

LEGISLATIVE FOLLOW-UP

Throughout 2024, 2 legislative proposals have been promulgated by the President of Romania and became laws¹. Currently, 13 legislative proposals aiming to amend the integrity framework are pending before the Parliament procedures².

A) 2 legislative proposals promulgated by the President of Romania

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

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

Follow-up of the legislative proposal: Promulgated by the President of Romania through Decree no. 1030/2024 – becomes Law no. 235/2024

Last mention: 26.04.2023 – Promulgated by the President of Romania through Decree no. 1030/2024 – becomes Law no. 235/2024

2. *Legislative proposal to approve the Government Emergency Ordinance 190/2022 for completion of Annex 5¹ to Government Emergency Ordinance No. 57/2019 on the Administrative Code* (PL-x 106/2023)

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

Follow-up of the legislative proposal: Promulgated by the President of Romania through Decree no. 898/2024– becomes Law no. 157/2024

Last mention: 27.05.2024 – Promulgated by the President of Romania through Decree no. 898/2024– becomes Law no. 157/2024

¹ Promulgated by the President of Romania: Law 235/2024 (PL-x 65/2023); Law 157/2024 (PL-x 106/2023).

² Pending before Parliament: PL-x nr. 364/2022; PL-x nr. 27/2022; PL-x nr. 398/2021; PL-x 135/2020; PL-x 415/2019; PL-x nr. 179/2018; PL-x 64/2023; PL-x nr. 109/2023; PL-x 543/2023; Bp. 464/2023; PL-x no. 139/2024; PL-x. 99/2024; Bp. 501/2024

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

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

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

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

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

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

No progress has been registered since the last report

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

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

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

No progress has been registered since the last report

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

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

- Art. 415, para. (3) is amended and shall have the following content: "(3) Civil servants elected in the management bodies of trade unions may opt for one of the two positions. If the civil servant chooses to carry out the activity in the management position in the trade union organizations, their office is suspended for a period equal to that of the mandate in the management position in the trade union organization."
- Art. 415, para. (4) is amended and shall have the following content: "(4) Civil servants elected in the management bodies of trade unions may simultaneously hold the public office and the position in the governing bodies of trade unions, with the obligation to comply with the regime of incompatibilities and conflicts of interest applicable to them."

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

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

No progress has been registered since the last report

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

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

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

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

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

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

No progress has been registered since the last report

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

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

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

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

No progress has been registered since the last report

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

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

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

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

No progress has been registered since the last report

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

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

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

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

No progress has been registered since the last report

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

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

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

Last mention: 16.03.2023 – The Committee on Public Administration and Regional Planning sends favorable notice; The Committee on Human Rights, Religious Affairs and National Minorities sends favorable notice

No progress has been registered since the last report

9. *Legislative proposal for the amendment and completion of Government Emergency Ordinance 22/2009 on the establishment of the National Authority for Administration and Regulation in Communications (ANCOM) - ANI favorable point of view, with observations* (Pl-x 543/2023; Bp 310/2023)

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

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

Last mention: 19.03.2024 – Committee for Legal Matters, Discipline, and Immunities sends favorable notice

10. *Legislative proposal on the amendment of art. 98 para. (2) of Law 161/2003 on certain measures to ensure transparency in the exercise of public dignities, of public offices and in the business environment, and prevent and sanction corruption - ANI favorable point of view, with observations* (Bp. 464/2023)

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

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

Last mention: 08.11.2023 – The Committee for Human Rights, Cults and National Minorities' Issues sends negative notice.

11. *Legislative proposal on the amendment of Article 29 of Law no. 176/2010 on integrity in the exercise of public functions and public dignities - ANI favorable point of view* (Bp. 764/2023; Pl-x no. 139/2024)

Summary of the legislative project:

The legislative proposal aims to amend the level of fines imposed for failure to file asset and interest disclosures, failure to declare the amount of income realized or declaring them with reference to other documents, for failure to comply with the obligations set out in Art. 6 of Law no. 176/2010 by the persons responsible for implementing the provisions of this law and in the situation of failure to apply disciplinary sanctions or failure to declare the termination of public office, as the case may be, when the finding has become final.

The present legislative initiative aims to adjust this range to higher thresholds, namely between 2,000 RON and 6,000 RON, taking into account that the current regulation sets the limits of fines between 50 RON and 2,000 RON, the person who has committed an offense having the possibility to pay half of the minimum established by law.



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

Last mention: 21.03.2024 - The Committee for Human Rights, Cults and National Minorities' Issues sends negative notice.

12. Legislative proposal to amend Art. 228 para. (1) letter e) of Government Emergency Ordinance No. 57/2019 on the Administrative Code - **ANI negative point of view** (PI-x. 99/2024)

The initiators propose to amend Art. 228 para. (1) letter e) of Government Emergency Ordinance No. 57/2019 on the Administrative Code, as follows:

"e) any natural or legal person, other than the authority to which it belongs, who, in the last 3 years, has made a payment to it or has made any kind of expenditure of it, excluding amounts paid as salary or assimilated to them if the relationships on the basis of which they were paid are finalized, as well as payments made on the basis of acts of disposition of small value, of a current nature"

Follow-up of the legislative proposal: Rejected by the Senate

Last mention: 03.09.2024 - Rejected by the Senate - termination of the legislative procedure by final rejection by the Senate

13. Legislative proposal on the interdiction of cumulating offices financed from the state budget - **ANI negative point of view** (Bp. 501/2024; L576/2024)

Through the legislative proposal, the initiators propose to prevent situations in which a person is the beneficiary of two or more individual employment contracts, service reports or acts of appointment within central and local public authorities and institutions, as well as within autonomous regions, national companies, national companies and companies in which the share capital is wholly or majority owned by the state or by an administrative-territorial unit, provided that they are paid by allowances or salaries from the state budget.

Follow-up of the legislative proposal: Rejected by the Senate

Last mention: 16.12.2024 - Rejected by the Senate