

European Rule of Law Mechanism: written contribution of Romania

INTRODUCTION

The present written input is aimed to contribute to the preparation of the 2023 Rule of Law Report.

It provides a synthetic overview of the policy developments and practical application thereof in the four pillars proposed by the European Commission in its document, European Rule of Law Mechanism, namely: justice system, anti-corruption framework, media pluralism, other institutional aspects related to checks and balances.

This contribution consolidates the previous national contributions provided for the first three exercises on the Rule of Law Mechanism. The objective is to feed the assessment of the Commission with factual information on evolutions and developments on the ground in Romania, compared to the third Rule of Law Report, issued on July 2022.

The following institutions contributed with their technical expertise to the consolidated contribution presented below: Superior Council of Magistracy, High Court of Cassation and Justice, Prosecutors Office attached to the High Court of Cassation and Justice, National Anticorruption Directorate, National Integrity Agency, National Audio-Visual Council, Ombudsman, Court of Auditors, National Parliament, National Council for Combating Discrimination, the Ministry of Culture, General Secretariat of the Government, Legislative Council, National Union of Bars, Ministry of Justice, the latter being responsible for the overall coordination of the process.

Romania welcomes the Commission' initiative to introduce starting from last year specific recommendations for country reports. This constitutes a very good opportunity to ensure an appropriate follow-up to the reports. The findings of the reports and the recommendations do provide streamlining for the national reforms, considering the developments in the other MS and learning from each other.

The national authorities remain fully committed to provide any further information deemed necessary for the Rule of Law Report to be issued by the European Commission in 2023, and are also available for the following country visit.

Aware of the fact that the respect of the rule of law is a shared and continuous responsibility for all Member States and EU institutions, Romania reiterates its political commitment to further contribute to the success of this exercise, in line with the principle of sincere cooperation provided for in art. 4(3) of the Treaty of the EU.

I. JUSTICE SYSTEM

I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

The 2022 Rule of Law report recommended *to ensure that the revision of the Justice Laws reinforces safeguards for judicial independence, including to reform the disciplinary regime for magistrates, and take measures to address remaining concerns about the investigation and prosecution of criminal offences in the judiciary, taking into account European standards and relevant Venice Commission opinions.*

It should be underlined the complexity and the extended dimension of the reforms in the judiciary in the precedent year 2022, which follows multiple achievements following the EU accession, namely the adoption of four fundamental new codes (civil, civil procedure, criminal, criminal procedure), the Law of "Small Reforms" (with a significant impact on solving the issue of the length of the judgements within high level corruption cases), informatisation of the judiciary etc.; the results are undeniable, there is a track record of results over the years with constant positive and sustainable developments, i.e. the dismantling in 2022 of the SIIJ (special section for investigation of offences within the judiciary) and the adoption of the 3 Justice Laws. The legislative measures have been adopted after extensive consultations (public, judiciary, parliamentary debates, with the European Commission), taking into account the Venice Commission opinions, with full transparency and solidity of the legislative process.

The Venice Commission's report generally assesses that the Justice Laws go "in the right direction", although they were adopted under the urgency procedure, thus implicitly confirming that previous Commission opinions were considered in their adoption. Parliament's urgency procedure was democratic, transparent and all parliamentary groups and institutions concerned were able to express themselves democratically.

In particular, the opinion of Venice Commission highlights a number of important positive aspects and considerations, such as the procedure for appointing and dismissing senior prosecutors is transparent, balanced and democratic; promotion to high positions in courts and prosecutors' offices is in line with European standards; freedom of expression of magistrates is respected; in the selection of DNA prosecutors, there is no political interference and DNA retains its autonomy and independence; the Prosecutor General's overruling of prosecutors is done in writing and with reasons, which is appreciated; the position of the Ministry of Justice in the judiciary is correctly established and limited to administrative and managerial aspects. All these provisions reinforce the safeguards for judicial independence, as recommended in the previous RoL Report.

The recommendation on the evaluation of the post-SIIJ system is also in progress, as noted in the CVM Report.

The establishment of the SIIJ has sparked wide-ranging debates within the judiciary. After several unsuccessful attempts to abolish the ICJS, we identified compromise solutions acceptable to all parties involved in the debates, and the Law on the abolition of the SIIJ was adopted in March this year.

The post-SIIJ jurisdiction system has only been operating for a few months and it will take a reasonable period of time for the significant backlog to be cleared, things will get back on track. Importantly, there have been no procedural incidents similar to what happened in 2018 after the establishment of the SIIJ, e.g. withdrawals of appeals to DNA in acquittal cases, closure of cases involving politicians. Criminal proceedings are running smoothly.

According to the Prosecutor's Office attached to the High Court of Cassation and Justice, measures have been taken for the administrative transfer of files, in accordance with the new competence, within the legal deadline of 60 days. The

current situation is reflected in the Annex 1. The majority of these cases are complaints by citizens dissatisfied with court decisions or prosecutor's orders (vexatious complaints), as shown by the examination of the files for referral to the competent prosecutor's offices.

In order to prevent the emergence of a non-uniform practice, both in the administrative work of distributing files and in criminal prosecution, the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice has issued written instructions for the application of the new legal provisions.

The Superior Council of Magistracy received applications from prosecutors for appointment to the new investigative structure, but did not approve all of them. The Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice requested the President of the Superior Council of Magistracy to resume the procedures and to complete the number of prosecutors appointed, with 9 additional prosecutors being selected at the meeting of the Plenum of the Superior Council of Magistracy on 22.12.2022, with the purpose to advance with the process to fill in the total number of 59 prosecutors foreseen by the new legal mechanism. The appointment of the new members of the Superior Council of Magistracy is an opportunity to continue the process with a renewed energy by the new members charged with fresh legitimacy by the votes of their colleagues magistrates which elected them recently. The Minister of Justice will continue to support the process, being in permanent consultation process with the General Prosecutor on this topic.

A. Independence

2. Appointment and selection of judges¹, prosecutors and court presidents (incl. judicial review)

The procedure for appointment of General Prosecutor, DNA Chief-Prosecutor and DIICOT Chief-Prosecutor has been launched and details are available at the MoJ website: <https://www.just.ro/anunt-privind-selectia-procurorilor-in-vederea-formularii-catre-presedintele-romaniei-a-propunerilor-de-numire-pentru-ocuparea-unor-functii-de-conducere-vacante-din-cadrul-parchetelor-respectiv-pr/> and <https://www.just.ro/anunt-privind-selectia-procurorilor-in-vederea-formularii-catre-presedintele-romaniei-a-propunerii-de-numire-pentru-ocuparea-functiei-de-conducere-vacante-de-procuror-sef-al-directiei-de-investigare/>.

The new Law on the Status of judges and prosecutors (no 303/2022) provides two ways are provided by the law for admission in profession, namely the admission competition to the National Institute of Magistracy (Articles 5-24 of the Law) and the competition for admission in the magistracy, for the candidates having five years of seniority (Articles 63-79 of the Law). As a novelty, the duration of training courses for judicial auditors has been increased, starting with 2025, from 2 to 3 years, but it is important to point out that the law provides for a transition period of several years before this increased duration of schooling comes into force. This solution was designed to assist the judiciary in addressing the shortage of human resources in the system.

The graduates of the National Institute of Magistracy with good reputation are appointed by the appropriate section of the Superior Council of Magistracy in the positions of junior judges or junior prosecutors, and at the end of the traineeship period judges and prosecutors are required to participate at the capacity examination. The judges and prosecutors who have passed the capacity examination, as well as the candidates admitted to the competition for admission in the magistracy are appointed in function by the President of Romania.

Regarding the appointment in the leading positions at the courts, the new law regulates distinctly the procedure of occupying the leading positions of the High Court of Cassation and Justice, respectively for the leading positions in the other courts. At the High Court of Cassation and Justice, the President, Vice-Presidents and Presidents of Sections are appointed by the Section for Judges, following an interview consisting of presenting the managerial plan, the verification of the managerial and communication skills, focusing essentially on the organizational capacity, speed in decision-making,

¹ The reference to judges concerns judges at all level and types of courts as well as judges at constitutional courts.

resilience to stress, self-improvement, capacity for analysis, synthesis, short, medium and long-term strategy and planning, initiative, rapid adaptability, networking and communication capacity, as well as verification of the specific knowledge of the position the candidate has applied for.

Appointment in the positions of president of first instance courts, tribunals, specialized tribunals and courts of appeal shall be made only by means of competition organised, whenever necessary, by the Superior Council of Magistracy, with the support of the National Institute of Magistracy. The law provides in details the manner of organizing and conducting the contest, including the competition commissions, the evaluation criteria and the way of contesting the results, the transparency, objectivity and predictability of the procedure being fully ensured.

Appointment in the other leading positions shall be made by the Section for Judges, at the proposal of the President of the court, in consultation with the judges of the court and with the endorsement of the leading board. The proposal on the candidacy of the selected judge shall be reasoned and shall include an analysis of all the applications submitted, the reasons for the selection and the reasons for rejecting the other applications. If deemed necessary, the judge shall give an interview before the appropriate section consisting of presenting the management plan, checking managerial and communication skills.

According to the Law No 304/2022 on judicial organization, the appointment of prosecutors within the Directorate for Investigating Organised Crime and Terrorism and the National Anticorruption Directorate is made by order of the Chief Prosecutor of the Directorate, endorsed by the Section for Prosecutors of the Superior Council of Magistracy, according to a procedure detailed in Articles 86-87.

Given that the new legal provisions applicable in the matter entered into force at the end of 2022, three competitions were launched in accordance with the provisions of Law No 303/2004. Thus, the competition for admission to the National Institute of Magistracy is being organised between July 2022 and March 2023, a number of 300 positions of justice auditors and 26 positions of legal specialized staff assimilated to judges and prosecutors being open for competition. Also, during the period 2022-2023, two competitions for admission in the magistracy have been ongoing (under the conditions of Article 33 of Law No 303/2004).

Following the entry into force of the Law No 192/2021, a competition for admission in magistracy under Article 33(1) of Law No 303/2004 was organised between July 2021 and March 2022, for appointing 75 judge positions and 50 prosecutors.

Appointment of judges in leading positions of President and Vice-President of courts of appeal, tribunals, specialized tribunals and first instance courts

During 2022, two competitions were organised to fill in vacant management positions as president and vice-president at courts. Following the competition held between May and August 2022, 42 leading positions (22 president positions and 20 vice-president positions) were filled in. The second competition for appointment in leading positions for 2022 took place between September and December 2022, for filling in 170 vacant positions (including positions to become vacant at the beginning of January 2023). In the session on December 15th, 2022 of the Section for Judges the results of the exam were validated and the appointment in leading positions was ordered for 36 candidates.

The Section for Prosecutors of the Superior Council of Magistracy has approved the organization, through the National Institute of Magistracy, between August 1st and 16 November 2022, of the competition for the appointment in leading positions of prosecutors at the prosecutors' offices attached to the courts of appeal, to the tribunals, specialized tribunals and to first instance courts. 213 vacant positions of Prosecutor General, Deputy Prosecutor General, First Prosecutor and First Deputy Prosecutor of the Prosecutor's Offices attached to the courts of appeal, tribunals and first instance courts were open for this competition. The results of the competition for the appointment of prosecutors in leading positions at

the prosecutors' offices attached to the courts of appeal, tribunals and to first instance courts were validated, 60 prosecutors being appointed in leading positions.

3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

With regard to the dismissal of judges and prosecutors, the new legislation on the status of judges and prosecutors contains several amendments, in the sense that the postponement of the application of the punishment, waiver of the application of the punishment, ordered by a final court decision, as well as waiver of the criminal investigation confirmed by the judge of the preliminary chamber, except for the situations in which these solutions were ordered for crimes committed unintentionally, for which the corresponding section of the Superior Council of Magistracy considers that it does not affect the prestige of justice represent as well situation of dismissal from office.

The provisions on the removal of senior prosecutors have been brought into line with the case law of the European Court of Human Rights.

Revocation of judges from leading positions within the first instance courts, tribunals, specialized tribunals and courts of appeal shall be made by the Section for Judges, ex officio or at the proposal of the general assembly or the president of the court, and the removal from office of the President, Vice-Presidents and Presidents of Section of the High Court of Cassation and Justice shall be made by the Section for Judges, ex officio or upon the notification of the general assembly of judges of this court, in accordance with a procedure detailed in Article 169-170 of the same law.

The time limit within which the decision of the Section for Judges for revocation from the leading position can be challenged was increased from 5 days (since the ruling) to 15 days (since the communication) and it was stipulated that in all cases the appeal suspends the enforcement until the case is solved.

Given that no transfer session was organised at 2021 level, given that on December 28th, 2021 the Law No 313/2021 introducing amendments and additions to the Law no 303/2004, as regards the institution of transfer, it was published in the Official Gazette of Romania, in 2022 over 1600 transfer requests submitted by judges were analyzed, as well as over 650 transfer requests made by prosecutors.

Situation of exiting from the profession, during the reference period:

By decrees of the President of Romania published in 2022, until 16.12.2022 (including), 398 persons were released from the judge positions, as follows: 396 persons through retirement; 1 person as a result of resignation; 1 person as a result of the application of the disciplinary sanction consisting of exclusion from the magistracy. At the same time, six positions became vacated this year following the death of some judges.

By decrees of the President of Romania published in 2022, until 19.12.2021 (including), 252 persons were released from the prosecutor positions, as follows: 231 persons as a result of retirement; 3 persons as a result of resignation; 17 prosecutors were appointed in judge positions; 1 person, following the final conviction.

4. Promotion of judges and prosecutors (incl. judicial review)

The new law stipulates similar to the old regulation that promotion to the position of judge at the High Court of Cassation and Justice shall be carried out in two stages, namely an assessment of the judicial decisions of the candidates, carried out by an examination commission and an interview before the Section for Judges of the Superior Council of Magistracy. Compared to the old regulation, Law no. 303/2022 on the status of judges and prosecutors provides as a condition for participation in the competition the performance of the function of judge at the court of appeal for a period of at least 5 years (compared to 3 years as before). As regards the promotion of judges and prosecutors in non-leading positions, the law contains provisions on promotion in professional rank (on the spot) and on effective promotion. Thus, both forms of

promotion are carried out only through a competition organised at national level, within the limits of the vacant positions, for the actual/effective promotion, or within the limits of the positions open for competition, for promotion on the spot.

Promotion of judges

During 2022, two on-the-spot promotion competitions and one effective promotion competition were organised for non-leading positions. As a result of these competitions, 702 judges were promoted in rank of court of appeal and 348 judges were promoted in rank of tribunal.

Another competition for effective promotion in non-leading positions was held during May — October 2022 and 169 judges were promoted, out of which 55 to the courts of appeal and 114 judges to the tribunals.

Promotion to the position of judge at the High Court of Cassation and Justice

At the level of the Supreme Court, following the completion of the competition held between July to November 2022, for 15 judge positions (4 at the 1st Civil Section, 6 at the Criminal Section and 5 at the Administrative and Tax Litigation Section). The Section for Judges has validated the results and 8 judges were promoted to the Supreme Court as of 1 January 2023: one judge at the Criminal Section, 5 judges at the Administrative and Tax Litigation Section and 2 judges in 1st Civil Section.

Another competition for the High Court is currently ongoing, to be finalised in March 2023, for the filling in 17 judge positions (6 at the Civil Sections, 5 at the Administrative and Tax Litigation Section, 6 at the Criminal Section).

Regarding the prosecutors, in 2022 competitions for promotion in non-leading positions both effective and on-the-spot were organised and 45 prosecutors were effectively promoted and 236 prosecutors were promoted on the spot.

5. Allocation of cases in courts

During the reference period there were no changes to the regulation of the random distribution of cases in court.

6. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

A procedure for the election of the members of the Superior Council of Magistracy was organised, the final list of judges and prosecutors elected as members of the Council being validated by the Romanian Senate by Decision No 172/2022, published in the Official Gazette of Romania, Part I, No 1203/14.12.2022.

Also, by Decision No 173/2022 of the Romanian Senate, published in the Official Gazette of Romania, Part I, No 1203/14.12.2022, the two representatives of civil society were elected to the Superior Council of Magistracy.

7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

The restrictions and incompatibilities of judges and prosecutors are regulated in Articles 227-234 of Law No 303/2022 on the status of judges and prosecutors, with a few specific changes compared to the old regulation (e.g. it is expressly stipulated that judges and prosecutors, including those who have the capacity of elected member of the Superior Council of Magistracy, are not dignitaries, being unable to be simultaneously part of the judicial, executive or legislative authority; the result of the checks carried out by the Supreme Council of National Defence establishing the violation of the incompatibility of being operative workers, including covered, informants or collaborators of any intelligence service, shall be materialised in a document and communicated to the Superior Council of Magistracy, to the Ministry of Justice, to the one subject of the verification, as well as, upon request, to any person).

As regards the disciplinary liability of magistrates, the new law doesn't not provide anymore as a disciplinary offence the failure to comply with the decisions of the Constitutional Court (the previous art. 99 letter ș) of the Law 303/2004).

The new law no longer stipulates either as disciplinary offences the manifestations that affect the professional honour or probity or the prestige of justice, committed in the exercise of or outside the exercise of office duties, and the failure to comply with the decisions of the Constitutional Court or the decisions of the High Court of Cassation and Justice in the settlement of appeals in the interest of the law. At the same time, Law no. 305/2022 on the Superior Council of Magistracy contains a series of amendments to the old regulation in terms of disciplinary procedure. It has been established that the disciplinary liability of judges and prosecutors has a statute of limitations of 4 years from the date on which the disciplinary offence was committed, and the statute of limitations for disciplinary liability is suspended for the entire duration of the suspension of the disciplinary proceedings. At the same time, disciplinary liability is time-barring no matter how many suspensions occur, if the 4-year term is exceeded by another year.

With regard to liability for damage caused by judicial errors, the new legislation provides that the Ministry of Finance will refer the matter to the appropriate section of the Superior Council of Magistracy in order to determine whether the judicial error is the result of the performance of the function by the judge or prosecutor in bad faith or gross negligence, and at the request of the appropriate section, the Judicial Inspection carries out checks to assess whether the judicial error is the result of the performance of the duties by the judge or prosecutor in bad faith or gross negligence. The procedure for carrying out checks is regulated in Law No 303/2022 on the status of judges and prosecutors, previously laid down in Law No 317/2004 on the Superior Council of Magistracy. The time limit for bringing an action for recourse is in accordance with the new law of one year from the date of payment by the State of the sums due by way of compensation.

In 2022, a total of 31 cases were registered with the 5 judge panels - in civil matters - of the High Court of Cassation and Justice, concerning disciplinary action against judges, prosecutors and assistant judges of the High Court of Cassation and Justice. Also, during 2022, a total of 31 disciplinary cases were decided by panels of 5 judges. Of these, in 22 cases decisions were rendered in which a disciplinary sanction was maintained/applied.

8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

There were no changes on the remuneration/bonuses/rewards during the reference period.

Transparency of the system and access to information

The activity of the Superior Council of Magistracy is carried out in full transparency, enshrined in the provisions of its organic law, in which we mention, as an example, the provisions of Article 29(8) and (9) of Law No 305/2022, according to which the draft agenda to be submitted to the vote of the plenum or sections shall be published three working days in advance on the website of the Superior Council of Magistracy. The decisions of the Superior Council of Magistracy shall be published on the website of the Superior Council of Magistracy.

Also, in order to ensure transparency, the public sessions of the plenum and of the sections are and shall be (under the provisions of the new justice laws as well) transmitted live on the website of the Superior Council of Magistracy and the stream is available on the main page of the website, with maximum visibility, with the exception of the sessions of the sections where requests for permission to search, detention, pre-trial detention or house arrest, judicial control or judicial review on bail with regard to judges or prosecutors, as well as those concerning hearings and deliberations in disciplinary matters, which are not public (Article 29(1) of Law No 305/2022); the normative decisions of the Council adopted in plenum or in sections shall be subject to the provisions of Law no. 52/2003 on transparency of decision-making in the public administration, republished, as amended; at the end of the decisions adopted by the plenum or the sections, without prejudice to the secrecy of the vote, the number of votes "in favour", the number of votes "against" and the number of votes "abstained", as the case may be.

For further details about the progresses achieved in order to increase the transparency of the system and access to information please see the Annex 2.

9. Independence/autonomy of the prosecution service

The new law 303/2022 on the statute of judges and prosecutors ensures all the necessary guarantees to preserve the independence of the prosecutors. Please find below the relevant provisions:

Article 3- (1) Prosecutors appointed by the President of Romania shall enjoy stability and shall be independent under the law. Prosecutors shall carry out their activities in accordance with the principles of legality, impartiality and hierarchical control, under the authority of the Minister of Justice; (2) In the conduct and supervision of criminal prosecutions, as well as in the decisions taken, the prosecutor shall be independent, under the conditions provided by law; (3) Prosecutors enjoying stability may be transferred, seconded, delegated or promoted only with their consent. They may be suspended or dismissed from office under the conditions laid down in this Law.

Article 61 - (1) Judges and prosecutors who have passed the examination of competence shall be appointed by the President of Romania, on the proposal of the appropriate section of the Superior Council of the Magistracy, to the posts of judge or prosecutor in the courts or prosecutor's offices where they have been appointed as trainees; (2) Proposals for appointment shall be made no later than 30 days from the date of validation of the capacity examination; (3) The President of Romania may not refuse the appointment of the judges and prosecutors referred to in paragraph 1. (1).

The law provides clear and transparent procedure, as well as the criteria, for appointment of the Prosecutor General of the Prosecutor's Office of the High Court of Cassation and Justice, his/her Deputy and First Deputy, the Chief Prosecutor of the National Anticorruption Directorate and of the Directorate for the Investigation of Organised Crime and Terrorism, their Deputies, the Chief Prosecutors of Sections of the Prosecutor's Office of the High Court of Cassation and Justice, of the National Anticorruption Directorate and of the Directorate for the Investigation of Organised Crime and Terrorism.

10. Independence of the Bar (chamber/association of lawyers) and of lawyers

Based on the Constitutional Court Decisions no. 230/April 28, 2022 and 225/April 4, 2017 the Law no. 51/1995 on the organization and exercise of the lawyer profession was modified as follows: "Art. 14 : It is unworthy: a) the person finally convicted by a court order to imprisonment of one year or more for the intentional crime, punishable by a prison sentence with a special minimum of at least one year and representing a crime against life, crime against patrimony, crime against the administration of justice, crime of corruption or service, crime of forgery, crime affecting relations regarding social coexistence, crime against national security or a crime of genocide, against humanity and war, if rehabilitation, post-conviction amnesty or decriminalization of the act did not take place up to the date of verification of the state of indignity."

11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

With regard to the legislative mechanism which the Superior Council of Magistracy exercises in accordance with the law for the defending the independence of the judiciary in general, as well as of judges and prosecutors, maintained in the legislation in force as mentioned above, it is worth summarizing the statistics regarding the breach of independence, as sanctioned by the Council, during the reference period:

Details of the above activities carried out within the project can also be found in the Annex 3 dedicated to externally funded projects under implementation at SCM level.

13. Resources of the judiciary (human/financial/material³)

Human Resources:

➤ January 2022:

- out of the total of 5072 judge positions, 4403 positions were filled in and 669 were vacant, with an employment rate of 86.81 % (approximately 73 % women and 27 % men),
- out of the total of 3041 prosecutor positions, 2379 were filled in (approximately 52 % women and 48 % men) and 662 were vacant;
- out of the total of 143 assistant magistrate positions at the High Court of Cassation and Justice 130 were filled in and 13 were vacant.

➤ December 2022:

- out of the total of 5077 judge positions, 4097 were filled in (about 72 % women and 28 % men) and 980 were vacant.
- out of the total of 3051 prosecutor positions, 2223 were filled in (about 51 % women and 49 % men) and 828 were vacant.
- out of the total of 143 assistant magistrate positions at the High Court of Cassation and Justice 134 were filled in and 9 were vacant.

More details can be found within the Report on the activity of the Superior Council of Magistracy for 2022.

Human resources at the General Prosecutor Office:

The issue of human resource shortages seems to be the main problem of the system nowadays.

On **01.01.2022**, the occupancy rate of the General Prosecutor Office within the scheme was **62.25%** and on **31.12.2022** it became **43.49%**. The main reason for the decrease in the number of prosecutors is retirement.

Although the Superior Council of Magistracy organised a new examination for effective promotion⁴, only one candidate who fulfilled the conditions for admission to the Prosecutor's Office attached to the High Court of Cassation and Justice applied⁵.

The number of prosecutor posts foreseen in the scheme remained the same during 2022 (195 at DNA and 306 at DIICOT), but **the number of occupied posts decreased** during the year from 146 to 136 for DNA and from 261 to 248 for DIICOT.

The lack of admissions to the profession during the period when the National Institute of Magistracy could not organise an examination, the change in the conditions for effective promotion in 2018, the change in the conditions for appointment in the two specialised directorates, the uncertainty of the professional status and the conditions for retirement are some of the causes which, in combination, have led to a major imbalance in the filling of vacancies across the Public Ministry. However, based on the provisions of the new justice laws, which make more flexible the seniority requirements for recruitment to DNA and DIICOT, there are good premises to significantly improve the staffing of the two units with prosecutors.

Details regarding the financial resources can be found in the Annex 4.

The Prosecutor's Office attached to the High Court of Cassation and Justice runs externally funded programmes and the main projects implemented in 2022 are presented in Annex 5.

³ Material resources refer e.g. to court buildings and other facilities.

⁴ 10 posts have been advertised for the Prosecutor's Office attached to the High Court of Cassation and Justice

⁵ <https://www.csm1909.ro/ViewFile.ashx?guid=d64e7bdc-66bd-4800-afe6-eb0e2520fb57-InfoCSM>

14. Training of justice professionals (including judges, prosecutors, lawyers, court staff)

The new justice laws provide the legal framework for the functioning of the National Institute of Magistracy. The duration of the initial training period will increase from 2 to 3 years of training. This change will not operate immediately, the auditors admitted in the period 2022 - 2024 will be going through 2 years of study, as before, as a transitional period, which will support the rebuilding of the system with sufficient human resources. The content, however, will undergo changes, in the sense that in the first year of initial training there will be at least 3 months of practical internships, and for the second year, at least 6 months.

For the continuous training, the new developments include the further implementation of 2 extensive projects based on European funds. The first one is a project solely implemented by the NIM - 'Justice 2020: Professionalism and integrity', code SIPOCA 453, MySMIS2014 + 118978, that includes training in professional ethics for judges and prosecutors, judicial management, fight against corruption. The second project is implemented in partnership with the Superior Council of Magistracy - "Professional training and consolidation capacity at the level of the judicial system", financed by the "Justice" Program, financed under the Norwegian Financial Mechanism (MFN) 2014-2021, that includes training sessions in judicial cooperation in civil and criminal matters, the jurisprudence of Court of Justice of the European Union and European Court of Human Rights.

The initial professional training organized by the National School of Clerks continues to consider exclusively the training of clerks with higher legal education, the initial training activity of the School responding to the need to fill vacancies for qualified clerks with higher legal education.

In the accounting period of this report, due to the situation created by the COVID-19 pandemic, the initial training organized by the National School of Clerks returned to normal in 2022, with courses taking place exclusively in face-to-face format, for a number of 137 students (of which 97 for courts and 40 for prosecutor's offices), assigned to vacant positions in the judiciary on 20 December 2022. Also in terms of continuous training organized by National School of Clerks for clerks from the courts and the prosecutor's offices attached to them, the year 2022 meant a return to normality.

The Plenary Decision of the Superior Council of Magistracy approved the proposal of the National School of Clerks regarding the multi-year continuous professional training program of specialized auxiliary staff from the courts and the prosecutor's offices attached to them for the years 2022-2023, developed within the project "Effective training for unified ethical, administrative and judicial practices (FEPEAJU)", SIPOCA code 1156, SMIS code 152441, financed through the Operational Administrative Capacity Program 2014-2020. Out of the total training sessions scheduled within the project, in the first year of implementation of the multiannual continuous training program, 81 training sessions were carried out, in centralized and decentralized face-to-face format, as well as webinar online training sessions, as follows: 21 decentralized sessions in the field of the unification of administrative and judicial practices and related fields, 49 centralized sessions (30 in the field of the unification of administrative and judicial practices, 12 in the field of professional ethics and non-legal skills, 7 for junior clerks in the field of the unification of administrative and judicial practices), 11 webinar sessions (8 in the field of unification of administrative and judicial practices and 3 in the field of professional ethics), with a total of 2.116 court and prosecutor's office clerks trained.

In addition to these training sessions, 6 eLearning sessions were carried out on the training platform, attended by a total of 253 clerks (in the field of unified administrative and electronic record practices in criminal matters, as well as practices regarding the enforcement of criminal decisions, unitary approach regarding the random allocation of cases before the courts, international judicial cooperation in criminal matters, the Romanian language and legal English).

The Prosecutor's Office attached to the High Court of Cassation and Justice has developed a *Theoretical and Practical Guide on Rape Offences*. The guide is a useful tool for understanding essential theoretical and practical elements, which must be considered in the investigation.

The guide was drafted in response to the need to correct shortcomings previously noted in the handling of cases concerning offences against personal freedom and sexual integrity and to systematise the case-law standards applicable in this area.

15. Digitalization (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)⁶

In 2022, both the volume of information on the judicial system made available online to the general public and the quality of access to this information increased. Through the new project developed at CSM level www.rejust.ro, the old mechanism has been improved (www.rolii.ro), which makes judicial decisions available to the general public.

The matrix below shows the volume of judgments published on the Internet by jurisdiction and domains

Degree level	Degree of Jurisdiction	Domain	Published judgments/decisions*	Source
4	First Instance Court	Civil/Commercial Cases	All decisions	https://www.rejust.ro
		Administrative cases	All decisions	https://www.rejust.ro
		Criminal cases	All decisions	https://www.rejust.ro
		Other causes disputes with professionals, minors and family, bankruptcy, labour disputes, social security, intellectual property, maritime and river law, insolvency of the individual	All decisions	https://www.rejust.ro
3	Tribunal	Civil/Commercial Cases	All decisions	https://www.rejust.ro
		Administrative cases	All decisions	https://www.rejust.ro
		Criminal cases	All decisions	https://www.rejust.ro
		Other causes disputes with professionals, minors and family, bankruptcy, labour disputes, social security, intellectual property, maritime and river law, insolvency of the individual	All decisions	https://www.rejust.ro
2	Court of Appeal	Civil/Commercial Cases	All decisions	https://www.rejust.ro
		Administrative cases	All decisions	https://www.rejust.ro
		Criminal cases	All decisions	https://www.rejust.ro
		Other causes disputes with professionals, minors and family, bankruptcy, labour disputes, social security, intellectual property, maritime and river law, insolvency of the individual	All decisions	https://www.rejust.ro
1	High Court	Civil/Commercial Cases	Only some decisions	https://www.iccj.ro

⁶ Factual information presented in Commission Staff Working Document of 2 December 2020, SWD (2020) 540 final, accompanying the Communication on Digitalization of justice in the European Union, COM (2020)710 final and Figures 41 to 49 of the 2022 EU justice Scoreboard, does not need to be repeated.

	of Cassation and Justice	Decisions of the Complaints for the Settlement of Legal Matters in Civil Matters		
		Administrative cases Decisions of the Complaints for the Settlement of Matters of Law — in Administrative and Tax Matters	Only some decisions	https://www.iccj.ro
		Criminal cases Decisions of the Complaints for the Settlement of Law Matters — in Criminal Matters	Only some decisions	https://www.iccj.ro

For the level of the courts namely first instance courts, tribunals, courts of appeal, there is a list of objects in the field of Criminal law, Administrative and Tax Litigation, Minors and Family and Intellectual Property that are excluded from publication, for reasons related to the protection of the person and national security. The list of excluded objects can be found at: <https://www.rejust.ro/info/excluderi>.

Comments on the quality of access to information: decisions are constantly published on the day of their drafting; the decision-search tools use a number of advanced technologies which allow quick identification of judgments; not only the final decisions, but also the minutes of the hearings are published.

Access to information of public interest on the judicial system

At the level of the judicial system there is a platform - <https://portal.just.ro>, through which each court publishes information of public interest, in accordance with Law 544/2001. In addition, a number of courts have chosen to build an additional website of their own, in which they provide to the public a number of other services of interest to them.

Remote communication

For distance communication all courts use videoconferencing systems, in so far as the specifics of the procedure allow hearings to be organised in this way, technically optimal.

Within the project “Professional training and capacity building at judicial level”, financed under the Norwegian Financial Mechanism 2014-2021 and implemented by the Council, as detailed in the Annex 3, the public procurement procedure of audio-video systems was carried out during the reference period, the delivery of the goods will take place as soon as possible.

Also, the procedures for procuring IT equipment for the Superior Council of Magistracy, the National Institute of Magistracy, the National School of Clerks and the courts have been completed. The endowment component of the project was completed with equipment designed to increase cybersecurity at the level of the Superior Council of Magistracy, the procurement procedure being underway at this time (equipment to be delivered during the first semester of 2023).

Within the project “Strengthening the organizational and administrative capacity of the Superior Council of Magistracy, in progress at Council level, as detailed in the Annex 3, will be implemented the CSMapp IT system, through which the Council aims to manage a functional application, able to meet its digitisation needs, using the latest technologies. The CSMapp IT system will ensure integration with other national IT systems, such as ECRIS (the application used at court level for electronic file management), but also with other IT systems that are currently developed or to be developed in the next period in other projects.

The digital library available on the new website of the High Court of Cassation and Justice (www.iccj.ro) includes:

Jurisprudence: 6192 relevant decisions in summary; 21 336 indexed decisions; 186 011 judgments (decisions, orders and judgments) with full text (anonymised), decisions on preliminary references and decisions on appeals in the interest of the law.

Collections of relevant decisions: Bulletin of the Court of Cassation No 2/2021 and Bulletin of the Court of Cassation No 1/2022; Case Law Bulletin - 2021 edition; Case-law bulletin on disciplinary liability of judges and prosecutors - collection of decisions for 2021.

The High Court of Cassation and Justice uses video-conferencing systems in its work (both jurisdictional and administrative). During 2022, video-conferencing systems were used for work related to the competence of unification of national judicial practice, with hearings for the resolution of appeals in the interest of the law, as well as hearings of panels for the resolution of questions of law, being held exclusively in this way from January to August 2022. During the same period, hearings of the Joint Chambers were also held using video-conferencing systems, thus eliminating the inconvenience caused by the need to convene all the judges of the Supreme Court at the same time, from both its seats.

As regards the day-to-day work of the court, videoconferencing systems were used in accordance with the procedural rules.

16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

Electronic Case Management System: all courts use the ECRIS electronic case management system. The system is being continuously developed and the ECRIS V version is currently under development. The system provides appropriate tools for the random distribution of cases.

Statistics of Courts: the STATIS tool is used to generate statistical data. This system retrieves existing data in ECRIS systems and enables the generation of many statistics, such as:

R01 Statistics incoming cases.	R02 Statistics load cases.
R09 Statistics suspended cases.	R10 Statistical Situations Solved cases.
R11 Statistics pending cases.	R13 Statistics Activity Volume.
R14 Statistical situations, file object attributes.	IJ-QL Statistical Situations, File Circuit in System
R99 Lists of folders: Statistical situations exclusions files.	

A new version of the STATIS application is currently under development, which will provide new reports and allow real-time querying of ECRIS data with advanced filters.

Data on the activities carried out during the reference period in all projects under implementation can be found in the Annex 3.

A detailed report on the activity of the High Court of Cassation and Justice is published annually on the official website of the High Court of Cassation and Justice (www.iccj.ro) for the year preceding the reporting year (as of 31 December 2022, 19 activity reports for the years 2003-2021 were published on the official website of the High Court of Cassation and Justice). In 2022, the Report on the activity of the High Court of Cassation and Justice in 2021 was published;

Also on the official website of the High Court of Cassation and Justice there is a section dedicated exclusively to statistics, which presents relevant information on the activity of the High Court of Cassation and Justice both in graphical format and in data and percentages (the data published relate to the period 2003 -2021).

17. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

During the reference period, there were no changes in the number of courts and prosecutor's offices.

According to Article 1(1) and Article 2(2) of the Law 49/2022, the Section for the Investigation of Offences in the Judiciary within the Prosecutor's Office attached to the High Court of Cassation and Justice was dismantled, and its prosecutors, including those with managerial positions, returned to the prosecutors' offices where they came from or to the prosecutors' offices where they promoted, regaining the professional level of execution and remuneration corresponding to it previously or, as the case may be, the corresponding ones as a result of the promotion.

As a novelty element, starting with 16.12.2022, the date of entry into force of Law no. 304/2022, according to the provisions of Article 45(2) of the Law, at the courts of appeal and tribunals, if the special law provides for the obligation to set up specialised panels, they shall be established by decision of the Section for Judges of the Superior Council of Magistracy, on the proposal of the President of the Court. In accordance with these provisions, the Section for Judges ordered the establishment of specialised panels in some courts of appeal and tribunals on the basis of some/several special laws (Law No 78/2000, Law no. 273/2004, Law No 101/2016, Law 85/2014, Law No 247/2005, Law No.71/2011, Law no.151/2015, Law No 211/2004).

C. Efficiency of the justice system⁷

18. Length of proceedings

Within the project "Elimination of factors for inflation of causes, identification of normative elements and trends of agglomeration — EFFICIENCE" and detailed in the Annex 3, a mechanism was created to identify early inflation of cases caused by regulatory deficiencies, as well as repetitive causes, which allows early warning, management and remedy of these phenomena that seriously affect the efficiency and quality of the justice act and access to justice of the public. The project included a guide to standardise the drafting of court decisions and a Standard for good regulation and quality of legal norms, necessary for clarity, predictability and predictability of laws and secondary normative regulations and a draft law amending and supplementing Law no. 24/2000 on the technique for drafting normative acts.

During 2022, the improvement of the REJUST.RO case law portal represents a measure designed to improve the length of court proceedings. Thus, since June 2022, the portal has been developed in such a way that judges have access to the entire case-law, without excluded objects, in an unanonymised format. The portal <https://rejust.ro>, launched at the end of last year, allows searching for both court decisions and hearings' minutes, the database currently containing approximately 40 million documents. The search engine has been improved and searches are now faster, and results are displayed according to relevance.

The total number of cases to the HCCJ in 2022 was 22 745, of which 14 142 were resolved. The average time taken to resolve a case was 198 days.

II. ANTI-CORRUPTION FRAMEWORK

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

⁷ Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

19. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

The 2022 RoL Report recommended to introduce rules on lobbying for Members of Parliament – NO DEVELOPMENTS.

The 2022 RoL Report recommended to address the operational challenges of the National Anti-Corruption Directorate, including as regards recruitment of prosecutors, and closely monitor the impact of the new system on investigating and prosecuting corruption offences in the judiciary.

Issues related to the recruitment of DNA prosecutors constitute Milestone 429 of the Recovery and Resilience Plan, which foresees to reach an occupancy rate of 85% of existing positions in the National Anticorruption Directorate (Q2 2023).

During 2022, 23 prosecutors were appointed and another 23 prosecutors left the DNA, so that at the end of the year 59 positions remained vacant. The DNA launched a new recruitment procedure for 41 prosecutor positions in December 2022, to which 32 candidates applied. The procedure will end in January 2023. In recent consultations on this issue between the Minister of Justice and General Prosecutor and Chief Prosecutor of DNA, held on 21.01.2023 at the Ministry of Justice headquarter, Chief Prosecutor Office of DNA informed that "the number of candidates is important and that the 85% target will not be easily fulfilled in 2023".

During 2023, all senior positions in DNA will be filled under the new justice laws. The first step will be to fill the post of Chief Prosecutor (the selection procedure has already been launched), followed by the Deputy Chief Prosecutors and then the Chief Prosecutors. The same steps will be followed for filling the General Prosecutor and the DIICOT Chief Prosecutor positions, as well as the senior positions within these Prosecution Offices.

The procedure for appointment in the 3 high level positions (General Prosecutor, DNA Chief-Prosecutor and DIICOT Chief-Prosecutor) has been launched and details are available at the MoJ website: <https://www.just.ro/anunt-privind-selectia-procurorilor-in-vederea-formularii-catre-presedintele-romaniei-a-propunerilor-de-numire-pentru-ocuparea-unor-functii-de-conducere-vacante-din-cadrul-parchetelor-respectiv-pr/> and <https://www.just.ro/anunt-privind-selectia-procurorilor-in-vederea-formularii-catre-presedintele-romaniei-a-propunerii-de-numire-pentru-ocuparea-functiei-de-conducere-vacante-de-procuror-sef-al-directiei-de-investigare/>.

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

20. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.

The National Integrity Agency

Human resources: By the end of 2022, 100 positions within the National Integrity Agency (ANI) were occupied, as follows: Management - 3 positions; Integrity Inspectors - 38 positions; Persons with administrative responsibilities, supporting the Integrity Inspection's activity - 43 positions; Administrative personnel - 16 positions.

Financial resources: ANI's final budget for the year 2022 following the budgetary rectifications and the distribution of credits to the reserve fund was of 32.424.000 Lei (approx. 6,5 million Euros), distributed as follows: Personnel costs – 13.577.000 RON; Goods and services – 9.777.000 RON; Capital expenditures – 455.000 RON; Other expenditures – 55.000 RON; Programs from the European Social Fund (FSE) – 8.560.000 RON.

The allocated resources were sufficient to allow the implementation of the Agency's objectives. Furthermore, in the context of the new attributions entrusted to ANI as an external reporting channel - competent authority to receive reports on violations of the law, the Agency requested for the year 2023 additional financial resources in order to recruit new personnel among the integrity inspectors, as well for operationalizing this new specialized structure tasked with

whistleblower attributions, in terms of logistical capabilities. Providing the National Integrity Agency with the necessary requested resources is critical for the successful implementation of the new legal prerogatives.

Legislative framework

Throughout 2022, 2 legislative proposals (i.e. on the whistleblower protection and regarding a new category of public officials under the obligation to submit disclosures) have been promulgated by the President of Romania and became laws⁸. Currently, 9 legislative proposals (a series of those dating from the years 2018 or 2019) aiming to amend the integrity framework are pending before the Parliament procedures⁹. Throughout 2022, one legislative proposal has been rejected by the Parliament¹⁰. *Please see the Annex 6.*

Moreover, in December 2022, two Government Emergency Ordinances have been adopted, as follows: (1) G.E.O. no. 182/2022 which prorogues by December 31st 2023 the deadline regarding the obligation to submit asset and interest disclosures certified with an electronic signature; (2) G.E.O. no. 190/2022, which created the legislative framework for carrying out the competition for occupying the specific public position of integrity inspector within the new specialized structure managing reports on breaches of the law, which shall be established within the National Agency of Integrity.

Furthermore, in February 2022, ANI started the implementation of a project *on updating the integrity legislation and providing support to authorities and deponents in the transition to the digitization declaring of assets and interests*, entitled NIAct. The general objective of the NIAct project consists in the inventory of all normative acts and the updating of the legal integrity framework, which targets incompatibilities, conflicts of interest and unjustified wealth, but also the system of disclosing assets and interest. The implementation of this project represents a participatory approach, which also involves the establishment of a network of experts specialized in the field of integrity in Romania and who has an advisory role in the process of updating the legislation. This network takes the form of an "Integrity Think Tank" in which both experts from the public administration are included, and also experts co-opted from other areas of expertise, such as civil society or the academia.

In this regard, throughout 2022, a complete prior evaluation and analysis of the integrity laws, together with an initial clustering of the normative acts was finalized and two editions of the Integrity Think Tank were organized. The initial findings of the evaluation and analysis were presented within the second edition of the integrity Think Tank.

Whistleblower protection

According to the Law no. 361/2022 *regarding the protection of public interest whistleblowers*, which transposes into the national legislation the EU Directive 2019/1937 *on the protection of persons who report breaches of Union law*, ANI becomes an external reporting channel - competent authority to receive reports on breaches of the law.

In the application of the legal provisions, the National Integrity Agency was entrusted with a series of new duties, such as the resolution of reports regarding breaches of the law that fall within its competence or the submission of reports to the competent authority, confidential advice to persons who intend to make a report, advising employers in developing or revising internal reporting procedures and for taking follow-up actions. At the same time, ANI shall ensure the training of the persons designated to resolve reports and will periodically organize public information activities regarding the procedure for reporting breaches of the law and the protection measures.

e-DAI Platform

The National Integrity Agency launched the online platform "e-DAI", through which hundreds of thousands of civil servants, dignitaries and other categories of officials provided by law fill-in and submit their assets and interest disclosures in digital format. Statistical data regarding the e-DAI platform - data extracted covers the period since the launch of

⁸ **Promulgated by the President of Romania:** Law no. 361/2022 (PI-x nr. 219/2022); Law no. 372/2022 (PI-x nr. 605/2022)

⁹ **Pending before Parliament:** PI-x 135/2020, PI-x 398/2021, PI-x 415/2019, PI-x 179/2018, PI-x 364/2022, PI-x 27/2022, PI-x 249/2022, L732/2022, L733/2022

¹⁰ **Rejected by the Parliament:** PI-x 200/2021

electronic submission (since January 1st 2022, electronic submission became mandatory): no. of users registered as deponents: 397.455; no. of institutions with at least one account created: 11.663; no. of filled-in asset disclosures and sent to ANI: 418.088; no. of filled-in interest disclosures and sent to ANI: 411.426; no. of support requests sent through the e-DAI platform: approx. 18.000.

Taking into account the reduced number of electronic signatures acquired for the deponents up to present time, and in order to ensure the continuity of the activity of submitting asset and interest disclosures, by avoiding blockages that may occur at the level of the public system, the Romanian Government adopted the Emergency Ordinance no. 182/2022 which prorogues by December 31st 2023 the deadline regarding the obligation to submit asset and interest disclosures certified with an electronic signature (i.e. the initial deadline was December 31st 2022).

21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.

Currently, the members of the National Integrity Council were appointed for a 4-year mandate starting March 2020 and are represented by 15 full members and 13 substitute members. Throughout 2022, the main activities of the Council were the approval of the External Audit Report of the Management of National Integrity Agency for 2021, and the National Integrity Agency's Activity Report for the year 2021, analyzing the legal integrity framework, as well as debating on the overall activity of the National Integrity Agency. In April 2022, the Council launched the selection procedure of the Vice-president of National Integrity Agency, which was finalized later, in June, with no candidate being declared admitted. As a result, the second selection procedure of ANI's Vice-president was launched in October 2022 and finalized in December. Through the Senate's Decision no. 174/19.12.2022, the Vice-president of ANI was appointed for a 4-year mandate.

The annual external independent audit report acts like an objective mirror of the performance of ANI's management and ANI's activity in general since it covers investigation activities, administrative operations of ANI, PREVENT System and also does a follow-up on the National Anticorruption Strategy's Integrity Plan, as well as of the ANI Strategy's action plan implementation.

Following the evaluation of the activity carried out in 2021, the auditors note that *"ANI continued to implement measures to ensure the management of the institution's activity in the context created by the COVID-19 pandemic. The measures implemented by ANI aimed at strengthening and developing organizational capacity and aimed at ensuring an internal and external communication system, so that employees can effectively perform their tasks. ANI has managed to fulfill its objectives, respecting the principles of independence, transparency and professionalism, and has managed to fulfill its role established by its founding law."*

The auditors noted that throughout 2021, ANI's efforts were focused on: digitization of the process of filling-in and submitting assets and interest disclosures by launching the e-DAI electronic platform; appointment of ANI as reform coordinator within the Recovery and resilience plan (PNRR); involvement of ANI in the transposition of EU Directive 219/1937 on the protection of persons reporting violations of Union law (whistleblower Directive); continuation of the implementation process of the objectives established by the Cooperation and Verification Mechanism (CVM) and by the Rule of law Mechanism; successful implementation of the LINC project, the objectives of the project being met and continuing the implementation of the EMOD project; the implementation (total or partial) of all the action measures provided for by the short-term ANI Strategy 2020-2021; reaching a percentage of 77% regarding the "implemented" and "partially implemented" status of the recommendations regarding the improvement of the activity formulated in the previous audit reports, indicating a high degree of involvement and efficiency on behalf of the institution's management; ANI taking over the Presidency of the Network for Integrity for the next 2 years; updating, publishing and submitting to the European Commission the list of important public functions; continuation of transparency and awareness efforts, especially in the case of points of view regarding the legal framework of integrity, granted to petitioners; exporting good practices and strengthening international cooperation with institutions in the field of preventing and fighting corruption and cooperation activities with public institutions and authorities, as well as with structures of local public administration authorities.

Nevertheless, the Report also included shortcomings, such as: insufficient working and file storage space, deficit of human resources, difficulties in inter-institutional collaboration with various relevant entities in Romania, which influences the assessment activity carried out by integrity inspectors due to the lack of electronic communication directly accessible to integrity inspectors etc.

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

The National Anti-Corruption Strategy 2021-2025 was approved by Government Decision no. 1.269/2021, dated 17.12.2021. The first regular monitoring report is scheduled to be elaborated in the first trimester of 2023, covering the first implementation year. Selected updates below.

After the entry into force of the Strategy, ST NAS activated the monitoring mechanisms:

Cooperation platforms – a first informal meeting of the cooperation platforms took place In January this year, followed between March 28-31, 2022 by their first official meeting.

Dedicated working groups - The SNA 2021-2025 brings new monitoring tools, the implementation of the specific objectives dedicated to the education and health sectors is monitored by two dedicated working groups, made up of representatives of the cooperation platforms and the Technical Secretariat of the SNA, which meet quarterly. Until now, the GL dedicated to the health sector met on 10.06.2022 and 28.10.2022, and the GL related to the education sector on 06.10.2022.

For further details on the dedicated measures please see the Annex 7.

B. Prevention

23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application.

Follow-up on ANI cases

Throughout 2022, the National Integrity Agency finalized 1.311 cases, both with findings and closed files. With regard to ANI's findings, the integrity inspectors ascertained 147 integrity incidents, as well as other 63 cases regarding 57 persons on possible criminal or fiscal offences which were sent before the competent bodies. On December 31st 2022, ANI had 2.974 ongoing investigations and the average case load was of 116 files/integrity inspector.

Cases ascertained by ANI

In 2022, ANI ascertained 147 integrity incidents, as follows: 69 cases of incompatibilities, 62 cases of administrative conflicts of interest and 16 cases of unjustified wealth amounting to over 5,7 million RON (over 1,6 million Euros), as follows:

- 69 Incompatibilities: 1 Senator; 3 County Councillors; 8 Mayors; 7 Deputy Mayors; 23 Local councillors; 5 Persons with management and/or control positions; 19 Public servants; 3 Public servants with special statute.
- 62 Administrative conflicts of interest: 7 Mayors; 6 Deputy Mayors; 36 Local councillors; 3 Persons with management and/or control positions; 9 Public servants; 1 Public servant with special statute.
- 16 Unjustified wealth amounting to over 5,7 million RON (more than 1,6 million Euros): 1 Advisor attached to the dignitary's office; 1 County Council President; 1 Mayor; 5 Public servants; 8 Public servants with special statute.

At the same time, the integrity inspectors have identified 63 cases regarding possible criminal offences (use of the office to favour people, false statement, breach of fiscal legislation, forgery, etc.) in the case of 57 persons, which were sent to the prosecution bodies, for further investigation, as follows: 1 Senator; 1 County Council President; 2 County Councillors;

10 Mayors; 4 Deputy Mayors; 9 Local councillors; 5 Persons with management and/or control positions; 7 Public servants; 17 Public servants with special statute; 1 Military staff with management position.

Administrative fines

In 2022, 952 administrative fines were applied (for failure to submit assets and interest disclosures in legal terms, for non-disciplinary sanctions applied after the ascertaining act remained final, for failure to comply with the legal provisions by the head of institution and for the persons responsible of ensuring the implementation of legal provisions regarding assets and interest disclosure within public entities).

From the 2.192 complaints against the administrative fines applied by ANI starting with 2008, Courts issued definitive and irrevocable decisions in 1.720 cases, as follows: 1.377 (80%) decisions were in favour of ANI, while 343 (20%) were unfavourable.

Throughout 2022, 187 cases have remained definitive and irrevocable - in favor of ANI (either through Courts' decisions that confirmed ANI's ascertainment's or through not challenging of the evaluation report by the evaluated person), as follows: 137 cases of incompatibilities; 43 cases of administrative conflicts of interests; 7 cases of unjustified wealth, in which the Courts ordered the confiscation of over 3 million RON (approx. 680.000 Euros).

Furthermore, in the reported period of time, the Courts have issued one definitive conviction to 6 months of imprisonment.

Clarifications issued by ANI

The National Integrity Agency issues clarifications regarding legislative measures, ways of filling in and submission of asset disclosures, legal regime of incompatibilities and conflicts of interest, at any natural or legal persons' request.

In this regard, throughout the Agency issued 2.020 clarifications on the legal provisions referring to possible incompatibilities and/or conflicts of interest situations or regarding ways of filling in and submission of asset disclosures (*Conflicts of interest – 240, Incompatibilities – 1.298, Filling-in and submission of disclosures – 375, Other cases – 107*).

Of these, ANI issued 141 clarifications regarding situations that are prone to generate a conflict of interest and 984 clarifications regarding situations that are prone to generate an incompatibility situation.

Training sessions

Throughout 2022, in the context of the transition from paper-based disclosures to electronical ones through e-DAI platform, ANI continued to organize training sessions targeting both focal points within institutions (i.e. persons within a public entity responsible with ensuring the implementation of the asset and interest disclosure provisions), as well as deponents (i.e. persons under the obligation to submit disclosures). Overall, ANI organized training sessions for 3.000 persons, which aimed at preventing the faulty filling-in of assets and interest disclosures, and, in order to meet the needs of the participants, subjects regarding the legal regime of incompatibilities and conflicts of interest were also debated.

Moreover, within ANI's NIAct project, 2 training sessions were organized for a total of 41 focal points. The project aims to organize more training sessions for the focal points, which shall take place in several cities in the country (16 training sessions in total, 2 in each macro-region of Romania).

24. General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

The National Integrity Agency

Portal of assets and interest disclosures

All of the asset and interest disclosures sent before ANI are published on the Agency's website, on the *Public portal of asset and interest disclosures* (<http://declaratii.integritate.eu/>). By December 31st 2022, over 10,8 million asset and interest disclosures were published on the Portal.

e-DAI Platform

The National Integrity Agency launched the online platform "e-DAI", through which hundreds of thousands of civil servants, dignitaries and other categories of officials provided by law have the obligation to fill-in and submit their assets and interest disclosures, starting with January 1st 2022, in digital format. In this regard, by the end of 2022, as previously mentioned, over 800.000 asset and interest disclosures were sent before ANI through e-DAI.

Prevention and awareness

In order to raise awareness among persons who have the obligation to submit asset and interest disclosures, throughout 2022 ANI sent 342 informing letters to public institutions and authorities, associative structures, county councils and prefects, with regard to the process of electronically filling-in and submitting assets and interest disclosures through e-DAI platform.

Moreover, ANI also made available to the public press releases regarding the electronic filling in and submitting of asset and interest disclosures exclusively through the e-DAI system, as well as regarding the launching of "e-DAI Assistant", a Chatbot dedicated to deponents and focal points.

General Secretariat of the Government

By Government Decision no. 831/27.06.2022 were approved the Methodological Norms for the application of Law no. 52/2003 on transparency in decision-making in public administration. The purpose of the methodological rules is to standardize the procedure for ensuring transparency in decision-making, without limiting the possibility for public authorities to establish additional activities to facilitate citizens' access to the processes of drafting normative acts and making administrative decisions. In this framework, the following measures were introduced: the creation of methodological instructions and a set of standard forms for the uniform implementation of the stages of the decision-making procedure by public authorities, the updating of the procedural and methodological framework for monitoring and evaluating the quality of participatory processes carried out by public authorities, ensuring the effective participation of those concerned, both in the early and mature stages of the process of drafting a public decision. This was done at the initiative of the General Secretariat of the Government as part of the reforms included in the National Recovery and Resilience Plan (Milestone 407 - Public consultation and stakeholder involvement process improved by increasing by 20% the number of draft legislative acts subject to public consultation and stakeholder involvement at central level).

The Order of the Secretary General of the Government no. 1056/28.09.2022 ensured the minimum rules of transparency regarding the recommended framework of collaboration between decision-makers at the level of central and local public administration authorities and civil society stakeholders, in order to promote public policy initiatives. The role of the Order of the Secretary General of the Government No 1056/2022 is to create a uniform framework for the use of the RUTI platform (Single Register of Transparency of Interests) and for its better use by decision-makers and specialised civil society groups. The Order of the Secretary General of the Government No 1056/2022 establishes uniform and predictable procedures for the creation of accounts for decision-makers and for the registration of specialised groups in RUTI, so that all interested parties are aware in advance of all the aspects necessary for the use of the RUTI platform. The Order also extends the scope of dignitaries who can create a decision-maker account on the RUTI platform to the local public administration level, thus pursuing the objective set by the General Secretariat of the Government in the National Anti-Corruption Strategy 2021-2025. This was done at the initiative of the General Secretariat of the Government, as part of the reforms included in the National Recovery and Resilience Plan (Milestone 410 - Entry into force of instructions for the use and proper enforcement of the Single Register of Transparency of Interests).

25. *Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)*

PREVENT System

Throughout 2022, the PREVENT system analyzed 19.335 procurement procedures, of which 12.869 were public stand-alone procurement procedures (without batches) and 6.466 were public procurement procedures with batches (containing 79.339 batches).

At the same time, the integrity inspectors issued 22 integrity warnings, amounting to 703,8 million RON (approx. 142 million Euros). In 11 of the cases notified by the system, the leaders of the contracting authorities removed the causes that generated potential conflict of interests, while in the other 11 cases measures are expected to be taken.

In this regard, according to art. 9 of Law no. 184/2016, "*Failure to take steps following reception of an integrity warning or to fill in an Integrity Form (...), triggers an ex officio procedure to assess the conflict of interest*".

During the reported period, PREVENT system analyzed 2.516 contracting authorities, 15.814 companies, as well as 341.190 persons and representatives of the public institutions and the tenders.

Moreover, the integrity inspectors notified the National Agency for Public Procurement (ANAP), with regard to 3 irregularities on possible relations between members of the contracting authority and persons within the tenders, exclusively for the persons who are not required to submit assets and interest disclosures.

Categories of contracting authorities: The potential conflicts of interest signaled by the system refer to public procurement procedures carried out by contracting authorities representing ministries, public institutions at central and local level, administrative-territorial units, autonomous administration, as well as companies at which the state is a majority shareholder.

26. *Measures in place to ensure whistleblower protection and encourage reporting of corruption.*

On the 19th of December 2022, **Law no. 361/2022 regarding the protection of public interest whistleblowers** was published in the Official Gazette of Romania. The law transposes into the national legislation the EU Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

Through the new normative act, the National Integrity Agency becomes an external reporting channel - competent authority to receive reports on violations of the law, which are defined by art. 3 of the Law as oral or written communications relating to facts that consist of an action or inaction that constitutes non-compliance with the legal provisions. In the application of the legal provisions, the National Integrity Agency was entrusted with a series of new duties, such as the resolution of reports regarding violations of the law that fall within its competence or the submission of reports to the competent authority, confidential advice to persons who intend to make a report, advising employers in developing or revising internal reporting procedures and for taking follow-up actions.

At the same time, ANI shall ensure the training of the persons designated to resolve reports and will periodically organize public information activities regarding the procedure for reporting violations of the law and the protection measures.

The normative act implies that within 45 days from the entry into force of Law no. 361/2022 (i.e. by 6th of February 2023), ANI shall establish a specialized structure comprised of approx.15 integrity inspectors tasked with resolving reports on breaches of the law.

Moreover, in accordance with the new normative act, the effective ways of fulfilling the rights and obligations of the competent authorities that receive reports on violations of the law, shall be established by order of the President of the

National Integrity Agency, issued within 45 days from the entry into force of Law no. 361/2022 (i.e. by 6th of February 2023).

27. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

The NAS 2021-2025 includes sectors such as: public health system, education system, the financing of political parties and election campaigns, public administration, business environment, environmental protection and protection of cultural heritage, the last two being newly introduced.

28. Any other relevant measures to prevent corruption in public and private sector

The National Integrity Agency

NIAct Project

On February 22nd, 2022, ANI started the implementation of a project on updating the integrity legislation and providing support to authorities and deponents in the transition to the digitization declaring of assets and interests. The project, entitled NIAct, which is financed through European funds, has as an ultimate goal to address the issue noted by the European Commission with regard to the “continued challenges to the legal framework for integrity and the need for stability, clarity and a robust framework”, by updating the legal integrity framework (incompatibilities, conflicts of interest and unjustified assets, as well as the system of declaring assets and interests).

More specifically, the project has the following specific objectives: (1) Update of the legal framework for preventing and sanctioning conflicts of interest, incompatibilities and unjustified wealth. (2) Support the authorities and public institutions in order to optimize the process of electronic submission of asset and interest disclosures and to develop unitary procedures. (3) Increase the level of knowledge of persons responsible with ensuring the implementation of the legal provisions on the disclosure of asset and interest from public institutions, regarding the process of completing and submitting electronically assets and interest disclosures through e-DAI.

The project is scheduled to be finalized by the end of 2023, and its main output will be a legislative proposal, that should enter into force by the end of 2024 (Q4), accordingly to the CID operational arrangements (Milestone no. 431 – PNRR).

*Throughout 2022, the main results of the NIAct project were: two editions of the Integrity Think Thank organized; a complete prior evaluation and analysis of the integrity laws, together with an initial clustering of the normative acts finalized. The initial findings of the evaluation and analysis were presented within the second edition of the integrity Think Thank; **2 training sessions** were organized, for 41 focal points; a **helpdesk** was established within the National Integrity Agency, managed by 2 members of the project team, which resolve uncertainties regarding the filling-in and submission of asset and interest disclosures through e-DAI platform, at the request of the deponents.*

Recovery and resilience plan (PNRR) - ANI is a reform coordinator within the Recovery and resilience plan, on the Reform to evaluate and update the Romanian legislation on the integrity framework, which will be carried out through the project NIAct;

ANI will be also a beneficiary for other 3 projects which will be carried out through the Recovery and resilience plan. These projects aim: (1) to further develop the PREVENT system, (2) to develop ANI’s technical capabilities to process the assets and interest disclosures in digital format, as well as (3) to design a digital platform of awareness and prevention regarding the legal integrity framework.

Thus, the National Integrity Agency submitted before the Ministry of Justice, at the beginning of September, requests for funding through the PNRR for the 3 projects, which were approved and by the end of December 2022 were in the contracting phase.

National Integrity Agency Strategy (2022 – 2025): In February, ANI adopted the National Integrity Agency Strategy (2022 – 2025). The Strategy targets 7 areas of intervention, fundamental for increasing the efficiency of the Agency's actions: (1) Evaluation and consolidation of the integrity legislative framework, (2) Evaluation of integrity incidents, (3) Prevention of integrity incidents, (4) Communication and awareness, (5) Administrative capacity, (6) National cooperation, (7) International cooperation.

National Anticorruption Strategy (2021 – 2025): In 2022, ANI started the implementation of the measures established in the National Anticorruption Strategy (2021 – 2025). In this regard, throughout 2022, ANI participated at the NAS reunions of the Cooperation platform for independent authorities and anti-corruption institutions, adopted the Declaration of assumption of ANI's organizational integrity agenda and ANI's integrity plan.

Application under the Technical Assistance Instrument managed by DG REFORM – TSI 2023: In order to optimally implement Milestone no. 431 of the National Recovery and Resilience Plan aimed at the entry into force of the consolidated laws on integrity and the future prerogatives of the Agency deriving from the future normative act transposing into national legislation Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 regarding the protection of persons who report violations of Union law, the National Integrity Agency requested the European Commission, at the end of September 2022, technical assistance through the TSI 2023 Instrument with the title "Supporting implementation of the integrity and anti-corruption framework in Romania". The application was merged with another Romanian anticorruption project coordinated by the Ministry of Justice and was preliminary approved.

For the year 2023, ANI's main objectives are: to finalize the NIAAct project and to develop the *de lege ferenda* proposal on the new legislative piece; to operationalize the specialized structure within ANI tasked with whistleblower attributions and to launch the processes on counselling and protection of whistleblowers; to start the implementation of the 3 projects which will be carried out through the Recovery and resilience plan (i.e. to further develop the PREVENT system, to develop ANI's technical capabilities to process the assets and interest disclosures in digital format, to design a digital platform of awareness and prevention regarding the legal integrity framework); to implement a risk analysis module that shall increase the Agency's capacity and efficiently focus its resources for analysing all asset and interest disclosures.

C. Repressive measures

29. Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.

The analysis of possible legislative interventions on criminal and criminal procedure legislation with a view to remedying unconstitutionality was carried out in an inter-institutional working group, with the large participation of representatives of the judiciary. As a result of the meetings of the inter-institutional working group, on 27.07.2021, the draft Law on amending and supplementing Law No 286/2009 on the Criminal Code and other normative acts was launched for public debate. Subsequently, on 02.09.2021, the draft Law for amending and supplementing Law no. 135/2010 on the Code of Criminal Procedure and other normative acts was submitted to public debate. An updated version of the drafts was published on the MoJ website on the 2nd of June 2022.

Both drafts are aimed at bringing the provisions of the aforementioned normative acts into line with the provisions of the Constitution, as the latter have been interpreted by decisions of the Constitutional Court admitting exceptions of unconstitutionality relating to these normative acts. The draft laws amending the Criminal Code and the Criminal Procedure Code were sent to the Superior Council of Magistracy for opinion, although it was not mandatory according to the law. The Superior Council of Magistracy issued a favourable opinion on the draft laws.

It has to be mentioned also that the draft laws have been discussed at technical level and with representatives of the European Commission during June – July 2022.

The draft laws have been approved by the Government on December 28, 2022 and have been sent to the Parliament for debates and adoption. No sharp debates are expected in Parliament, as the drafts laws respect the decisions of the Constitutional Court, have the favourable opinion of the SCM and are agreed at technical level with the European Commission.

30. Data on investigation and application of sanctions for corruption offences¹¹, including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.

The National Anticorruption Directorate

During this period, the activity of the National Anticorruption Directorate remained strong, maintaining the level of efficiency and quality of the criminal prosecution acts in cases of corruption and those assimilated to high and medium level corruption.

The criminal investigation activity: **404 criminal cases were solved by sending to trial**, of which 190 by indictment and 214 by plea guilty agreement; a number of **779 defendants** were sent to trial, of which 565 by indictment and 214 by plea agreement; of the 779 defendants, 727 were natural persons and 52 legal persons; the most important positions held by the defendants sent to court: 2 ministers (of which 1 also a member of the Chamber of Deputies), 4 members of the Chamber of Deputies, 1 senator, 2 counsellors of ministers, 1 president of a political party, 1 prefect, 1 Vice-president of the Court of Accounts (with the rank of under-secretary of state), 1 Vice-president of the National Authority for Citizenship (with the rank of under-secretary of state), 1 Vice-president of the National Authority for Property Restitution (with the rank of under-secretary of state), 3 presidents and 2 vice-presidents of county councils, 3 directors in county councils, 16 mayors, 7 deputy mayors, 8 directors in city halls, 1 medical institute manager, 1 ambulance service manager, 9 doctors, 3 hospital directors, 35 other medical personnel, 1 university director, 1 associate professor, 1 university lecturer, 1 school director, 2 school inspectors, 6 other school staff, 7 military officers, 40 policemen, 11 lawyers, 2 vice-presidents of national authorities, 20 directors of agencies and national authorities, 7 directors of companies of national interest.

In the cases sent to court, the prosecutors ordered ensuring measures in the amount of approximately **252 million euro** (double the amount compared to 2021)

The judiciary activity: the courts ordered **348 final conviction decisions** against 870 defendants in cases in which they were notified by the DNA through indictments and plea guilty agreements.

On December 31st, 2022, there were **768 cases pending before the courts** in which DNA issued indictments and plea guilty agreements.

The courts ruled **conviction** decisions: final – against a number of **439** de defendants, in 287 cases; not final - against a number of 229 defendants, in 106 cases.

The courts ruled **acquittal** solutions: final against a number of **185** defendants in 46 cases; not final against a number of 110 defendants, in 26 cases.

The courts ruled the **closing** of criminal proceedings: final - against a number of **173** de defendants in 37 cases (of which in 18 cases against 129 defendants the reaching of the statute of limitation for criminal liability was retained); not final -

¹¹ Please include, if available the number of (data since 2019): indictments, first instance convictions, first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment/custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year.

against a number of 148 defendants in 42 cases (of which in 37 cases against 140 defendants the reaching of the statute of limitation for criminal liability was retained).

Out of the **439 defendants convicted with final conviction decisions** in 2022: 61 defendants were convicted to the punishment of imprisonment with the execution of the punishment (**13.90 %**); 327 defendants were convicted to the punishment of imprisonment with the suspension of the execution of the punishment during a judicial surveillance period (**74.49 %**); 3 defendants were convicted to the punishment of imprisonment with the conditioned suspension of the execution of the punishment (**0.68 %**); 39 defendants were convicted only to the punishment of a criminal fine (**8.88 %**); The postponement of the enforcement of the sentence was ruled against 9 defendants (**2.05 %**);

132 defendants were convicted with final conviction decisions for **offences against the financial interests of the European Union**, in 93 cases.

In 2022 the courts ruled the **confiscation of sums of money** amounting to a total of **22.3 million euro**;

During the above-mentioned reference period, the courts ordered the payment of the following total **sum of money to civil parties**: 86.8 million euro, of which **80.7 million euro** representing compensations awarded to the state budget and to public authorities.

General Prosecution Office

Referrals to court

Non-specialised prosecutors' offices have brought 327 defendants to trial in corruption cases, through 266 indictments and plea agreements. The defendants indicted were police agents (46), penitentiary agents (3), border police force (1), mayors (11), manager of a public institution (1), other public servants (21), notary public (1), court clerk (1), legal adviser (1), physicians (6), nurses (13), DSP [Ro. abbrev. for Public Health Directorate] inspector (1), forensic medical services employees (6), teacher (1), staff of the Civil Aviation High School (3), foresters (2), RAR [Ro. abbrev. for Romanian Automotive Register] engineer (1), chartered accountant (1), railway controller (1), company top management (2), security guard (1).

The offences covered by the indictments and plea agreements were conflict of interest (8), bribe-taking (48), bribe-giving (143), influence peddling (39), buying of influence (10), offences assimilated to corruption offences (14).

It is true that the number of police officers sent to trial for committing offences is high as compared to the number of persons who are not police officers, but this number must also be analysed in relation to the category of corruption offences committed (petty corruption) and to their number (48).

Otherwise, the number of persons without any special capacity being indicted (203) and the number of bribe-giving offences (143) show that there is an internal reporting mechanism to detect bribe-givers, and that this mechanism works, and so the deterrent effect of identifying and punishing bribe-givers cannot be denied.

Out of a total of 1662 cases dealt with in 2022, 563 were registered as a result of ex officio referrals, of which 124 were dealt with by indictment.

Judgments rendered

In 2022, a total of 203 final judgments were rendered, of which 184 defendants were convicted and 35 defendants were acquitted.

The convicted defendants were police agents (13), penitentiary agents (2), local police officers (4), mayors (2), local councillors (1), other public officials (5), physicians (10), nurses (1), driving instructors (3), teachers (1), company top management (6).

The convictions related to the offences of bribe giving (5), bribe taking (15), abuse of office as an offence similar to the corruption offence (14), conflict of interest (1).

Sentences were waived for the offences of bribe-taking and abuse of office, an offence assimilated to that of corruption, against 10 defendants.

The courts imposed 24 custodial sentences for bribe-taking (5 sentences, the most severe of 6 years imprisonment), bribe-giving (13 sentences, the most severe of 3 years imprisonment), influence peddling (5 sentences, the most severe of 3 years and 6 months imprisonment), buying of influence (1 sentence of 2 years and 6 months in prison) and 154 suspended sentences under supervision for bribe-taking (35), bribe-giving (79), influence peddling (32), buying of influence (3), abuse of office, an offence assimilated to that of corruption (3), use of office to favour a person (2).

High Court of Cassation and Justice

Criminal Section settled, at first instance, 4 cases concerning corruption offences. In these cases, 52 defendants were tried in these cases and the following decisions were rendered: 6 defendants were sentenced to imprisonment with execution; 46 defendants were acquitted.

The 5-Judge Panels dealt with 5 cases of high-level corruption offences, excluding cases where referral for retrial was ordered; A total of 28 defendants were tried in these cases, as follows: 5 defendants for whom a sentence of imprisonment with execution has been pronounced/maintained; 18 defendants for whom an acquittal was pronounced/maintained; 5 defendants for whom a decision to terminate the criminal proceedings has been rendered/maintained.

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

The General Prosecutor Office

It has to be mentioned the impact that three decisions on the statute of limitations for criminal liability, two of them by the Constitutional Court of Romania and one by the High Court of Cassation and Justice, have had and will have.

Article 155 (1) of the Criminal Code had the following content: *"The statute of limitations for criminal liability shall be interrupted as a result of the performance of any procedural act in the case."*

Decision No. 297 of 26 April 2018 of the Constitutional Court¹² found unconstitutional the legislative solution of the phrase *"any procedural act in the case"*, as it lacked predictability and, at the same time, was contrary to the principle of the legality of criminalisation, because the phrase also refers to acts that are not communicated to the suspect or defendant, not allowing him to know the aspect of the interruption of the statute of limitations and the beginning of a new limitation period for his criminal liability.

Decision No. 358 of 26 May 2022 of the Constitutional Court¹³ found unconstitutional the provisions of Article 155 (1) of the Criminal Code, holding that the rule subject to constitutional review is not susceptible of a clear and predictable application in the absence of intervention by the legislator.

¹² Published in the Official Gazette of Romania, Part I, No. 518 of 25 June 2018

¹³ Published in the Official Gazette of Romania, Part I, No. 565 of 9 June 2022

By Government Emergency Ordinance No. 71/2022 amending Article 155 (1) of Law No. 286/2009 on the Criminal Code¹⁴, the provisions of Article 155 (1) of the Criminal Code have been modified, thus providing: "*The statute of limitations for criminal liability shall be interrupted as a result of the performance of any procedural act in the case which, according to law, must be communicated to the suspect or defendant.*"

By Decision No. 67 of 25 October 2022¹⁵, the High Court of Cassation and Justice, the Panel for the resolution of questions of law, established that the rules relating to the interruption of the statute of limitations are rules of material (substantive) criminal law that are subject, from the point of view of their application over time, to the principle of the operation of criminal law laid down in Article 3 of the Criminal Code, with the exception of more favourable provisions, in accordance with the *mitior lex* principle laid down in Article 15 (2) of the Constitution of Romania, republished, and Article 5 of the Criminal Code, and that the court deciding the appeal for annulment, based on the effects of the Decisions No. 297 of 26 April 2018 and No. 358 of 26 May 2022 of the Constitutional Court, may not review the statute of limitations for criminal liability, if the appellate court has discussed and analysed the incidence of this cause of cessation of the criminal proceedings in the course of the proceedings prior to the latter decision.

This sequence of decisions affects all cases involving offences committed prior to 25.06.2018, including corruption and corruption-related offences, regardless of whether they are still in their prosecution phase or in their trial phase, and has the potential to affect even finalised cases in which the appellate court has not discussed and considered the incidence of the cause of cessation of the criminal proceedings based on the statute of limitations.

Cases involving offences such as theft, sexual corruption of minors, forgery, fraud, certain forms of child pornography, certain offences against the security of information systems, traffic accidents are affected. Within the group of offences punishable by 5 to 10 years, for which the general limitation period is 8 years, there are serious offences for which the investigation period is objectively longer: tax evasion, ill-treatment of minors, corruption offences, trafficking in human beings.

The interruption of the limitation period and the intervention of a special statute of limitations constitute a balancing factor in the philosophy of criminal liability, the general effect of the reduction of the penalty limits being balanced by the special limitations period, which is twice the period of the general statute of limitations.

The opinion of the Prosecutor's Office attached of the High Court of Cassation and Justice, which was forwarded by the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice to all prosecutors' offices¹⁶, was that, first of all, the interruption of the limitation period is an instrument for the protection of the victims of offences and it must be assumed that the intention of the legislator (combining lower penalties compared to the old Criminal Code and the preliminary chamber procedure, which in practice exceeds the 60-day limitation period) has not been fully confirmed by the application of the new Criminal Procedure Code. *The law must not deprive victims of offences of the possibility of establishing the liability of the perpetrators*, but solutions must be applied to ensure the continuity of an important institution of criminal law. Secondly, in cases concerning corruption offences, offences affecting the financial interests of the European Union (offences provided for in section 4¹ of Law No. 78/2000, the offence of tax evasion when it concerns evasion of VAT and the offence of smuggling), the primacy of EU law requires the continuation of the prosecution or trial.

A further analysis can be found in the Annex 8.

The National Anticorruption Directorate

¹⁴ Published in the Official Gazette of Romania, Part I, No. 531 of 30 May 2022

¹⁵ Published in the Official Gazette of Romania, Part I, No. 1141 of 28 November 2022

¹⁶ Letter No. 1470/C/1364/III-13/2022 of 10.06.2022

Regarding the institutional evolution of the National Anticorruption Directorate, during 2022, 23 prosecutors were appointed and another 23 prosecutors left the DNA, so that at the end of the year 59 positions remained vacant.

The difficulties of recruiting prosecutors, due to the appointment procedure and the seniority required by law for the appointment to the DNA between 2018 and 2022, were added to the large number of prosecutors who retired in November and December 2022 only (12 prosecutors), being important to note that once the new judiciary laws are in place the seniority for appointment was decreased for an important transition period, in order to support DNA and DIICOT within the recruitment process.

By the Law no. 304/2022 enforced on December 16th, 2022, the appointment procedure was amended, so that the prosecutors can be appointed to the National Anticorruption Directorate following an interview organized by the DNA, according to the provisions of the law and the Regulation approved by the decision of the Prosecutors Section within the National Council of Magistrates. The seniority requirements were relaxed for a transition period, with the purpose to support the [recruitment](#) process. The amendment of the law allowed the DNA to launch a new recruitment procedure for 41 prosecutor positions in December 2022, to which 32 candidates applied. The procedure will end in January 2023.

Other difficulties that affected the activity and institutional evolution of the DNA in 2022 represented the continuing effects of some legislative measures and decisions of the Constitutional Court adopted during the previous years¹⁷. As a result of these measures and decisions, the DNA lost some parts of its competence, that were not followed by a legislative amendment aiming to compensate for these losses by extending the competence of the DNA to other offences assimilated to those of corruption, as provided for in the 2022-2025 Judicial System Development Strategy.

An important difficulty in achieving the finality of the activity of combating the acts of corruption under the competence of the DNA resulted from the situation generated after the adoption of the Constitutional Court of Romania's decision no. 358/2022, which declared unconstitutional the art. 155 of the Criminal Code regarding the conditions for interrupting the course of the statute of limitations of criminal liability and the decision no. 67/2022 of the High Court of Cassation and Justice in its Panel for resolving some legal issues, which clarified that the rules regarding the interruption of the statute of limitations of criminal liability are rules of substantive (material) criminal law and are therefore subject to the application of the principle of the more favourable criminal law.

As a result of the enforcement of these decisions, a large number of causes sent by the DNA to the courts have already been solved by the end of 2022 with the closing of the criminal proceedings as a result of the reaching of the statute of limitations of criminal liability (18 cases, with 129 defendants, by final decisions and 37 other cases, with 140 defendants, through non-final decisions). It is possible that in the first quarter of 2023, the courts will rule on the reaching of the statute of limitations of criminal liability and on the other cases currently pending before them. The absence of a guaranteed accurate statistics and the impossibility to anticipate an eventual standard approach of the cases by the judges made impossible a conclusive evaluation. At the same time, the courts are expected to rule on the requests formulated by the DNA to refer the Court of Justice of the European Union (CJEU) with preliminary questions on this subject.

32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.

¹⁷ The Constitutional Court of Romania's decision no. 231/2021 by which the provisions of art. 13 paragraph 5 of Government Emergency Ordinance no. 43/2002 were declared unconstitutional, so that the DNA prosecutor can no longer keep under investigation split cases regarding offences that are not within the competence of the Directorate (such as the offence of money laundering, even if the recycled amounts are proceeds of a crime within DNA's competence); Law no. 49 of March 11th, 2022 regarding the abolition of the Section for the Investigation of Offences in Justice (SIJ), as well as for the amendment of Law no. 135/2010 regarding the Criminal Procedure Code.

ANABI is further developing its activity. Based on the main changes provided by the National Strategy for Strengthening the Asset Recovery System for 2021-2025, a law on **extending ANABI's institutional mandate** was adopted by the Parliament on July 19, 2022, through Law no. 230/2022. In addition to the measures for consolidating the legal statute of inspectors (powers, salaries and performance indicators), the new amendments, in force since July 24, 2022, provide for substantial changes in the mandate of ANABI: expanding the asset tracing powers to the post-conviction phase; expanding the legal mandate for managing seized assets to stocks of merchandise, whose cumulative value exceeds, at the moment of disposing the precautionary measure, the equivalent in lei of the amount of 300.000 Euro; expanding the legal mandate for interlocutory sales of seized immovable assets, upon the request or with the owner's consent; the extension of the special cases of interlocutory sales of the seized movable assets, when there is no agreement of the owner, regarding the following situations: when the seizure was applied on the wood mass and wood materials or to pharmaceuticals and sanitary materials; when the seizure was applied to a stock of merchandise with a value of less than 300,000 euros; when, within 6 months from the date of seizure of a means of transportation by road, rail, sea or air, the owner does not deposit, in the account established by the special law, an amount equal to the one taken into account when instituting the seizure, and the interim measure was ordered for confiscation purposes and the asset is in the custody of a public institution; regulating the technical and logistical support the Agency shall receive in fulfilling the administration attribution, upon the order of the judicial body, from public institutions and authorities, autonomous administrations, national companies and corporations or from any other legal person governed by public law holding necessary infrastructure or having responsibilities in the management of special regime assets; the establishment of the National Mechanism to Support the Crime Prevention, as the institutional and financial framework through which the allocation of resources is ensured to implement activities and projects whose objectives are legal education, crime prevention, assistance and protection of victims of crimes, as well as strengthening the administrative capacity, including logistics, of institutions empowered to identify, administer or capitalize on seized assets; the operationalization of an emergency fund, the introduction of a modern and fast system that allows the provision of support in 72 hours (payment system through vouchers), exclusively to cover the expenses of food, accommodation, transport, medicines and sanitary materials, as well as hygiene and personal use materials and the use of these sums only by the victims of crimes.

Since the Agency became operational, positive evolutions were registered as regards the Romanian authorities' results in asset recovery: ANABI manages mobile assets (cars, motorcycles, watches, virtual currency etc.) with a value of approximately 5.2 million EUR; the amounts of money seized in criminal judicial proceedings, in ANABI management/ records, reach 194.721.693,33 EUR, of which 68.513.294,33 EUR in the unique bank account; currently, ANABI carries out 47 interlocutory sales for assets evaluated at approximately 822.000 EUR; in 2022, ANABI concluded 2 asset sharing agreements with Switzerland and the USA (civil petition for remission) and transferred to the state budget 5.882.199,9 lei (approximately 1,2 million EUR). Moreover, a third asset sharing agreement with Switzerland is in the process of being signed; as a result, ANABI will receive and transfer to the state budget the equivalent in lei of 535.310 USD; the IT Romanian Asset Recovery and Management Integrated System (ROARMIS) is currently being tested within Bucharest, Iasi and Craiova Courts of Appeal; in 2023, it will be implemented nationwide.

Following the legal amendments regarding the mandate of the Agency, the Ministry of Justice launched in public debate, in October 2022, the draft Governmental Decision for expanding to 60 the number of staff allocated to ANABI, in preparation of establishing two regional offices.

III. MEDIA PLURALISM AND PLURALISM

III. Media freedom and pluralism

33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

The 2022 RoL Report recommended *to strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media*

The protection of journalists and of the persons who engage in public participation is an objective pursued both at EU and national level. We welcome the initiatives of the Commission in this area, such as the Proposal for a Directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation' (SLAPP)) and the complementary Recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings. We are constructively engaged in the negotiations with regard to the SLAPP Directive, the purpose being to have an instrument that, on one hand, protects the victims of SLAPP, and, on the other hand, strikes the right balance with the fundamental right of access to justice and provides the necessary procedural safeguards. We are confident that a positive result will be achieved with regard to this instrument. Romania award significant importance to the implementation of the Commission Recommendation of 27.4.2022 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings ("Strategic lawsuits against public participation"). For instance, under the latter, and a round of consultations have been initiated to set up the focal point aimed at collecting and exchanging information regarding the organizations that provide guidelines and support to SLAPP victims.

A positive development since the publication of the last rule of law report consists in the national transposition of the Audiovisual Media Services Directive, which creates more transparency and accountability around media services providers. The Law introduces new powers for the National Audiovisual Council, concerning its communication, information and reporting activity to the European Commission, as well as new powers related to the management of the audio-visual sector.

A. Media authorities and bodies¹⁸

34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

Law n° 190/2022 for the modification and amendment of the Audiovisual Law n° 504/2002, for the modification and amendment of the Government Ordinance n° 39/2005 regarding the Cinematography, as well as for the modification of Law n° 41/1994 regarding the organization and functioning of the Romanian Broadcasting Society and the Romanian Television Society. This law, of modifying the Audiovisual Law n° 504/2002, with further amendments and modifications, was published in the Official Journal of Romania, Part I, n° 651 of June 30, 2022 and entered into force on July 3, 2022.

The National Audiovisual Council is currently in the stage of elaborating the secondary legislation, which will clarify the implementation of the new legislative provisions. Until the end of the process of modifying and amending the secondary legislation, the new provisions of the Audiovisual Law n° 504/2002 are compliant with the aspects mentioned in the Commission's recommendations.

Art. 10 - (2) The Council is the unique regulatory authority in the field of audio-visual media services and exercises its powers impartially and transparently, based on this law and the law of the European Union, without requesting or accepting instructions from any other institution or bodies in the performance of their duties. Collaboration with self-regulatory bodies, carried out on the basis of agreements or partnerships, does not constitute a request or acceptance of instructions.

Art. 16 - (1) The activity of the Council is financed from the state budget, so as to ensure compliance with the provisions of this law, the performance of functions effectively, in order to contribute to the activity of ERGA and fulfill the obligations

¹⁸ Cf. Article 30 of Directive 2018/1808.

assumed as a permanent member in the joint international bodies of regulatory authorities in the audiovisual field. The Council's approved budget is published on the Council's website.

Art. 20 - (4) The rejection by the Parliament of the annual activity report leads, by right, to the dismissal of the President of the Council.

(4¹) In the case mentioned in para. (4), the Parliament's decision to reject the annual activity report is duly motivated, notified to the person concerned and published in the Official Journal of Romania, Part I.

The law reformulates the general framework that audio-visual media services must respect in order to ensure the protection of minors, as well as the protection of public morals, health and security. To this end, a mechanism has been provided for the CNA to restrict an audio-visual media service if it incites hatred, violence or incitement to terrorism or if it poses a risk to public health or security. In this respect, a series of restrictions and bans on audio-visual content are introduced, with the aim of limiting or eliminating or reducing the exposure of minors to programmes that may affect their moral, physical or psychological development. It introduces regulations designed to encourage self-regulation in the audio-visual field, giving the possibility of drawing up codes of conduct, while also imposing several requirements designed to ensure their effectiveness, in particular as regards the protection of minors from commercial communications concerning alcohol or tobacco products or products, beverages or substances with a negative nutritional effect.

35. Conditions and procedures for the appointment and dismissal of the head /members of the collegiate body of media regulatory authorities and bodies

Law no 190/2022 provides that:

Art. 11 - (5) The nominations are approved with the vote of the majority of deputies and senators present, under the conditions of the meeting of the quorum of the two Chambers. The appointment of the new members of the Council is made by the Parliament at least 90 days before the expiration of the mandates.

Art 12 - (5) The Council's members who, at the time of appointment, are in one of the situations provided for in para. (2) - (4) have at their disposal a term of no more than 60 days for renouncing at the quality or respective actions, while they don't have the right to vote within the Council.

Art. 13 - (1) The members of the Council may be dismissed, upon the proposal of the specialized committees of the Parliament, in the following situations: a) in case of inability to exercise their function for a period of more than 90 days, except for medical situations justified by medical leave, in which case the period cannot exceed 6 months.

36. Existence and functions of media councils or other self-regulatory bodies

Please see above the new attributions of the National Audio-visual Council.

B. Safeguards against government or political interference and transparency and concentration of media ownership

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

There are no available up-dates in this field.

38. Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)

- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

- *information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance*

Law no 190/2022 provides that:

Art. 15 - (11) It is prohibited to issue a recommendation regarding the broadcasting of radio-TV informative spots as a public interest announcement.

Art. 34 - (4) Sponsorship of news programmes and political current affairs programmes is prohibited.

Art. 51 - (1) The procedure and conditions for issuing and modifying the audiovisual license are established by a decision of the Council. The applicants have the obligation to submit notarial declarations, issued at the time of requesting the audiovisual license, through which the commercial company requesting the granting of the license, as well as each associate or shareholder holding a share greater than 20% of the share capital or voting rights of the holding company audiovisual license holder, declares on his own responsibility if he is an investor or directly or indirectly shareholdery in other commercial audiovisual communication companies, specifying the percentage held of their share capital, as well as to submit tax certificates showing that on the date of requesting the audiovisual license the company does not register outstanding obligations to the state budget.

Art. 74¹ - (1) In order to keep the official database of video-sharing platform providers under Romania's jurisdiction, any natural or legal person who intends to provide such platforms has the obligation to send the Council a notification regarding the intention, which must contain at least the data provided for in art. 48.

(2) The Council establishes by decision the notification procedure and updates the standard notification form on its website, including the information that any person who intends to provide video-sharing platform is obliged to communicate. This information is grouped into the following categories:

a) the necessary data to identify the provider and communicate effectively with this;

b) the name and type of video-sharing platform;

c) the identification data of electronic communications networks and services used to provide the platform;

d) the address of the website and/or the name of the platform's own website;

e) the geographical area of users' access to the services of the platform;

f) the estimated date of the start of the activity, but not earlier than 10 days from the date of transmission of the notification.

(3) The natural or legal person who made the notification under the conditions provided for in para. (1) and (2) may provide the video-sharing platform that it indicated in the notification.

(4) Any modification of the data provided for in para. (2) must be notified to the Council within 10 days.

39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter

There are no available up-dates in this field.

C. Framework for journalists' protection, transparency and access to documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

General Prosecutors Office

1. By the indictment of 28.06.2022 of the Prosecutor's Office attached to the First Instance Court of Vatra Dornei, two defendants were sentenced for committing the offences of abusive conduct, provided for by Article 296 (2) in relation to Article 193 (2) of the Criminal Code, and two defendants for the offences of assault and battery, as referred to in Article 193 (2) of the Criminal Code.

In fact, it was held that the four defendants (the first two being in the exercise of their duties as forest technician and forester respectively), acting together, on 16.09.2021, around 16:00, hit the injured person¹⁹ and forced him to strip off the clothes he was wearing.

The same day, one of the defendants also hit the injured another person.

The case file is before the Suceava county courts, in the preliminary chamber phase (the First Instance Court of Vatra Dornei ordered the start of the trial, and the defendants challenged the decision of 05.10.2022).

2. On 04.11.2022 the criminal investigation bodies of the Mureş County Police Inspectorate, Criminal Investigation Service, were notified *ex officio* about the offence of threat, provided for by Article 206 (1) of the Criminal Code. The offence consisted in the fact that a representative of the "Patria Noastră" party, during audio-recorded conversations, allegedly made statements containing threatening expressions against the victim, a journalist with Radio Târgu-Mureş, by using the expression "Or you can watch a (...), you can listen to her on Radio Târgu Mureş, well, (if) Hungarians cannot hang such people, cannot eliminate them from their midst, then it's no wonder we are where we are".

The complaint was based on the information published on 03.11.2022 on the website www.g4media.ro in the article headlined *Serious threat case. The representative of an extremist party in Hungary, accused of having spoken in Sfântu Gheorghe about the 'hanging' of a journalist from Radio Târgu-Mureş: "If the Hungarians cannot hang such people, cannot eliminate them from their midst, then it is no wonder that we are where we are"*. The article quotes the website www.telex.hu.

On 06.11.2022, the injured person was heard and stated that she wanted investigations to be carried out against the responsible person and all persons responsible for threatening her, and a preliminary complaint was filed. The case is being settled under the supervision of a prosecutor from the Prosecutor's Office attached to the First Instance Court of Târgu Mureş.

3. The General Police Directorate of Bucharest registered, on 19.03.2022, the complaint of a person reporting that on 17.03.2022, after having been called at 13:15, she called at 13:36 an employee of the National Defence College, who, during the call, referred to "a Russian opponent found dead in a suitcase".

The injured person was heard by the judicial police bodies on 19.03.2022 and she reiterated the content of the complaint, stating that her fear was due to the reference to the dead Russian opponent, creating a state of fear for her life and that of her family, without specifying other concrete elements. As of 21.03.2022, the criminal case has been investigated by the Military Prosecutor's Office attached to the Military Court of Bucharest (no.276/P/2022). By the order of 22.03.2022 it was decided to start the prosecution of the case for the offence of **threat under Article 206 (1) of the Criminal Code**. On 29.03.2022 a reply was sent to the "Carol I" National Defence University of Bucharest, regarding the procedural capacity of the person concerned by the complaint, following the request of this institution dated 24.03.2022.

41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

There are no available up-dates in this field.

¹⁹ an environmental activist who documents violations of environmental legislation and publishes his actions on social media channels.

42. *Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)*

The Methodological Norms for the free access to information of public interest were amended and completed by Government Decision no. 830/27.06.2022. The purpose of this normative act is to optimise the procedure for the *ex officio* display of information of public interest at the level of public entities and to streamline the monitoring process of the application of the provisions established by the legislator. Therefore, the following measures were introduced: establishment of a single standard for *ex officio* publication of information of public interest provided for in several normative acts; possibility of *ex officio* publication of any information whose request has been registered with a high frequency by the public; introduction of provisions on updating of information of public interest posted on websites; updating and standardization of some indicators in the annual report on the implementation of Law no. 544/2001; standardisation and facilitation of the procedure for electronic and centralised collection of data on the application by public administration authorities of the relevant provisions; clarification of the procedure for registering and responding to various types of requests received from citizens. This was done at the initiative of the General Secretariat of the Government as part of the reforms included in the National Recovery and Resilience Plan (Milestone 407 - Public consultation and stakeholder involvement process improved by increasing by 20% the number of draft legislative acts subject to public consultation and stakeholder involvement at central level).

43. *Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits*

In a case, the injured person made several complaints in 2022, which were registered according to the subject matter of the complaints and material competence and by the capacity of the person.

The case files registered with the Prosecutor's Office attached to the First Instance Court of District 4 Bucharest, the Prosecutor's Office attached to the Court of Appeal of Bucharest and the Section for Criminal Investigation and Forensics of the Prosecutor's Office attached to the High Court of Cassation and Justice have been checked by the hierarchically superior prosecutors on several occasions, during the settlement of various requests falling within their jurisdiction.

They found that prosecutors and prosecution authorities have administered evidence *ex officio*, in order to find out the truth, to obtain the necessary evidence to prove the typical elements of the offences for which criminal investigations were initiated, as well as to identify the persons who committed these offences. The evidence proposed by the injured party, in accordance with the requests for probation, was also administered and admitted by the judicial bodies dealing with these cases.

The criminal investigation has been carried out expeditiously, without undue delay, in accordance with the standards for investigating offences committed against journalists, as set out in the European Commission's Rule of Law Reports, and the progress of the investigation depends on the results of certain prosecution acts, given that the need has arisen to carry out certain forms of international judicial cooperation in criminal matters.

With regard to the exercise of the rights of the injured person under Article 81 of the Code of Criminal Procedure, it was found that the injured person was heard on each of the facts reported, was informed of her rights, the judicial authorities guaranteeing that she was treated with respect, professionalism, in an individualized and non-discriminatory manner, was guaranteed access to consult the prosecution files and obtain photocopies of the prosecution documents, exercised her right to ask questions to the witnesses heard, to propose evidence, to obtain data on the stage of the investigation.

The application of specific investigative standards to offences against journalists was discussed between the Prosecutor General and the heads of the prosecutors' offices dealing with the cases, and the same approach was taken with regard to the supervision of the work of the judicial police bodies with regard to the priority in solving such cases, all the more so in the context of the repetition of offences against the same journalist.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

44. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

The 2022 RoL Report recommended *to ensure effective public consultation before the adoption of draft legislation.*

The MoJ has always complied with the requirements to carry out robust public consultations for legislative projects initiated and promoted.

This objective is also milestone 401 of the Recovery and Resilience plan (Good Governance Component), which provides for the strengthening of instruments to improve the quality of public consultations. Significant progresses have been made in this field, as it results from the information below.

The 2022 RoL Report recommended *to continue efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.*

For this recommendation please see to the point 50 in detail the steps taken by the Ombudsman in order to obtain accreditation as a National Human Rights Institution.

A. The process for preparing and enacting laws

45. *Framework, policy and use of impact assessments and evidence-based policy-making, stakeholders²⁰/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process*

Senate

a) The Law No 343/2022 establishes a new task for the Legislative Council, according to which the Legislative Council will be obliged to draw up consolidated versions of laws, ordinances, emergency ordinances and decisions of a regulatory nature of the Government. It also complements Law 24/2000 on the rules of legislative technique for the drafting of normative acts, with a new article proposing the publication on the Legislative Council's website of the consolidated version of a normative act that has undergone legislative interventions, after the entry into force of the amending and/or supplementing act.

b) The Government Emergency Ordinance no.16/2022 for the modification of Article 7 paragraph (13) of Law no.52/2003 on the transparency of decision-making in public administration aims at accelerating the procedure of ensuring the transparency of decision-making in the case of the regulation of an urgent situation or in case of a situation which, due to its exceptional circumstances, requires the adoption of immediate solutions, in order to avoid serious damage to the public interest. Amendments were proposed to the draft law approving the GEO, thus provisions on informing interested persons/organizations, which the public authority is aware of having proposals, suggestions, recommendations related to the draft normative act, were included. Any interested person, upon informing the public authority or following the publication of the draft normative act, may formulate proposals, request the organisation of public debates that the public authority may present or organise, as appropriate. A period of 10 days is considered reasonable for formulating proposals or requesting public debates.

²⁰ This include also the consultation of social partners.

c) An example of good practices for the transparency of public debates are the extensive debates that were held on the Justice Laws. Debates were held during 18 sessions with the Minister of Justice for the presentation of drafts and the debate of amendments, representatives of the judiciary (SCM, General Prosecutor Office, DNA, HCCJ), representatives of professional associations of magistrates, delegates of the National Union of Bar Associations of Romania, as well as non-governmental organizations from the civil society. During the debates, the participants presented their views and comments on the draft legislation and on every amendment made.

It has to be reminded that the work of the parliamentary committees is conducted with "open doors", with non-public meetings being the exception. Parliamentary committees work according to a timetable with pre-determined time slots to allow representatives of the institutions and civil society to participate in an active manner.

Plenary meetings of the Senate are public, broadcast live on the Senate website - there is also an audio-video archive of these recordings - as well as on the Youtube channel and Social Media pages. Representatives of citizens, associations and foundations, as well as interested institutions, were able to participate in these debates either in person or on line.

General Secretariat of the Government

The regulatory framework is represented by the Law no. 24/2000 on the rules of legislative technique; the Government Decision No 775/2005 for the approval of the Regulation on the procedures for drafting, monitoring and evaluation of public policies at central level; The Government Decision No 443/2022 approving the content of the presentation and motivation tool, the structure of the report on the implementation of regulatory acts, the methodological instructions for carrying out impact assessment, and the establishment of the Advisory Council for impact assessment of regulatory acts which is the most recent regulation in this field. It establishes the rules, formats and methodological guidelines and set up an advisory body, without legal personality, under the General Secretariat of the Government. Regarding the methodological framework, Government Decision No 443/2022 contains a template for the assessment report, which includes a section on follow-up measures as a result of ex-post evaluations and it includes also a methodology for the conduct of the ex-post evaluation providing guidance on the definition of evaluation concepts and types, the data collection process, qualitative and quantitative analyses, the consultation process during the ex-post evaluation and the results of the implementation process.

Legislative Council

Important progresses have been achieved in the field of improving quality of the legislative acts. The milestone 412 of the National Recovery and Resilience Plan requires "Entry into force of legislative amendments to ensure publication of the full text of laws after amendments", with a deadline of the 3rd quarter of 2022, and taking into account the state's obligation to ensure a coherent, clear and updated legislation, which allows all subjects of law to understand and assume the conduct prescribed to them, by Law no. 343/2022 amended both Law no. 73/1993 on the establishment, organisation and functioning of the Legislative Council and Law no. 24/2000 on the rules of legislative technique for the drafting of normative acts.

The purpose of the legislative interventions was to establish the attribution of the Legislative Council to draft consolidated versions of laws, ordinances, emergency ordinances and decisions of a regulatory nature of the Government, and to regulate the legal definition of the notion of "consolidated version". According to the Explanatory Memorandum to the Law no. 343/2022, it was considered that the Legislative Council could ensure the consolidation and display of the normative act on which legislative events have occurred, given its duties regarding the systematization, unification and coordination of all legislation, as well as ensuring the official record of Romanian legislation.

Taking into account the provisions of Law No 343/2022, the Legislative Council has started the necessary activities to exercise this task. Thus, the texts of the legislative acts for which consolidated versions are to be produced have been processed, the software application supporting the activity of producing consolidated versions has been developed, and the necessary software has been set up to display the consolidated versions on the institution's website (www.clr.ro).

in order to support citizens who submit legislative initiatives, as well as members of Parliament and ministries and specialized bodies of the public administration that draft normative acts, the Legislative Council intends to further develop a software application to facilitate their drafting in compliance with the rules of legislative technique for the drafting of normative acts provided for by Law 24/2000.

Thus, some of the requirements imposed by the rules of legislative technique (such as the correct indication of the title of the legislative act on which legislative action is taken, the nature of the legislative interventions and the structural elements on which action is taken) would be incorporated into the algorithms, and the draft legislative act generated by the application would comply with those requirements from the time of drafting. This objective has been included in the Strategy for the de-bureaucratisation and digitisation of the activities of the Legislative Council, the achievement of which is still subject to obtaining the necessary funding.

46. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

General Secretariat of the Government

By Government Decision no. 1173/21.09.2022, the Regulation on procedures, at Government level, for the preparation, endorsement and submission of draft public policy documents, draft normative acts, as well as other documents, for adoption/approval was completed by introducing a Methodology containing good practices for the preparation and substantiation of draft Government emergency ordinances as a regulatory instrument. This methodology aims to explain the cases in which emergency ordinances may be used by the Government, based on the case law of the Constitutional Court, and to provide relevant information on ensuring the filtering and overall quality control of emergency ordinances by the General Secretariat of the Government and the Ministry of Justice and the *ex ante* and *ex post* impact analysis of emergency ordinances. It has to be mentioned that it represents Milestone 411 - Entry into force of the methodology for the use of emergency ordinances of the National Recovery and Resilience Plan.

The Legislative Council

Acts adopted in 2022

Type of act	Basic acts	Amending acts	Total
Law	229	154	383
Emergency Ordinance	90	102	192
Ordinance	13	24	37
Total	332	280	621

During 2022, the large number of emergency ordinances can be explained by the need for the quick adoption of measures to prevent and combat the Sars-Cov-2 pandemic and to provide financial support to economic operators affected, as well as by the international situation generated by the Russian military aggression in Ukraine that has required the regulation of the granting by the Romanian State of support and humanitarian assistance to UK citizens, the implementation of complex restrictive measures against the Russian Federation, as well as regulations contributing to the reduction of the negative social effects generated by this situation.

Another feature of this period, which led to the adoption of emergency ordinances, was the need to meet, on time, the milestones and targets associated with key investments and major reforms related to the six main pillars set out in Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing a Recovery and

Resilience Mechanism, also taking into account the Council Implementing Decision of 3 November 2021 approving the assessment of Romania's Recovery and Resilience Plan.

At the same time, some EU directives were transposed by emergency ordinances, given the initiation of infringement proceedings against Romania by the European Commission or the imminence of such proceedings.

However, to the extent that the draft emergency ordinances did not present valid reasons justifying the extraordinary situation that cannot be postponed, the Legislative Council made the appropriate comments in its opinions.

Emergency ordinances are drafted and adopted by the Government under the emergency procedure, under which the Legislative Council is legally obliged to issue its opinion within 24 hours, regardless of the size or complexity of the project in question, but in the case of some regulations adopted in this way, the Parliament has not yet adopted the approving law (i.e. GEO No. 57/2019 on the Administrative Code was not approved by law during 2022, but instead, during this year, 14 legislative interventions were made (6 of which by emergency ordinances). Of the 14 legislative interventions, 4 were adopted in a single month.

With regard to frequent amendments to some legislation, we mention, by way of example, the National Education Law No 1/2011, which in 2022 underwent 20 legislative interventions (4 of which by emergency ordinances), Law No 207/2015 on the Tax Procedure Code, which during the past year underwent 7 amendments and/or additions (4 of which by emergency ordinances), and Law No 227/2015 on the Tax Code, which underwent 27 amendments and/or additions (4 of which by emergency ordinances).

47. Regime for constitutional review of laws

Senate

According to the principle of loyal cooperation and the constitutional obligations laid down in Article 148 para. (2) and (4) of the Romanian Constitution, the Senate remains consistent with its commitment to ensure, in the performance of its constitutional duties, respect for the three principles that derive from the binding nature of European law: the principle of the supremacy of European law, the principle of the direct effect of European law and the principle of the effectiveness of European law.

48. COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic

- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic

- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

Superior Council of Magistracy

The alert state was maintained in Romania until 8 March 2022. Until the end of the alert state, as detailed in the previous reports, the Superior Council of Magistracy has expressed a constant concern for the safe maintenance of the health of the court and prosecutor's office staff and, equally, of the beneficiaries of the act of justice, adopting in this regard a series of decisions ensuring a uniform implementation of preventive measures, as well as guarantees for all persons who appeal to justice. The aim of these measures was to ensure both adequate and secure access to justice. Even after the cessation of the state of alert, preventive warnings were maintained during the competitions organised by the Superior Council of Magistracy.

Senate

On 29 June 2022, the Parliament adopted Law No 220/2022 on the tailored use of measures proven to be beneficial for justice institutions established during the declared state of alert to prevent and combat the effects of the COVID-19 pandemic. The purpose of the law is to lay down temporary measures in the field of civil court proceedings, insolvency proceedings and the enforcement of sentences, educational measures and other measures ordered by the judicial authorities in the course of criminal proceedings, similar to those introduced during the state of alert declared to prevent and combat the effects of the COVID-19 pandemic.

The Senate examined and adopted different emergency ordinances dedicated to measures to be taken against SARS-CoV-2 or with a view of establishing social protection measures for employees and other professional categories in the context of the prohibition, suspension or limitation of economic activities caused by the epidemiological situation generated by the spread of the SARS-CoV-2 coronavirus, as well as to extend certain deadlines in the budgetary-fiscal field.

B. Independent authorities

49. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions²¹

The Court of Accounts

According to the law, regarding organizational independence/autonomy: The Court of Accounts has full freedom to establish its own rules and procedures for the performance of tasks and obligations arising from its mandate, according to the law. The Parliament and the Executive shall not interfere with the organization and management of the institution.

With regard to the management of the institution's human resources and the ability to perform its functions, a certain level of independence shall be ensured by law. As follows: the Plenum approves the state of functions of the Court of Accounts, the name, the scope of activity and the organizational structure of the Court of Accounts departments, the organizational structure of the Court of Accounts, appoints the directors, deputy directors, heads of units, the secretary general of the Court of Accounts and establishes their duties which are included in the job description. The Plenum also approves the organizational structure of the General Secretariat and the tasks of its units. The President shall appoint the staff of the Court of Accounts, with the exception of those appointed by the Plenum, and shall order, where appropriate, their secondment or removal from office, in accordance with the law.

According to the law and internal regulations adopted by the Plenum in law enforcement, the Court of Accounts has full independence in planning, programming, executing audits, reporting and capitalizing on documents resulting from audits: Thus, the Court of Accounts carries out its work autonomously in relation to its work program and the selection of audit topics, and also in terms of planning, carrying out, reporting and verifying how the measures ordered following the audit missions have been carried out. Compliance audit, financial audit, performance audit and documentation actions shall be initiated by the Court of Accounts *ex officio* and may only be stopped by Parliament and this only if the powers established by the Law no. 94/1992 are exceeded.

The mandate and powers of the Court of Accounts, established by the Constitution and the law, confer exclusive competence on the Supreme Audit Institution:

The Court of Accounts shall audit the formation, administration and use of the financial resources of the State and the public sector, namely: the formation and use of the resources of the state budget, of the state social insurance budget and of the budgets of the administrative-territorial units, as well as the movement of funds between these budgets.

²¹ Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>

More details on the role and functioning of the Court of Accounts can be found in the Annex 9.

50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

The Ombudsman

The Ombudsman was designated as a National Human Rights Institution, and in the autumn of 2018 were initiated the steps for accrediting the institution as a NHRI.

Given that the process of accreditation is ongoing, several meetings have been held with officials from the Office of the High Commissioner for Human Rights (OHCHR) and the Global Alliance of National Human Rights Institutions (GANHRI), which organizes the accreditation procedure.

For the detailed presentation of the notifications of unconstitutionality (objections and exceptions) made in 2022 by the Ombudsman please see the Annex 10.

The National Council for Combating Discrimination

In 2022, the CNCD had received 942 complaints. The majority of complaints submitted to the CNCD concern differential treatment on the basis of social category, socio-professional category or similar criteria, outside the criteria of discrimination prohibited by European Union Directives such as Directive 2000/43/EC, Directive 2000/78/EC, Directive 2004/113/EC or Directive 2006/54/EC.

Most complaints to the CNCD in 2022 concerned discrimination in the field of employment relations (344 complaints), access to public services (285 complaints), protection of personal dignity (227 complaints), access to education (53 complaints), access to places open to the public (18 complaints) and access to housing (15 complaints). The Council found acts of discrimination in violation of G.O. 137/2000 republished in relation to 115 complaints. A total of 274 complaints were rejected and no discrimination was found. In 199 cases exceptions were admitted, in 141 cases the complaints were closed and in 6 cases it was decided to rectify material errors.

10 cases filed during 2022 and the request for an expert opinion from the CNCD concerned the issue of discrimination against magistrates in relation to the determination of seniority in the judiciary, i.e. failure to take into account the period during which they served as judicial police officers with higher education.

Law No 193 of 28 June 2022 amended Article 23 para. 2 of the anti-discrimination law. Therefore, the Board of Directors is now composed of 11 members (compared to the previous number of 9 members). The amended article also provides that one of the members of the Board is a representative of the Parliamentary Group of National Minorities in the Chamber of Deputies. At the joint meeting of the Chamber of Deputies and the Senate on 19 December 2022, two members were appointed to the Steering Committee of the CNCD.

A legislative proposal initiated by members of the Chamber of Deputies in 2022 aimed to expressly prohibit segregation in education in the anti-discrimination law. The CNCD issued a detailed opinion supporting the proposal, with some technical clarifications which were largely taken into account in the debates in the parliamentary committees. The Senate approved the bill on 31 October 2022 and sent the legislative initiative to the Chamber of Deputies for debate.

The Court of Accounts

A total of 2,253 verification actions were carried out in 2021 including 1,718 financial audit missions, 67 performance audit missions in priority areas and 459 compliance audit missions, as well as 8 documentation actions. At the same time, **4,886 actions were carried out to monitor the implementation of the measures ordered by the Court of Accounts' decisions;**

A total of 2,305 verification actions were carried out in 2022, of which 1,512 financial audit missions, 32 performance audit missions in priority areas and 442 compliance audit missions, as well as 319 documentation actions. At the same time, **5,683 actions were carried out to monitor the implementation of the measures ordered by the Court of Accounts' decisions.**

In the ongoing institutional reform process at the Court of Accounts level, it is envisaged that all audit reports will be made public as of 2023. A big step has already been taken in terms of transparency of the institution's work by publishing the annual work program on the external portal. Also, as has been done since 2019, an e-mail address was published on the Court of Accounts website (www.curteadeconturi.ro) when drafting the draft annual work program: propuneri.program2023@rcc.ro to which citizens can submit proposals for topics/entities to be subject to the Court of Accounts verifications in the following year.

C. Accessibility and judicial review of administrative decisions

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

No legislative changes have taken place in the reference period.

52. Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).

No legislative changes have taken place in the reference period for judicial review of judgments in administrative matters.

53. Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non- implementation

A preventive and control mechanism has been set up for the enforcement of judgments imposing obligations to give or to perform on a public debtor within the General Secretariat of the Government, by Government Decision no. 1465 of 12 December 2022.

D. The enabling framework for civil society

54. Measures regarding the framework for civil society organizations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

The General Secretariat of the Government has undertaken the task to implement the standardization of administrative procedures for the recognition of public utility status²². The main objective of this commitment is to develop a coordination mechanism at SGG level to support central public authorities and institutions in managing the processes for granting public utility status, in order to optimize interaction with representatives of non-profit legal entities seeking public utility status.

55. Rules and practices having an impact on the effective operation and safety of civil society organizations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organizations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

Please see above.

²² <https://ogp.gov.ro/nou/wp-content/uploads/2022/07/PNA-OGP-2022-2024.pdf>

56. Organization of financial support for civil society organizations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

The General Secretariat of the Government has developed the Public Policy Proposal on the standardisation and streamlining of the funding mechanism under Law 350/2005, carried out in the framework of the commitment "Transparentising of the granting of non-reimbursable funding from public funds under Law 350/2005", included in the National Action Plan GPG 2020-2022. The policy proposal aims to increase transparency in the granting of grants from public funds by standardising and streamlining the funding mechanism under Law 350/2005.

Also, in the framework of the National Action Plan on Public Budgeting 2022-2024, the General Secretariat of the Government has undertaken the implementation of commitment no. 2 entitled "Pilot programme - Transparentisation of the participatory budgeting process". The results are: an increase in the number of authorities allocating participatory budgets and in the number of projects submitted by civil society and the creation of an online catalogue on the CONECT platform of public authorities allocating participatory budgets at national level.

57. Rules and practices on the participation of civil society organizations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

General Secretariat of the Government

a) The SGG has developed Guidelines for an innovative approach to citizens' involvement in decision-making²³. The Guide aims to support central public authorities in managing the innovative processes necessary for appropriate interaction with civil society to make participatory processes more effective, while also aiming to be a source of inspiration for civil society stakeholders, with a focus on raising awareness of the relevance of building a sustainable partnership between the state and citizens. In drafting the document, the SGG benefited from the expertise provided by the OECD's Observatory for Public Sector Innovation (OPSI). Thus, on the basis of this Guide, the SGG organised three information sessions in 2022 with representatives of central and local public administration institutions (ministries and county councils) and non-governmental organisations to discuss new methods and practices at the level of the administration on the conduct of participatory processes.

b) Implementation of the project "Improving Policy Coherence, Transparency and Coordination at the Centre of Government in Romania" - funded by the European Commission's Technical Support Instrument (TSI), through which the Secretariat General of the Romanian Government receives support from the OECD Civic Space Observatory to scan Romania's civic space and develop a strategy and roadmap for implementation, with the aim of involving civil society in the decision-making process. In the implementation of the project, during 2022, the SGG facilitated the participation of central and local public authorities in interviews with OECD representatives to collect information on the legal framework and practices, and organised two workshop sessions with OECD representatives, central authorities and civil society organisations to discuss how trust can be built between public institutions and civil society and how to facilitate the involvement of the civic environment in the decision-making process, as well as core elements that can be included in a dedicated strategy.

c) Implementation of the project "Administrative capacity development in public governance - a coordinated approach of the Romanian Government Centre" - funded by Norwegian Grants 2014-2021. Through this project, the General Secretariat of the Government, in partnership with the Ministry of Justice and the Authority for the Digitisation of Romania, aims to increase the coordination capacity at the centre of Government through a coherent and structured approach to the public government reform agenda. Thus, following the implementation of the project, the SGG will benefit

²³ <https://sgg.gov.ro/1/wp-content/uploads/2021/11/Ghid-final-12.11.2021.pdf>

from OECD expertise through the development of an Open Government Review. The recommendations contained in this document will form the basis for the SGG's development of a national Open Government Strategy²⁴.

d) The General Secretariat of the Government has ensured the functioning of the National Coordination Committee OGP Romania (multi-stakeholder forum) and the elaboration of the National Action Plan OGP 2022-2024. During 2022, the SGG initiated consultation procedures with central public authorities and civil society on the development of open government commitments for the period 2022-2024. Thus, the resulting Plan contains 10 commitments from both public authorities and civil society²⁵. Also, in order to build a climate of mutual trust and sustainable dialogue between government and civil society, the SGG provided the necessary support so that the selection of non-governmental members of the Steering Committee would be carried out exclusively by civil society, and not by the SGG or other public authorities, as was the case in previous years. Thus, the selection was carried out on time and the National Coordination Committee is operational and has started work on the implementation of the National Action Plan 2022-2024²⁶. Therefore, it can be appreciated that ministries and other institutions that initiate draft emergency ordinances have at their disposal much clearer and more restrictive rules, which are likely to ensure good practices in the process of drafting and substantiating this type of normative act.

The Ombudsman

Regarding the support provided by the Ombudsman to civil society organizations for their participation in the decision-making process, we would like to recall the actions carried out together with three non-governmental organizations in issues aimed at analysing the impact of normative acts on human rights, improving access to medical services family planning, but also aspects related to the legal recognition of gender. In this context, meetings, working groups and round tables were organized that aimed to facilitate the dialogue between civil society and public institutions and authorities, also in terms of policy development, dialogue and consultations on these topics.

E. Initiatives to foster a rule of law culture

58. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, etc.)

Senate

The Vice-President of the European Commission for values and transparency, Věra JOUROVÁ, visited Romania between 27 and 28 June 2022. On this occasion a joint meeting of the Committee on Legal Affairs, the Committee on European Affairs and the Committee on Culture, Arts and the Media was organised to debate the RoL Reports. During the meeting it was underlined that in view of the democratic situation in Romania and the positive developments, it is considered sufficient to monitor it through only one mechanism, namely the new Rule of Law Mechanism.

²⁴ <https://sgg.gov.ro/1/proiect-dezvoltarea-capacitatii-administrative-in-domeniul-guvernarii-publice-o-abordare-coordonata-a-centrului-guvernului-romaniei-finatat-prin-granturile-norvegiene-20/>

²⁵ <https://ogp.gov.ro/nou/wp-content/uploads/2022/07/PNA-OGP-2022-2024.pdf>

²⁶ <https://ogp.gov.ro/nou/cnc-2022-2024/>