting 3. The Civil Code
48.		<ul style="list-style-type: none"> Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative. 		Partially		1 The article 1000 Civil Code provides that one is liable for the prejudice caused by the deed committed by another person for whom that one is legally bound and, also, the employer shall be liable for the damages caused by his employees to another



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						<p>person. The term <i>employer</i> can be interpreted as a legal person.</p> <p>2. Law 31/1990, republished on the commercial enterprises</p> <p>3. The amendments to the Criminal Code provides for the criminal liability of the legal persons</p> <p>4. Law no. 299/2004 on the criminal responsibility of legal persons for the counterfeiting</p>
49.		<ul style="list-style-type: none"> Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences. 				<p>1. The Criminal Code and the other regulations.</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
50.		<ul style="list-style-type: none"> Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions. 		Partially		1. The civil code, the commercial code 2. The amendments to the Criminal Code 3. Law no. 299/2004 on the criminal responsibility of legal persons for the counterfeiting
51.	<i>Article 27 Participation and attempt</i>	<ul style="list-style-type: none"> Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with this Convention. 		Partially in compliance (sanctions for legal persons not yet in force)		1. The Criminal Code and the other regulations 2. The amendments to the Criminal Code 3. Law no. 299/2004 on the criminal liability of legal persons for the counterfeiting
52.		<ul style="list-style-type: none"> Each State Party may adopt such legislative and other measures as may be necessary to establish as a 			Totally in compliance	1. The Criminal Code and other regulations 2. The amendments to the new Criminal Code 3. Law no. 78/2000



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		criminal offence, in accordance with its domestic law, any attempt to commit an offence established in accordance with this Convention.				regarding discovering and sanctioning of the corruption deeds
53.		<ul style="list-style-type: none"> Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, the preparation for an offence established in accordance with this Convention. 				
54.	<i>Article 28 Knowledge, intent and purpose as elements of an offence</i>	<ul style="list-style-type: none"> Knowledge, intent or purpose required as an element of an offence established in accordance with this Convention may be inferred from objective factual circumstances. 			Totally in compliance	1. Criminal Code and the other regulations 2. Law no. 78/2000 regarding discovering and sanctioning of the corruption deeds
55.	<i>Article 29 Statute of</i>	<ul style="list-style-type: none"> Each State Party shall, 			Totally in compliance	The Criminal Code provides for specific



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
	<i>limitations</i>	where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence established in accordance with this Convention and establish a longer statute of limitations period or provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice.				statutes of limitations depending on the imprisonment period provided for the offences.
56.	<i>Article 30 Prosecution, adjudication and sanctions</i>	<ul style="list-style-type: none"> Each State Party shall make the commission of an offence established in accordance with this Convention liable to sanctions that take into account the gravity of that offence. 			Totally in compliance	1. The Criminal Code and the other regulations 2. Law no. 78/2000 regarding discovering and sanctioning of the corruption deeds
57.		<ul style="list-style-type: none"> Each State Party shall take such measures as may be necessary to establish or maintain, in accordance with 			Totally in compliance	1. The Romanian Constitution provides for immunities in the case of the members of



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		its legal system and constitutional principles, an appropriate balance between any immunities or jurisdictional privileges accorded to its public officials for the performance of their functions and the possibility, when necessary, of effectively investigating, prosecuting and adjudicating offences established in accordance with this Convention.				<p>the Parliament, of the Government and the President of Romania during the exercise of their functions.</p> <p>2. Law no. 47/1992 republished, provides for certain immunity for judges of the Constitutional Court.</p> <p>3. Law 35/1997 provides for immunity for the Ombudsman and his/her deputies.</p> <p>4. Law 303/2004 on the statute of the magistrates establishes immunity for the magistrates.</p> <p>4. Law no. 51/1995 as amended provides for certain immunities for</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						lawyers. Recently, the existing immunities for magistrates, former ministers, bailiffs and public notaries were removed.
58.		<ul style="list-style-type: none"> Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences established in accordance with this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences. 				The Criminal Procedure Code, the criminal code and other regulations.
59.		<ul style="list-style-type: none"> In the case of offences established in accordance with this Convention, each 			Totally	Article 174 corroborated with article 197 of the



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.				Criminal Procedure Code Article 145 and 145 ¹ of the Criminal Procedure Code provides for the obligation for the defendant not to leave the country or the locality in certain situations.
60.		<ul style="list-style-type: none"> Each State Party shall take into account the gravity of the offences concerned when considering the eventuality of early release or parole of persons convicted of such offences. 			Totally in compliance	Articles 81 – 86 ¹¹ of the Criminal Code and article 61 Criminal Code and article 450 Criminal Procedure Code.
61.		<ul style="list-style-type: none"> Each State Party shall consider establishing procedures through which a public official accused of an offence established in 			Totally in compliance	1. Law no. 188/1999 on statute of the public servants 2. Law no. 161/2003 3. The Labour Code



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		accordance with this Convention may, where appropriate, be removed, suspended or reassigned by the appropriate authority, bearing in mind respect for the principle of the presumption of innocence.				and other special regulations
62.		<ul style="list-style-type: none"> Where warranted by the gravity of the offence, each State Party shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from: <ul style="list-style-type: none"> (a) Holding public office; and (b) Holding office in an enterprise owned in whole or in part by the 			Totally in compliance	1. Article 64 of the Criminal Code and the other regulations



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		State.				
63.		<ul style="list-style-type: none"> Paragraph 1 of this article shall be without prejudice to the exercise of disciplinary powers by the competent authorities against civil servants. 			Totally in compliance	1. Law no. 188/1999 on statute of the public servants 2. Law no. 161/2003
64.		<ul style="list-style-type: none"> Nothing contained in this Convention shall affect the principle that the description of the offences established in accordance with this Convention and of the applicable legal defences or other legal principles controlling the lawfulness of conduct is reserved to the domestic law of a State Party and that such offences shall be prosecuted and punished in accordance with that law. 				
65.		<ul style="list-style-type: none"> States Parties shall endeavour to promote the reintegration into society of 			Totally in compliance	Law no.129/2002 on the organisation, functioning and social



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		persons convicted of offences established in accordance with this Convention.				reintegration of the offenders and surveillance of the sanctions non privative of liberty. Programmes of social reintegration are constantly being developed.
66.	<i>Article 31 Freezing, seizure and confiscation</i>	<ul style="list-style-type: none"> Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of: <ul style="list-style-type: none"> (a) Proceeds of crime derived from offences established in accordance with this Convention or property the value of which corresponds to that of such proceeds; (b) Property, equipment or other instrumentalities 				<p>The special confiscation, if the conditions provided by article 118 of the Criminal Code are met, is a measure taken by the court or the prosecutor, as following:</p> <ul style="list-style-type: none"> a) <i>goods produced by a deed provided in the criminal law;</i> b) <i>goods that have served or that were meant to serve in the commission of</i>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		used in or destined for use in offences established in accordance with this Convention.				<p><i>an offence, if they belong to the perpetrator;</i></p> <p><i>c) goods handed in order to determine the commission of an offence or to reward the perpetrator;</i></p> <p><i>d) goods obviously acquired through commission of the offence, if they are not returned to the person injured and to the extent that they do not serve to compensate the latter;</i></p> <p><i>e) goods possessed in violation of legal provisions.</i></p> <p>The execution of the special confiscation measure is done</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						<p>according to the article 439 of the Criminal Procedure Code, which provides for:</p> <p>Besides the general rule described above, specific law provisions regarding the character of the confiscation of the proceeds of corruption offences and offences assimilated to corruption or related to corruption are mentioned in the articles 19 and 20 of the Law no. 78/2000 on corruption prevention article 13 of the Law no. 39/2003 on prevention and countering the organized crime applicable to the</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						corruption offences committed by organized criminal groups and article 22 of the GEO no 43/2002 approved by Law no. 503/2002 regarding the National Anticorruption Prosecutor's Office.
67.		<ul style="list-style-type: none"> Each State Party shall take such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation. 			Totally in compliance	Under the Criminal Procedure Code (art. 163), the interim measure of seizure can be ordered by the prosecutor or the court to prevent the disposal or disappearance of goods, eventually to cover the prejudice caused by the offence and to guarantee the execution of the criminal fine. In order to repair the damage, the interim measures can only be ordered against



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						<p>the goods of the accused or the indicted and the person bearing civil liability, up to the probable value of the damage. To ensure the enforcement of the fine sanction, the seizure is applied only against the goods of the accused or the indicted.</p> <p>When the measure is decided, the prosecutor or the court will identify and evaluate the seized property, using experts whether this is necessary. Usually, the seized goods remain in the possession of the legal owner at that time, who has the obligation not to dispose them or to sale them. Whether it is</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						considered to be a danger to be sold, the mobile goods will be sealed or picked up or a custodian will be appointed. The seizure procedure, the possibility of complaining against the ordered measure and the restitution of assets is provided by articles 163 – 170 of the Criminal Procedure Code
68.		<ul style="list-style-type: none"> Each State Party shall adopt such legislative and other measures as may be necessary to regulate the administration by the competent authorities of frozen, seized or confiscated property covered in paragraphs 1 and 2 of this article. 			Totally in compliance	Articles 165 – 166, 353, 439 of the Criminal Procedure Code and GO no. 128/1998, republished on the regulation of the modality and conditions for the valorification of confiscated goods or of the goods, which,



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						according to law entered in the state private property
69.		<ul style="list-style-type: none"> If such proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds. 			Totally in compliance	The confiscation of the equivalent in money of the goods that are not found or the confiscation of the goods acquired in the place of the goods that are object to confiscation are also provided for specific offences – e.g. corruption offences – by article 19 of Law no. 78/2000, article 22 of GEO no. 43/2002, and as for the corruption offences committed by organized criminal groups, by article 13 of Law no. 39/2003 ⁴ on organised crime

⁴ Annex no. 17



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
70.		<ul style="list-style-type: none"> If such proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds. 			Totally in compliance	Article 118 of the Criminal Code
71.		<ul style="list-style-type: none"> Income or other benefits derived from such proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime. 			Totally in compliance	Article 118 of the Criminal Code and other special laws



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
72.		<ul style="list-style-type: none"> For the purpose of this article and article 55 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or seized. A State Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy. 			Totally in compliance	According to article 27, para.1, letter a) of Law no. 78/2000 (see also Annex IV) and article 16 of GEO no. 43/2002, when there are relevant information and signs that an offence provided by Law no. 78/2000 (n.b.: corruption offences, assimilated or related to corruption) was committed, the prosecutor may authorize for a period of at most 30 days (with the possibility of extension with at most 4 months), the supervision of bank accounts and the accounts assimilated to these. The prosecutor may demand, according to article 27



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						<p>para.1 letter d) of Law no. 78/2000 and article 16 para.4 of GEO no. 43/2002, bank, financial or accounting records, as long as these may serve as evidence in corruption cases or for the identification of the offender.</p> <p>Pursuant to article 20 of GEO no. 43/2002, the NAPO's General Prosecutor or the prosecutor nominated by him may demand, in writing, to the financial institution the verification of the bank and financial records, with no possibility from the requested financial institution to oppose the banking or</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						<p>professional secrecy. The request is made according to art. 37 of Law of banks no 58/1998, amended by Law no. 485/2003, as long as is made on the basis of a criminal case and the information required is used only for the purpose it was asked for, according to the law.</p> <p>In what concerns the communication of commercial records, there are applicable the provisions of Criminal Procedure Code on taking into custody the objects and writings, taking into custody by force of objects or writings and search (articles 96 – 111 Criminal Procedure</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						Code). According to these provisions, any natural and legal persons who have in possession an object or a writing that could serve as evidence is obliged to give it to the prosecution body or to the court, at their request. If the object or writing is not voluntary given, the prosecutor or the court can order its forced taking into custody. When the person asked to deliver one of the objects or writing denies its existence or possession, the judge may order the search, including the search of a public institution or other legal entity. These procedural



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						measures are communicated to the parties and the interested institutions.
73.		<ul style="list-style-type: none"> States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of such alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the fundamental principles of their domestic law and with the nature of judicial and other proceedings. 	Not implemented			
74.		<ul style="list-style-type: none"> The provisions of this article shall not be so construed as to prejudice the rights of bona fide third parties. 			Totally in compliance	Article 118 of the Criminal Code allows the confiscation of goods which are connected to the commission of the offence or detained in



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						violation of legal provisions, no matter who owns them. In the judicial practice, it was decided that confiscation of goods owned by the third parties is not possible, if the third party who acquired the goods is <i>in good faith – bona fide</i> .
75.		<ul style="list-style-type: none"> Nothing contained in this article shall affect the principle that the measures to which it refers shall be defined and implemented in accordance with and subject to the provisions of the domestic law of a State Party. 				
76.	Article 32 Protection	<ul style="list-style-type: none"> Each State Party shall take 			Totally in compliance	1. Articles 12 - 15 of Law no. 682/2002 on



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
	<i>of witnesses, experts and victims</i>	appropriate measures to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.				witnesses protection; 2. Art. 4, lit.f of Law 211/ 2004 on certain measures to ensure the protection of victims of crime
77.		<ul style="list-style-type: none"> The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process: <ul style="list-style-type: none"> (a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where 			Totally in compliance	1. Law no. 682/2002 on witnesses protection; 2. Law 211/2004 on certain measures to ensure the protection of victims of crime



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;</p> <p>(b) Providing evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as permitting testimony to be given through the use of communications technology such as video or other adequate means.</p>				
78.		<ul style="list-style-type: none"> States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article. 			Totally in compliance	1. Law no. 302/2004 on international judicial cooperation in criminal matters



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
79.		<ul style="list-style-type: none"> The provisions of this article shall also apply to victims insofar as they are witnesses. 			Totally in compliance	1. Law no. 302/2004 on international judicial cooperation in criminal matters
80.		<ul style="list-style-type: none"> Each State Party shall enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence. 			Totally in compliance	1. Law 211/ 2004 on certain measures to ensure the protection of victims of crime
81.	<i>Article 33 Protection of reporting persons</i>	<ul style="list-style-type: none"> Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance 			Totally in compliance	1. Law no. 682/2002 on witnesses protection 2. Law no. 571/2004 on the protection of the personnel within public authorities, public institutions and other budgetary units which notice law's infringements



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
82.	<i>Article 34 Consequences of acts of corruption</i>	<p>with this Convention.</p> <ul style="list-style-type: none"> With due regard to the rights of third parties acquired in good faith, each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to address consequences of corruption. In this context, States Parties may consider corruption a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action. 			Totally in compliance	<p>A legal principle applicable in Romania regarding the civil side of a criminal lawsuit concerns the re-establishing of the previous situation, meaning that any advantage obtained through the commission of an offence must be removed.</p> <p>According to the criminal law provisions, any advantage obtained through active corruption is confiscated.</p> <p>GEO no. 60/2001, with further amendments and completions provides in article 58</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						<p>corroborated with article 95 the right of the court to annul the contract on public procurement if it is found that the one who made the offer was engaged in corrupt or fraudulent practices related to the concluding of the respective contract.</p> <p>Also, in article 992 of the Civil Code on unjust enrichment, it is provided that the person who, by error or by knowing, receives something that he/she is not endowed to, must return it to the one who gave it.</p>
83.	Article 35	<ul style="list-style-type: none"> Each State Party shall take 			Totally in	The persons who have



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
	<i>Compensation for damage</i>	such measures as may be necessary, in accordance with principles of its domestic law, to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation.			compliance	suffered damages as a result of an act of corruption have the right to initiate civil action against those responsible for that damage in order to obtain compensation.
84.	<i>Article 36 Specialized authorities</i>	<ul style="list-style-type: none"> Each State Party shall ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively 			Totally in compliance	A specialized anticorruption body is the National Anticorruption Prosecutor's Office established according to the GEO no. 43/2002 modified GEO no. 24/2004.



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.				
85.	<i>Article 37 Cooperation with law enforcement authorities</i>	<ul style="list-style-type: none"> Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with this Convention to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds. 			Totally in compliance	1. Article 74 and 255 of the Criminal Code 2. Law no. 682/2002 on witnesses protection 3. Law no. 43/2002 regarding the functioning of the National Anticorruption Prosecutor's Office
86.		<ul style="list-style-type: none"> Each State Party shall consider providing for the 			Totally in compliance	Article 74 of the Criminal Code



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.				
87.		<ul style="list-style-type: none"> Each State Party shall consider providing for the possibility, in accordance with fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention. 		Partially		Article 255 of the Criminal Code
88.		<ul style="list-style-type: none"> Protection of such persons shall be, mutatis mutandis, as provided for in article 32 of this Convention. 			Totally in compliance	Law no. 682/2002 on witnesses protection



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
89.		<ul style="list-style-type: none"> Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article. 			Totally in compliance	Law no. 302/2004 on international judicial cooperation in criminal matters
90.	<i>Article 38 Cooperation between national authorities</i>	<ul style="list-style-type: none"> Each State Party shall take such measures as may be necessary to encourage cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities 		Partially		In order to increase the quality of the notifications and information on corruption received from the other state institutions, and, implicitly, of the



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		<p>responsible for investigating and prosecuting criminal offences. Such cooperation may include:</p> <p>(a) Informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the offences established in accordance with articles 15, 21 and 23 of this Convention has been committed; or</p> <p>(b) Providing, upon request, to the latter authorities all necessary information.</p>				<p>evidence, NAPO has concluded collaboration protocols with: the National Printing House (in April 2005), the National Customs Authority, the National Control Authority, the Ministry of Administration and Interior, the Romanian Court of Accounts, the Bucharest Stock Exchange, the National Office for Money Laundering Prevention and Countering (in 2004); with the Romanian Intelligence Service, and the General Department for</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						<p>Protection and Anticorruption within Ministry of Justice (in 2003).</p> <p>For the purpose of creation a new inter-institutional framework and in order to strengthen internal cooperation, 15 protocols and conventions were concluded between the National Office for Prevention and Control of Money Laundering with law enforcement agencies, such as Customs National Authority, National Securities Commission, National Anti-Corruption</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						Prosecutor's Office, Insurance Supervising Commission, General Inspectorate of Border Police, Romanian General Inspectorate of Police, State's Active Capitalization Authority, Financial Guard, Ministry of Justice.
91.	<i>Article 39 Cooperation between national authorities and the private sector</i>	<ul style="list-style-type: none"> Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial 				See the answer above.



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		institutions, relating to matters involving the commission of offences established in accordance with this Convention.				
92.		<ul style="list-style-type: none"> Each State P arty shall consider encouraging its nationals and other persons with a habitual residence in its territory to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with this Convention. 			Totally in compliance	1. The Criminal Code
93.	Article 40 Bank secrecy	<ul style="list-style-type: none"> Each State Party shall ensure that, in the case of domestic criminal investigations of offences established in accordance with this Convention, there are appropriate mechanisms available within its domestic legal system to overcome obstacles that may arise out 			Totally in compliance	1. Law 656/2002 on the money laundering prevention and sanctioning 2. Pursuant to article 20 of GEO no. 43/2002, the NAPO's General Prosecutor or the prosecutor nominated by him may demand to the financial



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		of the application of bank secrecy laws.				institution in writing the verification of the bank and financial records, with no possibility from the requested financial institution to oppose the banking or professional secrecy. The request is made according to art. 37 of Law of banks no 58/1998, amended by Law no. 485/2003, as long is made on the basis of a criminal case and the information required are used only for the purpose of law.
94.	Article 41 <i>Criminal record</i>	<ul style="list-style-type: none"> Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems 			Totally in compliance	Law no. 290/2004 on criminal record



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence established in accordance with this Convention.				
95.	Article 42 Jurisdiction	<ul style="list-style-type: none"> Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when: <ul style="list-style-type: none"> (a) The offence is committed in the territory of that State Party; or (b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party 			Totally in compliance	1. Articles 3-16 of the Criminal Code



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		at the time that the offence is committed.				
96.		<ul style="list-style-type: none"> Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when: <ul style="list-style-type: none"> (a) The offence is committed against a national of that State Party; or (b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or (c) The offence is one of those established in accordance with article 23, paragraph 1 (b) (ii), 			Totally in compliance	1. Articles 3-16 of the Criminal Code 2. Law No. 302/2004 on international judicial co-operation in criminal matters For each form of international judicial cooperation, the law was harmonized not only with the UN Convention against corruption, but also with the new instruments of the European Union, such as the Convention on simplified extradition procedure between the Member States of the



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 23, paragraph 1 (a) (i) or (ii) or (b) (i), of this Convention within its territory; or (d) The offence is committed against the State Party.				European Union of 10 March 1995 ⁵ and the Convention relating to extradition between the Member States of the European Union of 27 September 1996 ⁶ , the European Union Convention on mutual assistance in criminal matters of 29 May 2000 and the Framework-Decision of 13 June 2002 on joint investigation teams.
97.		<ul style="list-style-type: none"> For the purposes of article 44 of this Convention, each State Party shall take such 			Totally in compliance	1. Articles 3-16 of the Criminal Code 2. Law no.302/2004 on

⁵ Council Act of 10 March 1995 drawing up the Convention on simplified extradition procedure between the Member States of the European Union, *OJ C 078 30.03.1995 p.1*



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.				international judicial cooperation in criminal matters In the matter of extradition (art. 44, Merida Convention), the Law no. 302/2004 has a new approach on the requirement of double incrimination, which takes account of the evolution of criminality and responds to the need to remove the possibility for non-fulfillment of this requirement to be a hindrance against the extradition of persons prosecuted or sentenced for serious crimes. Thus, if the former

⁶ Council Act of 27 September 1996 drawing up the Convention relating to extradition between the Member States of the European Union, *OJ C 313 23.10.1996 p.11*



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						<p>regulation stipulated that non-fulfillment of the requirement of double incrimination was always grounds for rejecting a request for extradition, paragraph 2 of Article 26 allows the granting of extradition even if the act is not provided as an offence in Romanian law, if the requirement of double incrimination for that act has been removed through an international convention to which Romania is a party. In this respect, the law complies with the provisions of art. 43 of the Merida Convention.</p> <p>This regulation takes account of the</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						European trend of reducing the role of this requirement, in the context of a rapid evolution of criminality, which assumes new forms. This tendency is effectively reflected in the Framework-Decision on the European Arrest Warrant.
98.		<ul style="list-style-type: none"> Each State Party may also take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite him or her. 			Totally in compliance	1. Articles 3-16 of the Criminal Code 2. Law no.302/2004 on international judicial cooperation in criminal matters
99.		<ul style="list-style-type: none"> If a State Party exercising its jurisdiction under paragraph 1 or 2 of this 			Totally in compliance	Law no.302/2004 on international judicial cooperation in criminal



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
		article has been notified, or has otherwise learned, that any other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall , as appropriate, consult one another with a view to coordinating their actions.				<p>matters</p> <p>As far as the mutual legal assistance is concerned, Law no. 302/2004 fully complies with the Merida Convention requirements. The Romanian law regulates not only the “classic form of mutual assistance” (rogatory letters, transfer of criminal proceedings, etc.), but also joint investigation teams, audition by videoconference, controlled deliveries, covered investigations, trans-border observation.</p> <p>In accordance with the EU standards, the law allows direct</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						<p>communication between Romanian and foreign judicial authorities. Thus, according to Article 14 para. 1, requests for international mutual assistance may be sent directly by the requesting judicial authorities to the requested judicial authorities if the international legal instrument applicable in relation to the requesting State regulates this way of transmission.</p> <p>Also, this law allows the use of electronic means (in particular fax, but also other electronic means such as e-mail) to send requests, based on</p>



STABILITY PACT FOR SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE (SPAI) REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

No.	Article title	Requirements for state parties	Not implemented	Partially implemented	Totally in compliance	Relevant legislation and institutional framework
						agreements between the requesting and the requested States, if the authenticity and confidentiality of the request, as well as the credibility of the data sent are guaranteed.
100.		<ul style="list-style-type: none"> Without prejudice to norms of general international law, this Convention shall not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law. 				