
Press release

For Transparency International and for the European Commission only the facts are important

Transparency International requests to the Romanian Prime Minister to make proof of political will in solving the corruption problem

Bucharest, 6 June 2004 --- European Commission requested Transparency International – Romania and to the Transparency International Secretary from Berlin a consultation, in 5-6 July, for measuring the progresses in the fight against corruption, before de editing of the Periodic Report for Romania. The two organizations proposed Friday, 4 June, to the Romanian Prime Minister a series of 8 concrete anticorruption measures, with definite terms for realization, in a written proposal handed and debated to the Prime Minister’s Chancellery.

Once adopted by the Government, the proposed measures will have as an outcome:

- 1.the retrieving and the repatriating of the goods and of the amounts of money resulted from corruption felonies, that were taken out of the country.
- 2.the criminal sanction of the juridical persons, for the corruption felonies included,
- 3.the protection of the whistleblowers – the persons engaged (by any means) in institutions and public authorities that inform upon the law’s trespassing,
- 4.the constitution of a mechanism for granting on a competitive and concurrent base the funding from the public budget,
- 5.the hardening of the control regarding the conflicts of interest and the goods declarations of the high officials and of the public functionaries,
- 6.the sanctioning of the administrative abuses when the person obtains personal benefits or favours another person, as corruption acts – more, the sanctioning not only of the abuse against the public interest, but also the abuse against the person’s interests,
- 7.the extent of the deontological obligations of the public functionaries also to the other employees from the public sector, regardless the form of contracting,

8.the obligation of the prosecutors to communicate to the persons petitioning the motivation of the resolutions for not pressing criminal charges and of the ordinances for dropping the criminal charges.

Concretely, the Government was requested to:

1.accelerate the ratification of the UN Convention against corruption,

2.fulfill the remaining engagements of the Romanian Government from the GRECO Recommendation 2002 [GRECO is the Group of States against corruption, affiliated to the European Council],

3.adopt a draft normative act to transpose the European norms and practices in the field of the whistleblower's protection,

4.adopt a normative act regarding the grant approval, satisfying the EU standards and the rigour of the legislation for the public acquisitions,

5.amend the Anticorruption Legislative Package (Law 161/2003) and the strengthening of the complaint and verification mechanisms, as well as the setting up of an organism with jurisdictional attributions, formed by judges, meant to guarantee the continuity, the impartiality, and the efficiency of the application of the norms concerning the conflicts of interests the goods declarations,

6.complete the Law 78/2000 (regarding the prevention, discovering, and the sanctioning of the acts of corruption) so that to incriminate the administrative abuse motivated by the obtaining of personal benefits, as a corruption felony,

7.adopt a normative act similar to the Law 7/2004 (the Code of conduct for the public functionaries), applicable to al the categories of personnel from the public authorities and institutions,

8.adopt a normative act to institute the prosecutors' obligation to communicate the motivation for all their acts of authority, as documents of interest for the persons appealing to justice.

TI-Romania appreciated these measures as necessary and as a priority since:

1.though sanctioned, the corruption felonies cause prejudices that the Romanian state cannot retrieve because the "gains" were already transferred outside the borders.

2.in the criminal law practice, in the cases in which the law was trespassed through the juridical persons, the persons from the administration or direction of the respective societies couldn't be incriminated,

3.the possible trespassing of the law or implication in facts of corruption of the contracted employees from the ministries or mayoralities, respectively the possible irregularities caused by

those in their quality of members of the public acquisitions commissions, are harder to sanction than in the case of the public functionaries or high officials.

4. the functionaries that reclaimed laws trespassing were often disciplinary sanctioned or even dismissed, which discourages other functionaries that are aware of law infractions to denounce them to the competent authorities.

5. the civil society requested repeatedly to the Government to establish a financing system for the programmes meant for the education of population and for the support of the civil society (including in matters of anticorruption fight), but a series of debated variants proved unviable.

6. the monitoring of the implementation of the Law 161/2003 confirmed that the norms regarding the conflict of interests, the incompatibilities and the goods control are not efficient in fighting against the “petty” and the “grand” corruption.

7. The practice of The Advocacy and Legal Assistance Centre of Transparency International – Romania, demonstrated that this type of administrative abuses (against the public interest) may hide real corruption facts.

8. The journalists have often signalized the Public Ministry’s opacity, by non-justifying to the petitions the reasons leading to not pressing or drawing criminal charges in some extremely popularised cases.

We remind that the Prime Minister engaged in Bruxelles, at 25 February 2004, to establish a “common anticorruption platform”, nominating Transparency International in the sixth point of the proposal for accelerate measures for Romania’s European integration , known as the 'To Do List'. We also remind that PSD, the governing party, did not respond to the TI-Romania request from December 2003 to state precisely what concrete measures against corruption understands to adopt in the future, on the basis of a questionnaire which reflects the citizens’ priorities.

Transparency International will support the executive’s efforts regarding the European integration, only in the measure in which, in the immediate period, the authorities from Bucharest give a clear signal of political will regarding the prevention and the fight against corruption.

Transparency International Romania is a nongovernmental organization, founded in 1999 by a group of citizens and organizations concerned with the corruption problem in Romania. That same year, Transparency International Romania was accredited as the national branch of the Transparency International network, the global coalition against corruption. TI-Romania’s mission is to promote, in the spirit of solidarity, a Romanian integrity system aimed at reducing corruption. In particular, in the 2003-07 period, the promotion of the national integrity system will follow the fulfilling of the conditions for the adhesion to the European Union, based on the deficiencies already identified by the EU. These are: the lack of reform in justice, the weak administrative capacity, and the lack of a functional market economy.

