PARLAMENTUL ROMÂNIEI CAMERA DEPUTAȚILOR SECRETARIATUL GENERAL Nr. 2/2605/13.05.2015

ROMANIA

Parlamentul României
CAMERA DEPUTAȚILOR
BIROUL PERMANENT
Nr. 703 din 13.05.2015

PARLAMENTUL ROMÂNIEI

CAMERA DEPUTAŢILOR

COMISIA JURIDICĂ, DE DISCIPLINĂ ŞI IMUNITĂŢI

Bucureşti, 13.05.2015
Nr. 4c-11/671

BIROULUI PERMANENT
AL
CAMEREI DEPUTAŢILOR

În perioada 19-22 mai 2015, GRECO (Grupul Statelor împotriva Corupției) va efectua o vizita de evaluare a României în cadrul celei de-a patra runde de evaluare. Runda a patra de evaluare are drept tema *prevenirea corupției în rândul membrilor Parlamentului, judecătorilor și procurorilor.*

În acest sens, Ministerul Justiției a transmis Comisiei juridice, de disciplină și imunități a Camerei Deputaților și Comisiei juridice, de numiri, disciplină, imunități și validări a Senatului o solicitare privind organizarea unei întâlniri pe 20 mai 2015, ora 9.00, la salonul Alb.

După finalizarea discuțiilor cu membrii Comisiilor juridice, reprezentații GRECO solicită o întâlnire și cu reprezentanți ai partidelor politice, si dacă este cazul, membri ai GOPAC (Organizația Globală a Parlamentarilor împotriva corupției).

Vă sugerăm să transmiteți această invitație tuturor grupurilor parlamentare pentru ca, în situația în care există membri ai acestei organizații, aceștia să fie informați să participe, iar dacă nu există reprezentanți, liderii de grupuri parlamentare să facă propuneri de membri în *Organizația Globală a Parlamentarilor împotriva corupției - GOPAC*.

Cu deosebită considerație,

PREŞEDINTE,
Bogdan Liviu CIUCĂ

COMISIA JURIDICĂ DE DISCIPLINĂ ŞI IMUNITĂŢI
INTRARE / IEŞIRE 4c11 / 648
Ziua 06 Luna 05 Anul 2015

Nr. 3 /32566/2015
30.04.2015

Domnului deputat Liviu – Bogdan CIUCĂ
Preşedintele Comisiei juridice, de disciplină şi imunităţi,
CAMERA DEPUTAŢILOR

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 şi imunităţi;

- 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 întrevederi, 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

Ministrul 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)

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Directorate General I
Human Rights and Rule of Law
Information Society and Action against
Crime Directorate

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 debates[2];
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.

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[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?

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 decisions[7].

4.2 Please describe specific rules in place on the (mis)use of <u>confidential information</u> 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 <u>public resources</u> 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, <u>requiring members of parliament to declare</u> the following:

a) assets and the holding of financial interests[8];
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 <u>each</u> 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 <u>unwritten rules</u> (conventional rules, standing practices etc.) for this purpose exist and how they are applied.

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[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.

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.

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 activities[9] outside the courts, whether in the private or public sector, whether remunerated or not;
d) hold financial interests[10];
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 interests[11];
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.

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/propriety 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.

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 activities[12] outside the courts, whether in the private or public sector, whether remunerated or not;
d) hold financial interests[13];
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 interests[14];
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.

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.