



Parlamentul României
CAMERA DEPUTAȚILOR
BIROUL PERMANENT
Nr. 646 din 05.05.2015

PARLAMENTUL ROMÂNIEI CAMERA DEPUTAȚILOR

Comisia juridică,
de disciplină și imunități

Nr. 4c-11/637
București, 4.05.2015

PARLAMENTUL ROMÂNIEI
CAMERA DEPUTAȚILOR
SECRETAR GENERAL
Nr. 2437/05.05.2015

BIROULUI PERMANENT
AL
CAMEREI DEPUTAȚILOR

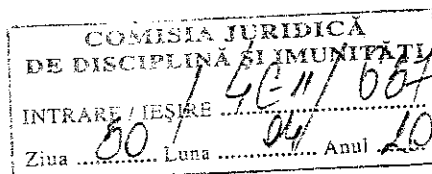
85 pt AD
[Signature]

Ministerul Justiției a înaintat Comisiei juridice, de disciplină și imunități adresa cu nr.3/32566/2015 din 30.04.2015 referitoare la vizita de evaluare a României ce va fi efectuată de GRECO (Grupul Statelor împotriva Corupției), în cadrul celei de-a patra runde de evaluare ce va avea loc în perioada 19 – 22 mai 2015. Vă înaintăm, alăturat, adresa Ministerului Justiției însoțită de chestionarul de evaluare care reprezintă principalele teme de interes ale exercițiului de evaluare.

PREȘEDINTE

Bogdan Liviu CIUCA

[Signature]
[Circular stamp: PARLAMENTUL ROMÂNIEI, CAMERA DEPUTAȚILOR, BIROUL PERMANENT]



Nr. J 132566/2015

30.04.2015

**Domnului deputat Liviu – Bogdan CIUCĂ
Președintele Comisiei juridice, de disciplină și imunități,
CAMERA DEPUTAȚILOR**

Ref.: GRECO – Vizita de evaluare a României

Stimate domnule președinte,

În perioada 19-22 mai 2015, GRECO (Grupul Statelor împotriva Corupției) va efectua vizita de evaluare a României în cadrul celei de-a patra runde de evaluare. Procedurile de evaluare specifice acestei organizații presupun colectarea informațiilor relevante pentru temele supuse evaluării prin intermediul unui chestionar, desfășurarea unei/unor vizite în țara evaluată pentru ca echipa de evaluare să poată discuta la fața locului cu instituțiile / organizațiile relevante și redactarea raportului de evaluare.

Runda a patra de evaluare are drept temă **prevenirea corupției în rândul membrilor Parlamentului, judecătorilor și procurorilor**. Cu privire la fiecare dintre aceste categorii profesionale, evaluarea vizează următoarele: principii etice și reguli de conduită, conflictul de interese, interzicerea sau restrângerea dreptului de a desfășura anumite activități, declararea averilor, veniturilor, obligațiilor și intereselor, respectarea regulilor cu privire la conflictul de interese, cunoașterea normelor de integritate.

Echipa de evaluare va avea următoarea componență:

- dna. Natalia BARATASHVILI, consilier juridic, Departamentul Analitic, Secretariatul Consiliului Anticorupție, Ministerul Justiției, Georgia;
- conf. univ. dr. Aurelijus GUTAUSKAS, șeful Departamentului de Drept Penal și Criminologie, Facultatea de Drept, Universitatea Mykolas Romeris, Lituania;
- dna. Nina BETETTO, judecător, vice-președinte al Curții Supreme, membru al Consiliului Consultativ al Judecătorilor Europeni, Slovenia;
- dl. Alvis STRIKERIS, șeful Diviziei de Planificare a Politicilor, Biroul de Prevenire și Combatere a Corupției, Letonia.

Din partea Secretariatului GRECO echipa va fi însoțită de dl. Christophe SPECKBACHER.

Urmare solicitării primite din partea Secretariatului GRECO, vă adresăm rugămintea de a facilita întâlnirea echipei de evaluare cu reprezentanți ai Parlamentului, prin organizarea a două întâlniri în intervalul propus, la Palatul Parlamentului, după cum urmează:

- o întâlnire cu reprezentanți ai Comisiei juridice, de disciplină și imunități;





- o întâlnire cu membri ai Parlamentului, reprezentanți ai partidelor politice și, dacă este cazul, membri ai GOPAC (Organizația Globală a Parlamentarilor împotriva Corupției).

În cazul ambelor întreveneri, recomandăm o durată maximă a discuțiilor de o oră și jumătate. Totodată, având în vedere că am adresat o solicitare similară Senatului, vă rugăm să aveți în vedere ca la cea de-a doua întâlnire să participe atât deputați cât și senatori.

Am aprecia primirea propunerilor dumneavoastră până la data de **5 mai 2015**. După integrarea tuturor contribuțiilor primite din partea instituțiilor vizate de evaluare, urmează să vă consultăm cu privire la calendarul vizitelor.

Vă comunicăm anexat chestionarul de evaluare, care prezintă principalele teme de interes ale exercițiului de evaluare.

Pentru detalii suplimentare desemnăm ca persoană de contact pe domnul Cornel – Virgiliu CĂLINESCU, șeful Oficiului Național de Prevenire a Criminalității și Cooperare pentru Recuperarea Creanțelor provenite din Infracțiuni, tel. 037.204.10.60, fax: 037.204.10.61, e-mail: cornel.calinescu@just.ro.

Cu aleasă considerație,

Robert Marius CAZANZIUC

Ministru Justiției



Groupe d'Etats contre la corruption
Group of States against Corruption



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Strasbourg, 19 October 2012

Greco (2012) 22E

Fourth Evaluation Round

Revised Questionnaire on Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors

Adopted by GRECO at its 50th Plenary Meeting
(Strasbourg, 28 March – 1 April 2011)

Revised at its 57th Plenary Meeting
(Strasbourg, 15-19 October 2012)

INTRODUCTION

By choosing corruption prevention in respect of members of parliament, judges and prosecutors as the theme for its Fourth Evaluation Round, GRECO is breaking new ground and underlines the multidisciplinary nature of its remit. At the same time this theme has clear links with GRECO's previous work, notably its Second Evaluation Round which examined the executive branch of public administration. Focusing on corruption prevention in respect of parliamentarians is a natural continuation of GRECO's scrutiny of political financing during the Third Evaluation Round and prevention of corruption regarding judges (including lay judges) and prosecutors represents an in-depth follow-up to a particularly important element of the First Evaluation Round, the independence of the judiciary.

The questionnaire is divided into three parts: part A dealing with members of national parliaments and part B and C dealing respectively with judges and prosecutors, who are subject to national laws and regulations. All these parts follow a similar structure with targeted questions under specific headings. The first heading, "*Background information*", which is common to each part, serves the purpose of generating fundamental input for obtaining an overall understanding of the system in each country. Further headings, most of which are also common to both parts, contain almost identical questions aimed at collating focused and detailed information. A few questions are specific to parts B and C, as they result from the particular status and functions of judges and prosecutors.

Most headings and questions are self-explanatory and need no further clarification. Where explanations are necessary, they are provided in footnotes. In light of the lessons learned from GRECO's Second Evaluation Round, and in order to cover the large variety of situations likely to be encountered in member States, formal definitions for key concepts such as "*conflicts of interest*" and "*gifts*" have not been established for the purpose of the questionnaire. That said, in this context, respondents are invited to refer to situations in which a member of parliament's, a judge's or a prosecutor's financial or other private interests appear to be at variance with or could be affected by his/her official duties. Similarly, and again bearing in mind the approach adopted during the Second Evaluation Round, the term "*gift*" should be understood in a broad sense covering anything of monetary value, including cash, tangible items, hospitality, travel, etc.

The questionnaire is fairly detailed and requires precise answers, the purpose being to generate reliable information in preparation for evaluation visits. However, the questions asked do not pre-empt possible later conclusions by GRECO. The absence, in a given country, of a feature referred to in the questionnaire (e.g., a specific body entrusted with the verification of declarations of interest) must not in all cases lead to a recommendation to fill that "gap." Such situations will need to be assessed in light of the structure of the system as a whole and the particular problems and needs occurring in the evaluated country.

A. Corruption prevention in respect of members of parliament

1 Background information

Parliamentary system

1.1 Please briefly describe your parliamentary system, paying attention to the following issues:

- a) whether the legislature in your country comprises one or two chambers (bi- or unicameral parliament)¹;
- b) the number of members of parliament;
- c) whether members of parliament are elected through direct or indirect elections or appointed;
- d) the method of election (e.g., proportional representation, majority election) or appointment;
- e) whether due to the method of election or due to other factors, parliamentarians are expected to represent the national public interest and/or a particular interest (of, for example, their district or constituency or political party);
- f) why and how a member of parliament would lose his/her mandate.

Transparency of the legislative process

1.2 Please describe the measures in place as regards the transparency of the legislative process, providing the text of the relevant rules in English or French and/or describing the relevant procedure(s). Indicate in particular:

- a) how - and at what stage of the legislative process - draft laws are brought to the attention of the public;
- b) if, how and when public consultation on draft laws is carried out;
- c) the level of transparency of the composition and work of parliamentary committees;
- d) the level of transparency of parliamentary debates²;
- e) if, how and when parliamentary votes are disclosed.

Remuneration and economic benefits

1.3 Please provide information on the average gross annual salary in your country.

1.4 Please provide information on the level of remuneration members of parliament receive for their work and indicate whether they are expected to work full-time or part-time.

1.5 What additional benefits, if any, (for example, special taxation regime, housing benefits, etc.) are provided to members of parliament by the state? Indicate a) the economic value of these benefits; b) whether information about their use is disclosed to the public; c) whether they are still entitled to these benefits after their term of office and d) how control is exerted over the legitimate use of these benefits.

¹ If your country has a bicameral parliament, please answer the following questions for both chambers of parliament.

² For example, are debates always open to the public or do certain debates take place *in camera*, are debates broadcast on tv or radio as a general rule and are meeting reports accessible to the public?

- 1.6 Please specify whether the budget for a member of parliament's office is provided solely by public resources or whether his/her office budget may be supplemented by external sources, including financial contributions and in-kind donations. If the office budget is allowed to be supplemented by external sources, is the member required to report the type and value of the supplementation (and if so, to whom/what entity and is this report public)?

2 Ethical principles and rules of conduct

- 2.1 Please provide the full text, in English or French, of the ethical principles or core values for parliament as a whole enshrined in the constitution or other laws.
- 2.2 Provide the full text of standards of conduct, if any, applicable to members of parliament, in English or French. Please give further details:
- a) since when have they been in place?
 - b) who / what entity drafted these standards, who / what entity adopted them and whether members of parliament were involved in the development of these standards?
 - c) what are the measures in place to ensure compliance with these standards?

3 Conflicts of interest

- 3.1 Please describe the general rules and procedures in place concerning the prevention and resolution – before they arise – of conflicts of interest of members of parliament. Please indicate if these rules and procedures also apply to conflicts of interest arising from the private interests or activities of others with whom the member of parliament has a close association (relatives, business associates, etc.). Provide the text of the relevant rules in English or French and comment in particular on:

- a) the definitions and/or typologies of conflicts of interest, if such definitions/typologies are available;
- b) the mechanisms aimed at preventing conflicts of interest;
- c) the procedures for resolving conflicts of interest before they arise.

4 Prohibition or restriction of certain activities

- 4.1 Please provide the text of the relevant rules in English or French and describe the measures in place, if any, prohibiting or restricting the possibility for members of parliament to:

- a) act in a particular case/matter in which they have a private interest;
- b) accept gifts³ (including the definition of gifts, possible value thresholds per item/per donor/per year and the procedures for disposing of or returning unacceptable gifts);
- c) hold posts/functions or engage in accessory activities⁴ outside parliament (including incompatibilities), whether in the private or public sector, whether remunerated or not;
- d) hold financial interests⁵;
- e) enter, either directly or through a business interest, into contracts with state authorities;

³ Please do not include rules relating to the acceptance of gifts or in-kind donations accepted (and presumably reported) for the purposes of supporting an election campaign.

⁴ This includes consultancy, representation of third parties' interests, *inter alia*, in courts or other state bodies.

⁵ Such as shares in a company, bonds, notes or other financial instruments.

- f) be employed in a certain position or sector after their term of office or engage in other paid or non-paid activities after their term of office⁶;
 - g) have contacts with third parties who may try to influence their decisions⁷.
- 4.2 Please describe specific rules in place on the (mis)use of confidential information by members of parliament. Provide the text of the relevant provisions in English or French.
- 4.3 Please describe specific rules in place on the (mis)use of public resources by members of parliament. Provide the text of the relevant provisions in English or French.

5 Declaration of assets, income, liabilities and interests

- 5.1 Please provide the text of the relevant rules in English or French and describe the measures in place, if any, requiring members of parliament to declare the following:

- a) assets and the holding of financial interests⁸;
- b) sources of income (earned income, income from investments, etc.);
- c) liabilities (loans from others, debts owed to others, etc.);
- d) gifts ;
- e) the holding of posts and functions or engagement in accessory activities (e.g., consultancy) outside parliament, whether in the private or public sector, whether remunerated or not;
- f) business contracts with state authorities;
- g) offers of remunerated or non-remunerated activities (including employment, consultancies, etc.) and agreements for future such activities;
- h) any other interest or relationship that may or does create a conflict of interest.

- 5.2 Please indicate for each of the items in the previous question:

- a) if the information to be declared is also required for a member of parliament's family members and/or relatives, and who is to be considered a family member/relative for this purpose;
- b) when declarations are required and what time period they cover;
- c) if – apart from possible general (regular) declarations – declarations must also be made on an ad hoc basis if a member of parliament has an interest in a matter that is before the legislature or one of its committees;
- d) to whom / what body the information is to be declared;
- e) if a register is kept of the declarations – both as regards ad hoc and regular declarations – and, if so, what information is contained in this register;
- f) if the declarations are made public and in which way.

- 5.3 If there are no specific written rules concerning the declarations referred to in question 5.1, please describe whether unwritten rules (conventional rules, standing practices etc.) for this purpose exist and how they are applied.

⁶ This includes any agreement or arrangement to return to the position they held in the private sector prior to their term as a member of parliament or to the same employer in another position.

⁷ This includes rules on impartiality and rules that address discussions outside the official processes with parties such as lobbyists, interest groups, unions and NGOs.

⁸ Such as stocks, real estate and other property, financial holdings, shares in a company, bonds, notes or other financial instruments.

6 Enforcement of the rules regarding conflicts of interest and declarations of assets, income, liabilities and interests

- 6.1 Please describe the sanctions and enforcement mechanism(s) in place regarding violation by members of parliament of the rules on the prohibition or restriction of certain activities as described in section 4.
- 6.2 For any enforcement mechanism that involves criminal prosecution, please indicate if members of parliament are subject to special criminal proceedings or immunities, different from those applicable to other citizens and, if so, describe the differences.
- 6.3 For any non-criminal enforcement mechanism, please provide the following information:
- what person(s) or entity/entities is/are responsible for carrying out proceedings;
 - the composition of this entity/these entities, if appropriate;
 - to what body it is/they are subordinated;
 - the resources at its/their disposal;
 - the procedures followed;
 - how investigations are conducted and what triggers investigations (e.g., complaints by citizens, colleagues, others, whistleblowers);
 - how decisions are taken (unanimity or majority).
- 6.4 Please describe the sanctions and enforcement mechanism(s) in place regarding violation by members of parliament of the rules on the obligation, if any, to submit declarations of assets, income, liabilities and other interests as described in section 5.
- 6.5 Please describe the mechanism(s) in place for verifying, reviewing or otherwise checking whether the information contained in the declarations referred to in question 6.4 is complete and accurate. ~~What are the sanctions and procedures if incomplete or inaccurate information is provided? What are the sanctions available and procedures to be followed if the information reported discloses a potential violation of any law or regulation?~~
- 6.6 Please highlight any changes that have occurred since GRECO's last Third Round Report as regards criminal law provisions which are relevant as regards corruption of members of parliament (e.g., provisions criminalising bribery of members of parliament, trading in influence and offences connected with political financing).
- 6.7 Please provide information on the enforcement in practice of the rules on conflicts of interest and declarations of assets, income, liabilities and interests in the last three years (number of cases initiated, investigations carried out, outcome, etc).

7 Awareness

- 7.1 How are members of parliament made aware of the rules mentioned under sections 3 to 6 and of the conduct expected of them?
- 7.2 Please describe if and how members of parliament can obtain advice on the above-mentioned rules and conduct expected of them. Who / what entity is responsible for providing such advice?
- 7.3 Please indicate what information on the above-mentioned rules and conduct expected of members of parliament (including as regards compliance/non-compliance with these rules) is made available to the general public and how.

B. Corruption prevention in respect of judges

8 Background information

- 8.1 Please provide an overview of the court system in your country, indicating the different categories of courts (in particular criminal, civil, administrative, commercial, labour, social security, military, constitutional courts; excluding arbitration courts) and the jurisdiction levels.
- 8.2 Please describe the different categories of judges, indicating:
- whether they are appointed or elected;
 - whether there is a unique body of professional judges or whether certain court decisions are rendered by specific categories of judges.
- 8.3 In what document is the principle of independence of judges enshrined? Please provide the relevant provision(s) in English or French.
- 8.4 Please indicate which individuals or institutions, if any, may give directives in individual cases to judges. Provide the text of the relevant rules in English or French.

9 Recruitment and career

- 9.1 Please indicate whether judges are elected/appointed for a fixed or indefinite period of time. If they are elected/appointed for a fixed period, provide further details on the length of their mandate, whether it is renewable, what criteria and procedures are used for its renewal and what entity decides upon the renewability of their mandate.
- 9.2 Please indicate what persons(s) or entity/entities is/are responsible for the following:
- a) the appointment of judges;
 - b) the promotion of judges;
 - c) the mobility (transfer, rotation etc.) of judges;
 - d) the dismissal of judges.

Please provide the text of the relevant rules/procedures in English or French. Describe the composition of the entity/entities mentioned under a) to d), its/their procedures and criteria for taking decisions, as well as whether it is possible to appeal these decisions.

- 9.3 Please describe the procedure(s) and criteria in place to check the integrity/propriety of candidates for the position of a judge.
- 9.4 Please describe the procedure(s) and criteria in place to assess the integrity of the individuals represented on the entity/entities mentioned under question 9.2 a) to d) as well as any other mechanism(s) designed to prevent corruption among members of this entity/these entities.

10 Case management and court procedure

- 10.1 Please describe briefly how, and according to what criteria, cases are assigned to judges in the first instance in criminal, civil, and administrative courts. If different rules apply for appellate, supreme or constitutional courts, please specify.

- 10.2 Is it possible to remove a judge from a case? If so, who/what entity takes the decision and on what grounds?
- 10.3 What are the safeguards in place ensuring that judges deal with cases without undue delay?
- 10.4 Please describe whether judicial proceedings are public and, if so, under what conditions they may take place behind closed doors. Provide the text of the relevant provisions in English or French.

11 Conditions of service

- 11.1 Please indicate the gross annual salary of (i) a professional judge at the beginning of his/her career and (ii) a judge of the highest court. Please indicate if this salary varies according to the actual function occupied, seniority or a periodic evaluation.
- 11.2 What additional benefits, if any, (for example, special taxation regime or housing benefits) are provided by the state to judges? Please indicate a) the economic value of these benefits; b) whether information about their use is made available to the public; c) whether they are still entitled to these benefits after their term of office; and d) how control is exerted over the legitimate use of these benefits.

12 Ethical principles and rules of conduct

- 12.1 Please provide the full text, in English or French, of the ethical principles or core values of the judicial system as a whole which are enshrined in the constitution or other laws.
- 12.2 Please provide the full text of standards of conduct applicable to judges, in English or French. Give further details regarding:
- a) ~~since when they have been in place;~~
 - b) who / what entity drafted these provisions, who / what entity adopted them and whether judges were involved in the development of these provisions?
 - c) the measures to ensure compliance with these rules.

13 Conflicts of interest

- 13.1 Please describe the general rules and procedures in place concerning the prevention and resolution, before they arise, of conflicts of interest of judges. Please indicate if these rules and procedures also apply to conflicts of interest arising from the private interests or activities of others with whom the judge has a close association (relatives, business associates, etc.). Provide the text of the relevant rules in English or French and comment in particular on:
- a) the definitions and/or typologies of conflicts of interest, if such definitions/typologies are available;
 - b) the mechanisms aimed at preventing conflicts of interest;
 - c) the procedures for resolving conflicts of interest before they arise.

14 Prohibition or restriction of certain activities

- 14.1 Please provide the text of the relevant rules in English or French and describe the measures in place, if any, prohibiting or restricting the possibility for judges to:
- a) act in a particular case in which they have a private interest;

- b) accept gifts (including the definition of gifts, possible value thresholds per item/per donor/per year and the procedures for disposing of or returning unacceptable gifts);
- c) hold posts/functions or engage in accessory activities⁹ outside the courts, whether in the private or public sector, whether remunerated or not;
- d) hold financial interests¹⁰;
- e) be employed in certain posts/functions or engage in other paid or non-paid activities after exercising a judicial function.

14.2 Please describe the specific rules in place, if any, regarding communication outside the official procedures of a judge with a third party who has approached him/her about a case under his/her purview.

14.3 Please describe specific rules in place on the (mis)use of confidential information by judges. Provide the text of the relevant rules in English or French.

15 Declaration of assets, income, liabilities and interests

15.1 Please provide the text of the relevant rules in English or French and describe the measures in place, if any, requiring judges to declare the following:

- a) assets and the holding of financial interests¹¹;
- b) sources of income (earned income, income from investments, etc.);
- c) liabilities (loans from others, debts owed to others, etc.);
- d) the acceptance of gifts;
- e) the holding of posts and functions or engagement in accessory activities (e.g., consultancy), whether in the private or public sector, whether remunerated or not;
- f) offers of remunerated or non-remunerated activities (including employment, consultancies, etc.) and agreements for future such activities;
- g) any other interest or relationship that may or does create a conflict of interest.

15.2 Please indicate for each of the items in the previous question:

- a) if the information to be declared is also required for judges family members and/or relatives and who is to be considered a family member/relative for this purpose;
- b) when declarations are required and what time period they cover;
- c) if – apart from possible general (regular) declarations – declarations must also be made on an ad hoc basis if a judge has an interest in a matter that is before him/her.
- d) to whom / what body the information is to be declared;
- e) if a register is kept of the declarations – both as regards ad hoc and regular declarations – and, if so, what information is contained in this register;
- f) if the declarations are made public and in which way.

15.3 If there are no specific written rules applicable to judges concerning the declarations referred to in question 15.1, please describe whether unwritten rules (conventional rules, standing practices etc.) for this purpose exist and how they are applied.

⁹ This includes consultancy and representation of third parties' interests.

¹⁰ This includes shares in a company, bonds, notes or other financial instruments.

¹¹ Such as stocks, real estate and other property, financial holdings, shares in a company, bonds, notes or other financial instruments.

16 Enforcement of the rules regarding conflicts of interest and declarations of assets, income, liabilities and interests

16.1 Please describe the sanctions and enforcement mechanism(s) in place regarding violation by judges of the rules on the prohibition or restriction of certain activities as described in section 14.

16.2 For any enforcement mechanism that involves criminal prosecution, please indicate if judges are subject to special criminal proceedings or immunities, different from those applicable to other citizens and, if so, describe the differences.

16.3 For any non-criminal enforcement mechanism, please provide the following information:

- a) what person(s) or entity/entities is/are responsible for carrying out proceedings against judges;
- b) the composition of this entity/these entities, if appropriate;
- c) to what body it is/they are subordinated;
- d) the resources at its/their disposal;
- e) the procedures followed;
- f) how investigations are conducted and what triggers investigations (e.g., complaints by citizens, colleagues, others, whistleblowers);
- g) how decisions are taken (unanimity or majority);

16.4 Please describe the sanctions and enforcement mechanism(s) in place regarding violations by judges of the rules on the obligation, if any, to submit declarations of assets, income, liabilities and other interests as described in section 15.

16.5 Please describe the mechanism(s) in place for verifying, reviewing or otherwise checking whether the information contained in the declarations submitted by judges referred to in question 16.4 is complete and accurate. What are the sanctions and procedures ~~if incomplete or inaccurate information is provided? What are the~~ sanctions available and procedures to be followed if the information reported discloses a potential violation of any other law or regulation?

16.6 Please highlight any changes that have occurred since GRECO's last Third Round Report as regards criminal law provisions which are relevant as regards corruption of judges (e.g., provisions criminalising bribery of judges or trading in influence).

16.7 Please provide information on the enforcement in practice of the rules on conflicts of interest and declarations of assets, income, liabilities and interests regarding judges in the last three years (number of cases initiated, investigations carried out, outcome).

17 Training and awareness

17.1 Please describe the training provided to judges on ethics, expected conduct, prevention of corruption and conflicts of interest and related matters. Provide further details as regards:

- a) its content (subjects taught);
- b) its duration, the period during which it takes place (whether it is part of the initial and/or in-service training) and whether it is recurrent;
- c) whether it is compulsory or optional.

- 17.2 Please describe if and how judges can obtain advice on the rules mentioned under sections 13 to 15 and of the conduct expected of them. Who/what entity is responsible for providing such advice?
- 17.3 Please indicate what information on the above-mentioned rules and conduct is expected of judges (including as regards compliance/non-compliance with these rules) is made available to the general public and how.

C. Corruption prevention in respect of prosecutors

18 Background Information

- 18.1 Please indicate whether the prosecution service is part of the judicial branch, executive branch or both.
- 18.2 Please indicate whether the prosecution service is an autonomous institution, what autonomy actually means in this context and how this autonomy is guaranteed.
- 18.3 Please indicate which individuals or institutions, if any, may give directives in individual cases to prosecutors (e.g., regarding the commencement of prosecution or dismissal of a case). Please provide the text of the relevant rules in English or French.
- 18.4 Please describe the internal organisation of the prosecution service. Is a superior prosecutor entitled to validate or invalidate decisions taken by inferior prosecutors in a particular criminal case? What steps may the inferior prosecutor take if s/he disagrees?

19 Recruitment and career

- 19.1 Please indicate whether prosecutors are elected/appointed for a fixed or indefinite period of time. ~~If they are elected/appointed for a fixed period, provide further details on the length of their mandate, whether it is renewable, what criteria and procedures are used for its renewal and what entity decides upon the renewability of their mandate.~~
- 19.2 Please indicate what persons(s) or entity/entities is/are responsible for the following:
- a) the appointment of prosecutors;
 - b) the promotion of prosecutors;
 - c) the mobility (transfer, rotation etc.) of prosecutors;
 - d) the dismissal of prosecutors.

Please provide the text of the relevant rules/procedures in English or French. Describe the composition of the entity/entities mentioned under a) to d), its/their procedures and criteria for taking decisions, as well as whether it is possible to appeal these decisions.

- 19.3 Please describe the procedure(s) and criteria in place to check the integrity/proprerty of candidates for the position of a prosecutor.
- 19.4 Please describe the procedure(s) and criteria in place to assess the integrity of the individuals represented on the entity/entities mentioned under question 19.2 a) to d) as well as any other mechanism(s) designed to prevent corruption among members of this entity/these entities.

20 Case management

- 20.1 Please describe briefly how, and according to what criteria, cases are assigned to prosecutors in the first instance in criminal, civil, and administrative courts. If different rules apply for appellate, supreme or constitutional courts, please specify.
- 20.2 Is it possible to remove a prosecutor from a case? If so, who/what entity takes the decision and on what grounds?
- 20.3 What are the safeguards in place ensuring that prosecutors deal with cases without undue delay?

21 Conditions of service

- 21.1 Please indicate the gross annual salary of (i) a prosecutor at the beginning of his/her career and (ii) a Prosecutor General. Indicate if this salary varies according to the actual function occupied, seniority or a periodic evaluation.
- 21.2 What additional benefits, if any, (for example, special taxation regime or housing benefits) are provided by the state to prosecutors? Please indicate a) the economic value of these benefits; b) whether information about their use is made available to the public; c) whether they are still entitled to these benefits after their term of office; and d) how control is exerted over the legitimate use of these benefits.

22 Ethical principles and rules of conduct

- 22.1 Please provide the full text of standards of conduct and other relevant principles applicable to prosecutors, in English or French. Give further details regarding:
- a) since when they have been in place;
 - b) who / what entity drafted these provisions, who / what entity adopted them and whether prosecutors were involved in the development of these provisions?
 - c) the measures to ensure compliance with these rules.

23 Conflicts of interest

- 23.1 Please describe the general rules and procedures in place concerning the prevention and resolution, before they arise, of conflicts of interest of prosecutors. Please indicate if these rules and procedures also apply to conflicts of interest arising from the private interests or activities of others with whom the prosecutor has a close association (relatives, business associates, etc.). Provide the text of the relevant rules in English or French and comment in particular on:
- a) the definitions and/or typologies of conflicts of interest, if such definitions/typologies are available;
 - b) the mechanisms aimed at preventing conflicts of interest;
 - c) the procedures for resolving conflicts of interest before they arise.

24 Prohibition or restriction of certain activities

- 24.1 Please provide the text of the relevant rules in English or French and describe the measures in place, if any, prohibiting or restricting the possibility for prosecutors to:
- a) act in a particular case in which they have a private interest;

- b) accept gifts (including the definition of gifts, possible value thresholds per item/per donor/per year and the procedures for disposing of or returning unacceptable gifts);
- c) hold posts/functions or engage in accessory activities¹² outside the courts, whether in the private or public sector, whether remunerated or not;
- d) hold financial interests¹³;
- e) be employed in certain posts/functions or engage in other paid or non-paid activities after exercising a prosecutorial function.

24.2 Please describe the specific rules in place, if any, regarding communication outside the official procedures of a prosecutor with a third party who has approached him/her about a case under his/her purview.

24.3 Please describe specific rules in place on the (mis)use of confidential information by prosecutors. Provide the text of the relevant rules in English or French.

25 Declaration of assets, income, liabilities and interests

25.1 Please provide the text of the relevant rules in English or French and describe the measures in place, if any, requiring prosecutors to declare the following:

- a) assets and the holding of financial interests¹⁴;
- b) sources of income (earned income, income from investments, etc.);
- c) liabilities (loans from others, debts owed to others, etc.);
- d) the acceptance of gifts;
- e) the holding of posts and functions or engagement in accessory activities (e.g., consultancy), whether in the private or public sector, whether remunerated or not;
- f) offers of remunerated or non-remunerated activities (including employment, consultancies, etc.) and agreements for future such activities;
- g) any other interest or relationship that may or does create a conflict of interest.

25.2 Please indicate for each of the items in the previous question:

- a) if the information to be declared is also required for prosecutors' family members and/or relatives and who is to be considered a family member/relative for this purpose;
- b) when declarations are required and what time period they cover;
- c) to whom / what body the information is to be declared;
- d) if a register is kept of the declarations – both as regards ad hoc and regular declarations – and, if so, what information is contained in this register;
- e) if the declarations are made public and in which way.

25.3 If there are no specific written rules applicable to prosecutors concerning the declarations referred to in question 25.1, please describe whether unwritten rules (conventional rules, standing practices etc.) for this purpose exist and how they are applied.

¹² This includes consultancy and representation of third parties' interests.

¹³ This includes shares in a company, bonds, notes or other financial instruments.

¹⁴ Such as stocks, real estate and other property, financial holdings, shares in a company, bonds, notes or other financial instruments.

26 Enforcement of the rules regarding conflicts of interest and declarations of assets, income, liabilities and interests

26.1 Please describe the sanctions and enforcement mechanism(s) in place regarding violation by prosecutors of the rules on the prohibition or restriction of certain activities as described in section 24.

26.2 For any enforcement mechanism that involves criminal prosecution, please indicate if prosecutors are subject to special criminal proceedings or immunities, different from those applicable to other citizens and, if so, describe the differences.

26.3 For any non-criminal enforcement mechanism, please provide the following information:

- a) what person(s) or entity/entities is/are responsible for carrying out proceedings against prosecutors;
- b) the composition of this entity/these entities, if appropriate;
- c) to what body it is/they are subordinated;
- d) the resources at its/their disposal;
- e) the procedures followed;
- f) how investigations are conducted and what triggers investigations (e.g., complaints by citizens, colleagues, others, whistleblowers);
- g) how decisions are taken (unanimity or majority);

26.4 Please describe the sanctions and enforcement mechanism(s) in place regarding violations by prosecutors of the rules on the obligation, if any, to submit declarations of assets, income, liabilities and other interests as described in section 25.

26.5 Please describe the mechanism(s) in place for verifying, reviewing or otherwise checking whether the information contained in the declarations submitted by prosecutors referred to in question 26.4 is complete and accurate. What are the sanctions and procedures if incomplete or inaccurate information is provided? What are the sanctions available and procedures to be followed if the information reported discloses a potential violation of any other law or regulation?

26.6 Please highlight any changes that have occurred since GRECO's last Third Round Report as regards criminal law provisions which are relevant as regards corruption of prosecutors (e.g. provisions criminalising bribery of prosecutors or trading in influence).

26.7 Please provide information on the enforcement in practice of the rules on conflicts of interest and declarations of assets, income, liabilities and interests regarding prosecutors in the last three years (number of cases initiated, investigations carried out, outcome).

27 Training and awareness

27.1 Please describe the training provided to prosecutors on ethics, expected conduct, prevention of corruption and conflicts of interest and related matters. Provide further details as regards:

- a) its content (subjects taught);
- b) its duration, the period during which it takes place (whether it is part of the initial and/or in-service training) and whether it is recurrent;

c) whether it is compulsory or optional.

27.2 Please describe if and how prosecutors can obtain advice on the rules mentioned under sections 23 to 25 and of the conduct expected of them. Who/what entity is responsible for providing such advice?

27.3 Please indicate what information on the above-mentioned rules and conduct is expected of prosecutors (including as regards compliance/non-compliance with these rules) is made available to the general public and how.