
Press release

BUCHAREST, 14 June 2006/ Transparency International Romania takes act of some positions expressed in the recent press regarding the National Agency for Integrity and specifies:

1. The creation of an integrated mechanism of verifying the wealth declarations and of controlling the conflicts of interests represents for TI-Romania a major priority, which it initiated on the public agenda and followed it consequently for over two years. During all this time, TI-Romania put at Ministry's of Justice disposal its expertise in the area/domain, irrespective of the political orientation of its holder. In the summer of 2004, TI-Romania contributed to a draft law drawing up, in the framework of a larger normative package, launched on 6 June 2004, which stipulated the existence of such an anticorruption agency. In the month of September 2004, this draft law was being adopted by the Chamber of Deputies and transmitted to the Senate, the decision room, in order to be adopted by an emergency procedure. During the last year, TI-Romania continued to offer technical support to the Ministry of Justice for drawing up some draft laws stipulated in the National Anticorruption Strategy, including the one concerning the National Agency for Integrity. In the National Report on Corruption 2004, TI-Romania reiterated the necessity of establishing such an agency, as an independent institution and not subordinated to some governmental agency, as ANAF. In the Agency's matter, TI-Romania insisted, included in the meetings with representatives of the Ministry of Justice, that the existence of such an institution, as well as its independent character, is essential for providing a coherent framework for the preventive policy for the fight against corruption, and that accomplishing the obligations assumed in the National Anticorruption Strategy will definitely make the object of the attentive monitoring on behalf of the European institutions.

2. TI-Romania considers that there is no reasonable explanation for the fact that **the actual governing coalition and the Ministry of Justice could not find, in 18 months, the necessary time for the debate, the eventual amendment, and the adoption in the desired form of a draft law found already in an advanced stage in the legislative calendar** and declared as priority in the preparation for the European adhesion. TI-Romania never considered (and neither does now) that the draft law, blocked in the Senate's Legal Commission at this time, should be adopted, until the last detail, in its initial form. On the contrary, TI-Romania respects the fundamental prerogative of Romania's Parliament to debate, negotiate, or amend any draft law. The only requests are for the Agency to be an independent institution and to have an administrative jurisdiction. TI-Romania asked, constantly, for the material law purviews and for the definitions of the conflicts of interests to be kept.

3. TI-Romania expresses its conviction that, despite some alarming affirmations, our country is closer than ever to establishing an agency for controlling the conflicts of interests, the

incompatibilities, and for investigating the wealth. This fact is the combined effect of the European Commission's and of the Romanian civil society's pressures. TI-Romania reminds the fact that it brought its own contribution to this result, through its constantly sustained arguments along the time, including in front of the representatives of the European Commission, in Bruxelles, as well as of the monitoring missions' experts, in Bucharest.

TI-Romania a presented, most recently, such an argument, within a Bruxelles meeting with the representatives of the European Commission, on 15 March 2006, an argument further detailed later on in the National Corruption Report 2005, launched on 1 May 2006.

We can only express our satisfaction of the fact that the latest European Commission Report, from 16 May, makes a specific reference to the National Agency for Integrity as a condition Romania must fulfill in EU adhesion process.

4. TI-Romania doesn't wish for the public debate over this important subject to be perceived as a war inside the civil society. On the contrary, we are convinced that the solidarity of the main structures of the civil society was and remains an essential factor for successfully promoting some fundamental reforms for the modernization of the Romanian society.

TI-Romania values and respects the history of its collaboration with the partners from the civil society and solicits to all its representatives not to permit to a discussion over technical, juridical, and institutional design aspects to side-slip into a vain and artificial conflict, as long as we are sure that all the implied parts share the same fundamental values.

5. In considering the above arguments, **TI-Romania categorically rejects the affirmations regarding the intention of blocking the law's adoption** as well as the assertions regarding the politicizing of our demarche and states precisely that this has exclusively in regard the perfection of the presented draft law, in order to assure the functionality and the efficiency of the created juridical instruments, and by no way a debate with pros and cons over some persons. As a global coalition for the fight against corruption that has as an objective to encourage the governments in order to adopt efficient instruments for the fight against corruption.

Transparency International offers its specialized expertise for the improvement of the proposed draft law's quality, reserving itself the right to critically discuss any project that would derogate from the minimal requests for an agency for integrity, as it is defined by international instruments and good practices. Also, TI-Romania draws attention and insists upon the risk that, by procedural vices and by speculating the law text' editing cracks, the proofs and the results of the Agency's control would be removed. Forasmuch as the courts/instances have the obligation to judge including within the ECHR normative basis, these risks could have direct consequences over the possibility of preventing and sanctioning corruption.

6. Consequent to its mission, the only policy TI-Romania understands to promote is that of the anticorruption policies conformed to the constitutional norms and to the values of the rule of law. As until now, **TI-Romania will collaborate with all the political and civil forces that are sharing this goal.**

For further information, contact person - Victor Alistar, executive director,

victor@transparency.org.ro,

Transparency International Romania is a nongovernmental organization, founded in 1999 by a group of citizens and organizations preoccupied by the corruption problem from Romania, accredited as a national branch of the Transparency International network, the global coalition for the fight against corruption. TI-Romania's mission is to promote in a solidarity spirit, the Romanian system of integrity in order to diminish corruption and to accomplish the condition for the European Union adhesion, by taking into account the deficiencies already identified by the EU, the independence of justice, and the development of a functional market economy.