



MINISTERUL JUSTIȚIEI

TENTH INTERNATIONAL PHARMACEUTICAL COMPLIANCE CONGRESS

Warsaw, May 10 - 12, 2016

*Romanian National and Foreign
Bribery Legislation and Policy*



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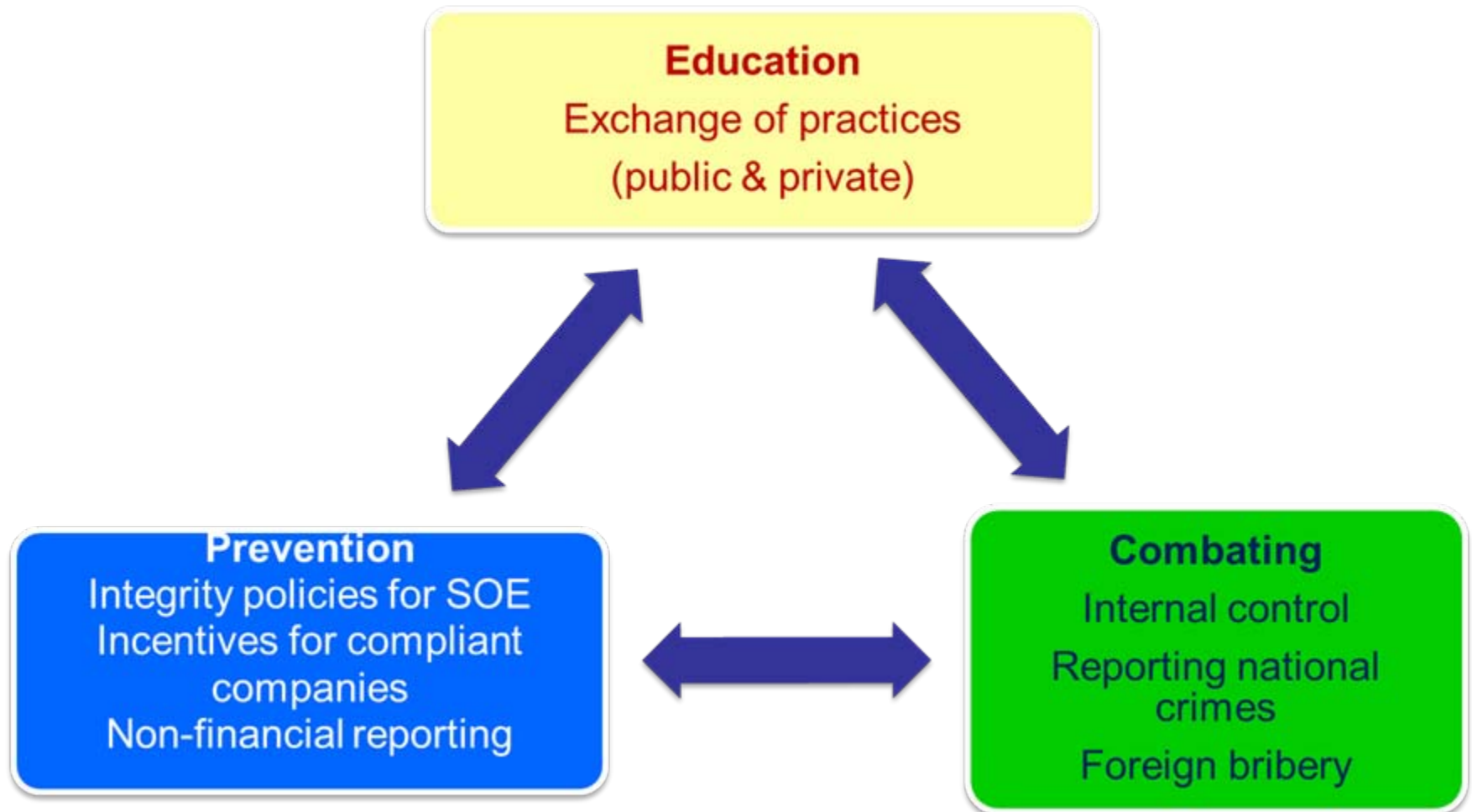
CONTENT

Foreign bribery?
- Integrity legal
standards

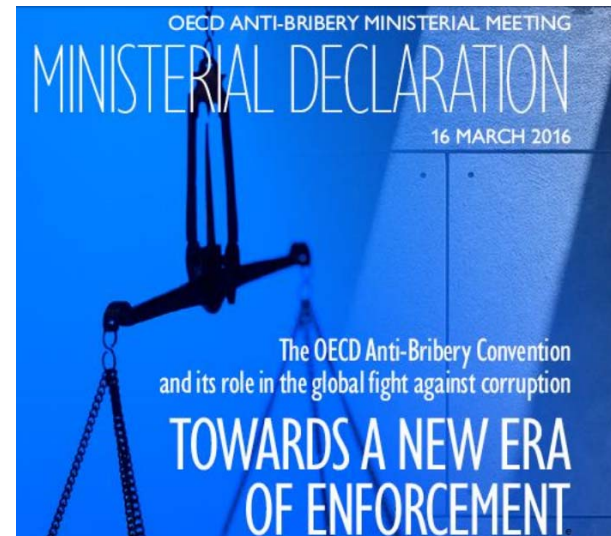
The policy approach
- preventive
measures

State owned
companies

Business integrity
as “business”



ROMANIA AND OECD



Accession
criteria

Mutual interest

Legislation &
enforcement

Willingness and
Ability to Participate



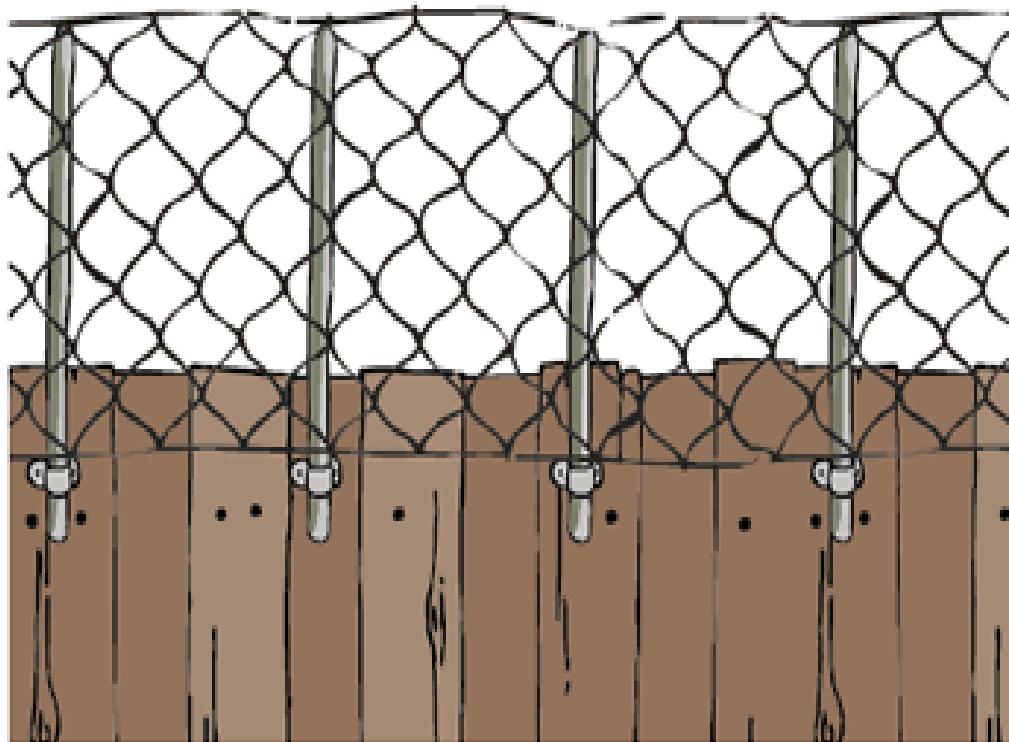
- Accession process
- External audit of NAS 2012 – 2015
- Business integrity report



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INTEGRITY LEGAL STANDARDS

How high is the fence ?



Ministry of Foreign Affairs of the
Netherlands

OFFENDERS ON CAUSES AND CONSEQUENCES OF CORRUPTION

A study on corruption in Romania

January 2015

In partnership with:



With the support of:





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CRIMINAL CODE

Art. 289 - Taking a bribe

Art. 290 - Giving a bribe

Art. 291 - Trading in influence

Art. 292 - Buying of influence

Art. 293 - Acts committed by members of arbitration courts or connected to them

Art. 294 - Acts committed by foreign officials or in connection to them

Art. 301 - Conflict of interests

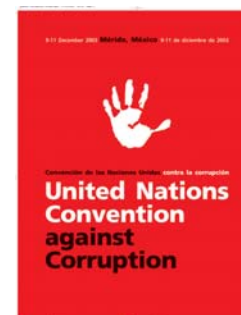
Art. 308 - Crimes of corruption and committed in connection with the service by other persons

Art. 135 – 137 - The terms of criminal liability of the legal persons/sanctions



Group of States against Corruption

Groupe d'États contre la corruption





Art. 219 – Liability for legal acts

Art. 220 - Liability of the members of a legal person's bodies

Art. 221– Liability of public law legal persons

Art. 1349...– Tort liability

Art. 1381 - The object of the compensation

Art. 1382 - Joint liability

Art. 1385 - The extent of repair compensation

Art. 1386 - The forms of compensation

Law no. 31/1990 – on companies

Art. 6 – interdiction – corruption, extortion, false, tax evasion, money laundering

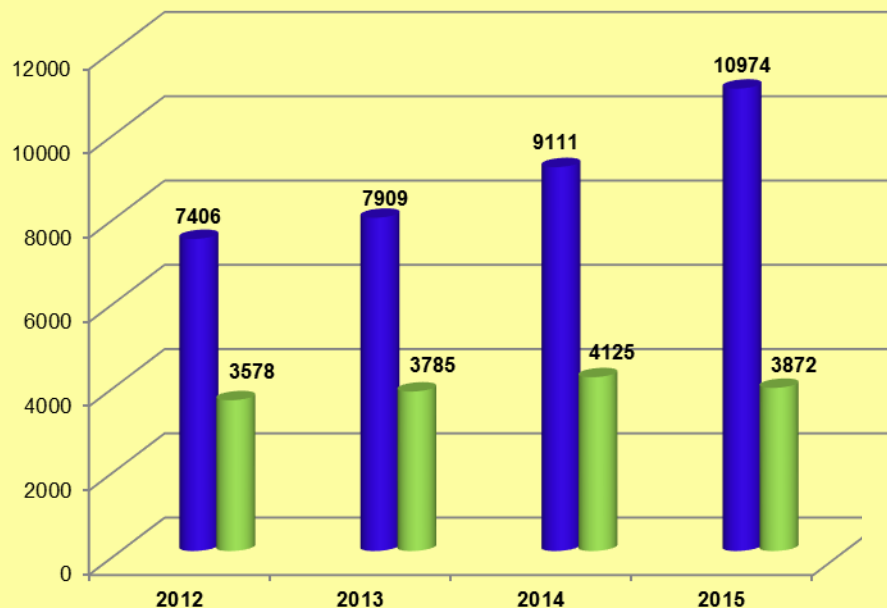
Law no. 227/2015 – fiscal code

Art. 25 – corruption - non deductible



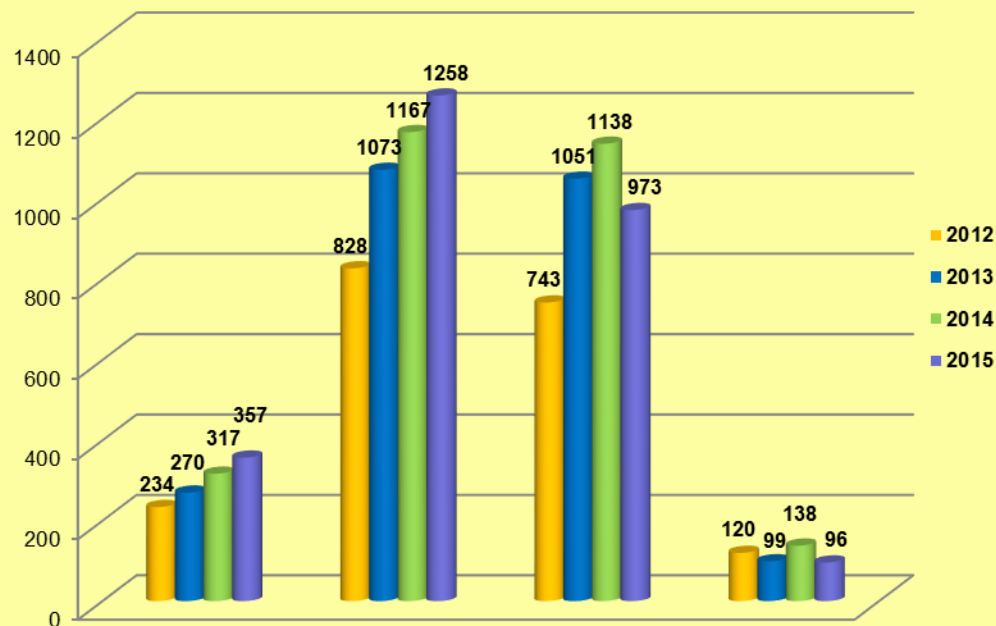
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DNA - TRACK RECORD



Ongoing & solved cases

**Indictments and
admittance of guilt**
Prosecuted
Final convicted
Acquitted

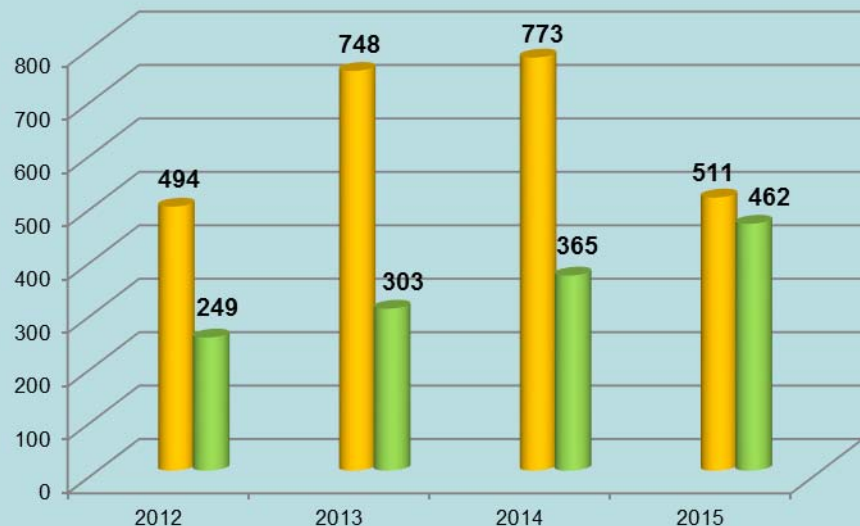


These graphics were developed by MoJ based on DNA's annual reports. For accessing the data in original format and more details please visit: <http://www.pna.ro/results.xhtml>



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DNA - TRACK RECORD



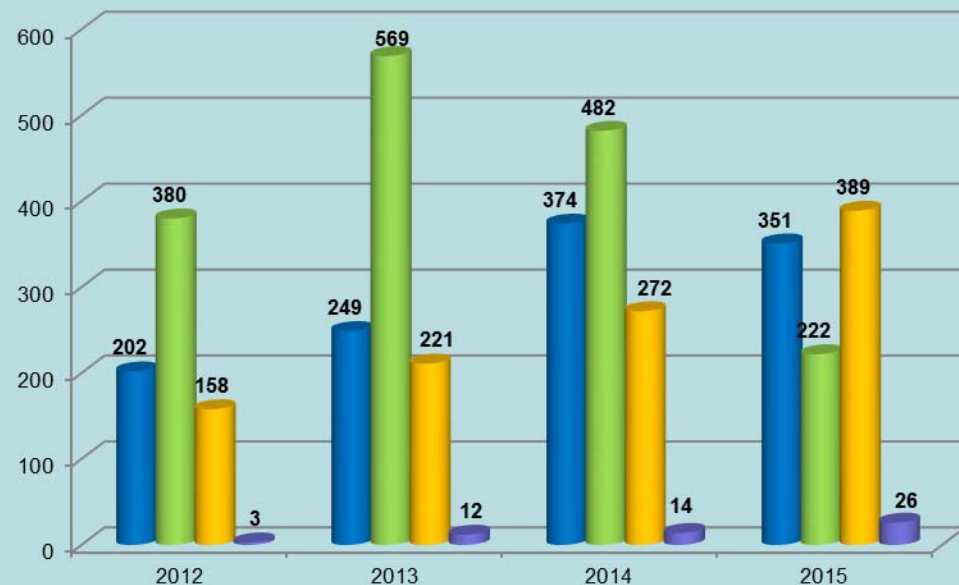
Prison

Suspended execution – under condition

Suspended execution – under supervision

Criminal fine

Private & public sector



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Assumption

- Any new file of ANI and DNA represents a managerial failure to prevent integrity incidents

Recommended action

- **Heads of public institutions to assume the integrity agenda as priority**
- Obligation to adopt a sectorial integrity plan
- Measures to address: **prevention, education and combating.**

Expected result

- Strengthening the institutional integrity through **internal audit, control and administrative sanctions**

**Ensuring legislative and
institutional stability**

**Preventive
tools**

**EU AC Report,
UNCAC,
GRECO, CVM**

**Open
Governance**

**Vulnerable
sectors**

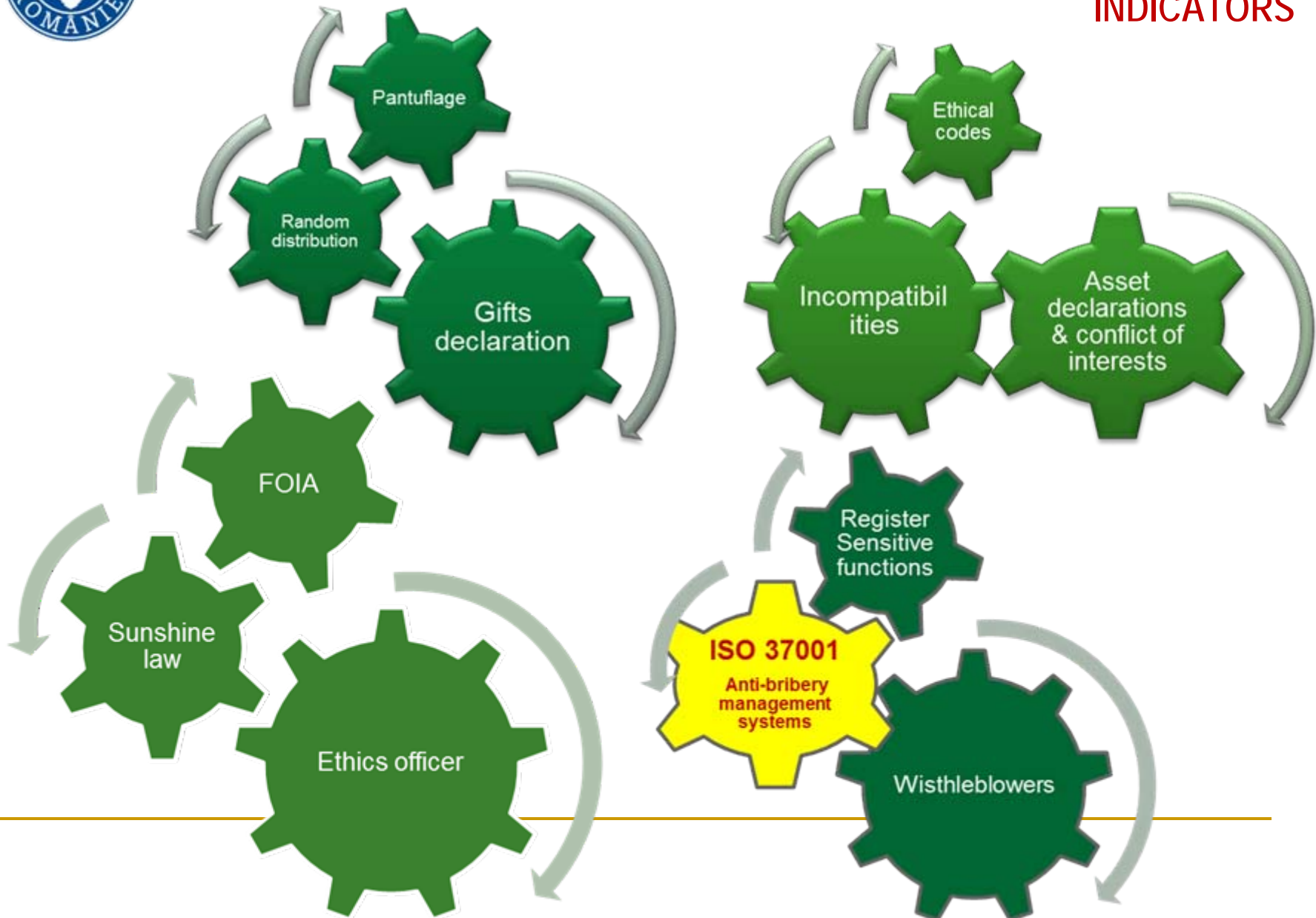
**Asset
recovery**





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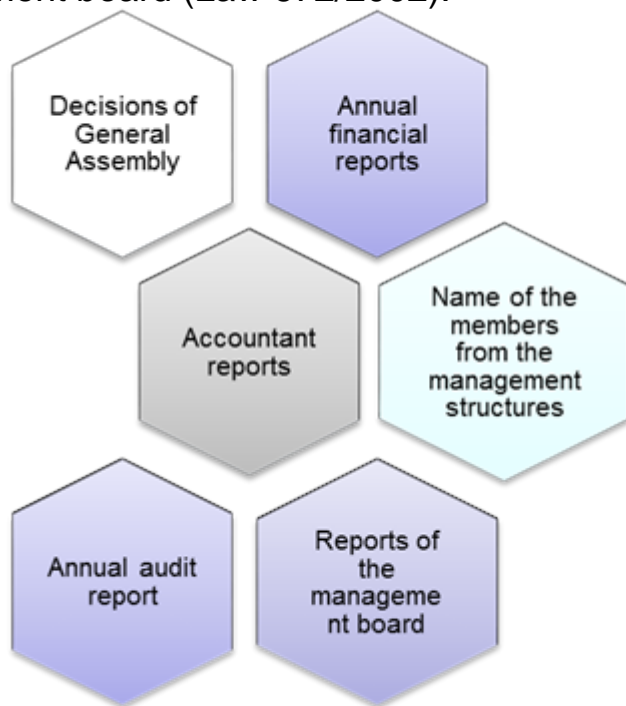
INVENTORY OF PREVENTIVE MEASURES AND INDICATORS





CORPORATE GOVERNANCE OF PUBLIC COMPANIES IN ROMANIA - OUG 109/2011

- The public tutelary authority and the Ministry of Public Finances **cannot interfere in the administration and management of** public companies;
- **New selection procedure** of administrators/managers (transparency, performance criteria); clear remuneration scheme;
- Better **protection for minority shareholders** rights;
- The **financial reports** of the public companies are subject to a mandatory **statutory audit**;
- Public companies organize their own **internal audit** reported to the management board (Law 672/2002).



Any document signed with the following persons, against the public companies' interests, **is null and void**:

- family members of board or directorate members, of managers up to 4-th grade;
- administrators, managers, members of the supervisory board/directorate, employees and shareholders controlling the company or with a controlled company;
- family members of persons mentioned above up to the 4-th grade.

- 1. sending the case to court
- 2. NIA final decision
- 3. final conviction decision



INTEGRITY INCIDENT

COMMISSION FOR
MONITORING ROMANIA'S
PROGRESS WITHIN CVM

MINISTER OF JUSTICE

Requests information

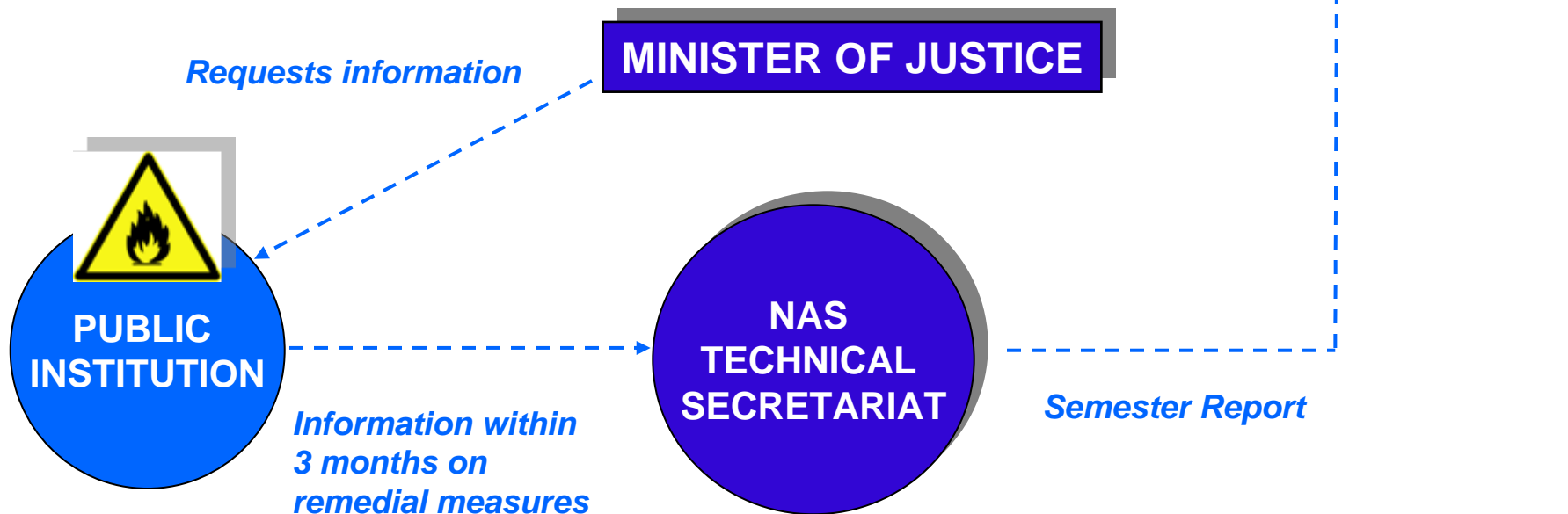


PUBLIC
INSTITUTION

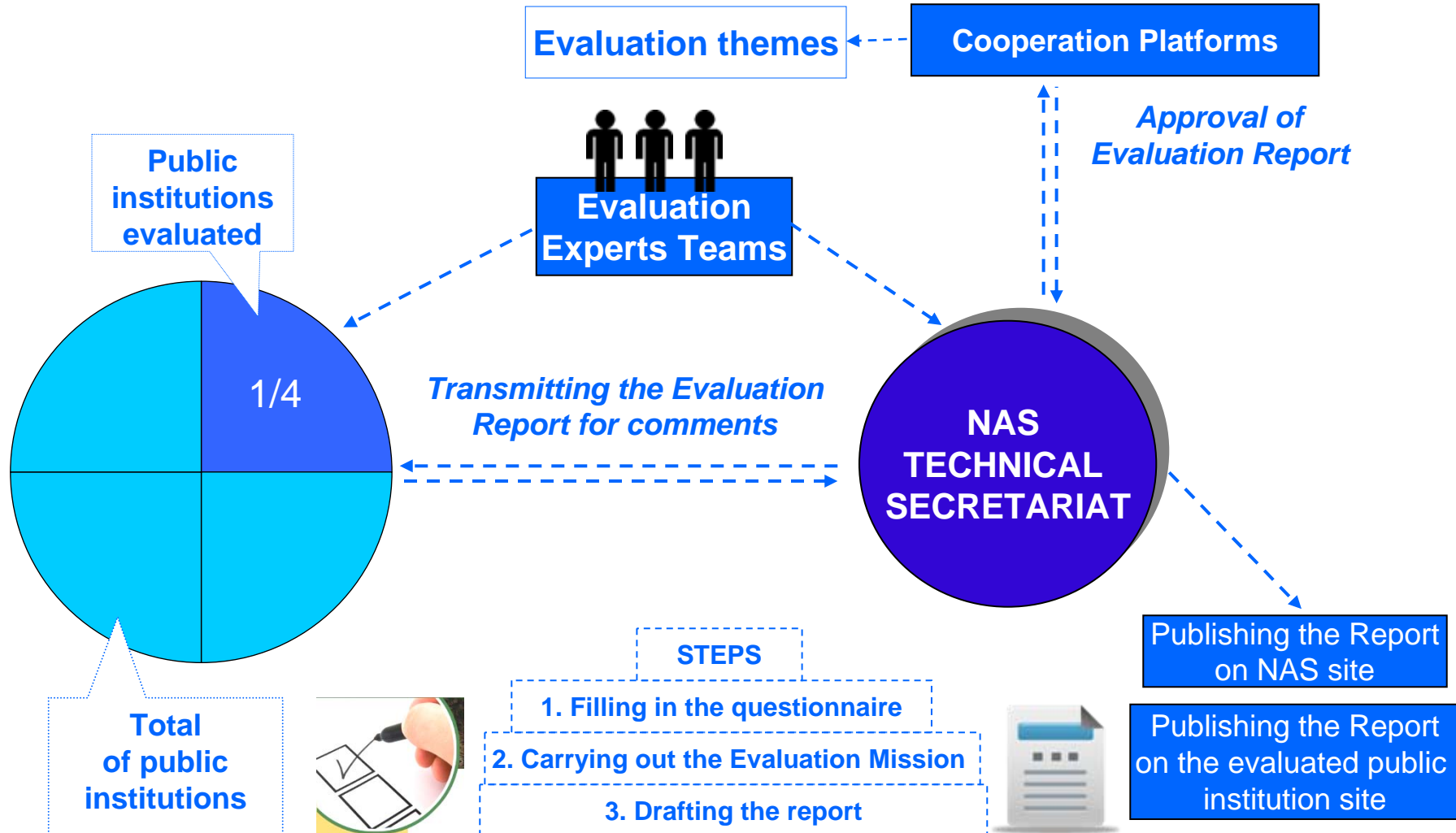
NAS
TECHNICAL
SECRETARIAT

Semester Report

*Information within
3 months on
remedial measures*



THEMATIC EVALUATION



Q&A?

THANK YOU !

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