

## LEGISLATIVE FOLLOW-UP

Throughout 2023, 3 legislative proposals have been promulgated by the President of Romania and became laws<sup>1</sup>. Currently, 12 legislative proposals aiming to amend the integrity framework are pending before the Parliament procedures<sup>2</sup>.

### A) 3 legislative proposals promulgated by the President of Romania

1. *Legislative proposal for the completion of Law 176/2010 on integrity in the exercise of public functions and dignities, amending and supplementing Law no.144/2007 on the establishment, organization and functioning of the National Integrity Agency, as well as amending and supplementing other normative acts (PI-x 378/2023; Bp 241/2023)*

**Summary of the legislative project:** The initiators propose amending Article 1 of Law no. 176/2010 by adding two new paragraphs, (4) and (5), stating that incomes earned by persons, in the exercise of their functions, subject to the obligation of submitting asset and interest disclosures, are exempt from anonymization and are not subject to confidentiality rules. Furthermore, any conflicting provisions, even if included in special laws, shall be repealed upon the entry into force of this law.

**Follow-up of the legislative proposal:** Promulgated by the President of Romania through Decree no. 1690/2023 – becomes Law 410/2023

**Last mention:** 18.12.2022 – **Promulgated by the President of Romania through Decree no. 1690/2023 – becomes Law 410/2023**

2. *Legislative proposal on the approval of Government Emergency Ordinance 97/2022 amending and supplementing Government Emergency Ordinance 66/2011 on the prevention, detection and sanctioning of irregularities in the acquisition and use of European funds and/or related national public funds L437/2022 (PL-x nr. 522/2022)*

**Summary of the legislative project:** The legislative proposal aims to amend art. 16, para. (2), by provisioning the prerogative of evaluating conflicts of interest to the National Integrity Agency, concerning the personnel of the authorities with competencies in the management of European funds, their intermediate bodies, the joint secretariat structures, the joint technical secretariat, respectively the first level control/control units, as well as the staff of the authorities responsible for the certification of expenses/preparation of annual accounts and external audit.

**Follow-up of the legislative proposal:** Promulgated by the President of Romania through Decree no. 1206/2023 – becomes Law 265/2023

**Last mention:** 16.12.2022 – **Promulgated by the President of Romania through Decree no. 1206/2023 – becomes Law 265/2023**

<sup>1</sup> **Promulgated by the President of Romania:** Law 410/2023 (PI-x 378/2023); Law 265/2023 (PI-x nr. 522/2022); Law no. 2/2023 (PI-x nr. 249/2022)

<sup>2</sup> **Pending before Parliament:** PI-x nr. 364/2022; PL-x nr. 27/2022; PI-x nr. 398/2021; PI-x 135/2020; PI-x 415/2019; PI-x nr. 179/2018; PL-x 64/2023; PL-x 65/2023; PL-x nr. 109/2023; PI-x 543/2023; PL-x 106/2023; Bp. 464/2023

3. Legislative proposal amending paragraph (5) of article 29 of Law 144/2007 on the establishment, organization and functioning of the National Integrity Agency (PI-x nr. 249/2022; B117/2022)

**Summary of the legislative project:** The initiators proposed providing the members of the National Integrity Council a monthly allowance equal to 20% of the gross salary income received by the president of ANI and providing the president of the Council with a meeting allowance greater than 10% of the allowance granted to CNI members, as well as which provides the members of the Secretariat of the Council with a monthly allowance of 5% of the gross salary income received by the president of ANI.

**Follow-up of the legislative proposal:** Promulgated by the President of Romania through Decree no. 2/2023 – becomes Law no. 2/2023

**Last mention:** 03.01.2023 - **Promulgated by the President of Romania through Decree no. 2/2023 – becomes Law no. 2/2023**

#### **B) 12 pending legislative proposals aiming to amend the integrity framework**

1. Legislative proposal for the transparency of the interests of the members of the Export Council by supplementing Law no. 176/2010 – **ANI favorable point of view** – L280/2022 (PI-x nr. 364/2022)

**Summary of the legislative project:** A new category of public officials shall fall under the obligation to submit asset and interest disclosures, namely “Members of the Export Council”.

**Follow-up of the legislative proposal:** Pending before the Romanian Chamber of Deputies

**Last mention:** 08-06-2022 – **Adopted by the Romanian Senate**

22-06-2022 – **The Committee for Human Rights, Cults and National Minorities' Issues sends favorable notice.**

**No progress has been registered since the last report**

2. Legislative proposal on the approval of Government Emergency Ordinance no. 127/2021 for the amendment of Law no. 176/2010 on integrity in the exercise of public functions and dignities, for the amendment and completion of Law no. 144/2007 on the establishment, organization and functioning of the National Agency of Integrity, as well as for the amendment and completion of other normative acts and art. III of Law no. 105/2020 for the completion of Law no. 176/2010 on integrity in the exercise of public functions and dignities, for the amendment and completion of Law no. 144/ 2007 regarding the establishment, organization and operation of the National Integrity Agency, as well as for the modification and completion of other normative acts **L545/2021** (PL-x nr. 27/2022)

**Follow-up of the legislative proposal:** Pending before the Romanian Chamber of Deputies

**Last mention:** 10.03.2022 – **Commission for Public Administration and Territorial Organization sends favorable notice**

**No progress has been registered since the last report**

3. Legislative proposal to amend and complete the Emergency Ordinance no 57/2019 on the Administrative Code - **L227/2021** (PI-x nr. 398/2021) - **ANI negative point of view**

**Summary of the legislative project:** The initiators propose the amendment of the Emergency Ordinance no 57/2019 as follows:

- Art. 415, para. (3) is amended and shall have the following content: "(3) Civil servants elected in the management bodies of trade unions may opt for one of the two positions. If the civil servant chooses to carry out

the activity in the management position in the trade union organizations, their office is suspended for a period equal to that of the mandate in the management position in the trade union organization."

- Art. 415, para. (4) is amended and shall have the following content: "(4) Civil servants elected in the management bodies of trade unions may simultaneously hold the public office and the position in the governing bodies of trade unions, with the obligation to comply with the regime of incompatibilities and conflicts of interest applicable to them."

**Follow-up of the legislative proposal:** Pending before the standing committees of the Chamber of Deputies

**Last mention: 10.11.2022 – The Romanian Government sends favorable notice - The Government supports the adoption of this legislative initiative subject to the appropriation of the annexed amendments**

**No progress has been registered since the last report**

4. *Legislative proposal to complete the Emergency Ordinance no 57/2019 on the Administrative Code L93/2020 (PI-x 135/2020) – ANI negative point of view*

**Summary of the legislative project:** The initiators propose to modify the *Emergency Ordinance no 57/2019*, in the sense that:

- the persons who did not commit deeds which determined the existence of a conflict of interest or a state of incompatibility, less than 3 years before the election date, ascertained through ANI's evaluation reports, which remained definitive, **can be validated in the local councilor mandate;**
- the persons who committed deeds which determined the existence of a conflict of interest or a state of incompatibility, more than 3 years before the election date, ascertained through ANI's evaluation reports, which remained definitive, **can candidate and occupy local elected official positions;**
- the persons who committed deeds which determined the existence of a conflict of interest or a state of incompatibility, less than 3 years before the election date, ascertained through ANI's evaluation reports, which remained definitive, **cannot candidate and occupy local elected official positions.**

**Furthermore, through the joint report of the Commission for Public Administration and Territorial Organization and the Legal, discipline and immunities Commission from 28.04.2020, additional amendments to the legislative proposal were adopted, for which ANI has also sent a negative point of view.**

**Follow-up of the legislative proposal:** Pending before the standing committees of the Chamber of Deputies

**Last mention: 17.05.2021 – Sent for additional report before the Committee for Public Administration Territorial Planning and Committee for Legal Matters, Discipline, and Immunities**

**No progress has been registered since the last report**

5. *Legislative proposal to amend Law no. 161/2003 on certain measures to ensure transparency in the exercise of public dignities, of public offices and in the business environment, and prevent and sanction corruption L238/2019 (PI-x 415/2019; Bp. 74/2019) – ANI negative point of view*

**Summary of the legislative project:** Through this proposal, the initiators propose to establish some exceptions to the legal regime of incompatibilities and conflicts of interest for certain categories of public offices, which result from simultaneously holding the public office/dignity of deputy, senator, minister, prefect and deputy prefect and the quality of natural person merchandiser, as well as limiting the situations of incompatibility in which a person who exercises the position of deputy, senator, prefect and deputy prefect, is found, in the sense in which the quality of natural person merchandiser is excepted, except for liberal activities and those of agriculture, unless he has a contract concluded with the public authority of which he is a part.

**Follow-up of the legislative proposal:** Pending before the Chamber of Deputies

**Last mention: 16.03.2022 – The Romanian sends point of view – The Romanian Parliament shall decide**





**No progress has been registered since the last report**

6. *Legislative proposal to amend and complete art. 178 of Law no. 95/2006 on reform in the health field – ANI negative point of view - L57/2018 (Pl-x nr. 179/2018; Bp 532/2017)*

**Summary of the legislative project:** Removing the incompatibility situation caused by the simultaneous exercise of the position of hospital manager and the medical activities carried out in other public or private sanitary units.

**Follow-up of the legislative proposal:** Under debate at the Chamber of Deputies

**Last mention:** 12.02.2020 – The Government sends NEGATIVE point of view.

**No progress has been registered since the last report**

7. *Legislative proposal to amend and complete Law 176/2010 on integrity in the exercise of public functions and dignities, amending and supplementing Law no.144/2007 on the establishment, organization and functioning of the National Integrity Agency, as well as amending and supplementing other normative acts for the transparency of the interests of the management of national research and development institutes L732/2022 (PL-x 64/2023)*

**Summary of the legislative project:** The legislative proposal aims to establish the obligation to submit declarations of assets and interests also for members of the boards of directors, steering committees, the general director and persons holding managerial positions in national research and development institutes established under Ordinance No 57/2002 on scientific research and technological development.

**Follow-up of the legislative proposal:** Pending before the Romanian Chamber of Deputies

**Last mention:** 02.03.2023 – **The Committee for Public Administration and Territorial Organization sends favorable notice**

8. *Legislative proposal to complete Law 176/2010 on integrity in the exercise of public functions and dignities, amending and supplementing Law no.144/2007 on the establishment, organization and functioning of the National Integrity Agency, as well as amending and supplementing other normative acts for transparency of the interests of the management of companies and economic units indirectly owned by the state L 733/2022 (PL-x 65/2023)*

**Summary of the legislative project:** The purpose of the legislative proposal is to amend the obligation to submit asset and interest disclosures for persons who hold management positions in commercial companies in which the state or an authority of the local public administration is a major or significant shareholder, directly or indirectly, including in branches or other dependent parts and units of aforementioned entities, as well as in commercial companies in which one of the aforementioned entities is a major or significant shareholder.

**Follow-up of the legislative proposal:** Pending before the Romanian Chamber of Deputies

**Last mention:** 26.04.2023 – **The Committee on Economic Policy, Reform and Privatization sends favorable notice**

9. *Legislative proposal for the adoption of the Government Emergency Ordinance 182/2022 on the amendment of art. 21 of Law 176/2010 on integrity in the exercise of public functions and dignities, amending and supplementing Law no.144/2007 on the establishment, organization and functioning of the National Integrity Agency, as well as amending and supplementing other normative acts, as well as amendment of art. III of Law 105/2020 for the completion of Law 176/2010 on integrity in the exercise of public functions and dignities, amending and supplementing Law no.144/2007 on the establishment, organization and functioning of the National Integrity Agency, as well as amending and supplementing other normative acts L835/2022 (PL-x nr. 109/2023)*

**Summary of the legislative project:** The legislative proposal aims to extend the deadlines for submitting certified declarations of assets and interests with a certified electronic signature. Extending the deadlines for filing exclusively in electronic format declarations of assets and interests, is intended to facilitate the possibility of issuing qualified electronic signatures, necessary for the completion and filing of declarations of assets and interests in electronic format.

**Follow-up of the legislative proposal:** Pending before the Romanian Chamber of Deputies

**Last mention:** 16.03.2023 – The Committee on Public Administration and Regional Planning sends favorable notice

The Committee on Human Rights, Religious Affairs and National Minorities sends favorable notice

10. Legislative proposal for the amendment and completion of Government Emergency Ordinance 22/2009 on the establishment of the National Authority for Administration and Regulation in Communications (ANCOM) (PL-x 543/2023; Bp 310/2023)

**Summary of the legislative project:** The initiators propose a series of incompatibilities/interdictions for ANCOM employees, i.e. incompatibility with management positions at any level in political parties and with the position of local elected representative, interdictions to hold shares or stocks in commercial companies operating in the field of electronic communications, postal services, audiovisual or any other field within ANCOM's competence and membership in the management bodies of such companies, which also exist in the current regulation.

**Follow-up of the legislative proposal:** Pending before the Chamber of Deputies

**Last mention:** 20.09.2023 – Rejected by the Romanian Senate

12.10.2023 – The Committee on Labor and Social Protection sends favorable notice  
– The Romanian Government sends point of view – The Parliament shall decide

11. Legislative proposal to approve the Government Emergency Ordinance 190/2022 for completion of Annex 5<sup>1</sup> to Government Emergency Ordinance No. 57/2019 on the Administrative Code (PL-x 106/2023)

**Summary of the legislative project:** The legislative proposal aims to establish the function of integrity inspector, a public office with special status, as a public office.

**Follow-up of the legislative proposal:** Pending before the Chamber of Deputies

**Last mention:** 16.03.2023 – The Committee on Equal Opportunities for Women and Men sends negative notice  
– The Committee on Human Rights, Cults and National Minority Affairs sends favorable notice

12. Legislative proposal on the amendment of art. 98 para. (2) of Law 161/2003 on certain measures to ensure transparency in the exercise of public dignities, of public offices and in the business environment, and prevent and sanction corruption (Bp. 464/2023)

**Summary of the legislative project:** The legislative proposal aims to amend paragraph (2) of Article 98 of Law no. 161/2003, as subsequently amended and supplemented, in order to allow civil servants to be members of the management bodies of political parties and to publicly express or defend the positions of a political party, exclusively in the case where they are suspended from office, either during the electoral campaign or for the exercise of an eligible or appointed function of public dignity.

**Follow-up of the legislative proposal:** There are no other mentions concerning this proposal.