

## **Romania –Legal Annex**

1. Constitution, 8<sup>th</sup> December 1991
  2. Standing Orders of the Chamber of Deputies, approved by the Decision of the Chamber of Deputies No.8/1994
  3. Law 68/1992 on the Election to the Chamber of Deputies and the Senate, 8<sup>th</sup> July 1992
  4. Law 115/1996 on declaring and control of the wealth of the dignitaries, magistrates, civil servants and of certain persons with management positions, 16<sup>th</sup> October 1996
  5. Law 144/2007 regarding the establishment, organization and operation of the National Integrity Agency
  6. Law 78/2000 on Preventing, Discovering and Sanctioning of Corruption Acts
  7. Law 161/2003 for ensuring the transparency of some public dignities, functions and in the business environment, preventing and sanctioning corruption, 21<sup>st</sup> April 2003
  8. Law 96/2006, on the Status of Deputies and Senators, 21<sup>st</sup> April 2006
  9. Law 251/2004, regarding certain measures with respect to the receipt of goods during the exercise of protocol actions during the exercise of one's functions, 16<sup>th</sup> June 2004
  10. Law 158/2005, adopting the Governmental Urgency Ordinance no. 14, 3<sup>rd</sup> March 2005, 25<sup>th</sup> May 2005
  11. Blank asset disclosure form
  12. Blank business interest disclosure form
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1. Constitution, 8<sup>th</sup> December 1991

Article 71 Incompatibilities

- (1) No one may be a Deputy and a Senator at one and the same time.
- (2) The capacity as a Deputy or Senator is incompatible with the exercise of any public office in authority, with the exception of Government membership.
- (3) Other incompatibilities shall be established by an organic law.

### **2. Standing Orders of the Chamber of Deputies, approved by the Decision of the Chamber of Deputies No.8/1994**

#### *Section 2 Incompatibilities*

**Article 196.** - (1) A Deputy's capacity shall be incompatible with the exercise of any public office of authority, except for that of Member of the Government. It shall be incompatible with the exercise of other positions laid down by the law as well.

(2) The Deputies who are Members of the Government may not hold offices in the Standing Bureau, in the Committee Bureaus, nor be Members in Parliamentary Representations or Parliamentary Group Leaders.

**Article 197.** - A Deputy's capacity shall be incompatible with the office of President of Romania and with that of a Senator.

**Article 198.** - A Deputy's mandate shall be incompatible with the status of the persons who, under the law, may not belong to political parties.

**Article 199.** - It shall be prohibited to use a person's name with a mention of that person's capacity as Deputy in any action advertising a lucrative activity.

**Article 200.** - (1) A Deputy who finds himself/herself in one of the incompatibility instances stipulated under articles 196-198 shall resign from the positions which are incompatible with the Deputy's mandate, within 30 days of the date when such incompatibility occurred.

(2) After expiry of the time limit stipulated under paragraph (1), the Deputy who continues to find himself/herself in an incompatibility instance shall be deemed resigned from his/her position as Deputy. The resignation shall be notified to the Chamber of Deputies and published in the Official Gazette of Romania, Part I.

**Article 201\*.** - Such vacancy shall be filled by the immediately next candidate on the list of the political party, political alliance or electoral alliance concerned if the political party, political alliance or electoral alliance for which the candidate stood in the elections acknowledges in writing, by the date of mandate validation, that he/she belongs to it. The Validation Committee shall present to the Chamber of Deputies a report on the lawfulness of that candidate's election.

*\* The denominations have been changed in compliance with the provisions of the Law of political parties no. 14/2003, published in the Official Gazette of Romania, Part I, no. 25 of 17 January 2003, and Law no. 373/2004 for the election of the Chamber of Deputies and the Senate, published in the Official Gazette of Romania, Part I, no. 887 of 28 September 2004.*

**Article 202.** - During the time limit stipulated under article 200, a Deputy shall be under obligation to declare, in writing, to the Standing Bureau any activity he/she will continue to carry out in the future, which falls within the scope of the incompatibilities stipulated under the law.

**Article 203.** - Any changes occurring in a Deputy's work throughout his/her term of office shall be notified to the Standing Bureau in writing, no later than 30 days of the date of their occurrence.

**Article 204.** - (1) The incompatibility instances shall be referred to the Legal, Discipline and Immunities Committee of the Chamber of Deputies, for examination. The Committee shall draw up a report. Proposals by the Committee shall be approved by the Chamber based on the vote by a majority of its Members.

(2) If a Deputy has put an end to the incompatibility he/she was subject to, after notification of the Committee, the fact shall be acknowledged in the minutes of the meeting; such cases shall not be mentioned in the Committee report.

3. **Law on the Election to the Chamber of Deputies and the Senate, , law No. 68/8<sup>th</sup> July 1992, art. 34 (3)** (cannot be copied into the main document)
4. **Law on declaring and control of the wealth of the dignitaries, magistrates, civil servants and of certain persons with management positions, law No. 115 of 16<sup>th</sup> October 1996, art. 1-7, 21-23** (cannot be copied into the main document. Note that Arts 1, 2, Art. 3 para (2) and (3), Arts. 4,5, Art. 6 Para (3) and (4), Arts. 61, 8, 9, 11-13, Art. 14 para (1), Art. 16 para (2), Arts. 21,22, 35 and 36 are repealed by Law 144/2007)
5. **Law 144/2007 regarding the establishment, organization and operation of the National Integrity Agency**

Art. 1. (1) Inspecting the assets acquired by a civil servant during the term of office, or while holding office or exercising a function, as applicable, as well as checking any conflicts of interest and incompatibilities is the task of the National Integrity Agency, hereinafter referred to as Agency, subject to judicial control.

(2) For purposes herein, the acquired assets which are subject to inspection include all the assets as well as the economically valuable (profitable) rights and duties of a person that must be stated in the Declaration of Assets, as provided by law.

Art. 2. Checking the assets acquired during the term of office, or while holding office or exercising a function, as applicable, as well as any conflict of interest and incompatibility is done by Agency's integrity inspectors, in accordance with the provisions herein, complemented by the regulatory provisions in force.

Art. 3. (1) The Agency fulfills its inspection attributions provided at Art. 2 either ex officio or upon an intimation/request by any concerned individual or legal entity.

(2) An ex officio inspection shall be supported by a notice of inspection prepared by the Agency Chairman.

(3) The intimation/request for inspection filed by an individual or legal entity should provide background evidence and information as well as the sources they can be requested from.

(4) Any intimation/request shall be signed and dated.

(5) The intimations/requests for inspection that are not in compliance with the requirements stated at (3) and (4) shall be discarded and filed by the integrity inspector.

Art. 4. (1) Within 30 days of receipt of a request, the integrity inspector appointed by the Agency management, as provided by law, shall check the documents accompanying the request, and also the Declaration of assets and Declaration of interest of the person concerned.

(2) The appointed integrity inspector shall check the request and the filed declarations of assets, and compare the data as provided by the request with those stated in the declarations of assets. If they point to the person having acquired during the period subject to inspection assets other than those stated in the declaration of assets, or to obvious discrepancies, the integrity inspector shall request the person concerned to provide additional information and evidence.

(3) If, upon comparison of the declarations data, and review of the additional documents provided, the integrity inspector finds out that there is an obvious discrepancy between the assets acquired while in office and the revenue generated during the same period of time, the inspector shall proceed as follows:

a) check if the obvious discrepancy is accountable. If the discrepancy is unaccountable, the integrity inspector shall apply to the competent court to determine the unlawfully acquired amount of wealth or asset seizure of which is sought;

b) notify tax authorities, in case of non-compliance with tax laws;

c) suspend inspection and notify criminal prosecution authorities if there is proof or reliable evidence of criminal facts.

(4) For purposes herein, obvious discrepancy means that the existing wealth exceeds the revenue by over 10% which, however, may not be less than the RON equivalent of EUR 20,000.

(5) If, upon reviewing the declaration of interest, the integrity inspector identifies a conflict, the inspector shall notify the competent authorities thereof.

(6) If, upon analyzing the documents received, the integrity inspector identifies an incompatibility, the inspector shall notify the competent authorities thereof.

(7) If, upon comparison of the request vs. declarations data, and consideration of the additional documents received, the integrity inspector finds out that there is no obvious unaccountable discrepancy between the wealth acquired while in office and the revenue generated during that time, the inspector shall close the case. The statement of findings is conveyed to the persons concerned.

(8) The documents and work undertaken by the Agency's integrity inspectors are not public except for the statement of findings. After inspection proceedings have been initiated, the person under scrutiny is entitled to notice thereof and learning what the documents and work of the case are, to legal assistance or representation, as well as to presentation of any supporting evidence he/she may deem necessary.

(9) Any documents prepared by integrity inspectors after the initiation of inspection proceedings notice of which was not sent to the person under scrutiny shall be null and void by law.

**Art. 8. (1) Inspection activities may not go beyond the scope of the request.**

(2) The integrity inspector draws statements of findings and reports as part of one's activity.

(3) A statement of findings shall include the place and date thereof, the first and second names and position of the one who prepares the statement, the first and second names and other identification data of the person referred to, **their** objections and explanations, the first and second names and the positions of the persons present during the findings or representing the person being inspected, their objections and explanations, a detailed description of the findings, as well as the measures taken, the legal provisions for special cases, the signature of the person stating the findings and those of the persons present, as applicable.

(4) A report shall include the place and date, first and second names and position of the one that prepares it, the first and second names and other identification data of the person referred to, **their** objections and explanations, the first and second names and the positions of the persons present during the findings or representing the person being inspected, their objections and explanations, a detailed description of the findings, as well as the measures taken, the legal provisions for special cases, the signature of the person stating the findings and those of the persons present, as applicable.

(5) The documents prepared as part of prior investigation or inspection proceedings can be used as evidence in accordance with the law.

Art. 9. (1) Within the entities including persons who are required by law to file their declarations of assets and interests, individuals shall be appointed to implement the legal provisions for the declarations of assets and interests.

(2) **Declarations of assets and interests shall be submitted as follows:**

a) The President of Romania, presidential advisers and state advisers – to the individual appointed by the head of the President’s Office;

**b) the heads of the houses of Parliament, deputies and senators – to the individual appointed by the secretary-general of the house the respective parliamentarians are members of<sup>1</sup>;**

c) the Prime Minister, Government members, secretaries of state, under secretaries of state and similar, as well as the state advisers in the PM work team – to the individual appointed by the secretary-general of the Government;

d) members of the Superior Council of Magistracy (SCM), judges, prosecutors, judicial assistants and assistant magistrates – to the individual appointed by SCM secretary-general;

e) members of the National Integrity Council as well as the Agency’s president and vice president – to the individual appointed by the Senate’s secretary-general;

f) county councilors and local (municipal) councilors, as well as mayors and deputy mayors – to the individual appointed by the secretaries of the respective administrative units;

g) prefects and deputy prefects – to the individual appointed by the secretary of the prefect’s office;

h) other categories of persons as provided by law – to the individual appointed by the head of the human resource department or head of the secretariat of the public authority, public institution or unit that such persons are part of.

(3) In exercising the functions provided herein, the individuals appointed as per (2) shall report directly to the head of the respective institution who is responsible for their activity, as required.

Art. 10. **The tasks assigned to the individuals appointed as per Art. 9 are to:**

a) receive and record the declarations of assets and declarations of interests and promptly give the declarant a receipt;

b) on request, make available to staff the declaration-of-assets and declaration-of-interests forms;

c) provide advice on how to properly fill in the declarations and submit them on time;

**d) enter the declarations of assets and declaration of interests in special public registers known as Declaration of Assets Register and the Declaration of Interests Register, reference samples of which are defined by Government decision at the Agency’s proposal;**

**e) post and maintain the declarations of assets and declarations of interest on the institution’s website, if any, or outside its headquarters within 30 days of receipt. Declarations of assets and declarations of interest shall be kept on the website for at least 5 years from posting, and are eventually filed as required by law;**

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<sup>1</sup> Registrar

- f) convey to Agency, within 10 days of receipt, certified copies of the received declarations or assets and declarations of interest, which the Agency shall post on its own website within 30 days of receiving them and maintain them for the duration provided at e);
- g) post on the institution's website, if any, or outside its headquarters, the names and positions of the persons who fail to submit their declarations of assets or declarations of interest within 15 days of the legal deadline, with such data being conveyed to the Agency;
- h) provide advice on the substance and implementation of the legal provisions for the declaration and inspection of assets, conflicts of interest and incompatibilities, and lay down opinions thereon, at the request of the persons who are required to file such declarations.

Art. 13. (1) The tasks of the Agency, in compliance with the principles of lawfulness, fairness, independence, swiftness, right of defense and good management, shall be to:

- a) inspect the declarations of assets and declarations of interest;
- b) check if the persons required by law did submit their declarations of assets and declarations of interest on time
- c) identify obvious discrepancies between the wealth acquired during time in office and the revenue generated during that time which cannot be accounted for, and notify them to the competent court of law to define the unlawfully acquired amount of wealth or asset seizure of which it seeks;
- d) ascertain non-compliance with the legal requirements for the conflict of interest and treatment of incompatibilities;
- e) dispose of the request (for inspection), if there is no obvious discrepancy between the acquired wealth and revenue, or if the assets are accountable, or if the conflict of interest or the incompatibility is not proved out, as applicable;
- f) notify the criminal prosecution body if there is evidence or good reason to suspect a criminal offence;
- g) enforce the penalties and take such actions as provided in law, or notify the competent authorities or institutions to take action and enforce the penalties provided by law, as applicable;
- h) conduct studies and surveys, compile annual statistics on the declarations of assets, declarations of interest and the due inspections thereof, develop partnerships with the holders of the offices or positions specified herein, by providing assistance services too;
- i) prepare and disseminate practical guidelines or other relevant works, to develop its own materials in consideration of judicial practice.

### Declaring Assets and Interest

Art. 39. (1) The following categories of individuals must declare their assets and interest:

1. The President of Romania
2. presidential advisers and state advisers
3. deputies and senators
4. Central Government members, secretaries of state, under secretaries of state and similar, as well as the state advisers of the PM working team

5. members of the Superior Council of Magistracy
6. judges, prosecutors, assistant magistrates and similar, and judicial assistants;
7. auxiliary specialist staff of the courts of law and prosecutor's offices;
8. judges at the Constitutional Court
9. Revenue Court members and staff
10. the president of the Legislative Council and presidents of sections (court departments);
11. the Defender of People and assistants
12. the president and vice president of the National Authority for Oversight of Personal Data Processing
13. members of the Competition Council
14. members of the College of the National Council for the Study of Securitate (pre-1990 intelligence services) Files
15. members of the National Securities Commission
16. members of the Board of the Insurance Oversight Commission
17. members of the Board of the Private Pension System Oversight Commission
18. members of the National Anti-Discrimination Council
19. members of the National Council of Audiovisual (broadcasting);
20. members of the administration councils and boards of directors of the Romanian Radio Company and the Romanian Television Company;
21. members of the National Integrity Council as well as the president and vice president of the National Integrity Council
22. The general manager and members of the board of directors of the National Press Agency ROMPRES
23. The general manager, deputy general manager and assistant general managers of the Romanian Intelligence Service
24. The general manager and assistant general managers of the Foreign Intelligence Service
25. members of the diplomatic and consular staff
26. the general manager, deputy general manager and assistant general managers of the Security Guard Service
27. the general manager, deputy general manager and assistant general managers of the Special Telecommunications Service
28. elected local officials
29. holders of executive and control positions and civil servants, special civil servants included, of all central or local government authorities, or all public institutions, as applicable
30. holders of executive and control positions in the state education system and the public health system
31. the staff of a high-ranking office holder and of the prefect's office
32. members of the boards of administration, boards of directors or oversight councils, as well as executives of national or local regies autonomes (state-controlled companies), national companies or commercial companies the state or a local government authority has a majority or controlling stake in;

33. the governor, deputy governor and assistant governors, members of the board of administration, executives of the National Bank of Romania, as well as executives of the banks having the state as a majority or controlling shareholder
34. the staff of public institutions involved in the privatization process
35. the presidents, vice presidents, secretaries and treasurers of trade union federations and confederations.

(2) Other categories of people, except for those belonging to religious denominations, appointed to office by the President of Romania, Parliament, Government or Prime Minister are also under the obligation of declaring their assets and interest.

Art. 41. (1) The declarations of assets and of interest are personal irrevocable acts which can only be rectified as provided in law.

(2) A declaration of assets that one is liable for is made in writing and includes one's own assets, shared assets and jointly owned assets, as well as the assets of dependant children, as provided by Art. 3 (1) of Law No. 115/1996 on the declaration and control of the assets of high-ranking officials, magistrates, persons discharging executive and control functions and civil servants, and the provisions of Government Emergency Ordinance No. 14/2005 on amending the declaration of asset and declaration of interest forms, made into Law No. 158/2005, which applies accordingly.

(3) A declaration of interest that one is liable for is made in writing and includes the functions and activities, as provided by Law No. 161/2003 on measures to provide for transparency of public office, civil service and business environment, prevent and punish corruption, as amended, and Government Emergency Ordinance No. 14/2005.

Art. 42. (1) The declarations of assets and of interest are filed within 15 days of appointment or election to office, or start of the activity.

(2) The persons provided by law must file or update their declarations of assets and interest every year by May 31, for the previous fiscal year.

(3) No more than 15 days after the term of office or activity has ended, the individuals provided by law shall file a new declaration of assets and declaration of interest.

(4) Within 15 days of effectiveness of this law, the persons who did not have the obligation to file declarations of assets and declarations of interest but are hereby required to do so shall file such declarations.

Art. 48. (1) As soon as a statement is final as provided at Art. 46 (3) ascertaining the illicit nature of the assets or part thereof, or ascertaining the conflict of interest or incompatibility, it is posted on the Agency's website and is conveyed, within 10 days, to the authorities that impose disciplinary measures or instruct the recall, dismissal or discharge from office, as well as to the competent tax authorities.

(2) Also, the Agency will convey the statement of findings:

a) on the President of Romania and the Prime Minister – to Parliament

b) on other Cabinet members – to the Prime Minister who puts before the President of Romania the proposal for dismissal, under Law No. 90/2001 on the organization and operation of the Government of Romania and ministries, as amended;

- c) on secretaries of state, under secretaries of state and similar - to the Prime Minister who may choose to discharge from office
- d) on senators and deputies – to the respective House of Parliament which would take such disciplinary actions as required by law and its own rules
- e) on judges, prosecutors, members of the Superior Council of Magistracy and assistant magistrates – to the Superior Council of Magistracy which would take disciplinary action
- f) on judges at the Constitutional Court – to the Constitutional Court which would take disciplinary action
- g) on members of the Revenue Court, Defender of People and his/her assistants – to Parliament
- h) on locally elected officials other than mayors – to the municipal council or county council, as applicable, which would take disciplinary action, as provided in law;
- i) on mayors – to the municipal council
- j) on civil servants – to the disciplinary commission or disciplinary council, which would put before the authority provided in law to take such action as the law provides
- k) on any other persons specified at Art. 39 – to the competent disciplinary commissions, authority or institution which would take such disciplinary action as provided in law.

(3) Disciplinary action shall be taken also if the Agency's statement of findings was conveyed to the criminal prosecution bodies, as provided at (2).

(4) As an exception to the provisions of the special laws regulating disciplinary liability, disciplinary action can be taken but only within 6 months of the date the statement of findings has been declared final, as provided at Art. 46.

Art. 50. (1) The act of persons who intentionally file untruthful declarations of assets amounts to misrepresentation which is a crime punishable as provided by Criminal Code.

(2) The act of someone who knowingly conveys the Agency an intimation where lying assertions are made, or who fabricates or devises false evidence of the illicit or unjustified nature of a person's assets amounts to libelous (defamatory) exposure which is a crime punishable as provided by the Criminal Code.

Art. 51. (1) The act of one of the persons provided in law who intentionally files an untruthful declaration of interest amounts to misrepresentation which is a crime punishable as provided by the Criminal Code.

(2) The act of someone who knowingly conveys the Agency an intimation where lying assertions are made, or who fabricates or devises false evidence of a conflict of interest of a person who is subject to the legal provisions on the conflict of interest amounts to libelous (defamatory) exposure which is a crime punishable as provided by the Criminal Code.

Art. 52. (1) Non-filing the declaration of assets by the deadlines provided in law is an offence punishable with a fine in the RON 100 – RON 500 range and ex-officio initiation of inspection proceedings.

(2) Non-compliance with the legal obligations by the persons designated as provided at Art. 9 is an offence punishable with a fine ranging from RON 100 to RON

500. The same fine is applicable to the head of the respective entity for non-compliance with the obligations herein, if this is the case.

6. **Law on Preventing, Discovering and Sanctioning of Corruption Acts, law No.78/2000, art. 1,3,4** (cannot be copied into the main document)
  
7. **Law 161/2003 for ensuring the transparency of some public dignitaries, functions and in the business environment, preventing and sanctioning corruption, 21<sup>st</sup> April 2003, title IV** (Note that the following articles are **repealed** by Law 144/2007: Chpt. I “General Dispositions”, Chpt II “Conflict of Interest” Art. 73 para (3) – (7), Art. 74, Art. 76 para (3) and (4), and Chpt. VI “Common Dispositions” Arts. 112 and 113 of Title IV “Conflict of Interest and the Treatment of Incompatibilities in High-Ranking Public Office Holding and Exercising Public Functions” of Book I “General Regulations to Prevent and Fight Corruption” of Law No. 161/2003. **Remain in force:** The incompatibility provisions of Arts. 80 – 110 Chpt. III, Title IV, Book I; those of Arts. 80-110 Chpt. III, Title IV, Book I; and those of Arts. 115-117 Chpt. IV, Book I of Law No. 161/2003)

#### Title IV

#### **Conflict of interest and incompatibilities status while holding public office and public service**

#### Chapter I

#### **General Provisions**

**Art. 68** – This title regulates the conflict of interest and status of incompatibilities that may occur while holding public office and public service

**Art. 69** – (1) The provisions of this title apply to individuals who hold the following public office and service:

- a) President of Romania;
- b) deputy and senator;
- c) Presidential adviser and governmental adviser of the Presidential administration;
- d) Prime Minister, Minister, Vice-Minister, Secretary of State, Undersecretary of State, and related positions, prefect and sub-prefect;
- e) judges;
- f) local elected representatives;
- g) public officers.

(2) The positions equivalent to that of Minister, Secretary of State and Undersecretary of State of a central public authority are those stipulated in the legislative acts regarding the organization and operation of these authorities.

(3) The local elected representatives are the mayors and deputy mayors, the Mayor of the City of Bucharest and its deputy mayors, the presidents and vice-presidents of the County Councils, local advisors and county advisors.

## **Chapter II Conflict of interest**

### **Section I Definition and principles**

**Art. 70** - A conflict of interest is a situation in which the individual who holds public office or public service has a personal interest in assets that may affect the objective fulfillment of the responsibilities entrusted to him/her according to the Constitution and other legislative acts.

**Art. 71** – The basic principles for the prevention of a conflict of interest while holding public office or public service are: equity, integrity, decision transparency and public interest supremacy.

## **Section 2**

### **Conflict of interest while holding a position of member of the Government and other authority public service in central and local administration**

**Art. 72** – (1) The individual who holds a position of member of the Government, Secretary of State, Undersecretary of State or equivalent positions, prefect or sub-prefect should not issue an administrative document or execute a legal document or should not make or participate in the making of a decision while holding a public position that may generate a personal profit, or a profit for his/her spouse or immediate family.

(2) The obligations stipulated in paragraph (1) shall not apply to the issuance, approval or enactment of legislative acts.

**Art. 73** – The violation of the obligations of Art. 72, paragraph (1) is an administrative violation, if it is not a more serious action, according to the law.

(2) The administrative documents issued or the legal documents executed by violating the obligations of Art. 72, paragraph (1) are absolutely null.

(3) The claims regarding the violation of obligations stipulated in Art. 72, paragraph (1) are audited by the Audit Group of the Prime Minister. The result of the audit shall be submitted to the Prime minister who orders, through a decision, the measures that should be taken.

(4) If the audit conducted in accordance with paragraph (3) shows that the individual obtained a profit by committing the administrative violation indicated in paragraph (1), the Prime Minister orders, as needed, the notification of the competent penal prosecution bodies or the competent commissions of assets control, established in accordance with the Law no. 115/1996 regarding the statement and control of the assets of high officials, judges, individuals who hold management and supervisory positions, and public officers.

(5) The decision of the Prime Minister can be appealed in the Court of Appeals of Bucharest – Administrative Claims Department within 15 days of the notification. The decision of the Court of Appeals may be appealed.

(6) The irrevocable court decision or, as needed, the decision of the Prime Minister that was not appealed within the term specified in paragraph (5), shall be published in the Official Gazette of Romania, Part I.

(7) The individual who committed an administrative violation, ascertained in accordance with paragraph (3) – (6), shall not be allowed to hold any of the public positions stipulated in Art. 72 paragraph (1) for 3 years of the date of publication of the court decision or, as needed, of the Prime Minister's decision.

**Art. 74** – (1) In the event of a conflict of interest stipulated in this section, the Prime Minister may be notified by anybody or may be notified officially.

(2) The individual who notified the conflict of interest shall be informed in writing about the resolution method of the claim within 30 days of the date of its resolution.

**Art. 75** – The individual who considers that one of his rights or lawful interest were prejudiced as a result of a conflict of interest stipulated in this section may contact the

competent court, according to the law, based on the nature of the document issued or executed.

### **Section 3**

#### **Conflict of interest regarding local elected representatives**

**Art. 76** – (1) The mayors and deputy mayors, the Mayor and deputy mayors of the City of Bucharest should not issue an administrative document or execute a legal document or issue an order while holding a position that may result in profit for himself/herself, his/her spouse or his/her immediate family.

(2) The administrative documents issued or the legal documents executed or the orders issued upon violation of the obligations stipulated in paragraph (1) are absolutely null.

(3) If the audit of the legal documents executed or issued by the individuals stipulated in paragraph (1) shows that the concerned local elected representative obtained a profit, the prefect shall order, as needed, the notification of the competent penal prosecution bodies or the competent commissions of assets control, established in accordance with Law no. 115/1996 regarding the statement and control of assets of high officials, judges, individuals holding management and supervisory positions and public officers.

(4) Any interested individual can notify the prefect in writing regarding the facts stipulated in paragraph (1). The provisions of paragraph (3) apply accordingly.

**Art. 77** – The conflicts of interest for presidents and vice-presidents of county councils or local and county advisers are stipulated in Art. 47 of the Law on local public administration no. 215/2001 with its subsequent amendments.

**Art. 78** – The individual who considers that one of his/her rights or legal interests was prejudiced as a result of a conflict of interest provided in this section, may contact the competent Court according to the law based on the nature of the issued or executed document.

### **Section 4**

#### **Conflict of interest regarding public officers**

**Art. 79** – (1) A public officer has a conflict of interest if he/she is in one of the following situations:

a) should solve applications, should make decisions or participate in making decisions regarding individuals and juridical persons where he owns assets;

b) should participate in the same commission established according to the law with public officers who are spouses or immediate family;

c) his/her assets interests, the interests of his/her spouse or immediate family may affect the decisions that he/she should make while performing public service

(2) In the event of a conflict of interest, the public officer should refrain from solving the application, making a decision or participating in making a decision and should immediately inform his direct supervisor. This one should take necessary measures for impartially exercising a public position within 3 days of the notification.

(3) In the events stipulated in paragraph (1), the head of the authority or public institutions, upon proposal of the manager to whom the public officer reports directly, shall appoint another public officer with the same level of education and experience.

(4) The violation of the provisions of paragraph (2) may result in, as needed, disciplinary, administrative, civil or penal responsibility according to the law.

### **Chapter III Incompatibilities**

#### **Section 1 General provisions**

**Art. 80** – The incompatibilities regarding public office and public service are those regulated by the Constitution, the law applicable to the public authority or institution in which individuals that hold public office or public positions work as well as the provisions of this title.

#### **Section 2 Incompatibilities regarding the capacity of Member of Parliament**

**Art. 81** – (1) The capacity of deputy or senator is incompatible with any authority public service in accordance with the Constitution, except for Member of the Parliament.

(2) An authority public position that is incompatible with the capacity of deputy or senator is a public administration position that is equivalent to the position of Minister, Secretary of State and Undersecretary of State, the positions equivalent to that of Secretary of State and Undersecretary of State within the specialized bodies subordinated to the Government and the ministries, the positions of the Presidential Administration and the Parliament and Government officers, the management positions specific to ministries, other public authorities and institutions, positions of local and county advisers, prefects and sub-prefects and other management positions of the prefecture, positions of mayor, deputy mayor and secretary of administrative and regional institutions, management and executive positions of decentralized public services and other bodies of the administrative and regional institutions and their own personnel, and public services of county and local councils as well as the positions that, according to the law, do not allow individuals who hold them to candidate in the elections.

**Art. 82** – (1) The capacity of deputy and senator is also incompatible with:

- a) the position of president, vice-president, general manager, manager, administrator, member of the Board of Administration or auditor for corporations including banks or other credit institutions, insurance and financial companies as well as public institutions;
- b) the position of president or secretary of general assemblies of shareholders or associates of the corporations stipulated in item “a”;
- c) the position of representative of the state in the general assemblies of the corporations stipulated in item “a”;
- d) the position of manager or member of the Boards of Administration of state-owned autonomous companies, national companies and corporations;

- e) the capacity of marketer – individual;
- f) the capacity of member of a group of economic interest;
- g) a public position entrusted by a foreign country except for those positions stipulated in agreements and treaties to which Romania belongs.

(2) Exceptionally, the Permanent Bureau of the Chamber of Deputies or Senate, upon proposal of the Government and with the approval of the Legal Commissions, may approve the participation of the deputy or senator as a representative of the state at the General Assembly of Shareholders or as a member in the Board of Administration of the state-owned autonomous companies, national companies or corporations, public institutions or corporations, including banks or other credit institutions, insurance and financial companies, as a strategic measure or if a public interest requires it.

(3) The deputies and senators may hold positions or may perform duties in the educational, research or artistic field.

**Art. 83** – (1) The deputy or senator who upon coming into force of this title is in one of the incompatibilities stipulated in Art. 81 and 82, shall inform about this the Permanent Bureau of the Chamber that he/she belongs to within 15 days.

(2) Within 60 days of the expiration of the term stipulated in paragraph (1), the deputy or senator shall choose between the mandate of parliamentarian and the position that generates the incompatibility, resigning from one of the positions;

(3) Upon expiration of the term stipulated in paragraph (2), in the event that the incompatibility continues, the deputy or senator shall be considered resigned from the position of deputy or senator. The resignation shall be notified to the Chamber to which the parliamentarian belongs. The decision of the Chamber that acknowledges the resignation shall be published in the Official Gazette of Romania, Part I.

(4) The procedure of acknowledgment of the incompatibility is stipulated in the Regulations of the Chamber of Deputies and the Regulations of the Senate.

## **CHAPTER VI**

### **GENERAL PROVISIONS**

Article 111 – (1) People who act in a public capacity and hold the public positions that are described under this Title shall on their own responsibility file an interest declaration that describes the functions they hold and the activities they perform, except for the ones that are connected to the term in office or public function they hold.

(2) The functions and activities that have to be described in the interest declaration are the following:

- a) the positions that are held in associations, foundations or other non-governmental organisation or political parties;

b) paid professional activities;

c) the capacity of shareholder or associate in a business company, including banks or other credit institutions, insurers and financial firms.

(3) People who are described under paragraph (1) who do not hold other positions or who do not perform other activities apart from those that are associated to the office or position that they hold, shall have to file a statement in this sense, too.

Article 112 – (1) The interest declaration shall have to be filed within 60 days from the date when this law takes effect or within 15 days from the time when their term in office is validated or, as applicable, from the time when they are appointed on that particular position.

(2) People who hold public offices and public positions are referred to under this title shall have to update their interest declaration when changes occur which, according to Article 111, paragraph (2) have to be described in those statements. Statements have to be updated within 30 days from the time when the respective positions or activities start, change or cease.

Article 113 – (1) Interest declarations are public and have to be filed as follows:

a) the president of Romania – to the head of the Chancellery of the Presidential Administration;

b) deputies and senators – to the General Secretary of the Chamber that they are part of;

c) presidential advisers and state councillors - to the Presidential Administration, the head of the Chancellery of the Presidential Administration;

d) members of the Government, secretaries of state and undersecretaries of state – to the general secretary of the Government;

e) people who hold positions assimilated to the position of minister, secretary of state or undersecretary of state - to the general secretary of the public authority that they report to;

f) magistrates – to the president of the court or leader of the prosecutor's office where they work; presidents of courts and leaders of prosecutor's offices – to the presidents of the courts and, respectively, to the leaders of higher prosecutor's offices; the president of the Supreme Court of Justice, the general prosecutor of the prosecutor's office of the Supreme Court of Justice and the general prosecutor of the National Anticorruption Prosecution Office – to the Superior Council of Magistrates;

g) prefects and sub-prefects - to the general secretary of the prefect's office;

h) local elected officials – to the secretary of the local government unit;

i) public servants - to the HR department of public authorities, public institutions or, as applicable, the local government units they are part of;

(2) the names of persons who are described under paragraph (1), who, for an unjustified reason, do not file the interest declaration as requested under Article 112 shall be published on the Internet pages of the Parliament, Government, ministries, the other authorities or central public institutions, prefects' offices, or county councils, as applicable.

(3) The list of interest declarations shall be written in a special record, which shall be referred to as "The Interest Declaration Register", whose template has to be set under a government decision.

### **Book II with changes to certain rules on preventing and combating corruption**

**Article III** - Law No. 115/1996 regarding the declaration of and control over the wealth of MP's, magistrates, public servants and leading personnel, published in Part I of Official Gazette No. 263 of 28 October 96 is hereby amended and complemented as follows:

1. The title of the Law is hereby amended and shall have the following content:

Law regarding the declaration of and control over the wealth of MP's, magistrates, public servants and leading personnel.

2. Article 1 is hereby amended and shall have the following content:

„**Article 1.** – This Law hereby establishes the obligation of MP's, magistrates and other persons assimilated to them, leading and control personnel who are referred to hereunder, and public servants, to declare their personal wealth, as well as the procedure whereby to ascertain their wealth if there is tangible proof that certain pieces of property of valuables that they persons own have not been acquired legally.”

3. Article 2 is hereby amended and shall have the following content:

„**Article 2.** – (1) The President of Romania, the deputies, senators, members of the Government, presidential counsellors, state counsellors, secretaries of state, sub-secretaries of state, as well as the persons assimilated to them, magistrates and the persons assimilated to them, county and local counsellors, mayors, deputy mayors, prefects, sub-prefects, control and leading personnel and public servants who work for the central or local government, or for public institutions or institutions of public interest, senatorial staff, Board members and people who hold leading positions, starting from director, included, upwards, as part of *regies autonomes* of national or local concern, and as part of national companies and corporations, companies in which the state or an authority of the local government is a shareholder, public institutions that are involved in the privatisation process, the National Bank of Romania, the banks in which the state is a majority shareholder, are all obliged to declare their wealth, as per this law.

(2) According to this Law, the obligation to declare the wealth also falls to “persons who are assigned in position by the President of Romania, the Parliament or the prime minister.”

4. Article 4 is hereby amended and shall have the following content:

“**Article 4** – (1) The wealth declaration shall be filed as follows:

c) The President of Romania, Presidential advisers and state councillors shall file their wealth declaration with the head of the Chancellery of the Presidential Administration;

b) the speakers of the Chambers of Parliament, the deputies and senators, shall file their wealth statements with the general secretary of the Chamber that they are party of;

c) the prime minister, members of the Government, secretaries of state, sub-secretaries of state and the personnel assimilated to them, as well as the state counsellors who are part of the working structures of the prime minister shall file their wealth declaration with the general secretary of the Government;

d) magistrates and persons assimilated to them shall file their wealth declaration with the Superior Council of Magistrates;

e) persons who are referred to under Article 2, paragraph (2) shall file their wealth declarations with the secretariat offices of the authorities of public institutions that they are part of;

f) council and local counsellors, as well as mayors and deputy mayors shall file their wealth statement with secretaries of local government units;

g) prefects and sub-prefects shall file their wealth statement with the general secretary of the prefect’s office;

h) people working on leading and control positions as described under Article 2, paragraph (1), public servants and senatorial staff shall file their wealth declarations with the HR department of public authorities, public institutions or, as applicable, the local government units they are part of.

(2) The wealth statement shall be published on the Internet websites of the Parliament, Government, ministries, other authorities or public institutions, prefects’ offices or county councils, as applicable, or in Part III of the Official Gazette of Romania, within 30 days from the time when filed in. Publication expenses shall be paid by the legal entities that the persons described under Article 2 work for.

(3) The person who is assigned to receive and keep the wealth declarations shall issue a reception proof to the person who files the declaration and shall take the measures necessary for the publication thereof, in accordance with the provisions of paragraph (2).

5. Paragraph (2) of Article 5 is hereby repealed.

6. Paragraph (1) of Article 6 is hereby amended and shall have the following content:

„**Article 6.** – (1) Persons who are described under Article 2 have the obligation to update their wealth declaration every year, if they acquire items of property such as the ones that are described in the Annex.

When the term in office of activities of these persons cease, they also have to file a new declaration describing the wealth they hold on that particular date.”

7. Paragraphs (3) and (4) of Article 6 are hereby amended and shall be rephrased as follows:

(3) Persons who are described in Article 2 and who are assigned in position for more than 4 years or who are assigned in position indefinitely shall have the obligation to file updated wealth declarations every four years.

(4) The failure to update the wealth declaration by 31 December of each year, for reasons imputable on the person at fault, if such persons acquire property, as per paragraph (1) or the failure to file new declarations within 15 days from the time when the activity ceases or, as applicable, from the date when 4 years have passed since the last declaration, shall trigger off an *ex officio* control procedure."

8. Paragraph (2) of Article 14 is hereby amended and shall have the following content:

„(2) The findings report shall be communicated to the parties and to the prosecutor’s office of the court of appeals whose jurisdiction covers the commission, as well as to the general county directorate for public finance whose jurisdiction covers the place of residence of the person whose wealth is subject to scrutiny.”

9. Paragraph (1) of Article 21 is hereby amended and shall have the following content:

„**Article 21.** – (1) The wealth of the President of Romania, the deputies, senators, members of the Government, general secretary of the Government, leaders of the public authorities that are assigned by the President, by the Parliament or by the prime minister, as well as the wealth of the leaders of public authorities who are assigned by the President, the Parliament of the prime ministers, as well as the wealth of judges of the Constitutional Court, account advisers, members of the Jurisdictional College of the Court of Audits and the financial prosecutors thereof, magistrates of the Supreme Court of Justice and of the related prosecutor’s office, the National Anti-corruption Prosecution Office, as well as those of the courts of appeal and of the related prosecutor’s offices, who are holding office, shall be investigated by a special commission formed of:

- two judges of the Supreme Court of Justice, who are appointed by the general meeting of that court, of which one will chair the commission;

- a prosecutor of the Prosecutor’s Office of the Supreme Court of Justice, who is assigned by the general prosecutor of the Prosecutor’s Office of the Supreme Court of Justice.”

10. Paragraph (1) of Article 26 is hereby amended and shall have the following content:

„**Article 26.** – (1) The court decision that remains irrevocable and whereby the illegal source of some property is ascertained, shall be published in the Official Gazette of

Romania, Part III, and shall be communicated to the special body of the Ministry of Public Finance that has jurisdiction over the place of residence of the person whose person was investigated, for enforcement purposes. Publication expenses shall be covered by the budget of the Ministry of Justice.”

**11.** Article 32 is hereby amended and shall have the following content:

„**Article 32.** – The findings report of the investigation of commission, which remains final, or – as applicable - the decision of the court that remains final and binding and whereby it is ascertained that the source of the property is well justified, shall be published in Part III of the Official Gazette of Romania. Publication expenses shall be covered by the Ministry of Justice out of its own budget.”

**12.** Article 37 is hereby repealed.

**13.** Article 38 is hereby amended and shall have the following content:

„**Article 38** – Persons who are referred to under Article 2, who used to hold public positions that are similar to those described under this Article after 01 January, 1990, and who are bound by the obligation to declare their wealth according to legal provisions in force, may be subject to wealth control, according to the procedures that are described hereunder, if there is substantial evidence that certain property or values that they own had not been obtained legally.”

**14.** The Annex regarding the wealth declaration shall be replaced with the annex to this Title.

**8. Law 96/2006, on the Status of Deputies and Senators, 21<sup>st</sup> April 2006, art. 4, 7 (1)-(3), 14-19**

*Article 7. End of the term in office*

(1) The capacity of deputy or senator ceases on the date when the newly elected Chambers first confer or if deputies and senators resign, lose their electoral **rights**, become incompatible or die.

(2) Terms in office shall be terminated on grounds of incompatibility by means of written notification, that the deputy or senator has to file with the Chamber that they are part of and shall be submitted to the plenary assembly of the respective Chamber.

(3) In the event that the deputy or senator who is in a state of incompatibility fails to notify this in writing and should the state of incompatibility continue to exist, such person is considered to be dismissed *de jure* of its senatorial or deputy position as of the date when the state of incompatibility is ascertained formally, and this situation has to be notified to the Chamber that such person works for. The decision of the Chamber whereby the state of incompatibility is ascertained and whereby the position of deputy or senator is vacated shall be published in Part I of the Official Gazette of Romania.

***Art. 1. – Representative mandate***

- (1) Deputies and senators are elected representatives of the Romanian people by whom it exercises its sovereignty in accordance with the conditions stipulated by the Constitution and the laws of the country.
- (2) While exercising their mandate, the deputies and senators are in the service of the nation.
- (3) Any imperative mandate is null and void.

**CHAPTER II  
VALIDATION AND STATUS OF MANDATE**

***Art. 2. – Procedure of validation***

- (1) The mandate of deputies and senators shall come into force on the date of the legal meeting of the Chamber to which they belong, provided that the election was validated and they took the oath.
- (2) The validation of a deputy's or a senator's mandate shall be carried out in accordance with the regulations of each Chamber.

***Art. 3. – The oath***

- (1) Upon the legal establishment of the Chamber of Deputies and the Senate, each deputy and senator shall take the oath of allegiance to the country and people in the framework of a solemn meeting before the plenum of the Chamber to which he/she belongs, as follows:

“I swear allegiance to my fatherland Romania;

I swear to abide by the Constitution and the laws of the country;

I swear to defend democracy, the fundamental rights and liberties of the citizens, the sovereignty, independence, unity and territorial integrity of Romania;

I swear to fulfill with honor and loyalty the mandate entrusted to me by the people;

So help me God.”

- (2) The oath of allegiance may be taken also without the final religious formulation, which then shall be replaced with:

“I swear on my honor and conscience”;

and this will then precede the oath.

- (3) The written oath shall be uttered solemnly, shall be signed by each deputy and senator and shall be entrusted for safekeeping to the President of the Chamber.

- (4) The refusal to take the oath of allegiance leads to the invalidation of the mandate, which shall be acknowledged by the plenum of the Chamber.

- (5) The substitutes on the official lists of elected deputies and senators who are called to occupy the vacancies in accordance with the conditions of the electoral law, shall take the oath of allegiance after the validation of the mandate, following the same procedures and under the same legal consequences.

***Art. 4 – Statement of assets***

- (1) Following the legal convening of the Chambers and prior to the validation of the mandate, each deputy and senator shall be obliged to submit a statement of assets in the conditions stipulated by law.

(2) The statement of assets shall be completed, dated and signed personally and shall be submitted to the Secretary General of the Chamber of Deputies or of the Senate, who shall then issue a receipt, which the holder shall present to the Commission for Mandate Validation.

(3) Following the mandate validation, the statement of assets shall be published on the web site of the Chamber of Deputies and of the Senate and in the Official Gazette of Romania.

(4) The deputies and senators are under obligation to declare their assets at the beginning and at the end of their mandate, including upon early termination of the mandate. Deputies and senators who, following the elections, obtain a new mandate, shall only submit the statement of assets relating to the beginning of the mandate, which shall also be considered as being the statement of assets for the end of the previous mandate.

(5) The deputies and senators should update their statement of assets annually if they acquire assets that are specified in the Appendix to Law No. 15/1996 regarding the statement and control of assets of high officials, judges, persons who hold leading and controlling positions, and public servants, with its subsequent amendments.

## CHAPTER IV

### INCOMPATIBILITIES, PROHIBITIONS AND STATEMENT OF INTEREST

#### **Art. 14. – Incompatibilities of a general nature**

- (1) Nobody can be deputy and senator at the same time.
- (2) The capacity of deputy or senator is incompatible with exercising any public function of authority, except of becoming a member of the Government.

#### **Art. 15. – Incompatibilities with functions in economy**

- (1) The capacity of deputy or senator is incompatible with the following functions:
  - a) president, vice-president, director general, director, administrator, member of the Board of Administration or auditor of commercial enterprises including banks or other credit institutions, insurance and financial companies as well as public institutions;
  - b) president or secretary of general meeting of shareholders or associates of commercial enterprises specified under item “a”;
  - c) representative of the state in the general meetings of commercial enterprises specified in item “a”;
  - d) manager or member of the Board of Administration of autonomous state-owned enterprises, companies and national enterprises;
  - e) merchant, as a physical person;
  - f) member of a group with economic interests, as defined according to the law.
- (2) The procedure of establishment of incompatibility is the one stipulated in this law.

#### **Art. 16. – Other incompatibilities**

- (1) The capacity of deputy or senator is incompatible with the functions and activities of individuals who in accordance with their status cannot join any political party.
- (2) The capacity of deputy or senator is incompatible with the capacity of a member with full rights of the European Parliament.
- (3) The capacity of deputy or senator is incompatible with a public function entrusted by a foreign country except for those positions specified in agreements and treaties in which Romania is participating.
- (4) Other incompatibilities with the capacity of a deputy or senator can be established only by an organic law.

#### **Art. 17 – Advertising interdiction**

It is prohibited to use a name together with the title of deputy or senator in any advertising action regarding any commercial, financial or industrial company or other similar lucrative companies.

#### **Art. 18 – Procedure of declaring an incompatibility**

- (1) The deputy or senator who at the starting date of exercising his/her mandate and following validation is facing one of the incompatibilities stipulated in Art. 15, 16 and 17 or in any other special laws, shall inform in writing and within 15 days of this situation the Permanent Office of the Chamber to which he/she belongs.
- (2) Within 30 days of expiration of the term specified in paragraph (1), the deputy or senator shall choose between the mandate of a deputy or senator and the function or functions that are incompatible, resigning based on his/her own choice.
- (3) Upon expiration of the term specified in paragraph (2), if such a choice was not made, the deputy or senator is considered rightfully resigned. This situation shall be brought to the attention of the Chamber,

which then ascertains the rightful resignation. The decision of the Chamber to ascertain the resignation and declare the vacancy for this mandate shall be published in the Official Gazette of Romania, Part I.

(4) Any state of incompatibility that occurred during the exercise of the parliamentary mandate shall be brought to the attention of the Permanent Office of the Chamber, in writing and within 30 days of the date of this event.

(5) The procedure of declaration of the state of incompatibility shall be made in accordance with the provisions of this present law and the regulations of each Chamber.

#### ***Art. 19 – Statement of interests***

The deputies and senators are under obligation to submit a statement of interests made on their own responsibility to the Secretary General of the Chamber to which they belong within 15 days of validation, in accordance with all legal provisions.

### **9. Law 251/2004, regarding certain measures with respect to the receipt of goods during the exercise of protocol actions during the exercise of one's functions, 16<sup>th</sup> June 2004**

**Art. 1.** – (1) Individuals who are public high officials and those who hold positions as public dignitaries, judges and those assimilated to them, individuals who hold leading and controlling positions, public servants within public authorities and institutions or of public interest, as well as other individuals who must disclose their property in accordance with the law, shall declare and present the goods that were received free of charge during ceremonial services, while exercising their mandate or position to the manager of the institution within 30 days of the receipt.

(2) The following shall be excepted from the provisions of paragraph (1):

- a) medals, awards, badges, orders, shoulder sashes, order collars, and other similar objects that have been received while holding office or exercising a function;
- b) office equipment with a value of up to 50 euros;

**Art. 2.** – (1) The head of the authority, of a public institution or of a juridical person shall order that a commission be established, consisting of three professionals of the institution, that will evaluate and take stock of the goods specified in Art. 1.

(2) The commission specified in paragraph (1) shall keep on record the goods received by each high official or public servant and, by the end of the year, shall propose a resolution concerning the status of these goods to the head of the institution.

(3) In the event that the value of the goods established by the commission exceeds the equivalent of 200 euros, the individual who received the goods may request to keep them, paying the difference. If the value of the goods established by the commission is less than the equivalent of 200 euros, the beneficiary may keep the said goods for himself.

(4) In the event that the individual who received the goods did not request to keep them, upon suggestion of the commission specified in paragraph (1), the goods shall become assets of the institution or may be transferred free of charge to a public institution in that particular field or be auctioned in accordance with the law.

(5) The income obtained from the sold goods shall be paid, as the case be, to the state budget, local budgets, or the budgets of the authorities, public institutions or juridical persons based on the mode of their financing.

**Art. 3.** – At the end of every year, the authorities, public institutions, or juridical persons shall publish a list of the goods that were handed over in accordance with this law and their destination, on the web page of the juridical persons or in the Official Gazette of Romania, Part III. The juridical persons to which the individuals specified in Art. 1 belong shall pay for all publishing costs.

**Art. 4.** – Within 60 days of the date of coming into force of this law, the Ministry of Public Finances and the Ministry of Justice shall issue regulations for its implementation.

**10. Law 158/2005, adopting the Governmental Urgency Ordinance no. 14, 3<sup>rd</sup> March 2005, 25<sup>th</sup> May 2005**

**Single article.** – It is hereby approved the Emergency Ordinance of the Government No. 14/2005 regarding changes in the forms for statement of assets and statement of interests, published in the Official Gazette of Romania, Part I, No. 200 of March 9, 2005.

*This law was enacted by the Parliament of Romania in accordance with the provisions of Article 75 and Article 76 paragraph (1) of the Constitution of Romania, as republished.*

**PRESIDENT OF THE CHAMBER OF DEPUTIES,  
Adrian Nastase**

**PRESIDENT OF THE SENATE,  
Nicolae Vacaroiu**

**11. Emergency Ordinance No. 14 of 03/03/2005**

**Regarding Changes in the Forms for Statement of Assets and Statement of Interests**

Taking into account the need to implement the best practices existing in the member states of the European Union regarding the control of assets, and of ascertainment and investigation of conflicts of interest as required by the 2004 Country Report of the European Commission for Romania, as well as from the Report of the group of countries against corruption of the European Council (GRECO), as adopted in the plenary meeting of June 28 – July 2, 2004, and

Pursuant to Art. 115 paragraph (4) Constitution of Romania, as republished,

The Government of Romania enacted the present emergency ordinance.

**Art. I** – Appendix to Law No. 115/1996 regarding the statement of assets and the control of the assets of dignitaries, judges, of certain individuals holding leading and control positions, and of public servants, published in the Official Gazette of Romania, Part I, No. 263 of October 28, 1996 including its subsequent amendments, shall be modified and replaced with appendix no. 1, which shall be an integral part of this emergency ordinance.

**Art. II** – Paragraph (2) of Article 111 of Chapter VI “Joint provisions” of Title IV “Conflict of interest and status of incompatibilities while holding public office or a public position” of Book I “General regulations for the prevention and fight against corruption” of Law No. 161/2003 regarding certain measures to ensure transparency while holding office or public positions and in the business environment, in prevention and sanctioning of corruption, as published in the Official Gazette of Romania, Part I, No. 279 of April 21, 2003 with its subsequent amendments, shall be modified and read as follows:

“(2) The functions and activities that are to be included in the statement of assets shall be as follows:

a) the capacity of associate or shareholder at commercial companies, national companies and societies, credit institutions, groups of economic interest, as well as of member in associations, foundations or non-governmental organizations.

b) the position of member of leading, administrative and control bodies of commercial companies, state-owned autonomous companies, national companies, credit institutions, groups of economic interest, associations or foundations or non-governmental institutions.

c) the capacity of member of professional and/or trade unions associations.

d) the capacity of member of leading, administrative and control bodies, remunerated or non-remunerated, held in political parties, the position held and the name of that political party.

**Art. III** – The form for the statement of interests as indicated in the appendix to the Governmental Decision No. 506/2003 regarding the status of the model of the register of statements of interest, as published in the Official Gazette of Romania, Part I, No. 293 of April 25, shall be changed and replaced by appendix No. 2, which is a part of this Emergency Ordinance.

**Art. IV** – The statement of assets and the statement of interests in accordance with the forms provided in appendix 1\* and 2\*, shall be submitted within 60 days of the coming into force of this emergency ordinance.

## **12. Blank asset disclosure form, annexed to the Emergency Ordinance No. 14**

**APPENDIX**

**STATEMENT OF ASSETS**

The undersigned..... holding the position of.....at....., declare on my own responsibility together with my family<sup>1)</sup> that we own the following assets and debts.

<sup>1)</sup> Family means husband/wife and those children who are supported by them.

**I. REAL ESTATE**

1. Land

Note: even land owned in other countries shall be declared.

Address	Category <sup>*)</sup>	Year of acquisition	Area	Share	Value for taxation	Acquisition method	Name of the holder <sup>2)</sup>

<sup>\*)</sup> The categories indicated are: (1) agriculture; (2) forestry; (3) within urban limits; (4) water surface; (5) other categories of land outside urban limits, if they are civil property.

2. Buildings

Note: Buildings owned in other countries shall also be declared

Address	Category <sup>*)</sup>	Year of acquisition	Area	Share	Value for taxation	Acquisition method	Name of the holder <sup>2)</sup>

<sup>\*)</sup> The categories indicated are: (1) apartment; (2) dwelling house; (3) holiday home; (4) commercial/production buildings.

<sup>2)</sup> In the “Name of the holder” column shall be mentioned, in case of personal assets, the owner’s name (holder, spouse, or child) and in case of assets jointly owned, the share and the names of the co-owners.

**II. MOVABLE PROPERTY**

1. Motor vehicles/cars, tractors, agricultural vehicles, motor boats, yachts and other means of transportation, which are registered in accordance with the law.

Type	Brand	No. of items	Year of manufacture	Method of acquisition

2. Property such as precious metals, jewelry, art and religious objects, art collections, and numismatic collections, objects that are part of the national or world cultural patrimony or any similar objects with a value that does exceed the amount of 5,000 euros.

Note: all the goods owned shall be listed, whether or not they are on the territory of Romania at the time when the statement is made.

Summary description	Year of acquisition	Estimated value

### **III. MOVABLE PROPERTY WITH A VALUE EXCEEDING 1,000 EUROS EACH AND IMMOVABLE PROPERTY TRANSFERRED WITHIN THE LAST 12 MONTHS**

Type of assets transferred	Date of transfer	Person to which the transfer was made	Type of transfer	Value

### **IV. FINANCIAL ASSETS**

Name and address of the administering institution	Type*)	Currency	The year in which it was opened	Present balance

\*) The categories indicated are: (1) Current accounts or equivalent (including cards); (2) Bank deposits or equivalent; (3) Investment funds or equivalent, including private pension funds or other systems of accumulation.

2. Investments, direct investments and loans if the total market value of all these exceeds the amount of 5,000 euros.

Note: Foreign investments and contributions shall also be declared.

Title issuance/company in which the individual is a shareholder or associate or beneficiary of loan	Type *)	Number of titles/participation share	Updated total value

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\*) The categories indicated are: (1) Security papers owned (government securities, certificates, bonds); (2) Shares or social parts in corporations; (3) Personal loans.

3. Other assets producing net income that added up exceed the equivalent of 5,000 euros per year:

Note: Assets of this nature that are abroad shall also be declared.

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## V. DEBT

Debit (including unpaid fees), mortgages, guarantees issued for the benefit of a third party, goods acquired through leasing: such goods if their total value exceeds 5,000 euros.

Note: Also all financial liabilities accumulated abroad shall be declared.

Creditor	Contracted in the year	Due date	Value

**VI.** Gifts, services or advantages received free of charge or subsidized in comparison with the market value from certain individuals, organizations, commercial companies, state-owned autonomous companies, national companies, or Romanian or foreign public institutions including scholarships, credits, guarantees, settlement of expenses or others, with an individual value that exceeds 300 euros.

WHO OBTAINED THE INCOME	SOURCE OF INCOME: NAME AND ADDRESS	SERVICE PROVIDED/OBJECT GENERATING THE INCOME	CASHED ANNUAL INCOME
1.1. Holder			
----			
1.2. Husband / Wife			
----			
1.3. Children			
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WHO OBTAINED THE INCOME	SOURCE OF INCOME: NAME AND ADDRESS	SERVICE PROVIDED/OBJECT GENERATING THE INCOME	CASHED ANNUAL INCOME
<b>1. Income from wages</b>			
1.1. Holder			
----			
1.2. Husband / Wife			
---			
1.3. Children			
----			
<b>2. Income from independent activities</b>			
1.1. Holder			
----			
1.2. Husband / Wife			
----			
<b>3. Income from giving up the use of assets</b>			
1.1. Holder			
----			
1.2. Husband / Wife			
----			
<b>4. Income from investments</b>			
1.1. Holder			
----			
1.2. Husband / Wife			
----			
<b>5. Income from pensions</b>			
1.1. Holder			
----			
1.2. Husband / Wife			
----			
<b>6. Income from agricultural activities</b>			
1.1. Holder			
----			
1.2. Husband / Wife			
----			
<b>7. Income from prizes and gambling</b>			
1.1. Holder			
----			
1.2. Husband / Wife			
----			
1.3. Children			
----			

This statement is a public document and I, the undersigned am responsible, in accordance with the penal law, for any inaccuracy or omission of the specified data.

Date of completion:

Signature:

**13. Blank business interest disclosure form, annexed to the Emergency Ordinance No. 14**

**APPENDIX**

**STATEMENT OF INTERESTS**

The undersigned.....holding the position of.....at....., hereby declare on my own responsibility:

1. Associate or shareholder in commercial companies, companies, national companies, credit institutions, groups of economic interest, as well as member of associations, foundations or other non-governmental organizations			
UNIT Name and address	IN WHAT CAPACITY	No. of shares or partnership shares	Total value of shares and/or partnership shares
1.1. ----			
2. Capacity of member in management, administrative and controlling bodies of commercial companies, state-owned autonomous companies, companies, national companies, credit institutions, groups of economic interest, as well as member of associations, foundations or other non-governmental organizations			
UNIT Name and address	IN WHAT CAPACITY	Value of benefits	
2.1. ----			
3. Quality of member of professional and/or trade union associations			
3.1. ----			
4. Capacity of member in management, administrative and controlling bodies, paid or not paid, of political parties, position held and name of political party			
4.1. ----			

This statement is a public document and I, the undersigned am responsible, in accordance with the penal law, for any inaccuracy or omission of the specified data.

Date of completion:

Signature: