



# **The Romanian Asset Disclosure System**



## A Brief Journey Through History

- In **1996**, Romania introduced **asset disclosures**;
- In **2003**, Romania also introduced **interest disclosures**;
- **Public officials** had the obligation to **submit** the disclosures, but there was **no single specialized institution to carry out a comprehensive evaluation and apply dissuasive sanctions**;
- As a **conditionality for Romania's accession to the EU**, **ANI was established**.

Asset disclosures  
were introduced

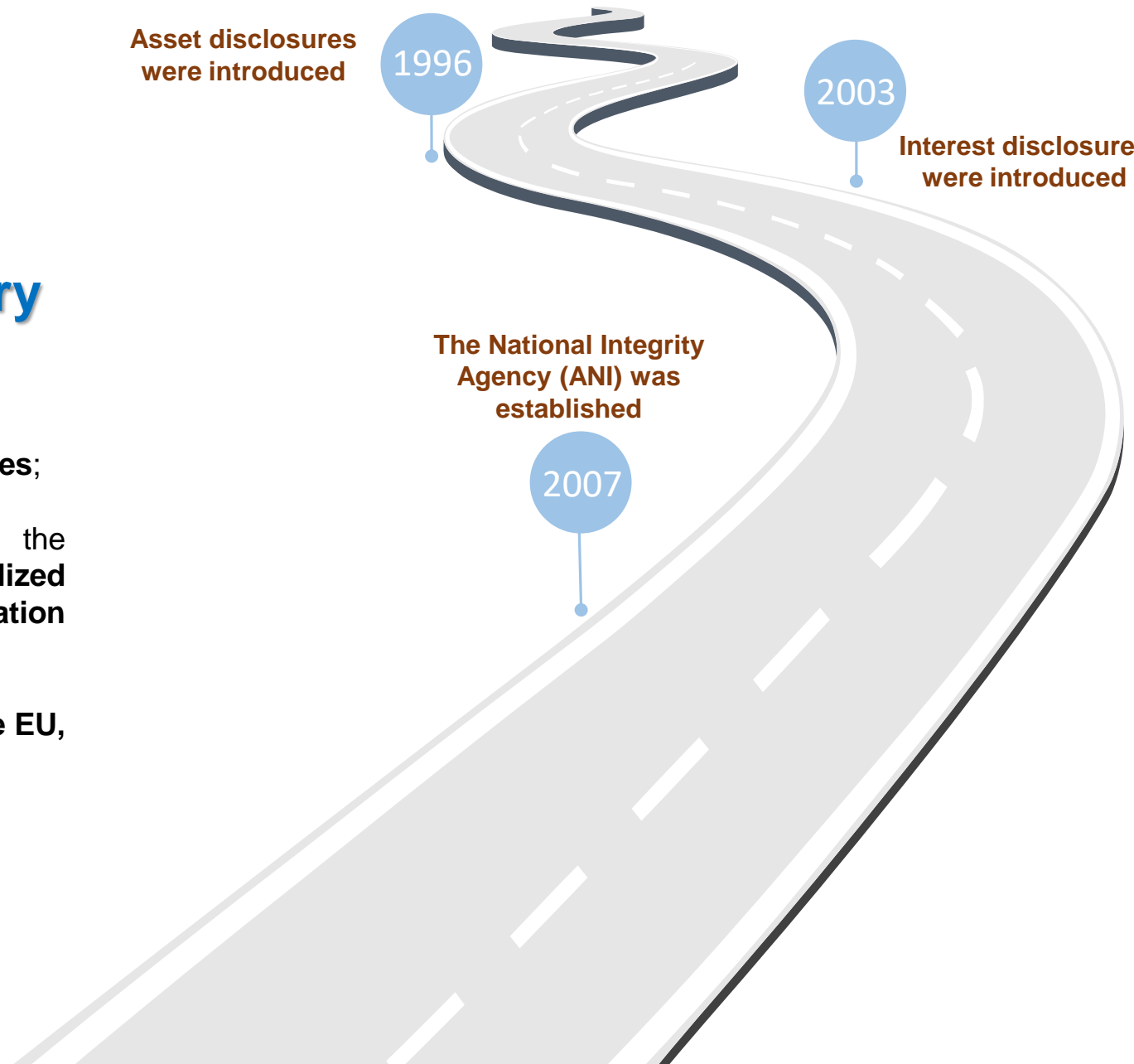
1996

2003

Interest disclosures  
were introduced

The National Integrity  
Agency (ANI) was  
established

2007





## Our Mission

- Autonomous administrative authority;
- Central oversight body regarding the integrity rules for public officials and dignitaries in Romania;
- Exclusive competence in managing asset and interest disclosures;
- Identifies, prevents and combats unjustified wealth, conflicts of interest and incompatibilities;
- Comprised of integrity inspectors and supporting personnel;
- Supervised by the National Integrity Council, consisting of representatives from all the categories of public officials/dignitaries that submit disclosures.

### Incompatibility

Simultaneously holding two or more public positions or holding a public and a private office – out of which one excludes the other

### Conflict of interest

Person exercising a public position has a personal interest of a patrimonial nature which could influence the objective fulfillment of their attributions

### Unjustified wealth

Difference of more than EUR 10.000, between the wealth obtained during the exercise of public positions and the expenditures from the same period;

## Who submits disclosures?

### 40 categories of public officials and dignitaries, among which:

- President of Romania
- Members of Parliament and European Parliament
- Members of the Government, State secretaries and under-secretaries, advisers to the Prime Minister
- Judges, prosecutors, assistant magistrates
- Diplomatic and Consular personnel
- Local elected officials
- Public servants
- Prefects and Deputy-Prefects
- Managers of state owned companies
- Candidates for elected positions



**Annually, 500.000 officials and dignitaries submit disclosures**

**In electoral years, the number of deponents can go as high as 700.000**



## When are disclosures submitted?

- **Annually, not later than June 15**

Additionally, each official must submit a disclosure within:

- **30 days within appointment or election**
- **30 days from revocation or end of office/mandate**





## What needs to be declared?

### Asset disclosure (I)

*Submitted by the deponent under their own responsibility and containing information on themselves, spouse and dependent children*

#### Immovable property

- Lands, Buildings, Houses (residential, holiday etc.)

*Address, Date of acquire, Ownership, Surface, How it was obtained (purchase, inheritance)*

#### Movables

- Cars, tractors, agricultural, boats, yachts, motorcycles etc.

*Brand, no. of items, fabrication year, how it was obtained*

- Precious metals, jewelry, art and cult objects, art collections and numismatics, objects that are part of the national or universal cultural heritage (must exceed a total value of EUR 5000)

*Description, Date of acquire, Estimated value*



## What needs to be declared?

### Asset disclosure (II)

#### Alienated movables and immovable

- Immovable property and Over EUR 3.000 movables alienated within the past 12 months

*Type, Date, 3<sup>rd</sup> party who bought the asset, Value*

#### Financial assets

- Bank accounts and deposits, investment funds, equivalent forms of saving and investing, including credit cards, if the total value of all of them exceeds EUR 5,000

*Address and name of the financial or non-financial actor, value to day, currency, opening year*

- Bonds, shares, stocks, direct investments and loans granted, if the total market value all of them exceed EUR 5,000

*Type, shares, Value to day*



## What needs to be declared?

### Asset disclosure (III)

#### Debts

- Debts, mortgages, guarantees issued for the benefit of a third party, goods purchased in the leasing system and other such goods, if the total value of all of them exceeds EUR 5,000

*Creditor, start date, maturity date, value*

#### Incomes

- Gifts, services or advantages received free of charge or subsidized compared to the market value, including scholarships, loans, guarantees, settlements of expenses, other than those of the employer, whose individual value exceeds EUR 500
- Salaries from the workplace, from independent activities, transfer of the use of goods, from pensions, from investments, from casino and windfalls

*Source of income, the service provided, the income collected*





## What needs to be declared?

### Interest disclosure (I)

*Submitted by the deponent under their own responsibility and containing information on themselves, spouse and dependent children*

- **Associate or shareholder in commercial companies, national companies/companies, credit institutions, economic interest groups, as well as membership in associations, foundations or other organizations (e.g. NGOs)**

*Address and name, no. of shares / units, total value of shares*

- **Member in the management, administration and control bodies of companies commercial, of national companies/companies, of credit institutions, of groups of economic interest, of associations or foundations or of other non-governmental organizations**

*Address and name, quality held, value of benefits*

- **Member of professional and/or trade union associations**
- **Member of the management or control governance bodies of political parties**



## What needs to be declared?

### Interest disclosure (II)

- **Contracts with the State: legal assistance, legal advice, consulting and civil, obtained or ongoing during the exercise of public functions, mandates or dignities. Financed from the state, local budget and from external funds or concluded with commercial companies with state capital or where the state is a majority/minority shareholder**

*The beneficiary of the contract, the contracting institution, the procedure by which it was entrusted, type, duration, value of the contract, etc.*

# How are disclosures submitted?

## Public official or dignitary

The image shows a person interacting with the ANI e-DAI platform. The screen displays a form for submitting disclosures, with sections for personal data and professional information. The user is shown from behind, sitting at a desk with a keyboard and mouse, indicating the electronic submission process.

**(1) Fills-in disclosures electronically through e-DAI platform developed by ANI**

**(2) Signs the disclosures electronically**

**(3) Sends the disclosures through e-DAI before the focal point within their institution**

## How are disclosures submitted?

### Focal point within each institution



- ✓ Responsible person within each institution with ensuring the implementation of the legal provisions regarding asset and interest disclosures;
- ✓ Interface between the deponent and ANI;
- ✓ Advisory role for submission of disclosures for the deponents;
- ✓ Responsible with ensuring all deponents are registered in e-DAI;
- ✓ Performs a preliminary evaluation of submitted disclosures;
- ✓ Notifies ANI in case of irregularities detected;
- ✓ Sends the disclosures before ANI through e-DAI and subsequently ensures their publication on the institution's website;
- ✓ Administrative sanctions for failure to fulfil obligations.

***The Romanian model of appointing and assigning roles to focal points within each institution has been recognized by UNCAC as a success and good practice***



## Main advantages of the Romanian disclosure system

### **Unitary deadline for submission of disclosures and unitary asset and interest forms for all categories of officials**

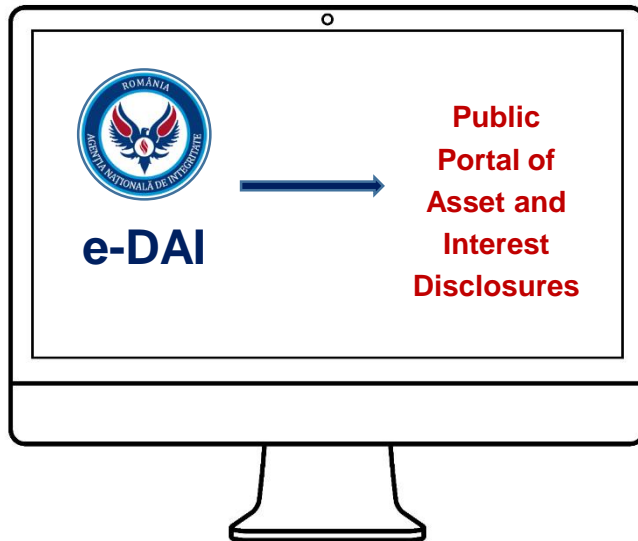
✓ *In case of transitioning to a new public office, the deponent is required to comply with the same deadlines and the same data and information on assets and interest to disclose. It simplifies compliance and also enhances their familiarity with integrity norms, supporting ease of disclosing.*

### **Electronic submission of asset and interest disclosures**

- ✓ *Deponents can fill-in the disclosures at any time or place convenient for them, from home or work;*
- ✓ *Deponents can save, update or modify versions before submission;*
- ✓ *Deponents can use previous disclosures as a starting point for the new one, thus avoiding re-entering the same information for each reporting period;*
- ✓ *No mailing or other physical handling required;*
- ✓ *Saving financial resources and limiting human interactions.*

## How are disclosures submitted?

### National Integrity Agency

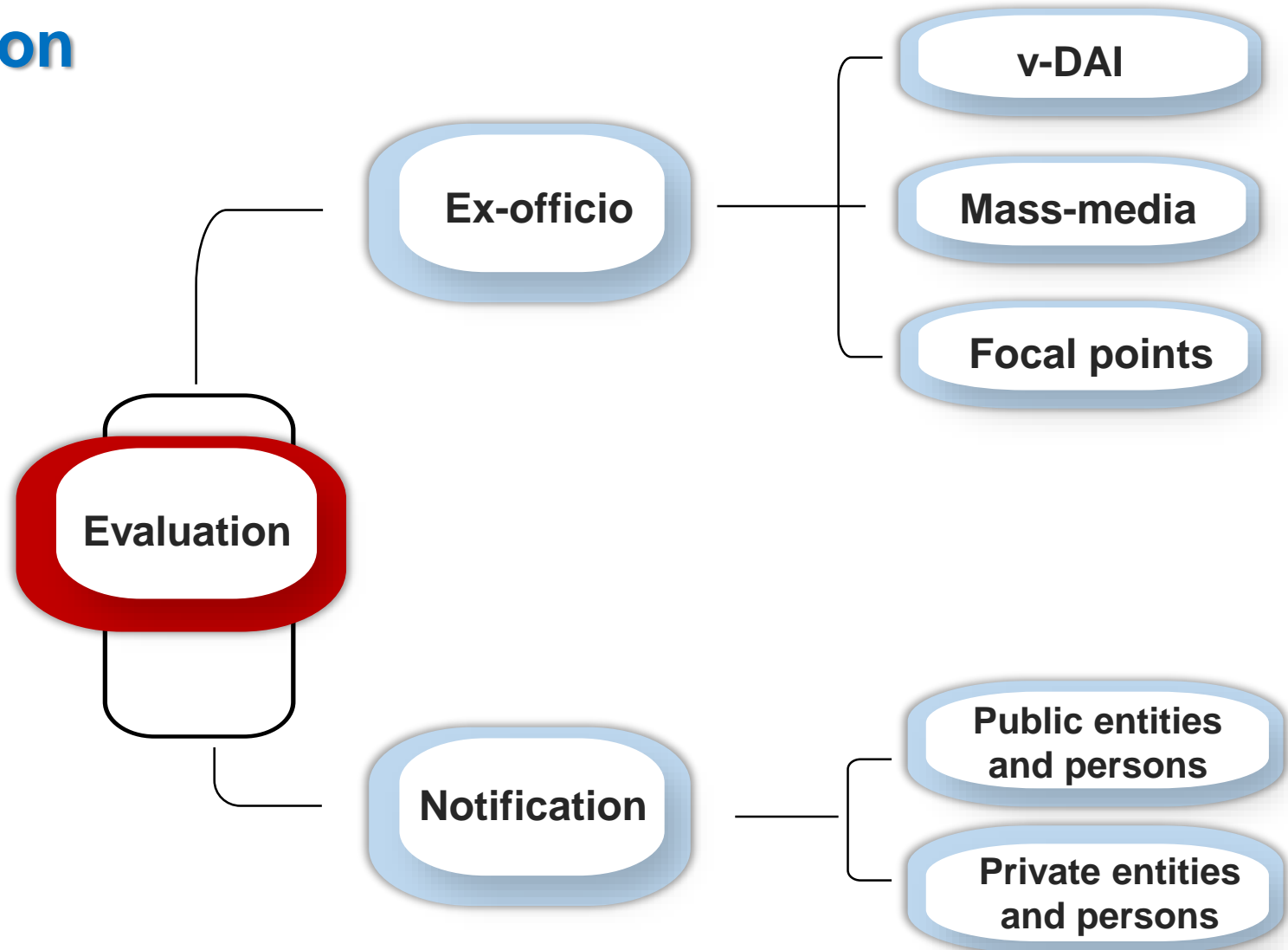


**ANI receives the disclosures and publishes them on the  
*Portal of asset and interest disclosures***

### The Portal of Asset and Interest Disclosures

- ✓ Central point of all submitted disclosures by public officials and dignitaries in Romania;
- ✓ Currently comprises over 12 million disclosures;
- ✓ Publicly available for any interested person, with personal data of deponent anonymized;

## How is the evaluation initiated?



## v-DAI Platform

- Scrutinizes all received disclosures and ensures a pro-active approach in selecting cases for evaluation;
- Identifies the most problematic disclosures and ensures a robust verification process that goes beyond the mere verification of data's accuracy and focuses on streamlining the verification;
- Specific risk factors based on which all disclosures are scrutinized, identifying:
  - Potential false data or unjustified wealth
  - Potential illegal tenure of public office;
  - Potential breach of incompatibility;
  - Potential breach of conflict of interest rules;
  - Potential risks of biased decision-making;
  - Potential breach of the submission rules.







## v-DAI Platform

- ***Potential false data***

This alert detects errors in declaring the income, by flagging those disclosures in which the officials report **no salary income**. With the exception of newcomers to the workforce, most officials generally have some form of employment or income source.

- ***Potential illegal tenure of public office***

This alert detects officials who, despite being **under a 3-year interdiction to occupy a public office or dignity**, continue to submit asset and interest disclosures, thereby indicating active involvement in public office.

- ***Potential breach of incompatibility rules***

Alert targeting members of the Government, MPs, mayors and deputy mayors, stemming from **analysing the declared income** from independent activities, from other sources, membership in management bodies of commercial entities or contracts with the state.

Alert detecting categories of public officials declaring the **holding of management position within political parties or solely party members**.

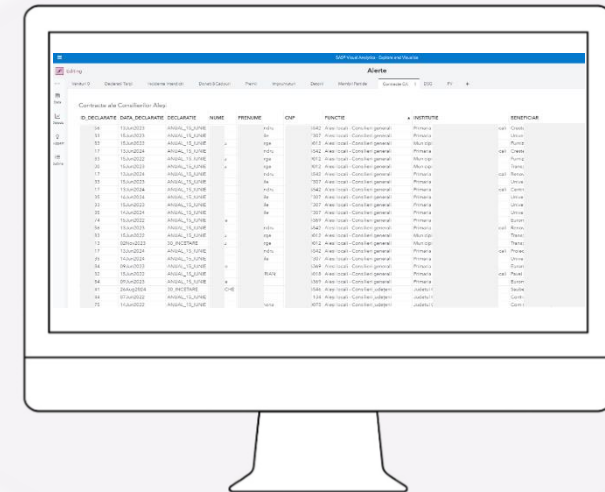
## v-DAI Platform

- **Potential breach of conflict of interest rules**

Alert detecting **contracts with the state concluded by local elected officials, their family or the company held by their family members**, determining potential conflicts of interest.

- **Potential breach of submission rules**

As annual disclosures shall be submitted by June 15, ANI is signalled on those **disclosures filed past the date established by law**.



**As of now, the platform identified more than 1.000 cases of persons at risk of breaching the legal framework, for whom over 5.000 asset and interest disclosures need to be further filtrated and analysed.**



## v-DAI Platform

- **Potential risks of biased decision-making** (currently under testing)

Alert detecting **gifts, services, donations, advantages, etc., as well as movable and immovable goods** obtained through a **donation** contract above a certain threshold, integrity risks that may compromise the ability of an official or dignitary to serve the public interest – especially those working in sensitive sectors such as the judiciary, internal affairs, Parliament, etc.

Alert detecting obtained **awards**, possible integrity risks that may compromise the ability of officials to serve the public interest in an objective manner.

- **Potential false data or unjustified wealth** (currently under testing)

Alert detecting **loans granted** in a personal capacity above a certain threshold, thus identifying if the official had the necessary financial means grant. Also, can lead to the determination of a significant unjustified difference between the wealth acquired and the incomes achieved (in case the loans granted exceed the incomes obtained or the financial availability of the declarant), an incompatibility (in case the loans are granted in personal name to a company where the respective person holds a position, contrary to the legal provisions) and also a conflict of interest.

Alert contrasting the information related to **debts** above a certain threshold (cash-out) and those under the income heading (cash-in), thus detecting whether the declarant has the necessary financial means to repay these debts within the specified terms. As with loans, alerts can lead to the determination of a significant difference or a conflict of interest.

## How is the evaluation procedure carried out?

- ANI carries out a preliminary analysis of the potential breach of the integrity regulation(s) from public sources;
- If suspicions are identified, it shall notify the evaluated person on the launching of the investigation;
- ANI directly requests data and information from public or private entities;  
*All public or private entities are obliged to share information with ANI within the evaluation procedure*
- Also, ANI has direct access to several databases (e.g. tax and salaries, records of persons, trade registry, etc.);
- Evaluated person is requested their point of view on the findings;
- ANI notifies the person in question on its final evaluation report – breach of the integrity legislation (conflict of interest, incompatibility, unjustified wealth) or closing of the file;
- If throughout the evaluation activity, ANI identifies indications of breaching the criminal law, sends the case to the competent prosecution bodies.



### Data and information ANI can request:

- ✓ Incomes
- ✓ Real estates
- ✓ Accounts
- ✓ Loans
- ✓ Debts
- ✓ Shares
- ✓ Movables
- ✓ Contracts
- ✓ Investments
- ✓ Art objects and jewelry

## How is the evaluation procedure carried out?

- **The cases of conflict of interest and incompatibilities can be challenged before the Courts of Appeal. The final decision is subsequently issued by the High Court of Cassation and Justice. If not challenged within 15 days, they remain definitive.**
- **The cases of unjustified wealth are sent before Wealth Investigation Commissions attached to the Courts of Appeal. Subsequently, the file is sent before the Court of Appeal and before the High Court of Cassation and Justice who issues the final decision of confiscation.**
- **Persons found in an incompatibility or conflict of interest state are subject to dismissal from office and are placed under a 3 year interdiction to occupy a public office or dignity.**
- **Also, aside from confiscation, persons found to have acquired an unjustified wealth are also considered incompatible and are also subject to dismissal from office and placed under the same 3 year interdiction.**





## Track record of cases

### Ascertainments

- **200 cases of unjustified wealth amounting to EUR 42.8 Million;**
- **2.200 cases of incompatibilities;**
- **900 cases of administrative conflicts of interest;**
- **850 cases regarding possible criminal offences (use of the office to favor people, false statement etc.).**

### Sanctions

- **Unjustified wealth – 52 definitive decisions of confiscation amounting to EUR 7.3 Million**
- **Incompatibilities – 560 officials lost their office and 60 officials were applied salary reductions**
- **Conflicts of interest – 120 officials lost their office and 125 officials were applied salary reductions**
- **Over 10.500 sanctions applied by ANI for non-compliance with the legal provisions**



## Prevention and awareness measures

- **PREVENT System** – preventing Col in public procurement procedures

*Over 128.000 public procurement procedures analyzed, of which 19% refer to EU funded contracts. Over 200 integrity warnings amounting to EUR 2 Billion issued.*

- **Training sessions**
- **Written clarifications** on the legal provisions
- **Dedicated telephone lines** and **e-mail** addresses
- **Guidelines** and **video tutorials**
- **Clarification platform** – currently developed



# Thank you for your attention!

[facebook.com/integritate](https://facebook.com/integritate)

[ani@integritate.eu](mailto:ani@integritate.eu)

[www.integritate.eu](http://www.integritate.eu)