

Factual Findings Report

External Audit of the Management of
National Integrity Agency for 2020

June 2021

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Executive summary

Introduction

In accordance with the provisions of the service contract (hereinafter "the Contract") registered with the National Integrity Agency (hereinafter "ANI" or "Agency") under no. 7187 / 14.04.2021 and **registered at TGS Romania Assurance & Advisory Business Services SRL (hereinafter "TGS") under no. 43 / 26.04.2021**, concluded between ANI and TGS, we submit to you the Factual Findings Report ("Report"), **regarding the performance of external audit services of ANI's management for 2020**, in accordance with the provisions of art. 32 para. (1) of Law no. 144/2007 on the establishment, organization and functioning of the National Integrity Agency, republished, with subsequent amendments and additions

The agreed work phases in the Initial Report for performing the engagement were:

- ✓ Understanding ANI's core activities and defining the audit engagement objectives, as well as understanding the risks that may be associated with the audit engagement;
- ✓ Developing the work program;
- ✓ Performing the work program and verification procedures (examination of documentation, interviews with key staff, conducting specific detailed tests);
- ✓ Drawing up the conclusions and drafting the factual findings report.

Objectives and scope of the mission

The evaluation of the **quality of ANI's management for 2020 was assessed** during between April 26 and June 7th, 2021. The entire process was carried out by the team of TGS specialists, by implementing procedures specific to this engagement, respectively examination of documentation, interviews of key staff and specific detail tests. Throughout the engagement, we collaborated with ANI's representatives in order to achieve the objectives set as part of our technical offer.

The project was performed in accordance with:

- ✓ The tender documentation which led to the conclusion of the contract;
- ✓ International Standards on Related Services (ISRS) – 4400¹;
- ✓ Legal framework applicable to the National Integrity Agency.

Procedures performed and factual findings

We have planned and performed the verifications in accordance with the objective and scope of this engagement, and with the agreed-upon procedures, as they are detailed in *Chapter 2 Engagement approach, work plan and project* phases. All the procedures detailed in Chapter 2 have been performed in accordance with the terms agreed by the Contract.

By following and performing the agreed upon procedures, we obtained sufficient and appropriate evidence to issue a factual findings report in accordance with the International Standards on Related Services (ISRS 4400). The procedures performed during this engagement are neither a financial audit, nor a review and thus we do not express any assurance regarding the quality of ANI's management and financial statements for the year that ended on December 31, 2020.

¹ International Standards on related Services - 4400 Engagements to perform agreed upon procedures – agreed upon procedures

Regarding the findings identified in 2020, their classification was based on the impact they have on the objectives of the National Integrity Agency, and the centralized summary of the findings identified in 2020 is as follows:

Impact	Findings identified in 2020
Major	11
Medium	8
Minimum	5
Total findings identified in 2020	24

As part of this engagement, we have also assessed the remediation status of the deficiencies identified in previous years, included in the previous factual findings reports **regarding ANI's** management evaluation. Thus, the status of the deficiencies formulated in the factual findings reports for previous years is presented in the table below:

Status of implementation of recommendations for deficiencies formulated in previous years	Impact			Total
	Major	Medium	Minimum	
Implemented recommendations	1	5	6	12
Partially implemented recommendations	6	10	9	25
Recommendations not implemented	-	-	5	5
Recommendations eliminated as no longer applicable	-	2	-	2

The external audit of the Agency's management carried out over the years has contributed to the quality of the processes/activities carried out within the Agency and is an important tool to ensure an independent evaluation of the level of compliance with operational procedures and undertaking responsibilities by all ANI staff, as indicated by the improvements observed during the prior audited periods.

Findings

The results of the application of the agreed-upon procedures performed according with the International Standards on Related Services (ISRS) – 4400 Engagements to perform agreed – upon procedures, are presented within this report.

Through its attributions and clearly defined status, the National Integrity Agency is the Agency holding exclusive competence in managing the system of assets and interests declarations and identification, prevention or combating integrity incidents.

Following the **assessment of ANI's activity performed during the year 2020**, we observed that although it was an unusual year in the context of the current COVID 19 pandemic, with many challenges and restrictions, the Agency managed to follow its specific objectives and to fulfil its role established by the Organization and Operation Regulation. ANI's management adapted accordingly, so that it functions optimally and has focused on improving processes and driving activities to be more efficient in order to achieve the planned objectives. ANI's efforts were focused on:

- Continuing the implementation of measures established by the Strategy for preventing and sanctioning conflicts of interest, incompatibilities and unjustified assets for the period 2016-2020 **as well as measures included within ANI's Integrity Plan regarding the implementation of the National Anticorruption Strategy for 2016-2020**;
- Continuing **the implementation of the project "EMOD – Developing the institutional capacity of the National Integrity Agency in order to effectively streamline the internal workflows and the methods of submitting assets and interest declarations in the electoral and annual process"**;
- Developing a module for remote transmission of the assets and interests declarations (e-DAI) so that all categories of persons as provided by law as having the obligation to submit assets and interests declarations can complete and submit their declarations through the online platform e-DAI, starting 2021. Through this process Romania will join the countries having digitized systems for assets declaration;
- Continuing the implementation of the project "LINC - increase the capacity of the central public administration by preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets". This project was completed at the beginning of 2021;
- Achieving an 84% "implemented" and "partially implemented" status of the recommendations related to the improvement of the activities formulated in the prior years audit reports. **This rate of implementation indicates a high degree of implication and efficiency of ANI's management**;
- Continuing the process of implementing the objectives established by the Cooperation and Verification Mechanism;
- Cooperation activities with public institutions and authorities, as well as with structures of local public administration authorities, by participation in workshops and training sessions (as a lecturer/trainer) on topics aimed at preventing corruption in public administration, raising awareness about incompatibilities and conflicts of interest;
- Continuing efforts on providing transparency and raising awareness, especially while providing substantiated opinions to petitioners requesting clarifications on the legal regime of conflicts of interest and incompatibilities;
- Carrying out the processes to publish the list of important public positions, as required by the adoption of Emergency Ordinance no. 111/2020 regarding the amendment and completion of Law no. 129/2019 for preventing and combating money laundering and terrorist financing, as well as finalizing and publishing on the Agency's website the list of important public positions;
- Carrying out awareness and prevention activities by increasing the level of transparency and prevention of incompatibilities and conflicts of interest. ANI launched on its website a dedicated section for local and parliamentary elections held in 2020, aiming to optimize the process of filling in assets and interests declarations by candidates. Also, the Agency has provided specialized assistance on the legal regime of incompatibilities and conflicts of interest by informing civil society about the obligations of candidates in the election process;

- The finalization and adoption of the National Integrity Agency Short-Term Strategy for 2020 – 2021;
- The carrying out all the activities of the Agency, without interruption or major consequences during 2020, a year that was severely affected by the COVID 19 pandemic, as well as being an election year in Romania (for both local and parliamentary elections). As a result, ANI's activity in 2020 was very intense, dealing with an increased number of asset and interests declarations submitted, petitions received and notifications filed with the Agency.

The areas of vulnerability that may prevent ANI from further achieving its objectives and for which remedial actions are still needed are as follows:

- The administration of the systems/technologies that are currently being used by ANI is entirely dependent on services provided by external service providers, while in the Information Technology Services Department of the 8 job positions available none are occupied;
- Insufficient workspace and file storage space;
- Shortage of human resources, the level of occupancy reached below 50% at the end of 2020;
- Difficulties in establishing inter-institutional cooperation with various relevant entities in Romania. This aspect hinders the evaluation activity carried out by the integrity inspectors due to the lack of directly accessible electronic information/communication with other institutions.

Bucharest, Romania

June 7, 2021

Madeline Alexander

For signature please refer to
the Romanian version

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1 Objectives and Scope of the Project

According to the Contract, the engagement's specific objective, as defined in the Tender Documentation, is to perform the external audit of the management of the National Integrity Agency (ANI), for the year 2020, in accordance with International Standards on Related Services (ISRS 4400 - Engagements to carry out the agreed procedures).

The purpose of this engagement is to contribute to the improvement of the general management of the National Integrity Agency and to at a minimum bring added value to the Agency, by carrying out an objective evaluation of the activity carried out by all structures of the Agency, and by drafting potential recommendations related to these findings.

The expected results of the project are as follows:

- Elaboration of a factual findings report on the **performance of ANI's management system**, detailed based on audit procedures carried out in accordance to legislation in force;
- Draft viable, specific, achievable and qualitative recommendations, meant to significantly improve the managerial performance of the Agency as part of a letter to the management of the Agency
- Presentation of the findings in work sessions where recommendations are analysed;
- Integration of possible observations received from **ANI's management** in the analysis performed.

2 Engagement approach, work plan and project phases

The project was approached in four phases, correlated with the objectives pursued to achieve project result, as follows:

1. General project planning;
2. Developing the engagement plan;
3. Performing the engagement plan;
4. Conclusions and reporting results.

2.1 Planning

In the general project planning phase, we took into account two essential objectives: understanding of Agency's activity and understanding the risk environment. Therefore, as part of the planning phase, we followed the following steps:

- Prepare the preliminary request for information;
- Organize **the „kick-off** meeting;
- Determine and establish the professional standards applicable to the engagement **with ANI's** management
- Identify potential issues;
- Obtain the information necessary to develop the engagement plan and the preliminary analysis of the risks associated with the engagement, as identified by the Agency's management team.

On April 27th, 2020, before starting **the actual fieldwork**, we organized, at ANI's headquarters, a kick-off meeting with the following results:

- Presentation of the team members involved in the project, both from TGS and ANI, as well as their responsibilities;
- Mutual agreement for a preliminary timetable to carrying out the engagement activities, deadlines for execution and reporting of the project;

- Mutual agreement for the communication protocol between the TGS and ANI teams.

2.2 Developing the engagement plan

Based on the information obtained in the first phase, we identified the areas of this engagement (both the main structures of the Agency and the support structures) and evaluated the internal operational workflow and the internal managerial control system in order to achieve effective engagement planning. We developed the engagement plan, on the following structure:

- Establish and agree the verification techniques used (observation, analysis, testing, confirmation);
- Development of the interviews plan aimed at identifying and understanding specific risks;
- Analyse the decision-making process and the actions taken during the year 2020, in order to use these in the sampling process; based on this analysis, we agreed together with the management of the Agency on the sampling strategy so that the selections subject to verification are relevant for the purpose of this project;
- Establish together with the relevant staff, the format and content of the interview templates;
- Establish the format and content of detailed tests;
- Establish the size sample to be tested on each ANI structure (direction, service, office or compartment).

By the end of these two phases, on May 6th, 2021, we delivered the Initial Report to ANI management for approval. In this report we made a presentation of the verification procedures applicable to each ANI structure, sampling methodology and engagement planning phases. The report was approved without objections by ANI management.

2.3 Execution of the engagement plan and performance of verification procedures

During this phase, we carried out the procedures agreed upon with ANI management that included tests and interviews in order to conclude whether the policies, procedures and systems are compliant with both the national legislation in force and with the best practices in the field.

The verification procedures were performed in several stages:

1. Sampling

In order to obtain audit evidence, in accordance with the International Standards on Related Services (ISRS) - *4400 Engagements to perform agreed-upon procedures*, on the basis of professional judgement, we determined the audit risk correlated with the activity and processes of the Agency and we designed the verification procedures so as to ensure a low risk to an acceptable level. During this process we took into consideration the specific objectives and the purpose of this project, as well as the status of the recommendations resulting from the audit engagements performed during previous years.

Based on statistical evidence, made available to us by the ANI team, regarding the specific activities of the National Integrity Agency in 2020, we analyzed the situation of the works performed as part of ANI core activity in 2020 (the population subject to sampling), we determined the stratification criteria and we randomly selected the testing sample, based on the following methodology, in accordance with the provisions of the International Standards on Related Services:

Total population (number of iterations of control activities)	Sample size*
Over 350	20
52-350	10
13-51	5
5-12	2
1-4	1

* When establishing the sample for the Integrity Inspection, we took into account a maximum of 20 works for each of the 3 statuses (settled, dismissed and in progress). The core activity of the Agency is being performed by this specific structure.

The sampling methodology was agreed by the Agency's management, for each structure, as part of the Initial Report and detailed tests were applied on the selected sample.

2. ***Verification of the performance of managerial tasks by Agency's management***, based on the selected sample:

- Verification of compliance with operational procedures (formalization and observance of the procedural flow; use of standard documents defined in the procedural framework; documentation of analysis and evaluation indicators);
- Analysis of the effectiveness of ANI organization in relation to set objectives;
- Verification of the communication system within ANI;
- Analysis of decisions management and instrumentation process;
- Verification of the adequacy of ANI management activity and performance level, in compliance with the principles of forecasting, organization, coordination, management and internal control;
- Analysis of the manner in which managerial attributions are being fulfilled by the ANI management as well as verification of the existence, performance and efficiency of managerial controls.

3. ***Staff workload analysis***, respectively the analysis of the adequacy of the allocated resources compared to workload.

4. ***Assessing the adequacy and operational effectiveness of overall controls of the IT system***

Review of IT system (SAP, ERP, PREVENT, DMS and SIMIDAI) in order to assess the extent to which the IT system meets the needs resulting from the specific tasks that ANI has to perform, including from the point of view of environmental security;

5. ***Stages of the management quality assessment procedure***, respectively, the verification of the existence and adequacy of the following elements:

- Reporting diagram;
- Decision-making process within ANI;
- The flow of documents;
- System and operational procedures;
- Attributions and responsibilities, delimitations and delegations of competence, diagrams of relations, clearly formulated in the Organization and Operation Regulations as well as in mandate contracts signed by managers of the Agency in 2020;
- Ensuring the random distribution of the files for the evaluation;

- Meeting the completion deadlines for the files examined.

At the same time, the following aspects were taken into consideration while performing our verification procedures:

- ✓ Understanding and gaining knowledge of internal rules and procedures, respectively, we analysed and we familiarized ourselves with:
 - Regulation of the Organization and Functioning of ANI (hereinafter referred to as ROF), approved by Order of the President of ANI no. 14409 / 10.10.2019 and amended by Order of the President of ANI no. 16533 / 14.11.2019 and Order of the President of ANI no. 16647 / 15.11.2019;
 - Provisions of Law no. 144 of May 21, 2007, republished - regarding the establishment, organization and functioning of the National Integrity Agency, including subsequent modifications and completions;
 - Provisions of Law no. 176 of September 1, 2010 - regarding integrity in the exercise of public functions and dignities, for the amendment and completion of Law no. 144/2007 regarding the establishment, organization and functioning of the National Integrity Agency, as well as for the modification and completion of other legislation, including subsequent modifications and completions;
 - Provisions of Law no. 105 of July 9, 2020 for the completion of Law no. 176/2010 on integrity in the exercise of public functions and dignities, for amending and supplementing Law no. 144/2007 regarding the establishment, organization and functioning of the National Integrity Agency, as well as for the modification and completion of other legislation;
 - Internal operational procedures, identifying responsibilities for each structure, division of tasks, applicable legislation and operational flows for various types of works.
- ✓ Verification of primary documents (operational procedures, orders, various reports, etc.), in order to ensure thorough understanding of terms and conditions of significant importance, both individually and globally, and to assess their area of applicability.
- ✓ Specific observation, questioning, confirmation and detail tests.

Details of the elements to be verified were established, on a case-by-case basis, using the applicable audit procedures and applicable operational procedures manuals.

2.4 Reporting phase

Following the verifications made by our team in accordance with ISRS 4400, TGS Romania has submitted to ANI management this factual finding report which includes the factual findings regarding the internal processes and/or procedures implemented **at the Agency's level**.

The Factual findings are detailed in the next chapter, for each of the structures verified.

3 Implementation status of the action measures related to the Strategy for prevention and sanctioning of conflicts of interest, incompatibilities and unjustified assets (2016 - 2020)

The National Integrity Council has approved, by Decision no. 4 of June 14, 2016, the "Strategy for the prevention and sanctioning of conflicts of interest, incompatibilities and unjustified assets (2016 - 2020)". At ANI level the applicable regulation is the Order of the President of ANI no. 11832 / 12.07.2016, approving the Strategy for preventing and sanctioning conflicts of interest, incompatibilities and unjustified assets (2016-2020) and, at the same time, streamlining the implementation process by establishing the Commission for monitoring and implementing the above-mentioned Strategy. The updated version of the Strategy for the prevention and sanctioning of conflicts of interest, incompatibilities and unjustified assets (2016-2020) has been approved by Order of the President of ANI no. 480 / 11.01.2019.

We have obtained the Strategy for the prevention and sanctioning of conflicts of interest, incompatibilities and unjustified assets (2016-2020) as well as the Report on the implementation of the Strategy. The objectives and measures included in the Strategy are structured on five areas of intervention (general objectives), namely: prevention and awareness, evaluation and sanctioning, administrative consolidation, transparency and cooperation. Performance indicators, deadlines for implementation, risks and ANI's responsible managers have been established for each of these areas.

We have verified the stage of implementation of each of the measures included in the Strategy for the Prevention and Sanctioning of Conflicts of Interest, Incompatibilities and Unjustified Assets 2016-2020.

Following the tests performed, the degree of implementation of the measures to combat and prevent the accumulation of unjustified assets, conflicts of interest and incompatibilities is at approx. 92% (with "implemented" or "partially implemented" status) and is reflected below:

Total number of measures	Implemented	Partially implemented	Not implemented
60	44	11	5

A detailed analysis of the progress related to the measures included in the 2016 - 2020 Strategy for the prevention and sanctioning of conflicts of interest, incompatibilities and unjustified assets is presented in Annex 1 to this report.

4 Implementation status of action measures related to the Short-term National Integrity Agency Strategy (2020 - 2021)

The National Integrity Council approved, by Decision no. 3 of October 29, 2020, the "Short-term National Integrity Agency Strategy (2020 - 2021)". At ANI level the applicable regulation is the Order of the Vice President of ANI no. 16693 / 29.10.2020 approving the short-term ANI Strategy (2020 - 2021) and, at the same time, streamlining the implementation process by establishing the Commission for monitoring and implementing the above-mentioned Strategy.

We have obtained the Short-term National Integrity Agency Strategy (2020 - 2021) as well as the ANI Short-term Strategy Action Plan. The objectives and measures included in the Strategy are structured on five areas of intervention, namely: digitization, increase of administrative capacity, prevention and awareness and assessment of integrity incidents. Performance indicators, deadlines for implementation, risks and ANI responsible managers have been established for each of these areas.

We have verified the stage of implementation of each one of the measures included in the Short-term Strategy (2020-2021). Following the tests performed, the degree of implementation of the measures related to the Short-term Strategy (2020-2021) which had deadline 31.12.2020 is at 100% (with "implemented" or "partially implemented" status) and is reflected below. The rest of the measures defined in the ANI Strategy have a deadline to finalize by end of 2021.

Total number of measures	Implemented	Partially implemented	Not implemented
38	23	3	12*

* All 12 measures not implemented at 31.12.2020, have a deadline in 2021.

A detailed analysis of the progress related to the measures included in the Short-term National Integrity Agency Strategy is presented in Annex 2.

5 Remediation status for deficiencies identified during the verifications performed prior to year 2020

Following the tests performed to determine the degree of remediation of the findings identified following the verifications performed prior to year 2020, the statistics of the state of remediation of the findings on December 31, 2020 resulted, which are presented below:

Directorate/ Department	Total number of recommend ations	Status			
		Implemente d	Partially implemente d	Not implemente d	Recommendation s that have been removed as no longer applicable
Integrity Inspection	7	4	3	-	-
Analysis and Prevention Department	6	2	2	-	2
Internal Public Audit Department	2	-	-	2	-
Contentious Department	2	1	1	-	-
Communication, Public Relations and Strategy Directorate	3	1	2	-	-
Implementation of Structural Funds, Studies and Strategies Department	1	1	-	-	-
Human Resources Department	No recommen dations	-	-	-	-
General Registry and Archive Department	1	-	1	-	-
Internal managerial control system	2	1	1	-	-
Personal data processing activities	5	-	3	2	-
Systemic findings	1	1	-	-	-
Information Technology Department	14	1	10	3	-
Total	44	12	23	7	2

For details on the implemented / partially implemented recommendations please refer to *Chapter 6 Working methodologies specific to each verified area*.

6 Specific working methodologies to each verified area

6.1 President, Vice President and General Secretary

The National Integrity Agency is operating as an autonomous administrative authority at national level and is acting according to the principle of operational independence. The legal framework for carrying out Agency's activity is regulated by Law no. 144/2007 and Law no. 176/2010 regarding the integrity and dignity in the exercise of public functions, for the amendment and completion of Law no. 144/2007 regarding the establishment, organization and functioning of the National Integrity Agency, as well as for the modification and completion of other normative acts, with the subsequent modifications and completions.

In accordance with Law no. 144/2007 on the establishment, organization and functioning of the National Integrity Agency, the management of the Agency is ensured by a president and a vice-president.

Starting December 2019, and considering the legal termination of the mandate of the President of ANI, the management of the Agency is ensured by the Vice President of ANI, in accordance with art. 28 par. 2 of Law no. 144/2007. The position of president has been vacant from 2020 until the date of the report.

The vice-president of ANI is appointed by Decision of Romanian Senate no. 115/2017 for a period of 4 years. The Vice President of ANI coordinates the implementation of the Short-term ANI Strategy (2020 - 2021), in accordance with the Order of the Vice-President of ANI no. 16693 / 29.10.2020 on the approval of the short-term ANI Strategy (2020 - 2021).

At the level of the Agency there is a general secretary who coordinates the activities established according to the Agency's organizational chart and fulfils other attributions delegated to him by the president of ANI. The General Secretary has been appointed by Prime Minister's Decision no. 707/2016. The General Secretary of ANI is the person appointed to coordinate the work of the Commission for monitoring and implementing the Strategy for preventing and sanctioning conflicts of interest, incompatibilities and unjustified assets (2016 - 2020), as well as the Technical Secretariat of the ANI Strategy.

In order to analyse the conformity of practical activity with the provisions of the ROF we took into account management attributions provided by the Organization and Functioning Regulation of ANI and we organized interviews those persons occupying management positions at Agency level.

We obtained and reviewed the Narrative Report regarding the activity of the National Integrity Agency for the implementation of the objectives established by SNA for 2020 together with the monitoring report on the implementation of the objectives of the Integrity Plan.

Regarding the status of implementing the action measures corresponding to the Strategy for preventing and sanctioning conflicts of interests, incompatibilities and unjustified assets (2016 - 2020), **92%** of the measures defined for achieving the objectives have been either implemented or **partially implemented, ANI's leadership being actively implicated in this process.**

Regarding the status of implementing the action measures corresponding to the Short-Term ANI Strategy (2020-2021), **100%** of the measures, with a deadline by December 31, 2020, defined to achieve the objectives have been either implemented or partially implemented. The rest of the measures **defined in ANI's strategy** have a deadline of 2021.

In 2020, no discrepancies have been identified between the practical activity and the ROF provisions regarding the positions of President, Vice-president and General Secretary.

6.2 Integrity Inspection

At ANI level, the Integrity Inspection is organized as a general directorate. The Integrity Inspection Department is subordinated to this structure and includes The Analysis and Prevention Department, 4 Service lines of the Integrity Inspection and the Inspection Registry Department.

6.2.1 Integrity Inspection Services (4 services)

The evaluation activity performed related to verification of assets, during the period in which targeted individuals exercise public dignities and functions, as well the evaluation activity performed in relation to potential conflicts of interests or incompatibilities as per Law no. 176/2010, with subsequent amendments and completions, is being performed by the integrity inspectors within the 4 integrity services.

Considering the attributions of the Integrity Inspection established by the Regulation of organization and functioning of ANI, as well as by under the provisions of Law no. 176/ 2010 on integrity in the exercise of public functions and dignities, amending and completing Law no. 144/ 2007 on the establishment, organization and functioning of ANI, we proceeded to analyse the conformity of the practical activity carried out within the 4 integrity services. The analysis also aimed to determine the level of compliance with operational procedures applicable to the Integrity Inspection in 2020 as well as adherence to the applicable legislation.

Our analysis also focused on determining the level of conformity of operational procedures in force at the level of the Integrity Inspection with applicable legal provisions.

In order to evaluate the management activities within the 4 services of the Integrity Inspection, we selected a sample based on the rationale:

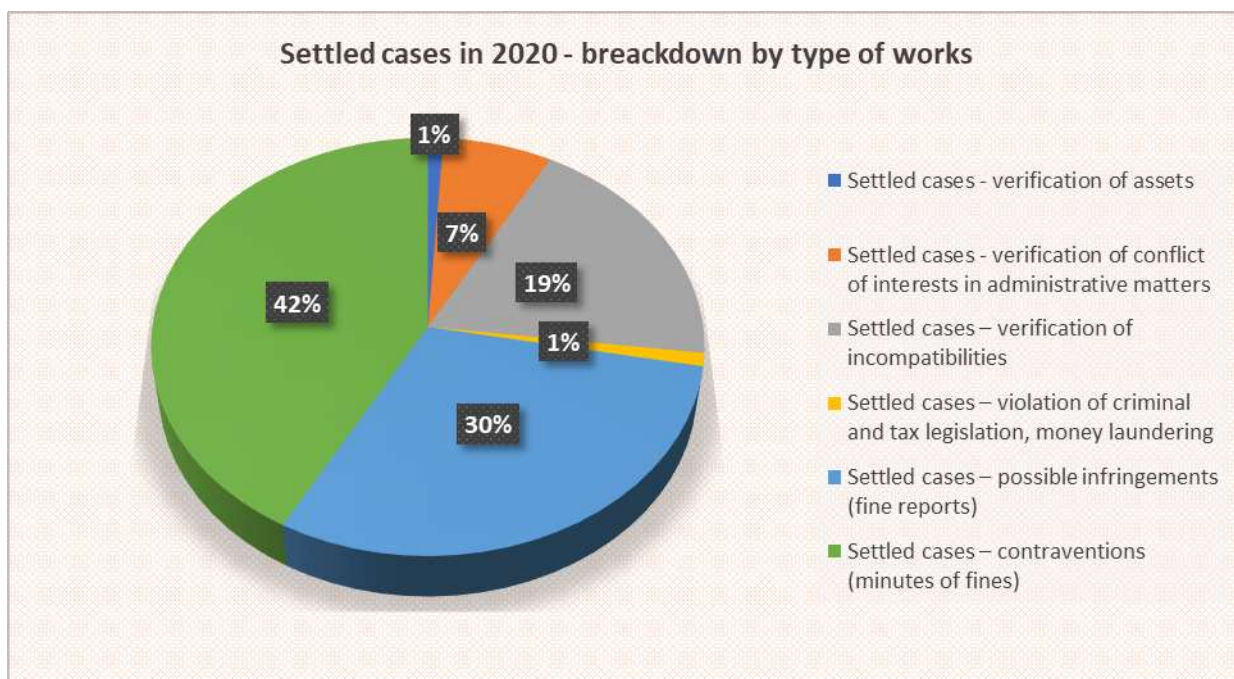
1. We requested the statistics regarding the number of causes(files) verified by ANI in 2020, based on the following structure: files settled, files dismissed and files in progress as of December 31, 2020.
2. Based on the statistics and on our professional judgement on the related risk and on specific activity of the Integrity Inspection department, we determined the size of the sample subject to analysis, namely a maximum of 20 files corresponding to each of the 3 statuses (settled, dismissed and in progress). In the process of selecting our samples and exercising our professional judgement, we considered the impact of the relevant recommendations from previous years on the examined population, as well as the risk level for non-compliance with the in-force operating procedures;
3. We have requested the list of the files (cases) which were subject to evaluation procedures performed by the Integrity Inspection in 2020;
4. Based on the list of the files (cases) provided, we randomly selected the sample of files subject to verifications.

Following the procedures presented above, a sample of 60 files resulted, structured as follows:

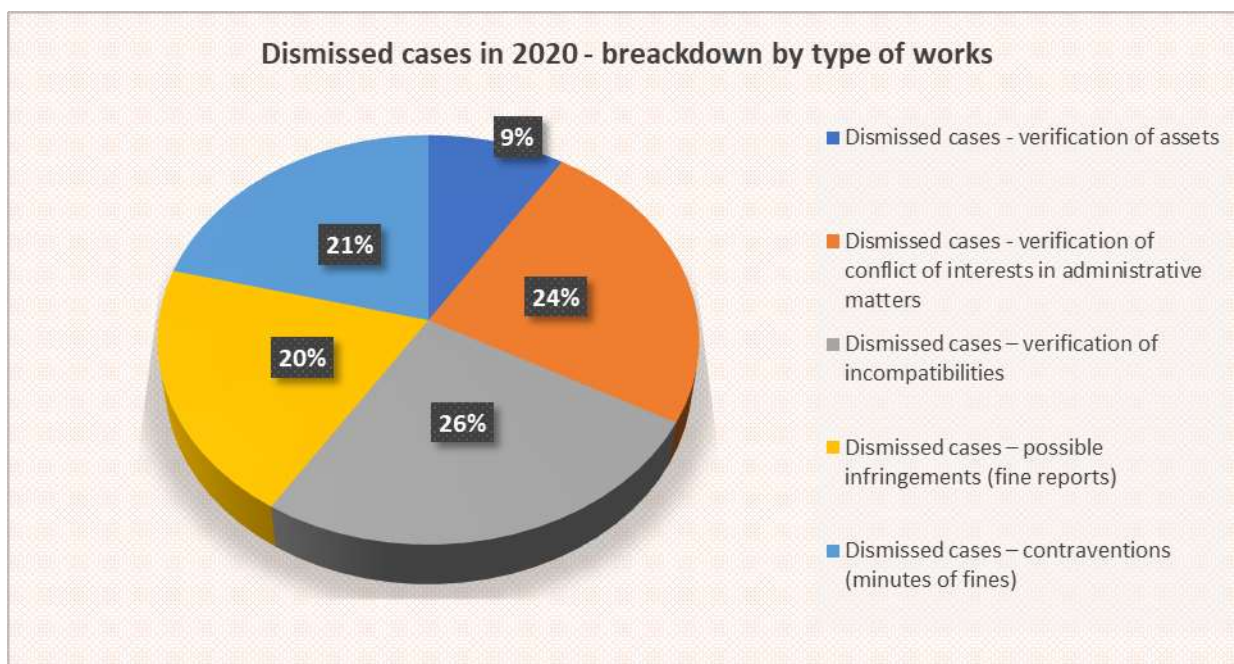
Type of files (cases) in 2020 Integrity Inspection (1 st of January – 31 st of December 2020)	Number of works	Sample size
NUMBER OF CASES SETTLED AT THE END OF YEAR 2020	479	20
Settled cases - verification of assets	5	2
Settled cases - verification of conflict of interests in administrative matters	34	3
Settled cases – verification of incompatibilities	91	4
Settled cases – violation of criminal and tax legislation, money laundering	4	1
Settled cases – possible infringements (fine reports)	144	5

Type of files (cases) in 2020 Integrity Inspection (1 st of January – 31 st of December 2020)	Number of works	Sample size
Settled cases – contraventions (minutes of fines)	201	5
NUMBER OF CASES DISMISSED IN 2020 (without violations of the law)	2.121	20
Dismissed cases – verification of assets	204	5
Dismissed cases – verification of conflicts of interest	507	5
Dismissed cases – verification of incompatibilities	547	5
Dismissed cases - possible infringements (fine reports)	423	2
Dismissed cases - contraventions (minutes of fines)	440	3
NUMBER OF CASES IN PROGRESS AT THE END OF YEAR 2020	2.315	20
Cases in progress – verification of assets	452	5
Cases in progress – verification of conflicts of interest	557	5
Cases in progress – verification of incompatibilities	475	5
Cases in progress - possible contraventions registered in 2020	598	3
Cases in progress – contraventions registered in 2020	233	2

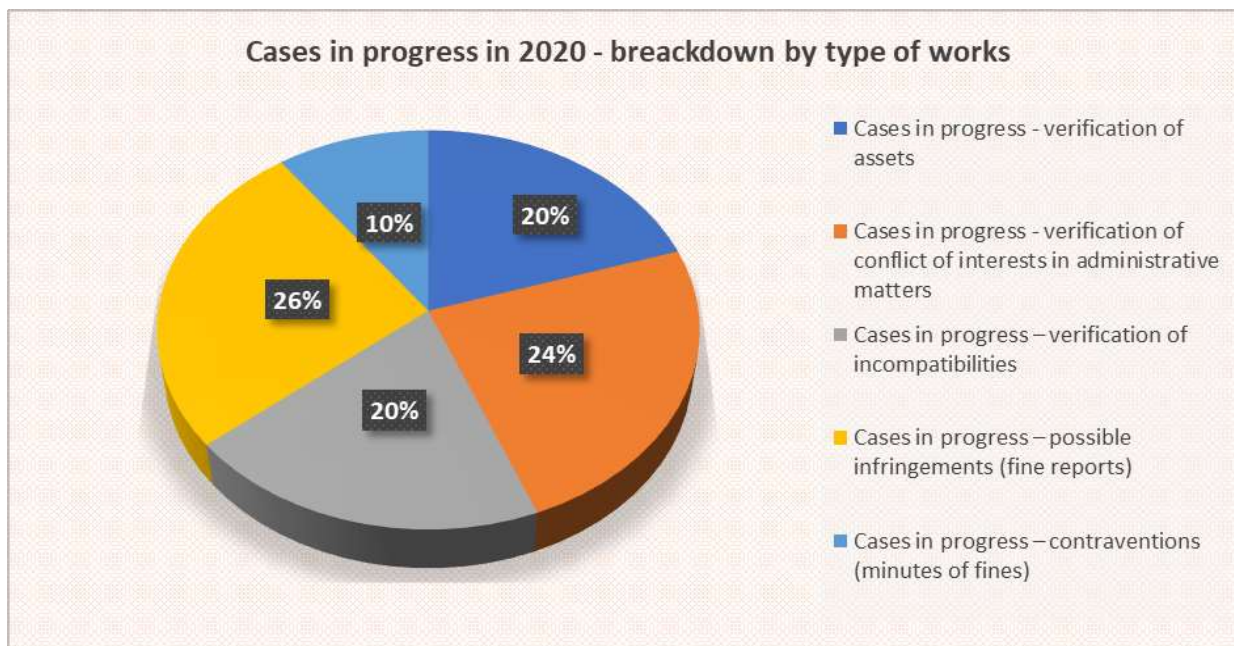
During 2020, the breakdown of settled cases by type of files is presented in the chart below, while from the settled cases 72% are possible contraventions (fines reports) and contraventions (fines reports).



As for cases dismissed during 2020, 26% of the total refer to verifications of incompatibilities and 24% refer to verifications of conflict of interests, as presented in the chart below:



At the end of 2020, the distribution of cases in progress by type of files is presented according to the chart below:



The activity of the Integrity Inspection is standardized and is carried out in accordance with specific operational procedures, elaborated in accordance with provisions of Order no. 600/2018 on the approval of the Code of internal managerial control of public entities.

We have obtained and analysed the procedures applicable to the Integrity Inspection and proceeded to verify the sample of 60 selected files, against the operational flow described in the procedures specific to each type of file (assets / conflict of interest / incompatibilities / possible contraventions and violations of criminal and tax legislation).

Based on the Statistical evidence regarding the activity carried out by each integrity inspector in 2020, we analysed the workload level per inspector. Here are our findings for 2020:

- The average number of files evaluated by each inspector is approx. 21 files;
- The average number of notifications prepared as part of files is 328 addresses per inspector;
- The average number of reports related to fines (possible infringements) is 7 reports per inspector;
- The average number of minutes reports related to fines (contraventions) is 6 minutes reports per inspector;
- The average number of dismissed reports prepared is 57 per inspector.

Considering the situation generated by the COVID-19 pandemic, a new operational procedure has been elaborated in 2020, related to teleworking / work from home carried out by integrity inspectors during the state of emergency / state of alert (OP 17/ II). The work from home carried out by the integrity inspectors has been particularly focused on settling petitions (anonymizations) and settling possible and established contraventions, generating a number of 1207 documents on requests for data anonymization and 1363 documents on settlement of petitions. This accounts for an average number of documents generated in relation to the settlement of petitions (anonymization + ordinary petitions) per inspector of 80 documents.

We analysed the manner in which the process of supervising the activity of integrity inspectors is carried out and we verified the compliance of the supervision process with provisions of the operational procedure OP 14 / II, regarding the supervision of the activity of integrity inspectors.

In 2020 and in the context of local and parliamentary elections, the integrity inspectors were involved in the following activities:

- Identification, classification and preparation for implementation of the assets and interests declarations;
- Answering phone calls in order to provide support for election candidates (686 phone calls) - 2 inspectors have been appointed to carry out such activities;
- Formulating real-time responses to requests received by email in the email account specifically made available to candidates (470 requests via email);
- Formulating notifications to the permanent electoral authority and the central electoral bureau which detailed centralized lists of the persons under interdiction to occupy one of the functions provided in art. 1 of law 176/2010 for a period of 3 years;
- Formulating information letters to judges and courts of law regarding centralized lists of the persons under interdiction to occupy one of the functions provided in art. 1 of law 176/2010 for a period of 3 years (176 information letters to judges and 42 information letters to courts of law).

As a result of the verifications related to year 2020 performed on the activity of the 4 integrity services, and also based on the sample of specific files tested, we identified the following observations:

- *Following the verification of the selected files, we identified that, although the provisions of operational procedures regarding the requests for information are generally observed, in some files we identified periods longer than 6 months during which integrity inspectors did not prepare the evaluation report and were not redistributed to other inspectors. Delays in issuing*

procedural documents were generated by constant legislative changes, court activity, inadequate workspace. Nonetheless delays were also due to the fact that in 2020 the activity of inspectors was carried out mainly from home or in teleworking conditions, in order to be in compliance social distancing measures imposed by the COVID-19 pandemic. Furthermore, the database can be accessed only from office premises. Also, the supervision process performed by the managers of the 4 services within the department is carried out by extracting information from SIMIDAI and manually processing the information in order to generate different statistics. Moreover, these managers are allocated to evaluate, the same number of files as to an integrity inspector, in addition to the activity of supervision and monitoring of inspectors. This has a direct impact on the monitoring of the files processed by inspectors which could have delays in issuing procedural documents.

- *Lack of a high-performance IT system allowing inspectors to prevent the time prescription terms (imposed by the provisions of art. 11 and art. 25 par. (5) of Law no. 176/2010, with subsequent amendments and completions), by generating automatic warning messages.*
- *The process of supervising the activity of inspectors is performed by the management of the Integrity Inspection by extracting information from several sections of the SIMIDAI application and manually entering the information in personalized statistics. This aspect affects the supervision process. Also, there is no differentiated distribution of number of files for the managers compared to the inspectors, since for the managers in addition to the activity of supervision and monitoring of inspectors, they are allocated the same number of files to evaluate as to integrity inspectors.*
- *The workload per inspector is high in relation to the volume of activity and the types of activities performed by inspectors (petitions, possible contraventions, contraventions, support to legal councils during representation before courts of law , in case of contested cases), the level of vacancies at the level Integrity Inspection was over 50% at the end of 2020.*
- *Lack of adequate workspace for this department, which could allow the integrity inspectors to organize, store and manage files in order to minimize the risk of missing the deadlines provided in art. 11 and art. 25 paragraph (5) of Law no. 76/2010.*
- *The constant legislative changes impact the activity carried out by integrity inspectors because every time this happens the integrity inspectors must identify the files in their portfolio that could be affected and then prioritize these files so that the impact on the activity of the National Integrity Agency is reduced.*

Follow up of the remediation of the findings identified as part of audit engagements performed period prior to year 2020

The following deficiencies have been **remedied**:

- *The address to the petitioner regarding the start of the evaluation procedure was not sent.*

The operational procedures have been updated and it is mentions that when taking over redistributed files, the integrity inspectors will communicate to the petitioner in writing the start of the evaluation procedure in case the document has not been sent.

- *The minutes report to **acknowledge the contravention was not published on ANI's website***

In 2020, the operational procedure regarding application of sanctions for infringements (OP 02 / II) was updated and the requirement to publish on the ANI website the minutes report to acknowledge

the contravention (PVCC) in case the offender does not receive PVCC at his home address has been eliminated. PVCC is transmitted by ANI to both the offender and tax authorities, given that the institutions holding the obligation to execute the fine have different practices.

- *A series of material errors were identified in relation to processing of files:*

After examining a number of 60 files, we did not find any material errors in the processing of the files.

- *The address was not sent indicating the deficiencies found in completing and submitting the declarations to the responsible persons in the entities from which the evaluated persons who did not comply with the legal provisions.*

The requirement to send a notification address indicating the deficiencies identified when completing and submitting declarations to the officials in the entities from which the persons who did not comply with the legal provisions come is stipulated in the operational procedure (OP 01 / II) regarding the verification activities in relation with assets and interests declarations. The procedure is applied by all integrity inspectors.

The following deficiencies **were partially remedied**:

- *Reminder notices were not prepared and sent to the institutions that failed to respond to ANI's initial letters within 30 days.*

In one case out of the 60 files selected for verification, we found that an institution to which a request for information was sent did not respond within the 30-day time limit and the integrity inspector assigned to the file sent the reminder notice as per the operational procedure with a few days delay.

- *Procedural documents in the files have not been issued for periods longer than 30 days, in terms of preparing the evaluation report (when the information existed within the file) and the file redistribution was not realized;*

Following the examination of a number of 60 files, we identified the fact that in some cases no procedural documents were issued for a period longer than 6 months. We also noted that the activity of the Integrity Inspection increased, hence the number of files subject to evaluation also increased while the evaluation of the files is performed exclusively at ANI headquarters. In 2020 during the period when inspectors worked from home or in teleworking conditions, they prioritized cases presenting time prescription risks and postponed the work on files in which time delays had no negative impact.

- *The proposal-to-sanction report was not prepared which results in dismissing the offence.*

Considering that the evaluation activity is performed exclusively at ANI headquarters, the period in which the inspectors worked from home or in teleworking conditions had an impact on the preparation of procedural documents, the proposal-to-sanction report being prepared with delay, in some of the cases.

6.2.2 Analysis and Prevention Department

The Analysis and Prevention Department functions under the provisions of Law no. 184/2016 of October 17th, 2016 regarding the establishment of a prevention mechanism for conflicts of interest in the procedure of awarding public procurement contracts and in compliance with the provisions of Law no. 176/2010 on integrity in the exercise of public functions and dignities, for amending and supplementing Law no. 144/2007 regarding the establishment, organization and functioning of the National Integrity Agency, as well as for the modification and completion of other legislation.

The Analysis and Prevention Department coordinates the activity related to utilization of the integrated information system for the prevention and identification of potential conflicts of interest, named "PREVENT - Prevention System". The system aims to prevent conflicts of interest by establishing a mechanism for ex-ante verification, in order to exclude situations that may generate conflicts of interest. Targeted procedures are public tender procedures regulated by Law no. 98/2016 on public procurement, as well as sectoral procurement procedures regulated by Law no. 99/2016, initiated through the electronic public procurement system, and prevention activity is organized without affecting the respective procedures.

From the point of view of the Agency's internal regulatory framework (ANI), the Operational procedure 15 II, revised in 2020, is the one that defines the activity of verifying public procurement procedures initiated through the electronic public procurement system, in order to prevent conflicts of interest and other suspicions of irregularities.

In order to evaluate the management actions within the Analysis and Prevention Department, a **sample was selected based on the following procedure agreed upon with ANI's management:**

- We requested the data statistics regarding all public procurement procedures published in SICAP, that were automatically transmitted to the PREVENT system in 2020, which were subject to verification by integrity inspectors
- The size of the sample subject to analysis was determined;
- The sample to be tested was randomly selected.

Based on the methodology presented above, a sample of **11** public procurement procedures resulted, corresponding to a number of **31** public procurement procedures which were part of the verification performed by the Analysis and Prevention Department in 2020 and for which the PREVENT system has generated a notification of the existence of a potential conflict of interest. It should be noted that throughout 2020, the total number of procurement procedures that were introduced under the PREVENT system was **19.506** procurement procedures.

The sampling testing methodology was developed following the understanding and evaluation of operational procedures, of Law no. 184/2016 of October 17th, 2016 regarding the establishment of a prevention mechanism for conflicts of interest in the procedure of awarding public procurement contracts. The functionality of the PREVENT system was also assessed. The sample was adjusted to 11 selections instead of 20 as initially established in the Initial Report based on our professional judgement related to the risk of nonconformity.

We have analysed the content of the specific operational procedures, pertaining to the verification of procedures initiated through the public procurement system, in order to prevent the conflicts of interest and other suspicions of irregularities identified in the procedure of awarding public procurement contracts. Our assessment was focused on understanding actions/processes undertaken by the Analysis and Prevention Department and determining the relevant criteria for stratifying the sample, considering the functionality of the PREVENT system.

Through a series of interviews with the manager of the Analysis and Prevention Service, we were able to analyse the level of compliance of workflows with the existing internal procedural framework in 2020.

Follow-up on the extent to which the findings identified in the 2019 engagement were addressed:

The following deficiencies have been **remedied**:

- *Blue Business System document ensures no transparency with regards to the algorithm for calculating the scores of possible conflicts of interest in PREVENT, but only contains a*

presentation of the main attributes of procurement procedures taken into consideration when calculating the score (results from the jurisprudence generated in the cases of verification of public procurement procedures carried out as part of projects financed via European funds).

Regarding the activity carried out by ANI during 2020, we have determined the fulfilment of remedial measures for this observation as we identified the description of the algorithm for calculating the scores of alleged conflicts of interest, enclosed in the Business Blueprint BBP document. The activity of the Analysis and Prevention Department is generated by those situations that are highlighted in the PREVENT system as presenting a potential risk of conflict of interest. Situations where the analysis or the treatment are differentiated as a result of the implementation of algorithms calculation on different procedures highlighted is therefore avoided which is a positive.

The algorithm that determines the score of a procurement procedure analysed by the PREVENT system is detailed in pages 48 - 53 of the BBP the system using an intelligent predictive analysis module that essentially determines the score according to a series of indicators / statistical data / historical data / statistical models / estimated budget for the procurement procedure in question / number of tenderers participating in the procurement procedure / county where the contracting authority comes from / type of procurement procedure / name of the operational program of funds used in the procurement procedure / type procurement contract / etc.

The final score is broken down by:

- Presumed conflict of interests, generated by an existing relationship between a person involved in decision making processes on behalf of the contracting authority / public entity and another person which is holding a position / capacity in an economic operator participating in the procurement procedure launched by that public entity, in which case the score generated will be = 1.00 (there is a conflict of interest);
- Notifications of irregularities, in cases where not all decision-makers are completed / members of the tender evaluation committee are missing / etc., reason for which, depending on the ones previously highlighted, the prevent system calculates a score that can vary from 0 to at 0.99;
- Notifications of relationships, signalling those relationships that do not involve persons who are under legal obligation to complete and submit assets and interests declarations. In this case, based on the algorithms described above, the prevent system calculates a score that can vary from 0 to 0.99. As an example, in case of a procedure on lots that has separate bid evaluation commissions for each lot, and the composition of the commissions includes the same person who is not required to complete and submit assets and interests declarations, in which case the scoring will be higher on a scale from 0 to 0.99.
- *The PREVENT system does not take over the status of the procedure from SICAP, but from the Integrity Form which is filled in manually/automatically by the Contracting Authority*

In relation with the activity performed in 2020, we found the fulfilment of remedial measures for the observation highlighted in previous years. The PREVENT System now takes over the status of procedures as they go through different procedural stages in SICAP, so that this information is subsequently taken over and updated in the Integrity Form. This way, the Integrity Form is sent to ANI for verifications. Therefore, we consider that the information taken from PREVENT by the Analysis and Prevention Department is constantly updated with the status of SICAP procedures.

The following deficiencies were **partially remedied**:

- *The PREVENT system does not allow users to generate monitoring reports of the activity of the Analysis and Prevention Department. During 2017, the monitoring performed quantitative, not qualitative.*

We classified this recommendation as partially implemented taking into account reports generated during 2020, whenever necessary, for the use of Integrity Inspection Department as well as quarterly reports formally communicated to the Communication, Public Relations and Strategy Department. Difficulty in generating reports within the PREVENT system is still an issue as reports cannot be customized according to the internal needs of different ANI structures. At the same time, it is important to be able to enforce monthly reporting frequency as indicated in the operational procedure, regarding the reporting of public procurement procedures entered in the PREVENT system (OP II 15 PREVENT) so as to determine the stage of remediation of signalled aspects or workload levels for each inspector. Regarding PREVENT user accounts assigned to the management of the Integrity Inspection Department these accounts are available, however daily operation method is still problematic, in the sense that it cannot allow effective monitoring of the procedures highlighted by prevention system.

- ***PREVENT system's interface does not have enabled option of archiving the public procurement procedures assigned, aspect which makes it difficult to use the system.***

We found that there are means of archiving the procedures that enter the PREVENT system. ANI has the possibility to evaluate conflict of interests ex post and 3 years after its presumed existence.

However, it is recommended to provide increased technical access and storage facilities as part of PREVENT system. These facilities should improve the archiving process of the historical procedures analysed by the prevention system.

At the same time, as a result of evaluating Agency's activity in 2020, we propose **eliminating the following observations** and recommendations made as part of audit engagements performed during previous years, as we consider that they are no longer applicable:

- ***In 2018, public procurement procedures of the type "Negotiation without an announcement of participation" existed, which were allocated for verification to the integrity inspectors through the PREVENT system, even though the legal provisions stipulate that only public procurement procedures carried out through SEAP are subject to ex-ante verifications, for which the Contracting Authorities have the obligation of preparing the Integrity Form. Procurement procedures performed by private companies were also received for analysis. This leads to an inefficient utilization of the Department, which has to clarify these situations even though the inspectors do not perform an analysis of these procedures.***

The auditor's recommendation addressed to the management of the Analysis and Prevention Department for the activity carried out in 2019 was to continue the joint steps with the Helpdesk service of ADR in order to ensure a unified approach providing consulting advise to Contracting Authorities in completing the Integrity Form.

Considering the current regulatory framework related to the operational management of the PREVENT system as well as the existence of a distinct responsible structure, ADR - the Authority for the Digitization of Romania, we have identified the need to eliminate this observation. Providing consulting advise on how to complete the Integrity Form directly to contracting authorities, without having the right to access, edit and view the PREVENT system, would lead to generating confusion and unproductive situations, with negative impact on ANI objectives assumed as the key institution in the prevention of conflict of interest in public procurement. We consider that providing specialized assistance to ADR is still feasible. However, we would not see it the same in providing assistance directly to contracting authorities, unless the Agency is guaranteed a right to view and operate directly in the PREVENT system.

- ***The PREVENT system cannot display a history of the score of possible conflicts of interest, from the moment the procurement procedure is allocated until its completion.***

The auditor's recommendation addressed to the management of the Analysis and Prevention Department for the activity carried out in 2019 consisted in undertaking specific measures in order to ensure maintenance of the history of the score registered in relation with presumed situations of conflict of interest. This history was considered an effective monitoring tool for the activity of inspectors by the Head of the Analysis and Prevention Department.

However, following the evaluation of the activity carried out by the Analysis and Prevention Department in 2020, we have concluded that it is necessary to eliminate this observation because the monitoring of the inspectors' activity by the Head of Department is performed by reporting to all procedures assigned for analysis, regardless of their score. Moreover, it is important that the activity of verifying procurement procedures with potential risk of conflict of interest focuses on the records that are updated at each procedural step in the procurement process and not on the history of the score generated by the system.

In addition to re-evaluating of observations registered in previous years and of the remedial measures implemented by the Agency, we have identified **the following additional observations with regards to the activity carried out in 2020:**

- *Lack of correlation of due dates between the actual practice performed in 2020 and procedural requirements for submitting integrity warnings status information to the Directorate for Communication, Public Relations and Strategy, information used to publish statistics on the results of the conflict prevention mechanism in public procurement procedures, on Agency's website.*

After analysing the PREVENT operational procedure and relevant documentation provided by the Manager of the Analysis and Prevention Department, we observed a noncompliance in meeting the deadlines set for sending integrity warnings statistical information to the Communication, Public Relations and Strategy Directorate. More precisely, operational procedures foresee monthly frequency for the transmission of this type of statistical information whereas, our analysis of the practice performed during the year 2020 revealed quarterly reporting.

- *Delayed transmission of the integrity warning for some of the procurement procedures carried out in 2020 that were part of our audit sample.*

Following the analysis of the sample of public procurement files resulting from the PREVENT system, we observed the following situation:

- For 3 procurement procedures the contracting authority has completed the integrity form with delay, namely 5 days from the date of opening of tenders;
- For 5 procurement procedures the prevent system generated the integrity warning with delay and thus making it impossible, for integrity inspectors, to verify and issue the public integrity warning in a timely manner;
- For 3 procurement procedures the issuance of the integrity warning by integrity inspectors exceeds the term established by art. 7 (3) of law 184/2016.
- *Remedial measures undertaken by contracting authorities were not in line with the provisions of art. 8 (2) law 184/2016*

Based on the verifications performed on the sample extracted from the PREVENT system, we have identified the following deficiency in relation one procedure. In this procedure, following the integrity warning issued by ANI, the contracting authority accepted the replacement of the subcontractor identified as being in a conflict of interests situation and then selected as contractor an association of entities containing the same enterprise previously declared in conflict of interest, as subcontractor.

A similar situation was identified, where the withdrawal of a member from the association, in the form in which the tenderer was presented to the respective public procurement procedure should have determined the exclusion of the tenderer from the procurement procedure. Any modification in structure of the members of the association presented by the tenderer as part of the procurement procedure, in the case that such modification is performed after the moment of opening the bids, attracts tenderer's disqualification.

Since the main objective of the PREVENT system is to prevent the overall conflicts of interest throughout public procurement process of a public procurement procedure, we noted that in the above cases selected in the tested sample there are no additional steps taken by ANI to notify the competent institutions in order to exercise their rightful prerogatives in public procurement matters and which exceed the ANI's prerogatives.

6.3 Legal, Public Relations and Communication General Directorate

6.3.1 Contentious Department

During the external audit engagement, we have analysed the organization and development of internal processes at the level of the Contentious Department, part of the Legal, Public Relations and Communication General Directorate (LPRCGD).

According to the information provided by the General Manager of LPRCGD, the activity of the Contentious Department is generally focused on preparing documents for the Agency's defences before courts of law and on representing the Agency before courts of law. However, in situations where legal advisers who are part of the Advisory Services and Legislation Department experience excessive workload, part of the activity of the legal advisers in Contentious Department may also refer to the elaboration of the answers to the requests formulated based on O.G. no. 27/2002 that are being addressed to ANI.

Following the examination of the legal file registry, containing all legal files that were prepared by legal advisers during 2020, we have randomly selected from the population of 226 a sample of 10 legal files, taking into consideration the inclusion of at least one legal file per case type. The legal files database was considered representative in terms of testing the conformity of the main activity performed as part of the Contentious Department, namely preparing documents for institution's defences before courts of law and representing the Agency before courts of law.

6.3.2 Advisory Services and Legislation Department

During the external audit engagement, we have analysed the organization and development of internal processes at the level of the Advisory Services and Legislation Unit, part of the Legal, Public Relations and Communication General Directorate (LPRCGD).

The activity of legal advisers, members of the Advisory Services and Legislation Department, refers to the following activities:

- Preparing answers to the requests formulated based on O.G. no. 27/2002 regarding the regulation of the activity of solving petitions;
- Endorsement of contracts;
- Endorsement of internal documentation and communication, as well as notifications sent to various public institutions;
- Providing legal advice to different structures of the Agency, as well as the formulation of points of view regarding the application of legal norms;
- Elaboration of points of view regarding legislative projects, protocols, memoranda, framework cooperation agreements to be approved and endorsed or signed by ANI management.

According to the information provided by the General Manager of LPRCGD, although the activity of the Advisory Services and Legislation Department is focused on carrying out the above-described activities, legal advisers are assigned (including in their job descriptions) legal files in order to formulate defences on ANI's behalf or in order to represent the Agency before the courts of law, according to the specific operational procedures. This happens in cases where the excessive workload of legal advisers which are part of Contentious Department's team do not allow them to exercise their duties.

With strict reference to the preponderant activity of the Advisory Services and Legislation Unit, namely that of elaborating the answers to requests formulated in accordance to GD no. 27/2002, we have selected for analysis a sample of 10 responses to requests, from the total population of 2496 requests registered in 2020 included in the database provided by the General Manager of LPRCGD.

Since during our verifications we observed the interpenetration of activities performed by the two departments (Contentious and Advisory Services and Legislation) - legal advisers from the Advisory Services and Legislation Unit preparing defences and vice versa, legal advisors from the Contentious Department formulating answers to petitions - we decided to formulate our observations and conclusions in a centralized manner in our factual findings report.

Thus, regarding the specifics represented by the activity carried out at the level of both services, at the level of 2020, taking into account, moreover, the context of the evolution of the epidemiological situation determined by the spread of SARS VOC-2 virus, we consider that the following conclusions:

- During the state of emergency period, the development of the activity for the two departments was subject to the provisions of Decree no. 195/2020 on the establishment of the state of emergency on the territory of Romania. According to art. 56 of this decree, during the state of emergency, the legal deadline established for solving requests related to the exercise of free access to information of public interest, as well as petitions, was doubled in terms of original time. Responses to requests and petitions received by the Agency were prepared and communicated following these new legal provisions, including the new extended legal deadline.

During this period, the activity took place with on-site participation of staff, in proportion of 50%, the other 50% representing participation in teleworking conditions. In absence of technical means to remotely communicate as well as remote access to documents (such access to the work email address, access via VPN to the local server), the carrying out of the day-to-day activity in teleworking conditions was difficult for legal advisers resulting in time delays to formulate and communicate answers to petitioners. In two of cases out of the 10 requests subject to our verification, the answer was not formulated in compliance with the provisions of the procedural framework and in force legal provisions.

- Also, according to art. 41 of the Decree no. 195/2020 mentioned above, the prescription terms and deadlines of any kind, did not start to elapse (days to be counted) during the State of Emergency, and, in case such deadlines did start being counted, they were suspended throughout the State of emergency. Therefore, the transmission of procedural documents to courts was carried out in compliance with the provisions of the above-mentioned Decree. As a result of trial deadlines being suspended, after the end of the State of Emergency and during the State of the Alert, trial deadlines were postponed for the following periods, and, as a consequence, legal advisers had to attend hearings and face tight deadlines much more than they would so, in a normal period of activity.
- The attendance in court has been required for all cases pending before the High Court of Cassation and Justice, as well as for those cases, pending before territorial courts throughout the country related to matters investigating significant discrepancies as a result of the verification of the declarations of assets based on available information on the existing assets,

as well as clarifications of patrimonial (ownership) changes occurring during the period of exercising public functions or dignities.

Also, in addition to cases registered during 2020, the High Court of Cassation and Justice proceeded to finalize about 50 cases started in 2015, 2016, 2017, 2018, 2019, which required physical attendance of ANI's legal counsels to hearings and, thus, generating additional work for the two structures concerned.

All of these factors have contributed to delays in the transmission of procedural paperwork to courts. However, based on our interview with the General Manager of LPRCGD, these issues had an insignificant impact on the final outcome of cases as the related pronounced sentences were in the favour of the Agency.

In conclusion, after analysing the procedural framework and verifying compliance related to operational procedures on the selected samples, we have identified the following **deficiencies**:

- *The procedural framework is not correlated with the operational flow of activities used in practice by legal counsels in the Contentious Department, as follows:*

- *Statements of defence prepared by legal counsels and subsequently sent to court are not dated, as required by provisions of the operational procedure.*

However, the date when the statements of defence are drafted has no relevance in terms of verifying compliance with court deadlines for transmission of communications to court. The date on the document certifying the actual transmission of the statement of defence to the court (in this case, the military mail registry) is the date relevant in this respect.

In 6 of the 10 legal files selected in our sample for testing, we identified non-compliance with operational procedures regarding the absence of the actual drafting date on the statement of defence.

- *In accordance with the operational procedure, statements of defence have to be registered in the legal files registry, in the electronic database of the Legal secretary office and, then, handed over to the Agency's general registry by signing a handover report.*

As common practice statements of defence are handed over to Agency's general registry without signing a handover report because, according to the information provided by the General Manager of LPRCGD, during the interview, there is no staff available to carry out this additional operation.

It is considered sufficient that they are handed over to Agency's Registry on the basis of a document proving this operation. More precisely, when handing over the statements of defence to the registry, the documents are mentioned as filed in a correspondence registry, with the signature of the appointed legal counsel.

Moreover, the "legal files registry" and the "electronic database of the legal secretary office", referred to in this procedure, are in fact one and the same registry.

Based on the verification performed by us in one of the 10 legal files subject to testing, we observed the absence from the legal file of the statement of defence to be filed on time as requested by the court. However, this time, no negative impact was identified since the settlement of this case by the court was in favour of the National Integrity Agency.

According to the information provided by the process manager, the General Manager of LPRCGD, such situations are caused by the fact that legal counsels are often experiencing excessive workload due to limited staff. We do not consider that this observation represents a new deficiency to be included in our report, given that it is linked to one of the deficiencies reported noted in the audit

engagements performed prior to 2020, namely, an insufficient number of legal counsels related to the workload level.

Follow-up on the extent to which the findings identified prior to year 2020 engagement were addressed:

The following deficiency was **remedied**:

- *At the level of Directorate there are certain practices that are not included in the operational procedure, as follows:*
 - *The Agency is always represented in court by legal counsels in the cases before the High Court of Cassation and Justice, Bucharest Court of Appeal as well as in the cases that may constitute a precedent of judicial practice. For all other cases, the Agency requests judgment in absentia by submitting written conclusions.*
 - *With regards to the distribution of files to legal counsels, each case is assigned to a responsible person, but another legal counsel chosen by the Director of the Division may take part in the trial terms according to criteria such as: the case-specific experience, the complexity of the case, the oratory qualities, etc.*

Operational procedure OP 01 / LPRCGD – for the drafting of documents and the representation of the National Integrity Agency before the courts was updated in March 2020, by documenting these practices.

The following deficiency **was partially remedied**:

- *Number of legal counsels is insufficient for the related workload.*

In December 2019 a hiring competitive procedure to fill in the vacant positions was initialized and therefore, from January 2020 onwards 2 new legal counsels started working in the Legal, Public Relations and Communication General Directorate.

However, the current staff structure for both Contentious Department and Advisory Services and Legislation Department (10 filled positions with civil servants - legal counsels, including management positions and 7 vacancies) is not sufficient, hence efforts to fill in the vacancies is still a high priority in order to reduce the workload of the legal counsels and to effectively streamline the activity these structures.

We noted that in 3 instrumented files out of the 15 selected for testing, the response to the injunction or the written notes was sent at a later stage than the deadline mentioned in the Communication. In addition, in one of the analysed files, ANI's decision was not to file for an injunction, but to submit written conclusions before the trial period.

As indicated above, in one of the 10 legal files tested by us, we noted the absence from the legal file of the statement of defence requested by the court. Based on the representation of the General Manager of LPRCGD, this omission was attributed to the insufficient number of legal counsels for the workload.

Except for the aspects mentioned above, we did not identify other deficiencies related to the activity of the Contentious Department and Advisory Services and Legislation Department.

6.3.3 Communication, Public Relations and Strategy Directorate

Communication and Public Relations Department

The Communication and public relations activity for the National Integrity Agency is provided by the Communication and Public Relations Department (**hereinafter "CPRD"**). The **attributions of CPRD** are provided in the Regulation on the organization and functioning of the National Integrity Agency, published in the Official Gazette on October 10, 2019. The activity of the department is standardized and conducted based on the specific operational conditions elaborated in conformity with the Order No. 600/2018 regarding the Internal/Managerial Control Code for public entities.

We proceeded to verify the conformity of the practical activity of CPRD with the operational procedures, and we organized interviews with department representatives and we evaluated via detailed tests, based on a sample, the following processes:

- The factual functioning of the system process to elaborate answers to the requests formulated based on Law 544/2001;
- Press monitoring;
- Reporting to the Ministry of Justice the stage of implementation of the measures ANI should fulfil to meet the conditionalities imposed as part of the Cooperation and Verification Mechanism (MCV);
- Implementation of the Strategy for the prevention and sanctioning of conflicts of interest, incompatibilities and unjustified assets as well as the implementation of the National Anti-Corruption Strategy;
- Implementation of the National Integrity Agency's Short-Term Strategy (2020 - 2021).

We selected a sample of 10 requests for public information from the "Register of requests made under Law 544/2001" from a population of 111 requests recorded in 2020, while for the testing of the press monitorization process we selected 5 days from 2020.

We obtained the operational procedures and system procedures applicable to each process and we evaluated the documentation applicable to each process in terms of periodicity, compliance with legal provisions, authorization and meeting the legal deadlines.

We have analysed the Integrity Plan defined at institutional level and evaluated the monitoring process and its implementation for the implementation of the National Anticorruption Strategy at the Agency level.

Based on the evaluation of the operational procedures and our verification methodology, no deficiencies were identified related to the activity of the Communication and Public Relations Department for the period of year 2020.

Follow-up on the extent to which the findings identified prior to 2020 engagements were addressed:

The following deficiency was **remedied**:

- *Evidence of Public Interest Information Requests in the document management system DMS is not transparent to ensure the completeness of reporting on this issue.*

In 2020 we noted that for all tested samples a coding of the type of registration has been implemented, reflecting the nature of the document, such as "Request 544/2001".

The following deficiencies **were partially remedied**:

- *Replying to requests for public interest information exceed the maximum term of 30 days from the filing of the request.*

Following the verification of a sample of 10 responses containing public interest information, sent at the request of physical or legal persons in 2020, we identified the following:

- In 4 cases responses were sent exceeding the legal 30 days response limit.
- In one of the cases examined, the reply was sent within 30 days, however the person submitting the request was notified of the need to extend the deadline to from 10 days to 30 days, in accordance with legal requirements.
- *The integrity plan of ANI for the implementation of the National Anti-corruption Strategy for 2016-2020 includes indicators to assess the degree of implementation of the measures defined to achieve the objectives. In some cases, these indicators are not measurable or related to a reference system that allows an objective evaluation.*

Some of the proposed measures have been implemented and some of the objectives achieved, but the indicators for assessing the degree of implementation of proposed measures are still not measurable, in all cases, nor are they related to a reference system which might allow a more objective evaluation.

Implementation of Structural Funds, Studies and Strategies Department

Considering the attributions of the Implementation of Structural Funds, Studies and Strategies Department (hereinafter "ISFSSD"), as they are established by the Regulation on the organization and functioning of the National Integrity Agency, we proceeded to analyse the conformity of the practical activity carried out in the department with the operational procedures.

Thus, we have organized an interview with the head of the department, and we addressed the following issues:

- Analysis of the activities carried in this department, in 2020;
- Understanding the management methodology for these projects which are financed from non-reimbursable sources and implemented at Agency level;
- Defining the management process related to identifying national and / or external financing resources;
- Identification of possible risks in relation with various areas of activity in order to increase the efficiency of activities carried out at Agency level.

From the point of view of preparing and submitting the financing applications for new projects, the activity of the Implementation of Structural Funds, Studies and Strategies Department has been limited, in 2020, as consequence of the situation generated by the Covid-19 pandemic. In 2020, the Agency had 2 projects by POCA funding under implementation.

In 2020, the activity of the department in 2020 was significantly concentrated on the implementation of project "LINC - increasing the capacity of central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets", a project that was completed in early February 2021.

With the occasion of our interview with the head of the department we were informed that during 2020, the activities of the department were carried out by two employees, whereas in early 2021 the team added an additional employee via secondment from General Government Secretary.

The following types of current activities are carried out by the Department:

- Identification of ANI needs for project applications;
- Identification of opportunities for application and related project calls;
- Development of applications for projects with extra-budgetary funding (ESF through POCA, grants, etc.).
- Maintaining relations with institutional partners with which there are ongoing projects (e.g., Transparency International Romania, General Anticorruption Directorate, etc.).

As far as new applications for non-reimbursable financing being prepared, two projects were identified as submitted, in partnership, at national level, through the following mechanisms: Active Citizens Funds and Open Society. The two projects were not selected for financing.

An international funding opportunity was identified through European Commission - DG Home, respectively AG-Corrupt 2020, for which ANI submitted a funding application together with other international institutions (from civil society or academia), the project being in the evaluation phase. As a result of the situation caused by the COVID-19 pandemic, no other sources of funding were identified during 2020.

Starting 2018, through the Administrative Capacity Operational Program, ANI became the beneficiary project "LINC - Increasing the Capacity of Central Public Administration to Prevent and Identify Cases of Conflicts of Interests, Incompatibilities and Unjustified Assets", a project developed in partnership with Transparency International Romania.

In 2020, within the frame of the LINC project, the following activities were carried out:

- Three networking conferences were organized, during which the procedures to identify the indicators of conflicts of interest and incompatibilities, addressed to central public administration authorities, were presented;
- In order to achieve the transfer of expertise and good practices, 15 of the Agency's employees have participated in a study visit to the High Authority for Transparency in Public Life (HATVP) in France;
- A seminar dedicated to integrity inspectors within ANI was organized on 26 November 2020, attended by national and international experts in fighting against corruption from GRECO, World Bank, Transparency International Berlin and Expert Forum Association;
- 13 on the job training sessions have been organized, with the participation of 170 employees from public institutions in central administration.

In addition to the specific tasks of the department, the head of department has been involved in several other activities, as follows:

- Expert on implementing the National Anticorruption Strategy (2016 - 2020) within ANI;
- Technical Secretary of the SCIM Commission;
- LINC project manager (SMIS 118824) funded by POCA.

Following verifications performed on these activities for 2020, the following **observations** were identified:

- *There is no process to follow in order to analyse the reasoning behind the fact projects submitted for financing were rejected*

As far as new applications for non-reimbursable financing being prepared, two projects were identified as submitted, in partnership, at national level, through the following mechanisms: Active Citizens Funds and Open Society. Considering that the two projects were not selected for financing, at Agency level there was no process for analysing the reasons for rejecting funding applications

submitted. There is a risk that the situation determining the rejections will be repeated in future projects.

- *Lack of continuity of involvement of staff responsible for preparing funding applications in the implementation phase of projects that have obtained financing from non-reimbursable sources.*

Within the project "LINC - increasing the capacity of the central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets", the person responsible for developing the grant application was also part of the project implementation team. However, in case of the project funded by European funds, "EMOD - Development of the institutional capacity of the National Integration Agency to streamline internal workflows and how to submit declarations of assets and interests in the electoral and annual process", we have observed that staff involved in the preparation of the financing request was no longer involved in the implementation phase of the project, an aspect that could generate difficulties from a continuity perspective as well as in terms of cohesion of the information related to the project as developed during the design phase.

- *No analysis of grant opportunities or Agency's participation in national and/or international partnerships for developing projects has been performed.*

Regarding the activity of the department in 2020, we did not identify the existence of a complementary analysis in this regard, given both the availability of existing human resources and the fact that department's objectives are being geared towards maximizing funding opportunities.

- *There is no operational procedure describing the steps to be followed during the implementation of the activities included as part of projects with non-reimbursable financing, including steps for project management.*

Even though the activity of the department has been concentrated, in 2020, on the management and implementation of the project "LINC - increasing the capacity of the central public administration in preventing and identifying cases of conflict of interest, incompatibilities and unjustified assets", no operational procedure was defined, detailing procedural steps to be followed in order to ensure proper project management.

Follow-up on the extent to which the findings identified in the 2019 engagement were addressed:

The following deficiency was **remedied**:

- *At the level of the Implementation of Structural Funds, Studies and Strategies Department, although there is a high volume of work, currently only one position is filled, two positions are temporary unoccupied and five unoccupied.*

During 2020, the activities of the department have been carried out by two employees. During 2021, the team was enlarged by secondment from the General Government Secretary.

6.4 Information Technology, Procurement, Investments and Logistics General Directorate

6.4.1 Information Technology Department

IT System Evaluation

The National Integrity Agency has implemented an Information Security Management System (ISMS) which provides better management controls over information flows within the Agency and enables the unitary management of IT security issues, through active control over resources and internal processes.

The procedures performed on Agency's IT environment comprised of assessing the control environment as far as IT processes and IT systems supporting these processes. The assessment aimed to determine how the IT system meets all requirements so that the Agency is able to fulfil its specific tasks.

During the systems verification process, aspects such as the evaluation of the adequacy and operational effectiveness of general IT system controls were included, as well as of specific controls ensuring information security.

Testing procedures performed also included verifications on the general internal control framework of the information systems, as well as on policies and procedures implemented by the National Integrity Agency.

We performed testing of the integrated management information system for assets and interests declarations (SIMIDAI) as well as testing of PREVENT, SEAL, SAP ERP, INDSOFT and DMS systems. The verifications focused on systems functionalities, data recovery process and related risks and aimed to determine how these systems respond to the requirements derived from those specific tasks ANI has to meet.

The activities conducted covered the following areas:

- Information security policies;
- IT resource management;
- Access control;
- Physical and environmental security;
- Security of operations;
- Communications security;
- The process of managing changes regarding computer systems;
- Managing relationships with suppliers;
- Information security incident management;
- Business continuity management and disaster recovery.

This report presents factual findings resulting from the verifications performed on ANI's IT environment and is based on:

- Interviews performed with ITS staff and the General Manager of the IT, Procurement, Investigation and Logistics General Directorate;
- ISMS policies and procedures, documentation and information received from IT Department staff and from the General Manager of the IT, Procurement, Investigation and Logistics General Directorate;
- Analysis of the activities performed by the Information Technology Department;
- Visiting and verifying the physical location where the hardware equipment is installed and on which the Agency's software applications and infrastructure run.

Following the verifications performed related to the 2020 activity, we have identified the following **observations**:

- *There is no consistent backup process for critical applications*

We noted that, during 2020, the backup process was not performed consistently for all systems and applications used in the Agency. Backups have only been performed for systems / servers such as: Active Directory, Exchange, Domain controllers, NTP server, Ticketing, Access Control, Spam Filter (Proxmox Mail Gateway), SAP ERP / IndSoft ERP, File share, Jurisprudence server. Moreover, the backup for these systems is performed on external hard drives on a monthly basis, the retention period is two months and no integration tests are performed by restoration or other similar methods.

Hence, due to the lack of dedicated equipment and the necessary storage space the backup process was not performed for critical Agency applications (eg. SIMIDAI, SEAL, Prevent, etc.). If the backup process does not cover the Agency's essential applications, the Agency runs the risk of affected data to be impossible to recover in case an incident affecting the integrity and availability of the details of those applications occurs. Moreover, when the backup process is performed with monthly frequency there is a risk that in case of an incident causing data being lost available backups will be too old to recover essential information.

- *Lack of fire extinguishing systems*

We observed that the server rooms within the Agency are equipped with UPS, redundant air conditioning systems, temperature sensors and smoke sensors. However, there are no automatic inert gas fire extinguishing systems installed. These systems are automatically triggered in the event of a fire hazard.

In the absence of an automatic inert gas fire extinguishing system, there is a risk that in the event of a fire, the necessary intervention will take place too late, after fire has already compromised all servers and equipment in the server room. Also, the traditional fire extinguishing system (water, foam) can compromise, if used, the servers and equipment in the server room.

- *Insufficient monitoring of the activities provided by external suppliers in charge with the management of ANI systems / applications*

We observed that the Agency has concluded management, support and maintenance services contracts for the Agency's systems and applications with various providers/suppliers. The access to applications is performed via VPN and is granted for limited time intervals and following a specific request formulated by the Agency. VPN connections are logged and details such as user, date, IP from which the connection was made, etc. are recorded. The Agency has planned by the end of 2021, the acquisition of a monitoring system targeted to monitor the activities of the users who have privileged access rights. However, we note that for critical systems such as SIMIDAI, there is no process to monitor the activities performed by the service suppliers. When activities involving critical systems or confidential data are carried out by external suppliers and insufficiently monitored, there is a risk that, by unintentional error or inadvertently, the person holding the management rights might take actions that are not aligned with management's intentions, such as: data alteration or deletion of strictly confidential / critical data, etc.

- *Insufficient staff in the Information Technology Department*

We observed that, although there are eight positions in the Information Technology Department, all these positions are vacant. During 2020, according to amendments to GEO no. 1/2020 and following the provisions set by Law no. 55/2020, filling in the vacant positions has been suspended. These circumstances have created the need to ensure the current functionality of Agency's infrastructure through outsourced IT services. Where there is no internally hired personnel capable of performing IT Department's activities there is a risk of external services (providers) provided being discontinued, leading to syncope in effectively covering all responsibilities at the required quality level and compliance with all internal regulatory requirements.

Follow-up on the extent to which the findings identified in the engagements prior to year 2020 were addressed:

The following deficiency was **remedied**:

- *IT systems Owners - A list of owners of IT systems used by the Agency has not been defined.*

During 2020, as a result of the Agency's reorganization, the business owners of IT systems were reviewed. As a result, on 15.10.2020, the document No. 16442 / 26.10.2020 "Review of business owners for information systems after the reorganization of the institution" has been issued-15.10.2020.

The following deficiencies were **partially remedied**:

- *Business Continuity and Disaster Recovery - ANI has not implemented a Business Continuity Plan in case of Disasters. The Agency does not have a secondary location that can be used for the recovery of operations and IT systems as well as the continuation of activities, should the head office location become unavailable.*

During 2020, we identified the existence of a plan for the implementation a disaster recovery centre, as well as a Methodology on business continuity and disaster recovery, defined as part of the Information Security Management System implemented by ANI. However, during 2020, the procedures for implementing a secondary location and a Business Continuity Plan have not advanced. At the time of the audit this secondary location is not available.

- *Access rights management - the review of user account rights defined in the Agency's applications was not performed consistently in accordance with the Operational Procedure for User Account Management.*

During 2020, if an employee left the organization, following the receipts received from the head of the department (service) or from the Human Resources Service, the TSI disactivates the user account in the IT systems. During 2020 (March-April, June-July, December) the ITS department reviewed Active Directory users. However, we did not identify evidence to confirm and ensure the traceability of this process, and the review of the users performed did not include applications that are not integrated with Active Directory. Moreover, following the review of the users made during the audit, we identified an user account still active at Active Directory level after the termination of the employment contract.

- *Backup management * - There is no alternative location for data and operating systems backup. Backup archives are written to cassettes that are being kept in a backup cassette management device located in the server room.*

During 2020, the monthly backups performed by the Information Technology Departments, on external hard disks, exclusively for support system (Active Directory, Domain controllers, NTP server, Ticketing, Access Control, Spam Filter, SAP ERP / IndSoft ERP, File share, etc.) have a retention period of two months, out of which, during the first month backups are temporarily stored in the secondary Agency location in Mihai Eminescu Street.

** Note: Prior to 2020 this deficiency was classified as "Not Implemented"*

- *Generic user accounts - due to operational needs, a number of generic accounts have been created for accessing IT applications such as SAP ERP, SIMIDAI, Prevent, DMS, Active Directory. These generic accounts are accepted by the management of the Information Technology*

Department, however no document dating from this period has been formally approved in order to justify the need for creating such account.

During our verifications for 2020 we have observed the existence of generic accounts at the level of computer applications / systems (incl. Active Directory). However, we have not identified a formalized register for these generic accounts, approved by management, that specifies who holds those accounts and what they are used for.

- *Change management - a change management procedure has been defined at Agency level, covering the essential stages of the life cycle of a change, including minimum quality / safety requirements, testing, production approvals from the application manager, etc. During the years prior to 2020, this procedure has not been applied consistently. There were situations where, for changes performed on the Agency's applications, standard forms indicated in the procedure have not been prepared.*

According to the information provided by the Director of the Information Technology, Procurement, Investigations and Logistics General Directorate, as a result of lack of funding, the acquisitions related to IT systems were made at the end of 2020, to be implemented at the beginning of 2021. Therefore, no changes were registered during 2020.

- *Privileged accounts management - A number of users with administrator rights have been defined at the Agency for software administration. However, following our verifications, we have been unable to identify a formally approved list nominating those persons who were assigned rights for administration.*

During 2020, we identified users holding privileged rights **in the Agency's systems and applications** belonging to the external suppliers providing maintenance and administrative services in relation **with Agency's various applications** (e.g., SIMIDAI). However, the review of privileged rights users was not performed in accordance with the provisions of the Operational Procedure on User Account Management. Moreover, we did not identify evidence confirming and ensuring the traceability of this process.

- *Backup monitoring - For the SAP system used within the Agency prior to 2020 we noted that the backup system was not configured to send alerts in case of errors in the backup process.*

During 2020, the backup process was performed exclusively for support computer systems (Active Directory, Domain controllers, NTP server, Ticketing, Access Control, Spam Filter, SAP ERP / IndSoft ERP, File share, etc.). Backups have been conducted by copying to external hard drives, without using specialized software and without involving an efficient monitoring process able to generate alerts in case of errors or which can identify using automated methods or restoration tests, the integrity of the backups made.

- *Relationship with providers* - The Agency has managed, through Information Technology Department, contracts with IT related service providers for which suspension periods have been identified. According to discussions with Information Technology Department staff members, this situation was due to delays in approving the budget for the new year.*

During 2020, the Agency had contracts for IT services, assistance, technical support and maintenance with several suppliers in order to ensure maintenance of the Agency's systems and applications. However, we have also identified, during the year, periods of discontinuity for the IT service contracts for assistance, technical support and maintenance.

** Note: Prior to 2020 this deficiency was classified as "Not Implemented".*

- *Physical access control in the server room - During our visit to the server room located on the ground floor of Agency's headquarters, we noted that the secure door leading to the server room was unlocked, moreover, the automatic access control system is installed on a prior access door, which has not been secured in order to minimize the risk of burglary.*

For 2020 we have identified as relevant the Physical Security Policy of IT Systems defining roles and responsibilities as well as a set of rules on Physical and Environmental Security, IT&C equipment and infrastructure. The server rooms are equipped with an access control system limiting access to IT Department personnel only. However, in the case of the server room located at the ground floor of Agency's headquarters, the automatic access control system is, still, mounted on a different door, prior to the one to the server room and that door has not been secured in order to minimize the risk of burglary.

- *Access rights management* - The user account creation process was not consistently carried out in accordance with the User Account Management Policy.*

During 2020, as a result of our performed testing we observed that there is a defined process through which in the case of hiring a new employee, there is a standardized request form generated in the ticketing application, **to grant access to computer systems, in accordance with employee's roles and responsibilities**. However, requests to grant access to new employees in Agency's system are not available for four of the twelve new employees. Moreover, a role matrix, clearly defining rights corresponding to each role at Agency level, has not yet been defined. Such role matrix should define clearly the rights for each role in the Agency, following the principles of "least privilege" and "need to know" principles.

* *Note: Prior to 2020 this deficiency was classified as "Not Implemented".*

The following deficiencies **were not remedied**:

For the following deficiencies, classified as "not implemented" at the end of 2019, no progress was identified during 2020, in order to allow classification of **"not implemented"** to be changed, as follows:

- *DMS system administration - Responsibilities related to the management, support and maintenance of DMS systems are not clearly defined as part of IT Department tasks. Furthermore, there is no contract with an external service provider covering DMS system administration, support and maintenance.*

During 2020, the DMS system continued to be managed by the IT Department and no maintenance and support service contract was concluded in relation to it. Moreover, the application was not decommissioned during 2020, the decommissioning and replacement plan was postponed for the last quarter of 2021. According to the information provided by IT Department, DMS system will be replaced with a platform that will provide document registration services, automatic archiving and the possibility of defining document flows in the Agency.

- *Security Incident Management - Security alerts were identified in the ticketing application which were not included in the ISMS incident category as required by the ISMS procedure on "IT Event Management".*

During 2020, security alerts and malfunctions of IT systems were investigated and resolved by the Information Technology Department. However, we have not identified a registry of operational or security incidents in which all errors and operational incidents and information security incidents during 2020 were formalized.

- *Backup tests - No backup tests were performed for DMS, PREVENT and SIMIDAI applications.*

During 2020, the IT Department performed backups on external hard drives, exclusively for the support system (Active Directory, domain controllers, NTP server, Ticketing, Access control, Spam filter, SAP ERP / IndSoft ERP, File share etc.). However, no testing of the means for these back-ups was carried out in 2020.

General Registry and Archive Department

The archiving of documents within ANI is performed by the General Registry and Archive Department (hereinafter "GRAD") and the attributions of GRAD are established by the Organization and Functioning Regulation of ANI, as well as by the Archiving system procedure and by keeping the documents within ANI (SP 06 / SCM / ANI) and through the operational procedures regarding the specific flows for archiving and sending documents.

In 2020, the position of archivist was appointed by Order no. 4572 of March 10, 2020 and occupied by a person with relevant qualification. The activity of archiving, processing, scanning, conversion, indexing and storage for all assets and interests declarations, as well as for all settled / dismissed files instrumented by integrity inspectors, is carried out based on external service contracts concluded with specialised companies.

The archival records plan for all documents of the National Integrity Agency has been approved by the National Archives by Statement ANB-11423-U of 12 December 2016. The examination process of the archives was not prioritized in 2020 due to the context generated by the COVID-19 pandemic.

No deficiencies were identified in relation to the activity carried out by General Registry and Archive Department during 2020.

Follow-up on the extent to which the findings identified in the engagements prior to 2020 were addressed:

The following deficiencies were **partially remedied**:

- *The files belonging to auxiliary activities were not physically or electronically archived.*

In 2019, the Agency started the process of physical archiving (including binding and indexing) of all documents belonging to internal general directorates, as well as the implementation of a platform for electronically archiving documents. In 2020, the processes specific to physical archiving, as well as the implementation process of the digital platform have continued, but were not completed. Hence, physical archiving, digitization of archives and selecting documents with expired retention periods in order to be destroyed, in accordance with the archival records plan and rules instated by National Archives, were not completed in 2020.

6.4.2 Acquisitions, Investments and Administrative Department

Acquisitions, Investment and Logistics Bureau

During our external audit engagement, we have analysed the organization and development of internal processes at Agency level in the area of public procurement.

The Bureau's activity is standardized and is carried out in accordance with specific operational procedures which have been developed based on Law no. 98/2016 of 19 May 2016 on public procurement, by Decision no. 395/2016 of 2 June 2016 approving the Methodological Norms for applying the provisions when awarding the public procurement contract / framework agreement of Law no. 98/2016 and by Law no. 101/2016 on remedies and remedies in matters of public

procurement, sectoral contractor and works concession contractor and service concessions, as well as for the organization and the functioning of the National Council for Solving Contestations.

After examining of the List of public procurement procedures carried out during 2020, which includes 72 entries, we have randomly selected a sample of 10 procurement procedures, as follows:

- 6 direct purchases,
- 1 acquisition by simplified procedure,
- 1 acquisition through an open tender procedure,
- 1 acquisition by negotiation procedure without prior publication of a participation contract notice and
- 1 acquisition through the competitive negotiation procedure.

We have analysed the extent to which basic principles set out by the current internal regulatory framework ensure the use of transparency and competition as means of obtaining fair and reasonable prices for all public procurement procedures initiated by the Agency.

Therefore, we analysed the extent to which the public procurement rules and procedures are effective and meet the following minimum criteria:

- a. Compliance with the **principle of competitiveness** between parties making the offer in order to obtain the most economically advantageous offer;
- b. Ensure compliance with the **principle of transparency** by properly publishing information on the procurement procedure, from the moment of purchase announcement, during the undergoing procurement procedures and even after the contract has been awarded;
- c. Ensure compliance with **the principles of equal treatment, proportionality and non-discrimination**;
- d. Prevention of possible **conflicts of interest** during the entire procurement procedure.

Based on our interview with the Director of the of Information Technology, Procurement, **Investments and Logistics General Directorate (hereinafter "ITPILGD")**, our analysis of the procedural framework and on the testing performed on the selected files in our sample, the following aspects were specifically taken into consideration:

- The internal procedural framework is organized hierarchically and is applied to all public procurement procedures carried out;
- The public procurement system ensures an adequate degree of transparency throughout the entire public procurement process, from the advertisement / intention / participation announcement, evaluation of offers, contract awarding and settlement of appeals, so as to promote fair and equitable treatment of tenderers, namely potential suppliers and contractors;
- The public procurement system includes provisions on equal access for all potentials tenderers, as well as measures to +ensure that there are no restrictions for certain candidates (technical, administrative - selection, exclusion and awarding criteria - and in terms of timing and deadlines);
- The public procurement system provides specific rules in terms of communicating with potentials tenderers in the same time frame and in the same way, and particularly in terms of ensuring that answers to clarification questions are provided promptly and that the information is passed on to all stakeholders;
- The procurement system provides specific rules in terms of protecting the security and confidentiality of all the information submitted, in particular by: all necessary measures for ensuring the security and safe storage of tender documents (eg keeping a register of documents, numbering all documents or having a central storage space of all documents), as well measures for restricting access to documents;

- The public procurement system provides clear and objective criteria for the evaluation of tenderer's economic and financial capacity, as well as for the assessment of their technical and professional capacity;
- The public procurement system provides specific rules on informing tenderers (winners and non-winners) and the general public about the outcome of the procurement process;
- The public procurement system provides specific rules on how to manage appeals to awarding procedures.

In conclusion, for year 2020, after analysing the procedural framework and the degree of compliance in relation to it, based on the selected sample of public procurement procedures carried out in 2020, we have identified the following **observations**:

- *The need to utilise types of public procurement procedures that were not procedurally framed, at that time, more precisely one acquisition by negotiation procedure without prior announcement publication and one acquisition through the competitive negotiation procedure based on GEO no. 114/2011 regarding the award of certain public procurement contracts in the fields of defence and security.*

As an exception to the rule stating that all procedures in the selected sample are to be tested regarding with regards their compliance with applicable law as well as with specific operational procedures, the two selected procedures which corresponded to the types mentioned above have been verified exclusively on the basis of the following- * applicable legislation:

- Law no.98 / 2016 of 19 May 2016 on public procurement, Decision no. 395 / 2016 of 2 June 2016 for the approval of the Methodological Norms for the application of the provisions regarding the awarding of the public procurement contract / framework agreement of Law no.98 / 2016 and Law no. 101/2016 on remedies and legal remedies in matters of public procurement, sectorial contracts and concession and service contracts, as well as for the organization and operation of the National Council for Solving Contestations, in the cases of negotiation without publication;
- Government Emergency Ordinance no. 114/2011 on the award of certain public procurement contracts in the fields of defence and security, in case of competitive negotiation.

In addition, for the procedure of negotiation without publication, we observed that the stage of verifying the submitted offers against the required technical specification was not documented, in absence of a specific procedure requiring the use of a tool for proper documentation. We consider that such documentation tool has to be implemented in case of all public procurement procedures, including for those procedures where the awarding criteria is the lowest price (situation which we have identified in case of the analysed procedure).

- *The analysis of the procedural framework revealed two material errors to which a low level of risk can be attributed, namely:*
 - *The numbering of operational procedure OP 10 / S.A.I.A.– B.A.I.L. "Records and keeping copies of public procurement contracts" does not follow the numbering of applicable operational procedures, the correct numbering being OP 7 / S.A.I.A. - B.A.I.L.;*
 - *OP 01 / S.A.I.A. - B.A.I.L. - Procurement through "simplified procedure" of products / services / works - provides, at art. 12 (Rules / Constraints), the obligation to use the Necessity Report format presented in OP 03 / S.A.I.A. - B.A.I.L. regarding the purchase of products / works / services. The form referred to was identified in annex to another operational procedure, OP 02 / S.A.I.A. - B.A.I.L. - Procurement through "Direct Purchase" of products / works / services*

- *The internal procedural framework is not correlated with the operational flow used in practice at the level of the Procurement, Investment and Administrative Department through the Procurement, Investment and Logistics Bureau:*

Thus:

- The procedural framework is not correlated with the activities carried out in connection with the initiation of public procurement processes within all structures involved in this process at institutional level, and without using a Necessity Report template applicable to all types of public procurement procedures.

We have identified irregularities related to non-compliance with formal and/or content requirements of the Necessity Reports in 3 of the 10 procurement files selected as part of our sample.

- The documentation of evaluating awarding criteria against all submitted offers and selection of winning offers is specifically required, by Individual Evaluation Forms prepared by all members of the evaluation committee, according to specific operational procedures for only some types of public procurement procedures. As common practice, though, this stage is circumvented. Instead, all voting members of the evaluation committee are signing the Minutes of the analysis and verification of offers.

We have identified irregularities related to non-compliance with the requirement of signing Individual Evaluation Forms in 1 of the 10 procurement files selected as part of our sample.

- The requirements of setting deadlines assigned by apostille, in physical format, as well as electronic, by DMS, are not used, as common practice, to monitor compliance to the procedural steps /.

On the other hand, we have noted that periods between various key stages in the procurement process - such as initiating the procurement process by filling in a Necessity Report, preparing and publishing the attribution documentation, evaluating the submitted offers and, subsequently awarding and contracting - were reasonable, in all the 10 procurement procedures analysed by us.

During our interviews with the General Manager of ITPILGD we were informed that to effectively implement the procedural framework would require to perform additional steps, which are not absolutely necessary and would affect the workload of all the structures involved in this process. Instead, it would be better to upgrade the currently used technical solution (system) for document flow management (DMS), by including some functionalities which allow assignment and monitoring of deadlines.

- *According to the operational procedure to establish and return the deposit guarantee for performance (PO 06 / SAIA - BAIL), it is necessary to separate the responsibility attributed and to monitor the contract between the person designated to perform the procurement procedures on behalf of SAIA - BAIL and the person in charge of contract from the department which initiated the acquisition.*

Based on the selected sample tested, we did not find any reference to the person in charge of contract in the department which initiated the acquisition and who would have the role to monitor whether the obligations of the provider / supplier, undertaken for quality and quantity, are actually met, in accordance with contractual clauses.

Except for the aspects mentioned above, we did not identify any other deficiencies related to the activity of the Acquisitions, Investments and Logistics Bureau.

Administrative Department

The Administrative Department represents the structure responsible for the administration of the car fleet and the administrative spaces of the Agency.

The activity of the department is carried out, according to the Regulation of Organization and Functioning of the National Agency for Integrity, in connection with the following tasks:

- Ensuring the maintenance, operation and repair of the car fleet, as well as conformity with the legal provisions regarding motor vehicle transportation activity – Government Decision No. 1391/2006 for the approval of the Regulation for the application of GEO no. 195/2002 regarding the traffic on public roads;
- Preparing the mileage sheet for each car in the car fleet in accordance with specific operational procedures and the provisions of G. O. No. 80/2001 on the establishment of expenditure rules for public administration authorities and public institutions and of G.D. 672/2011 on establishing expenditure rules for specific activities of the National Integrity Agency;
- Sending the supplier requests for car tires, car batteries, car accessories, as well as for maintenance services and necessary repairs in order to ensure proper functioning of all cars, in accordance with the provisions of operational procedures;
- Timely notification of the expiration date for all the mandatory car insurance policies and CASCO (car damage insurance), for all cars in the fleet, in order to be renewed;
- Ensuring that all Agency cars are properly cleaned and correspond to corporate image standards, as well as removing any obstacles, including snow, from the parking lot and access alleys in the yard of the Agency;
- Ensuring that cars properly operate and are maintained in proper order, according to the provisions of the operational procedures;
- Ensuring the cleaning at the administrative headquarters and other premises of the agency,, in accordance with the hygienic-sanitary norms and in accordance with the provisions of specific operational procedures and of law no. 319/2006 on occupational safety and health and with the specific methodological norms currently in force;
- Keeping in good condition the cleaning materials distributed in order to perform the cleaning at the administrative headquarters;
- The selective collection of waste and the garbage taking to designated areas, in appropriate conditions, with correct disposal in bags / containers / trash cans, in accordance with the provisions of operational procedures and in force legal provisions - law no. 132/2010 on the selective collection of waste in public institutions and government decision no. 856/2002 on waste management records and for the approval of the waste list, including hazardous waste.

No deficiencies were identified regarding the activity carried out by the Administrative Department, as part of the Procurement, Investment and Administrative Department.

6.5 Public Internal Audit Department

The internal audit activity is covered within the National Integrity Agency by the **Public Internal Audit Department (hereinafter “PIAD”), operating under the direct subordination of the Agency’s President.**

Considering the attributions of PIAD, established by the Regulation of organization and functioning **of the National Integrity Agency and by the “Methodological Norms regarding the Exertion of the Internal Public Audit Activity within ANI”, we proceeded to** analyse the conformity of the actual activity carried out within PIAD. The analysis also aimed to determine PIAD's conformity with the operational procedures for year 2020 based on applicable legislation,

The **department's** activity is standardized and based on specific operating procedures developed in accordance with the Order No. 600/2018 regarding the Internal/Managerial Control Code for public entities, published in the Official Gazette on 7 May 2018.

We organized interviews with the PIAD coordinator and evaluated, through detailed testing, the flow of documents and the processes carried out within the department, as follows:

- The preparation of the Annual Internal Public Audit Plan, for 2020, registered with no. 1813 / 30.01.2020;
- The Preparation of the Multiannual Internal Public Audit Plan, for the period 2020 - 2022, registered with no. 17466 / 28.11.2019;
- The Preparation of the Quality Assurance and Improvement Program;
- The Elaboration of the Annual Report of the Public Internal Audit activity submitted by PIAD address no. 2649 / 10.02.2021;
- Performing the internal audit engagements;
- Assessment of the individual professional performance;
- The continuous education training of internal auditors.

In order to evaluate the managerial actions within the Public Internal Audit Department, we selected **from the "Annual Public Audit Plan for 2019" two audit engagements, "Evaluation of actions taken in order to achieve the objectives of the national strategies, assumed by ANI and internal integrity" and "Performance assessment of the activity carried out by the General Registry and Archive Compartment"**.

In this respect, we obtained and assessed the documentation applicable for each process regarding the following criteria: frequency, compliance with the legal provisions, authorization, and compliance with the legal terms, relevance and completeness of the data.

Regarding the activity performed by the Internal Public Audit Department during year 2020, and based on the evaluation of the operating procedures and the methodology applied, we have not identified any deficiencies.

Follow-up on the extent to which the findings identified in the engagements prior to 2020 were addressed:

The following deficiencies **have not been remedied**:

- *Certifying internal auditors.*

Until our audit, the internal auditors of ANI were not certified because the procedures mentioned in art. 44 and 45 of the OMFP Order no. 659/2015 amended by OMFP Order no. 783/2016 have not been approved by order to the Minister of Public Finance, which led to the impossibility of attestation/certification of internal auditors by UCAAPI. At the same time, in the OMFP Order no. **645/2015, at art. 3 it is specified that "Internal auditors in office on the date of entry into force of Law no. 191/2011 have the obligations to obtain the attestation certificate within 6 years"**, and this deadline expired in November 2017.

- *According to the "Methodological norms regarding the internal public audit activity within ANI" and the procedure "Evaluation of the individual professional performances" auditors must attend at least 15 days of professional training per year. In 2019, the internal auditors did not participate in any professional training courses.*

In 2020, the internal auditors did not attend training courses considering the context generated by the COVID-19 pandemic.

6.6 Classified Information Compartment

The Classified Information Department within ANI (hereinafter "CIC") is formed in accordance with the provisions of art. 41 para. 1) of Law no. 182/2002 on the protection of classified information. We have confirmed the legal framework for the operation of the compartment through an interview with the CIC representative. The main requirements regarding the existence of the department, utilization of military mail, involvement of public services with special responsibilities have been met. The CIC also ensures the Agency's collaboration with state structures in the field of classified information. We did not notice any deficiencies in the procedures of this Department.

6.7 Economics Department

The economic activity within ANI is covered by the Economics Department (hereinafter "ED") and specific SE attributions are established by the Organization and Functioning Regulation of ANI which complete the legislative provisions with impact on the activity of the department and its personnel. The activity of the ED is coordinated by the Agency's General Secretary and the management of the department is provided by a head of department and a head of bureau. From an organizational point of view, depending on specific activities, ED is organized on 2 structures, respectively:

- Financial Office
- Accounting Compartment

The Economics Department activity is standardized and operates on the basis of specific operational procedures developed in accordance with the provisions of Order no. 600/2018 for the approval of the Code of Internal / Managerial Control of Public Entities.

We have analysed and assessed the level of compliance with the operational and system procedures in force during year 2020 with ROF and applicable laws. Also, we have analysed specific DE processes via detailed testing and we have conducted interviews with department representatives in order to draw conclusions on the conformity of the actual activities performed in practice with approved norms and procedures.

6.7.1 Financial Office

The processes carried out within the Financial Office for which detailed tests were performed are the following:

- The Procedure to establish the necessary financing (credits) for 2020, and drafting the expense budget;
- Implementing the investment project for 2020;
- Communication and implementation of budget rectifications and transfers within the approved budgetary lines;
- Internal preventive financial control;
- Expense commitment, liquidation, authorization and payment processes;
- Monitoring personnel expenses;
- Cash register.

We have obtained and evaluated the documentation applicable to each process in terms of periodicity, compliance with legal provisions, authorization, compliance with legal deadlines and the treatment of errors.

Based on our verifications, we have not identified any deficiencies regarding the the activity for this department during year 2020.

6.7.2 Accounting Compartment

The processes carried out by the Accounting Compartment for which detailed tests were performed are the following:

- Internal preventive financial control;
- The process of assets inventory.

For this purpose, we have obtained and evaluated the documentation applicable to each process in terms of periodicity, compliance with legal provisions, authorization, compliance with legal deadlines and how errors are addressed.

Following our verifications, we have not identified any deficiencies regarding the activity of the accounting compartment during year 2020.

6.8 Human Resources Department

The human resources activity is provided within the National Integrity Agency by the Human Resources Department (hereinafter referred to as "HRD"). According to the list of positions, there are 10 positions in HRD, out of which, on 31.12.2020, only 3 positions were occupied, having an occupancy rate of 30%. One of the occupied positions is for the role of head of HRD, also covering the attributions related to the labour protection. From an organizational point of view, HRD is organized in 2 structures with different responsibilities, as follows:

- Human Resources Office
- Labour Protection Compartment

The activity of the Human Resources Department is standardized and operates on the basis of specific operational procedures² developed in accordance with the provisions of Government Decision no. 611/2008 for the approval of the norms regarding the organization and development of the civil service career, with subsequent modifications and completions, Government Emergency Ordinance no. 57/2019 on the Administrative Code, with subsequent amendments and completions, Government General Secretary Order no. 600/2018 for the approval of the Code of internal / managerial control at public entities and other specific regulations.

6.8.1 Human Resources Office

We analysed the responsibilities of the Human Resources Office (hereinafter "HRO") within the Agency, in accordance with ROF provisions and the operating procedures that document HRO activity. Our analysis was also focused on the conformity of the valid operating procedures during 2020 with provisions of ROF and applicable legislation

- We organized a series of interviews with the head of HRO and we evaluated by applying tests of detail, the following flows of documents and processes carried out by this department: The preparation and management of the HR personal files, for both public servants and contractual personnel;
- The process of continuing education –the list of required training programmes for ANI personnel in 2020; plan of measures regarding professional training; professional development plan for civil servants;
- The evaluation of the performance of ANI personnel;

² 31 operational procedures

- The preparation, certification and the circuit of the timesheets, including inventory of the paid, medical and unpaid leaves, overtime approval process etc.;
- The organization of contests for employment and promotion within ANI;
- The confirmation of the permanent positions for debutant personnel during 2020;
- The modification / termination of the labour contract / transfer;
- The delegation of duties / redistribution of staff and professional testing of staff;
- The preparation, update and transmission of employee records;
- The monitoring compliance with Codes of conduct by ANI employees; informing employees about their rights and obligations in accordance with Agency's Internal Regulations;
- The preparation and approval of Agency list of positions;
- The compliance with legal provisions regarding submitting assets and interests declarations by Agency staff;
- The preparation and updating of job descriptions;
- The payroll and payroll related activities;
- The elaboration, approval and transmission of quarterly reports on professional continuing education training for civil servants and annual report on the professional training for Agency's staff;
- The elaboration and modification of the Regulation on the organization and functioning of the National Integrity Agency;
- The Disciplinary Commission Activity at ANI level;
- The ethical counselling activity.

We have used two methods of testing, based on the nature of the assessed activity:

- Test an operation(process) from initiation to finalization;
- Stratify the population and test for each segment an operation from initiation to finalization.

To conduct the tests on the activity of the Human Resources Department, we have requested on a sample basis the documentation for the following selections:

- From **the "List of contests organized by ANI in 2020"**, we selected **1** contest out of the 4 organized in 2020, respectively the contest organised for 2 vacancies for debutant position of integrity inspector and 2 vacancies for assistant position of integrity inspector, within the Integrity Inspection;
- From the **"Contractual personnel of ANI in 2020"**, we selected **2** professional files out of the total of 11 contractual personnel positions;
- From **the "List of labour relationships terminated"**, we selected **5** files out of the total of 15 files for labour contract termination
- From **the "List of new-comers in 2020"**, we selected **2** personnel files out of the total of 12 (appointments by contest or by transfer from other public institutions);
- From **the "Record of public servants"**, we selected **10** professional files out of the total 79 civil servants professional files;
- Timesheets for the month of June 2020 for the analysis of the preparation, approval and flow of collective attendance sheets (timesheets);

- 15 civil servants professional files for testing the process of evaluating professional performance in 2020.

We obtained and evaluated the applicable documentation to each process in terms of periodicity and compliance with legal and procedural provisions, authorization and subsequent steps, adherence to legal terms. We have also verified whether the information contained by applicable documentation is relevant and complete.

We also analysed the correlation between the attributions included in the job descriptions for HRD staff and Agency ROF.

Regarding the activity of the Disciplinary Commission, in 2020, elections were organised in order to appoint members of the Disciplinary Commission. Further, civil servants have also organized a selection process by secret ballot to select a member in order to modify and complete the composition of the Disciplinary Commission.

6.8.2 Labour Protection Department

The activity of the Labour Protection Department (hereinafter "LPD") is carried out at the level of the National Integrity Agency in accordance with the provisions of Law no. 319/2006, of the Government Decision 1425/2006, of the Government Decision no. 355/2007 and of the Government Decision 955/2010. In the context of the coronavirus pandemic (SARS Cov-2), the legislative framework was amended by Law no. 55/2020 and Order of the Minister of Labour and Labour Protection and of the Minister of Health no. 3577 / 831/2020

In 2020, 110 regular trainings in the field of occupational safety and health were carried out. The training sessions were finalized by filling in the Individual Instruction Slips by the entire Agency staff.

In context of COVID-19 pandemic, the need to prevent the spread of infections caused by the SARS-CoV-2 virus and to ensure health and safety at work, determined the National Integration Agency to elaborate a series of administrative procedures, as follows:

- Regulation taking measures to prevent and control infections in National Integrity Agency, during the state of alert, in context of the epidemiological situation generated by the SARS-CoV-2 virus;
- Operational Procedure OP 14 / CPM - Measurement of body temperatures for all staff members, visitors and collaborators of the National Integration Agency;
- Operational Procedure OP 15 / CPM - Procedure to follow in case a National Integration Agency employee is suspected of/confirmed with COVID-19 infection (SARS CoV-2).

Based on the documentation obtained, we have selected a verification sample and performed detail tests on the selected sample. We have randomly selected 15 files for which we verified the existence of the Occupational Health and Safety cards as well as staff instructions periodicity, training sessions **materials, staff members and instructor's signatures on the Individual Instruction Slips. We have also** verified the compliance with the provisions of the procedure "OP 04 / CPM - Periodical training activity in the field of safety and health at work", as far as the maximum time interval allowed between two successive training sessions.³

Following the verifications performed in 2020, we identified the following **deficiency** regarding the HRD activity:

- *The occupancy rate within HRD is 30%. Starting with the second half of 2020 only 3 positions out of 10 positions presented in the organizational chart were occupied. HRD team is undersized in*

³ OP 04 / CPM - Periodical training activity in the field of occupational safety and health: "the interval between two in the periodical training session is established in accordance with workplace conditions and will not exceed 6 months".

relation to the workload, taking into account the number of positions occupied at the time of the audit engagement.

6.9 The Activity of the Monitoring Commission for the Internal Management Control System activity

Within the National Integrity Agency was established the Monitoring Commission for Internal Management Control System. The role of the Monitoring Commission is to ensure compliance with the provisions of Government General Secretary Order no. 600/2018 and it has the following responsibilities:

- To ensure the implementation and development within the National Integrity Agency of standards provided in Government General Secretary Order no. 600/2018;
- To support the independent external audit carried out annually in order to evaluate the level of quality of National Integrity Agency's management;
- To update, whenever necessary, the Program for the development of the managerial control system at Agency level, including the Training and Professional Development Plan;
- To update the Regulation on the organization and functioning of the Commission;
- To identify sensitive roles, centralizing these roles in a specific Inventory list and preparing the List of Agency personnel holding sensitive roles.
- Developing an appropriate and sufficient Measurement Plan for the management of sensitive operations. This Measurement Plan is submitted to the President / Vice-President for approval and reviewed at least once a year;
- Receives progress status from the Agency's structures on the development of the managerial control system, as provided by the specifically adopted Program;
- Ensure elaboration and the timely and legal format transmission of the Annual Report detailing the stage of development of the managerial control system at the ANI level, approved by the President/ Vice President of ANI, to the specialized structure within the Government General Secretary
- Provides guidance with regards to the managerial control activities to subordinated structures, as per the Organizational Chart;
- Informs the Agency's management on the implementation status of managerial control system development, whenever it is considered necessary, but at least once a year.

In 2020, the composition of the Risk Monitoring Commission has been changed by Order no. 23/06 January 2020 and through Note no. 4169/04 March 2020. the Regulation on the organization and functioning of the Internal Management Control System Monitoring Commission at ANI level was approved.

In 2020, a set of system procedures was updated, namely: Risk Management (SP 01 / S.C.M.), Functioning of the Monitoring Commission of the Management Control System of ANI (SP 02 / S.C.M.) and Preparation of the Annual Report to the Government General Secretary (SP 04 / S.C.M.).

Risk Management has been structured based on the following procedural steps:

- Risk Identification and assessment;
- Risk response - Risk control;
- Implementation and monitoring of control measures/actions;
- Risk review and reporting.

In order to evaluate the adequacy and effectiveness of the Commission for monitoring the internal management control system at ANI level we have analysed the following activities:

- The development program for internal managerial control system;
- Regular meetings of the commission for monitoring the internal managerial control system;
- Annual reports to government general secretary regarding the stage of implementation of the managerial control system;
- The consolidated risk registry prepared and updated at the agency level;
- The process of identifying, reporting, assessing and monitoring risks;
- The existence of internal procedures/norms to formalize the risk management process.

Based on our verifications on the 2020 activity of this department we have not identified any deficiencies.

Follow-up on the extent to which the findings identified in engagements prior to 2020 were addressed:

The following deficiency **has been remedied**:

- *System procedures 02 and 03 are not updated, taking into account the amendments established by Government General Secretary Order 600/2018 and the provisions of the Regulation on the organization and functioning of the Monitoring Commission of Internal Management Control System at ANI level. Regarding the regularity of the organization of Commission meetings, there is no correlation between the system procedure SP 02 "Functioning of the Monitoring Commission of Internal Management Control System" (art. 8.1.1.1) and the Regulation on the organization and functioning of the Monitoring Commission of Internal Management Control Systems at Agency level. SP 02 stipulates that "The meetings of the Commission take place at least once every six months on the dates established in accordance with the priority calendar of each of the members of the Commission", whereas the Regulation on the organization and functioning of the Monitoring Commission of Internal Management Control Systems at Agency level states, at art. 3 (1), that "Meetings of the Commission shall take place at least annually on the date determined in accordance with the priority calendar of each member of the Commission." Also, procedures SP 02 and SP 03 make reference to Government General Secretary Order no. 400/2015, order that was abrogated by Government General Secretary Order no. 600/2018.*

We have reviewed system procedures SP 02 / S.C.M.- "The functioning of the Monitoring Commission of the Management Control System of the ANI" and SP 03 / S.C.M.- "Elaboration of the Operational Procedures specific to the activity carried out within the ANI" and we have observed that, through the revision performed in 2020 and approved in the meeting of the Monitoring Commission as recorded by the Minute no. 10209 / 08.07.2020, all references to Government Secretary Order no. 400/2015 were eliminated. We have also verified whether in the Regulation on the organization and functioning of the Monitoring Commission, approved by the Vice President of ANI by Internal Note no. 4169 / 04.03.2020 it is specified that meetings of the Commission would take place at least once a year, on the date established in accordance with the calendar of each of the participants based article 3 (1) which has specific provisions in this regard and which are also in line with SP 02 / S.C.M. stating , in paragraph 8.1.1.1. that "Meetings of the Commission shall be held annually on a date determined in accordance with the priority calendar of each member of the Commission."

The following deficiency **has been partially remedied**:

- *Managing ANI's public interest alerts are not carried out by an independent person. The role of the Ethics Adviser in recent years has been limited to ANI's staff awareness regarding the Code of Conduct of the institution and has not been explicitly directed to the legal framework governing SNA 2016-2020.*

In 2020, no person was appointed to be responsible to manage the notifications made by integrity whistle-blowers. As a result of finalization of the transposition of the European Directive 2019/1937 dated 23 October 2019 of the European Parliament and of the Council on the protection of persons reporting breaches of European Union law in Romania, ANI's internal mechanism to receive warnings in the public interest will be reconsidered. At present, there is a draft law prepared by the Ministry of Justice and the deadline set by the European Commission for completion of this process is the end of 2021.

The following system deficiency resulting from pre-2020 engagements, **has been remedied**:

- *During our verifications we observed that SAP users do not use optimally the functionalities of the system, maintaining, in parallel, similar records outside of the SAP system (eg. the fixed assets registry, the inventory objects registry, the list of acquisitions, etc.). This situation is also caused by adequate knowledge level of SAP modules and their functionality. According to subsequent contract no. 10537 / 17.06.2016, one of its objectives is to ensure specialized personnel training to ANI employees, upon request. Following our verifications, we did not identify any requests from ANI regarding the organization of employee training sessions for the utilisation of SAP module.*

The SAP program has been used by the Economics Department, the Procurement, Investment and Administrative Department as well as by the Human Resources Department. However, ANI employees who used the program reported slowdown of response to requests, which led to the proposal to replace the system. As a result, based on the approved Report of Necessity no. 5375 / 27.03.2020, new technical requirements and specifications have been formulated. INDSOFT-SICO solution (Public Administration | Industrial Software (indsoft.ro)) has been selected as the new solution, and has been implemented between the months of May and October 2020. Between October 1, 2020 and December 31, 2020, the two systems (SAP and INDSOFT-SICO) have been updated and used in parallel. On January 1, 2021, the SAP program was no longer used. According to our discussions with system users from Economics Department, the new software works better, functionalities are better, and the response to requests is much more effective.

6.10 The assessment of the personal data processing activity

We examined the applicability of the General Regulation on Data Protection no. 679/2016 (hereinafter referred to as **"the Regulation"** or **"GDPR"**) in order to ascertain the categories of personal data processing that fall under the Regulation.

We found that personal data being processed as part of Agency's core activity do not fall under the scope of the GDPR Regulation, pursuant to Article 2. Paragraph 2 letter d), which stipulates that " This Regulation does not apply to the processing of personal data: (...) by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security".

However, there are data processing processes, performed at Agency's level, outside provisions of art.2 paragraph 2 letter d) of GDPR, the most frequent processing being that of personal data belonging to employees and personal data deriving from Agency's contracts with third parties. **Regarding employee's personal data and/or personal data belonging to representatives (or contact**

persons) of contractual partners processed by ANI, GDPR are fully applicable and there is no applicable derogation in this regard.

We have assessed Agency's compliance with GDPR requirements through a series interviews and reviews of the system procedures and we focused on the following aspects:

- Responsibilities regarding the protection of personal data;
- Obligation to appoint a data protection officer ('DPO');
- Dpo position in agency's organizational chart (in accordance with the criteria imposed by GDPR);
- DPO training, competence level and tasks;
- Data privacy policies and procedures (personal data protection policy, notification procedure in case of security incidents affecting personal data, data access rights procedure /data subject forms) instated to ensure compliance with the requirements of the GDPR;
- Reporting mechanisms for monitoring compliance with the requirements of GDPR;
- Notices (privacy notices) to data subjects with regards to processing activities, in accordance with GDPR requirements;
- Training and awareness programs regarding personal data protection and compliance with GDPR requirements.

This section of our report contains our observations resulting from verifications carried out for this area of activity and is based on the documentation and information received from the DPO and from ANI employees who were involved in our interviews.

No deficiencies were identified as a result of our verifications performed on the activity carried out in 2020.

Follow-up on the extent to which the findings identified in engagements prior to 2020 were addressed:

The following deficiencies **have been partially remedied**:

- *The process of identifying and notifying the breach of personal data security is briefly addressed in the documentation defined by ANI for the management of security incidents, without including a methodology to facilitate their analysis and classification based on the associated risk.*

Specific procedure GDPR SP 11 / S.C.M. / GDPR does not include detailed references on how data breaches are handled. We did not find any concrete references on how to deal with data breaches for processing of physical documents. As far as data breaches involving IT systems, we have analysed the provisions of OP - 02 / SI.

- *Procedures for management of IT events were identified but no specific mentions were found regarding personal data protection. Although technical and organizational measures have been taken to demonstrate compliance with the provisions of the GDPR, the interviews with the responsible persons identified areas covered by the Regulation that are not technically implemented (period of storage of data / activity logs in the system, the implementation of the right to be forgotten).*

As a result of the analysis performed on personal data processing activity in 2020, our conclusion is this deficiency was not entirely remediated. The process of digitalization of administrative activity has continued, however efforts were focused on the process of digitizing of assets and interest declarations.

- *In the analysed contracts concluded with the IT service providers as authorized persons, a compliance clause is provided with the GDPR requirements, without including the provisions of article 28 par. 3 of the Regulation.*

In 2020 we observed that for archiving contract no. 1285 / 22.01.2020 the reference to personal data is brief. Verification procedures applicable to contracts with processors, including IT service providers, are subject to security audits from competent public security institutions, considering the classified nature of the sets of information which these providers are holding into custody as part of their contracts.

The following deficiencies **have not been remedied**:

- *At the time of the evaluation, after consulting the Agency's updated organizational chart, we noted that the position of Data Protection Officer (DPO) is not distinctly defined.*

In 2020, the position of DPO was not defined separately in the ANI organizational chart, although there were also observations coming from the Internal Public Audit Department in this regard.

- *Regarding awareness-raising sessions related to personal data protection and information security, the DPO as well as other ANI employees participated in various training sessions.*

In 2020, ANI employees did not attend professional training sessions regarding a GDPR, personal data protection.

7 ANNEX 1 Implementation Status of action measures related to ANI Strategy for combating and preventing undue accumulation of assets, conflicts of interest and states of incompatibility

General Objective nr. 1: Boosting prevention and awareness activities

Specific Objective 1.1: Preventing the conflict of interest in public procurement

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS Assessment as of 31.12.2020
1.1.1.	Implementation and full operationalization of the PREVENT software system, after publication in the Official Gazette;	Permanent action, assessed on an annual basis	<p>Analyze all public procurement procedures, initiated and carried out annually, exclusively through SICAP, by the contracting authorities provided in art. 4 of Law 98/2016 and art. 4 of Law 99/2016.</p> <p>All Integrity Warnings issued annually through the PREVENT computer system analyzed and solved</p>	<p>Technical malfunctions</p> <p>Insufficient human resources</p>	ANI	<p>Implemented</p> <p>The PREVENT system was officially launched at the end of June 2017.</p> <p>In 2020, 19,506 public procurement procedures were analyzed through the PREVENT system, in order to identify possible conflicts of interest. Out of the total procedures examined, 12,958 were single public procurement procedures (without lots), 6,182 were subsequent public procurement procedures (containing 78,609 lots), and 3,574 refer to contracts financed from European funds.</p> <p>During the same reporting period, the integrity inspectors issued 10 integrity warnings regarding possible violations of the legislation on conflicts of interest in public procurement, amounting to 54.3 million lei (approx. 11.1 million euros).</p> <p>In 8 of the 10 cases notified by the system, the leaders of the contracting authorities</p>

						<p>took measures to eliminate the causes that generated conflicts of interest, while in 2 cases, following the ANI responses and verifications, the integrity warnings were invalidated.</p> <p>At the same time, the integrity inspectors notified the National Agency for Public Procurement (ANAP), based on the cooperation agreement concluded between the National Integrity Agency and ANAP, a number of 7 irregularities regarding possible relations that may exist between persons from the contracting authority and persons from economic operators that have the role of bidders within the procurement procedures initiated by a contracting authority.</p> <p>During the reported period, the PREVENT system analyzed 2,474 contracting authorities, 14,847 companies and 259,355 individuals, representatives of public institutions and tenderers.</p>
1.1.2.	Entry into force of legislation on the prevention of conflicts of interest in public procurement and monitoring of how it is applied, in relation to the legislative framework of public procurement;	Permanent action, assessed on an annual basis	<p>The law published in MOF no. 831 of October 20, 2016</p> <p>Statistical data resulting from the PREVENT computer system published quarterly</p> <p>Half-yearly information regarding the number integrity warnings issued regarding these procedures, exclusively on procurement procedures financed by / from European funds, to the</p>	Submission of amendments that will render the legislative text ineffective	Romanian Parliament	<p>Implemented</p> <p>The law no. 184/2016 <i>on the establishment of a mechanism for preventing conflicts of interest in the procedure for awarding public procurement contracts</i> was adopted by the Romanian Parliament and was published in the Official Gazette no. 831 of October 20, 2016. In accordance with the legal provisions, the PREVENT IT System</p>

			Ministry of Regional Development and Public Administration, Ministry of Agriculture and Rural Development, Ministry of European Funds, as well as to other institutions with responsibilities in managing European funds			<p>became operational on June 20, 2017, for both national and European funds.</p> <p>The National Integrity Agency publishes its activity reports, which include statistical data about the results within the mechanism for preventing conflicts of interest in public procurement financed from national and European funds.</p> <p>In 2020, the Agency as well issued press releases on the results of the PREVENT Information System, that are available on the Agency's website</p> <p>In 2020, the Agency I issued as well press releases on the results of the PREVENT Information System, that are available on the Agency's website.</p> <p>ANI submits briefings, exclusively on the procurement procedures financed by / from European funds, to the Ministry of Regional Development and Public Administration, the Ministry of Agriculture and Rural Development, the Ministry of European Funds, as well as to other institutions with responsibilities in the management of European funds regarding the number of integrity warnings issued related to these procedures.</p>
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1.1.3.	Publishing the statistical data on the results obtained under the mechanism for preventing conflicts of interest in public procurement financed from national and European funds in open format	Permanent action, assessed on an annual basis	<p>Statistical data published on the ANI website on a quarterly basys.</p> <p>Half-yearly information regarding the number integrity warnings issued regarding exclusively on procurement procedures financed by / from European funds, to the Ministry of Regional Development and Public Administration, Ministry of Agriculture and Rural Development, Ministry of European Funds, as well as to other institutions with responsibilities in managing European funds.</p>	<p>Insufficient human resources</p> <p>Delay in receiving data from responsible structures</p>	ANI	<p>Implemented</p> <p>The National Integrity Agency publishes its activity reports on a quarterly and annually basys. The activity reports include statistical data on the results obtained within the mechanism for preventing conflicts of interest in public procurement financed from national and European funds.</p> <p>In 2020, the Agency issued as well press releases on the results of the PREVENT Information System, that are available on the Agency's website.</p> <p>ANI sends briefings exclusively on the procurement procedures financed by / from European funds, to the Ministry of Regional Development and Public Administration, the Ministry of Agriculture and Rural Development, the Ministry of European Funds, as well as to other institutions with attributions in the management of European funds regarding the number of integrity warnings issued related to these procedures.</p>
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Specific objective 1.2: Preventing corruption and integrity incidents among the members of the Parliament

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS Assessment as of 31.12.2020
1.2.1.	Collaborate with Parliament to improve the integrity advisory system. Actions are provision of regular specialist training, clarifying the implications for parliamentarians on conflicts of interest and incompatibilities and as well ensuring their observance in practice, in line with the recommendations of the GRECO Report	Permanent action, assessed on an annual basis	Once per year a joint working group. Appoint ANI expert Advisory system	Lack of availability of human and technical resources Insufficient financial resources	ANI The Romanian parliament	<p>Partially implemented</p> <p>It was appointed an integrity inspector from the Agency who is responsible for clarifying certain issues related to the completion of declarations of assets and interests (DAI). The inspector has as well as the task to clarify issues related to compliance with the deadlines for submission, through building a working relationship with the responsible persons for the implementation of DAI in the two chambers of Parliament.</p> <p>The National Integrity Agency, starting with 31.07.2018, became the Beneficiary of the project "LINC - Increasing the capacity of the central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets" to assist the implementation of the objective no. 5.2. of SNA 2016 – 2020. The project is run in partnership with Transparency International Romania (project funded through the Operational Program Administrative Capacity). The completion date of the LINC project is February 1, 2021.</p> <p>The general objective of the project is to improve the activity of identification, sanctioning and prevention of cases of incompatibilities, conflicts of interest and unjustified assets at the level of the central public administration authorities and the Parliament.</p>

Level	Action	Deadline	Valuation set by ANI	Indicators	Risks	Responsibility	TGS Assessment as of 31.12.2020
							<p>One of the expected results of the LINC project is to clarify Parliament's role on conflicts of interest and incompatibilities, in line with the GRECO recommendation.</p> <p>To achieve this, the project produced the "Research Report on EU Member State Regulations on Conflicts of Interest and Incompatibilities Applicable to Members of Parliament and Candidates in Parliamentary Elections".</p> <p>Even more, in 2019, the project experts have prepared a proposal of a public policy on conflicts of interest and incompatibilities applicable to Members of Parliament and candidates in parliamentary elections. The document set forth proposals for a series of measures in order to recommend minimum standards of integrity, following an analysis of the regulations in other European Union Member States on conflicts of interest and incompatibilities applicable to Members of Parliament and candidates in parliamentary elections.</p> <p>The proposal is available on the project's website https://www.proiect-linc.ro/.</p> <p>ANI submitted at the request of the Romanian Parliament, in the context of validating the mandates of elected parliamentarians in December 2020, the fact that there are no elected parliamentarians who are prohibited from holding an eligible position for 3</p>

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS Assessment as of 31.12.2020
						<p>years, according to art. 25, para. (2) of Law no. 176/2010.</p> <p>The National Integrity Agency issues as well points of view on the legal regime of incompatibilities, conflicts of interest or the submission of declarations of assets and interests, whenever these are requested by members of Parliament.</p>
1.2.2.	Identify ways to speed up and ensure compliance with court decisions on incompatibility in the case of MP's	Permanent action, assessed on an annual basis	Actions undertaken to implement 100% of court decisions	Failure of Parliament to enforce court decisions	ANI The Romanian parliament	<p>Implemented</p> <p>It was prepared OP 07 / DGJRPC "Procedure on the communication of procedural documents to the Integrity Inspection", which would ensure the speed of communication to the integrity inspectors of the court solutions, in order to request for all the legal measures required consequently to the valuation reports declared as final.</p> <p>In the operational procedures there were included as well paragraphs according to which the integrity inspector requests the D.G.J.R.P.C. a legal opinion on legislative issues, prior to the transmission of requests to the Romanian Parliament.</p> <p>The Agency shall transmit to the European Commission, in the context of the Cooperation and Verification Mechanism the steps taken with regard to the application of disciplinary sanctions to MP's and Senators through the progress reports of the Agency.</p>

Level	Action	Deadline	Valuation set by ANI	Indicators	Risks	Responsibility	TGS Assessment as of 31.12.2020
							In 2020, ANI requested the Parliament to apply disciplinary sanctions in the case of a senator, following the final and irrevocable evaluation report in which ANI found his incompatibility.

Specific Objective 1.3: Preventing corruption and integrity incidents among judges and prosecutors

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS Assessment as of 31.12.2020
1.3.1.	Strengthen the collaboration with the SCM aiming to provide assistance in connection with the Code of Ethics in the direction of the recommendations of the GRECO Report	May 2017	Attend at least one event per year Appointed ANI expert Formal advisory system	Lack of available human and technical resources Insufficient financial resources	ANI SCM	Implemented At the request of the Superior Council of Magistracy (SCM), the National Integrity Agency issues points of view on possible integrity incidents identified that relates to magistrates During November 13-14, 2017, two integrity inspectors participated in the meeting on <i>"Fighting crime in the priority areas of the Public Ministry: corruption, conflict of interest, tax evasion, smuggling and money laundering."</i> The meeting was attended by the general prosecutors of the prosecutor's offices attached to the courts of appeal and the chief prosecutors of the prosecutor's offices attached to the court, as well as the prosecutors who investigated the selected cases that were presented at the meeting. As stated in the GRECO Report published on January 18, 2018, the recommendation: <i>"GRECO recommends completing the Code of Ethics for Judges and Prosecutors in such a way as to</i>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS Assessment as of 31.12.2020
						<p><i>provide appropriate guidance especially on conflicts of interest (eg examples, types), incompatibilities and ancillary activities, impartiality and other aspects related to it (including especially the acceptance of gifts and other benefits, conduct in private life)" was implemented satisfactorily.</i></p> <p>The above-mentioned report concludes in paragraph 65: "GRECO notes with satisfaction that a guidance document was prepared in 2016 to complete the code of conduct, representing another way of addressing the objectives of this recommendation. The content of the document, with emphasis on practical and concrete examples, has a wide coverage, which includes topics that occasionally seemed problematic during the on-site discussions. It shall usefully complement the other measures announced in the evaluation report, including the establishment of a network of integrity advisers and, as outlined in paragraph 75, the code and guidance shall be promoted at the training events."</p>
1.3.2.	Increase training and awareness efforts on integrity	Permanent action, assessed on an annual basis	Attendance to at least one event per year	<p>Lack of available human and technical resources</p> <p>Insufficient financial reports</p>	<p>ANI</p> <p>SCM</p>	<p>Implemented</p> <p>One of the expected results of the LINC project addresses the knowledge improvement on integrity of the personnel with monitoring and control attributions at the level of the central public administration authorities.</p> <p>To address this topic, in 2020, there were organized 13 "training on the job" training sessions for 170 people from public institutions, including the Ministry of Justice, the National Agency for the Administration of Seized assets (ANABI), the National Directorate of Probation, National Office of the Trade</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS Assessment as of 31.12.2020
						<p>Register, National Administration of Penitentiaries, National Authority for Citizenship.</p> <p>Also on June 3, 2020, the Agency issued a press release containing a number of useful information on their submission, including in the context of the epidemiological situation caused by the spread of SARS-CoV-2 coronavirus, prior to the deadline at which the persons indicated in art. 1, para. (1) of Law no. 176/2010 were required to submit annual declarations of assets and interests.</p> <p>The National Integrity Agency made available as well to all interested persons an e-mail address managed by two designated integrity inspectors dedicated to provide answers on how to complete the declarations of assets and interests (completareDAI@integritate.eu)</p>

Specific objective 1.4: Enforcement of the integrity rules in the electoral processes organization

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS assessment as of 31.12.2020
1.4.1.	Improving the effectiveness of reporting and submission of the DA / DI	Permanent action, assessed on an annual basis	<p>Number of notifications sent to the prefectures</p> <p>Designated contact person within ANI</p> <p>Number of meetings organized at local / central level</p>	Lack of responsiveness of decision makers at local / central level	<p>ANI</p> <p>Prefectures</p> <p>Parliament</p> <p>AMR</p> <p>AOR</p> <p>ACR</p>	<p>Implemented</p> <p>The Agency created a separate section on the website in order to raise awareness and prevention for the electoral process of local (September 27, 2020) and of parliamentary elections (December 6, 2020). The separate website section includes the following sections:</p> <ul style="list-style-type: none"> • Single point of publication of declarations of assets and interests submitted by candidates. Declarations of assets and interests have been collected, processed and published in a separate, specially created section on the Agency's website. Over 505,000 declarations of assets and interests were published in the section for local elections, respectively 12,994 declarations of assets and interests were published on the section for parliamentary elections, within 48 hours from submission; • Dedicated contact form to notify irregularities identified during the filing in of the declarations of assets or interests submitted by the candidates; • The main laws that regulate the legal regime of incompatibilities, conflicts of interest and unjustified assets; Guide for filling in declarations of assets and interests and Guide on incompatibilities and conflicts of interest; • Download point for electronic declarations of assets and interests e-forms. <p>For the launch of these sections, the Agency issued as well a press release on the prevention and awareness measures</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS assessment as of 31.12.2020
						<p>adopted by ANI in the context of the organization of the elections, as well as a press release on the measures ordered by the Agency to ensure integrity in the post-election phase. At the same time, two integrity inspectors were appointed to respond to telephone requests regarding issues related to the completion of declarations of assets and interests by election candidates.</p> <p>The National Integrity Agency updated the list of persons who are prohibited from holding an eligible position for three years according to art. 25, para. (2) of Law no. 176 of September 1, 2010. The National Integrity Agency made available to the public data and information on persons for whom it has been definitively and irrevocably established that they were in incompatibility or conflict of interest: https://bit.ly/2DPeVLd.</p> <p><u>Measures undertaken by ANI for the local elections</u></p> <p>In the pre-election phase of the local elections, the Agency sent to the Central Electoral Bureau the nominal list of persons under a 3-year ban from holding a public office. After the local elections, ANI sent to the courts that have the competence to validate the mandates of the elected, a nominal list of candidates under the interdiction to hold an eligible position for 3 years, according to art. 25, para. (2) of Law no. 176/2010 and which, if validated, would violate the aforementioned legal provisions.</p> <p><u>Measures undertaken by ANI for the parliamentary elections</u></p> <p>During the process of the mandates validation of the elected PM's in December 2020., ANI stated at the request of the</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS assessment as of 31.12.2020
						Romanian Parliament that there are no elected PM's who are under the interdiction to hold an eligible position for 3 years, according to art. 25, para. (2) of Law no. 176/2010.
1.4.2.	Update of guidelines on incompatibilities and conflicts of interest / completing DA / DI	Permanent action, assessed on an annual basis	Updated Guideline	N/a	ANI NGO's	Implemented We found in 2020 that the ANI Guides (<i>Guide for completing declarations of assets and interests, Guide on incompatibilities and conflicts of interest, Guide for the person designated with the implementation of the provisions on declarations of assets and declarations of interest</i>) are available on the ANI website and are updated whenever necessary.
1.4.3.	Study on repetitive cases of conflicts of interest and incompatibilities, with reference to several categories of public office positions and public dignities	June 2016	Completed Study	N/a	ANI NGO's	Implemented The National Integrity Agency summarized, based on the expertise gained in the field of integrity incidents, the most common cases of incompatibilities and conflicts of interest applicable to elected local officials and parliamentarians, along with articles of law, these being published on the Agency's website, in preparation of local and parliamentary elections in 2016, (https://www.integritate.eu/Comunicate.aspx?PID=20&NewsID=2178)
1.4.4.	Collecting and publishing DA / DI in a separate section on the website.	June 2016	All statements published on the ANI website	Delays caused by the transmission of documents by polling stations	ANI External supplier	Implemented A separate section was created on the ANI website in 2020, that include the <i>section Single Point for publication of declarations of assets and interests</i> for the electoral process. All declarations of assets and interests submitted for the 2020 local and

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS assessment as of 31.12.2020
						parliamentary elections have been collected, processed and published in a separate section on the Agency's website. In the section "Declarations of assets" are found both the declarations from 2020 and the history of the declarations sent before 2020. (https://dai.integritate.eu/).
1.4.5.	Creating a special point of contact for effective communication with candidates	June 2016	Special section posted on the ANI website	Delays in design and programming execution	ANI External Supplier	Implemented A separate section was created on the ANI website in 2020 aiming to assist the electoral process, that included: the <i>Single point for publishing declarations of assets and interests and Contact form for notifying irregularities noted in filling in the DAI</i> submitted by candidates. An email address was also provided to candidates: completareDAI@integritate.eu.
1.4.6.	Updating the list of persons banned from running for elective office	Permanent action, assessed on an annual basis	Updated list of people Updated web section	N/a	ANI	Implemented The Agency's website has a section "Definitive incompatibilities - 3-year ban" where the list of persons banned from running for an elective office is constantly updated. The section includes the persons verified by ANI, for whom the act of finding / the evaluation report of the state of incompatibility or of the conflict of interests remained final and which, according to Law no. 176/2010, are deprived of the right to exercise another public office or dignity, except for the electoral ones, for a period of 3 years.
1.4.7.	Creation of a special section on the ANI website that groups all the relevant	June 2016	Special section created and	Delays in design and	ANI	Implemented

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS assessment as of 31.12.2020
	information regarding the obligations of the candidates in the elections		available on the ANI website	programming execution	External Supplier	The Agency created on the website a separate section for each of the two electoral processes which took place in 2020: the local and parliamentary elections. Also, for the launch of each of these sections, the Agency issued a press release on the prevention and awareness measures adopted by ANI in the context of the organization of the 2020 elections. The ANI website provides guidance on completing the DAI on the <i>Guides</i> section. (https://www.integritate.eu/A.N.I.-interactiv/Ghiduri.aspx)

Specific objective 1.5: Preventing corruption and integrity incidents among civil servants

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsability	TGS Evaluation as of 31.12.2020
1.5.1.	Collaboration with the National Agency of Civil Servants (NACS) in order to organize training courses on compliance with the rules of integrity in the civil service	Permanent action, assessed on an annual basis	Attendance in at least one event per year	Lack of available human and technical resources Insufficient financial resources	ANI NACS	<p>Implemented</p> <p>There were organized in 2020 within the LINC project 13 “training on the job” training sessions for 170 people from public institutions in the central administration, including civil servants, as follows: National Agency for the Administration of Unavailable Goods (ANABI), the Ministry of Culture and the subordinated / coordinated institutions of the Ministry, the Ministry of National Education, the Ministry of National Defense, the National Institute of Statistics, the Ministry of Justice and the subordinated institutions, respectively the Ministry of Transport.</p> <p>The Agency also sends to civil servants points of view on the legal framework of integrity, as well as how to complete the declarations of assets and interests as professional advice, whenever these requests are redirected by the National Agency of Civil Servants (NACS, ANFP: rom).</p>
1.5.2.	Undertake measures to improve the process of submitting declarations of assets and interests	Permanent action, assessed on an annual basis	<p>Guide for completing the DAI disseminated among public institutions annually, prior to June 15</p> <p>Press release prior to June 15 on the mandatory</p>	Lack of receptivity of decision makers	ANI Decision makers in public institutions	<p>Implemented</p> <p>On June 3, 2020, prior to the deadline for the persons provided in art. 1, para. (1) of Law no. 176/2010 who were required to submit annual declarations of assets and interests, the Agency issued a press release detailing useful information on the submission of the declarations, as well as ANI guidelines (also available on the institution's website), including information relevant in the context of the epidemiological situation generated by the spread of SARS-CoV-2 coronavirus.</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsability	TGS Evaluation as of 31.12.2020
			<p>submission of DA / DI published annually</p> <p>ANI contact person appointed annually to provide advice upon request on how to complete and submit the DA / DI</p> <p>At least one event organized per year</p>			<p>The National Integrity Agency made available as well to all interested persons an e-mail address dedicated to issue answers on how to complete the declarations of assets and interests (completareDAI@integritate.eu) managed by two designated inspectors of integrity.</p> <p>Two Integrity Inspectors were appointed to provide support to the candidates to complete the declarations, meet the deadlines, the explanation of the conditions in which the income is anonymized given that a number of 686 telephone calls have been received. At the same time, through the email address, the integrity inspectors responded in real time to the requests addressed (470 requests).</p> <p>The National Integrity Agency issued as well during 2020 through the Directorate of Law, Public Relations and Communication, points of view and answers to individuals and legal entities on how to complete and submit declarations, ANI made available as well in 2020 information on the process of submitting declarations of assets and interests during the 13 training sessions of the on the job training organized within the LINC project for 170 people from the institutions. central government.</p>

Specific objective 1.6: Preventing corruption and integrity incidents among local elected officials

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS Evaluation as of 31.12.2020
1.6.1	Stimulating the prevention activity, by distributing guides and informative materials on the risks and consequences of violating the integrity rules	Permanent action, assessed on an annual basis	The guide for completing declarations of assets and interests and the Guide on incompatibilities and conflicts of interest updated annually and published on the ANI website	N/a	ANI	Implemented The ANI guidelines (<i>Guide for completing declarations of assets and interests, Guide on incompatibilities and conflicts of interest, Guide for the person designated with the implementation of the provisions on declarations of assets and declarations of interest</i>) are updated whenever there are legislative changes requiring this aspect. The documents are available on the Agency's website.
1.6.2	Development and implementation of projects to prevent conflicts of interest and incompatibilities at the level of central and local public administration	Permanent action, assessed on an annual basis	At least one collaboration protocol concluded At least one event organized per year Guide on incompatibilities and conflicts of interest distributed annually	The necessary resources not allocated Lack of receptivity of decision makers at the central level	ANI Decision makers at the level of central public administration	Implemented The Agency distributed the Guide for completing declarations of assets and interests, <i>the Guide on incompatibilities and conflicts of interest, respectively the Guide of the designated person with the implementation of the provisions regarding the declarations of assets and the declarations of interests</i> in the context of meeting the deadline at which the persons provided in art. 1, para. (1) of Law no. 176/2010 were required to submit annual declarations of assets and interests, as well as on the occasion of local and parliamentary elections held in 2020. In 2020, the Agency strengthened the collaboration with the associative structures of local public administration authorities, by appointing two experts to participate, as trainers, in the project " <i>Improving access and quality of services for citizens - a</i>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS Evaluation as of 31.12.2020
						<p><i>transparent and accountable public administration</i>", implemented by the Association of Romanian Municipalities, in partnership with the Association of Romanian Municipalities and the Association of Local Authorities in Norway.</p> <p>The project, funded by the SEE Grants and Norwegian Grants 2014-2021 aims to strengthen the capacity of local government in Romania by increasing accountability, transparency and raising awareness of incompatibilities and conflicts of interest, by creating an information center (e-ICT) and through various other tools such as guides, training and advice provided to local authorities.</p> <p>Within the LINC project, a project whose main objective is to improve the activity of identification, sanctioning and prevention of cases of incompatibilities, conflicts of interest and unjustified assets at the level of central public administration authorities and Parliament, in 2020 were carried out activities, including:</p> <ul style="list-style-type: none"> - Three networking conferences, during which the procedures for identifying the indications of conflicts of interest and incompatibilities, addressed to the central public administration authorities were presented; - A seminar dedicated to integrity inspectors within the Agency on 26 November, attended by national and international experts in the fight against corruption, from GRECO, the World Bank, Transparency International Berlin and the Expert Forum Association;

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS Evaluation as of 31.12.2020
						13 training sessions on “training on the job” for 170 people from public institutions in the central administration.

Specific Objective 1.7: Improvement of prevention and awareness actions at all levels

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
1.7.1.	Professional training of persons from public institutions designated with the implementation of legal provisions on DA / DI	Permanent action, assessed on an annual basis	50 trained people	Lack of budgetary resources	ANI	<p>Implemented</p> <p>In 2020 there were 13 training sessions on “training on the job” for 170 people from public institutions in the central administration, people with a role in preventing integrity incidents within the project “LINC - increasing the capacity of the central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets” SMIS 118824, implemented by the National Integrity Agency (ANI) in partnership with the Romanian Association for Transparency (TI-Ro).</p> <p>Also prior to the legal deadline for submitting the annual declarations of assets and interests, ANI issued a press release detailing a series of useful information regarding submission of information, and also considering the context of the</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						epidemiological state generated by the spread of SARS-CoV-2 coronavirus.
1.7.2.	Implementation of “software” type programs for the constant education of the persons subject to Law no. 176/2010	December 2019	Designed program Program implemented in 5 pilot institutions	Lack of budgetary and technical resources	ANI	Implemented Once the implementation of the LINC project targeted to increase the capacity of the central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets, an e-learning module was launched on the project's website (https://www.projet-linc.ro/elearning/) which includes a training course on the integrity system at the level of central public administration, as well as a course on the use of the PREVENT application by the central public administration authorities.
1.7.3.	Stimulating the cooperation activity with the designated persons	December 2019	New section created on the Agency's website Updated database of designated persons	Insufficient financial resources Insufficient human resources	ANI	Partially implemented The National Integrity Agency manages the forwarding addresses through which the persons designated with the implementation of the provisions of Law no. 176/2010 at the level of public authorities and institutions submit to the Agency the annual declarations of assets and interests. The forwarding addresses are registered in the Integrity Inspection Register (SIMIDAI), and can be queried whenever necessary.

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
			Minimum 100 designated persons trained			<p>The National Integrity Agency made as well available to all interested persons an e-mail address especially created to issue answers on how to complete the declarations of assets and interests (completareDAI@integritate.eu) managed by two designated integrity inspectors.</p> <p>There were 13 training sessions „on the job training” for 170 people from public institutions in the central administration, people with a role in preventing integrity incidents, at the end of which the participants were certified within the project <i>“LINC - increasing the capacity of the central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets”</i> SMIS 118824, implemented by The National Integrity Agency (ANI) in partnership with the Romanian Association for Transparency (TI-Ro) during 2020.</p>

General objective nr. 2: Identification and sanction of incompatibilities, conflicts of interest, unjustified assets and ensure the compliance with the legal regime of DA / DI submission

Specific objective 2.1: Improvement of integrity incidents evaluation

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
2.1.1.	To continue the activity of identifying and sanctioning integrity incidents	Permanent action, assessed on an annual basis	Actions undertaken in 100% of the final evaluation files	<p>Legislative limitations</p> <p>Non-implementation of disciplinary sanctions by disciplinary commissions</p> <p>The non-unitary practice of the courts</p> <p>Legislative changes</p>	ANI	<p>Implemented</p> <p>Integrity inspectors within the A.N.I. completed in 2020 1,143 files, in which the existence of integrity incidents was found, or in which the file has been filed away/closed.</p> <p>Furthermore, the integrity inspectors imposed fines, most of them for non-submission or late submission of declarations of assets and interests and for non-application of disciplinary sanctions, as a result of the definitive conclusion of the evaluation report, and targeted all categories of persons provided by law.</p> <p>Also in 2020, the integrity inspectors requested the institutions to take the disciplinary measures required, according to the law, in all cases in which the integrity incidents found by ANI remained final.</p>
2.1.2.	Consolidate the proactive approach to monitoring declarations of assets and interests	Permanent action, assessed on an annual basis	Studies on compliance with the legal regime of incompatibilities, conflicts of interest or unjustified assets performed annually	Lack of available of human and technical resources	ANI	<p>Implemented</p> <p>In 2020, a series of examples of cases relevant to the central public administration regarding conflicts of interest, incompatibilities and unjustified assets was finalized and launched within the project <i>"LINC - increasing the capacity of the central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and</i></p>

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p><i>unjustified assets" SMIS 118824, which was implemented by the National Integrity Agency (ANI) in partnership with the Romanian Association for Transparency (TI-Ro).</i></p> <p>According to the provisions of art. 6, para. (1), lit. e) of Law no. 176/2010, „(1) The persons responsible for the implementation of the provisions regarding the declarations of assets and declarations of interests fulfill the following attributions: (...) e) ensures the display and maintenance of the declarations of assets and declarations of interests, provided in annexes no. . 1 and 2, on the institution's website, if it exists, or on its notice board, within 30 days of receipt, by anonymizing the address of the declared buildings, except for the city where they are located, the address of the institution that manages the assets financial, personal numerical code, and signature. Declarations of assets and declarations of interests shall be kept on the website of the institution and the Agency for the entire duration of the exercise of their function or mandate and 3 years after their termination and shall be archived in accordance with the law”.</p> <p>Based on the legal provisions mentioned above, the National Integrity Agency carried out verifications to ensure the display and maintenance of declarations of assets and interests on the website of entities that have this obligation, starting with May 2020. Thus, more than 3,000 official addresses were sent in situations where the legal provisions were not complied with, requesting the remedy of these issues within 30 days.</p>

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
2.1.3.	Improve the quality of evaluation reports issued by integrity inspectors	Permanent action, assessed on an annual basis	Updated operational procedures	Insufficient real practice on the matter of the retained integrity incident	ANI	<p>Implemented</p> <p>The National Integrity Agency reviewed / updated in 2020 the operational procedures to improve the quality of the evaluation reports issued.</p> <p>The evaluation reports shall be prepared in accordance with the Agency's practice maintained by the courts, and shall include relevant case law on the integrity incident.</p>
2.1.4	Incorporating the practice of courts in the activity of integrity inspection	Permanent action, assessed on an annual basis	Jurisprudence included in over 75% of evaluation reports	n.a.	ANI	<p>Implemented</p> <p>The evaluation reports shall be prepared in accordance with the Agency's practice maintained by the courts, and shall include relevant case law on the integrity incident.</p> <p>To facilitate this, a computer system with law/court cases was purchased and made available to integrity inspectors.</p>

Specific Objective 2.2: Effective monitoring of the status of cases completed by ANI that come before the courts

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
2.2.1.	Increase the percentage of confirmation of cases completed by ANI	Permanent action, assessed on an annual basis	<p>Confirmation rate in court of cases of incompatibilities and conflicts of administrative interest greater than 80%</p> <p>Percentage of confirmation in court of cases of unjustified assets greater than 50%</p>	<p>Changes in incident legislation</p> <p>Failure to send legal documents on time</p>	ANI	<p>Partially implemented</p> <p>At the end of 2020, the summary ANI's findings remaining final in the case of unjustified assets, conflicts of interest and incompatibilities are as follows:</p> <ul style="list-style-type: none"> ❖ Of the 1,700 cases of incompatibility that remained final, <u>1,342 were won by the A.N.I.</u>, the percentage of confirmation of the Agency's findings regarding incompatibilities was 79%; ❖ Out of the 580 cases of administrative conflicts of interest remaining final, 511 were won by the A.N.I., the percentage of confirmation of the Agency's findings regarding the conflicts of administrative interests was 88.1%; ❖ Out of the 85 cases of unjustified assets remaining final, 35 were won by A.N.I., the percentage of confirmation of the Agency's findings regarding unjustified assets was 41.2%. <p>At the same time, by the end of 2020, the courts had issued 1,680 final decisions on complaints against administrative fines imposed by the A.N.I. Of these, <u>in 1,356 cases, it was ordered to maintain the sanctions imposed by the A.N.I.</u> Thus, the percentage of confirmation of administrative fines imposed by the A.N.I. is 80.7%.</p> <p>The percentage of court confirmation of evaluation reports issued by ANI has been affected by numerous legislative</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						changes on the integrity framework, including the removal of civil or administrative and disciplinary liability, for acts that determine the existence of conflict of interest or incompatibility of persons in the exercise of public dignities or public functions, no longer being able to be employed in the conditions of exceeding the general limitation period of 3 years from the date of their commission.
2.2.2.	Improving the activity of providing assistance to those seeking clarification on the legislative framework governing the integrity system	Permanent action, assessed on an annual basis	Options/ answers sent to 100% of the requests formulated under Law no. 544/2001 and Ordinance no. 27/2002, in compliance with the legal terms Operational procedures reviewed annually or as required	The complexity of requests addressed to ANI that require a longer response time Insufficient human resources	ANI	Partially implemented In 2020, the Agency issued 1,538 points of view on both the possibility of an incompatibility and / or a conflict of interest, and how to complete / submit declarations of assets and interests. In 2020, there were also cases in which the legal deadlines were exceeded due to the large volume of requests sent to ANI, compared to the number of staff designated with the preparation of the answers. To cover the largest area of requests as much as possible and to reduce the violation of deadlines, ANI published on its website and communicated the <i>Guide for completing the declarations of assets and interests</i> , the <i>Guide on incompatibilities and conflicts of interest</i> , respectively <i>Guide of the designated person with the implementation of the provisions regarding the declarations of assets and declarations of interests</i> , both in the context of meeting the deadline at which the persons provided in art. 1, para. (1) of Law no. 176/2010 had the obligation to submit the annual

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p>declarations of assets and interests, and also due to the local and parliamentary elections that took place in 2020.</p> <p>The <i>Guide for completing the integrity form</i> is available as well on the Agency's website, in the section especially created for this purpose, PREVENT.</p> <p>The National Integrity Agency has appointed two integrity inspectors responsible for providing assistance to interested persons on how to complete and submit declarations of assets and interests or to complete the integrity form.</p> <p>To improve the activity regarding the assistance to the persons requesting clarifications regarding the legislative framework governing the integrity system, the operational procedures regarding the settlement of petitions, within the General Directorate of Integrity Inspection and D.G.J.R.P.C. are updated / revised annually.</p>
2.2.3.	Improve the recovery of the amounts ordered for confiscation by final and irrevocable decisions issued by the courts, following the procedures regarding unjustified assets	Permanent action, assessed on an annual basis	Percentage of confirmation on each valuation report that takes into account the unjustified difference between the realized income and the acquired assets	<p>Lack of precautionary measures</p> <p>Low level of involvement of relevant institutions and authorities</p>	<p>ANI</p> <p>ANAF</p>	<p>Implemented</p> <p>At the end of 2020, of the 85 cases of unjustified assets remaining final, <u>35 were won by the A.N.I. by final and irrevocable court decisions</u>. The percentage of confirmation of the Agency's findings regarding unjustified assets is 41.2%</p> <p>As a result of the final and irrevocable decisions issued by the courts, at the end of 2020, the amounts ordered for confiscation were in the amount of over 28 million lei (approx. €6.1 million). In these cases, ANI informed the National Agency</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
				<p>The non-unitary practice of the courts</p> <p>Lack of cooperation of the evaluated persons</p>		for Fiscal Administration (NAFA) in order to execute the necessary measures for the confiscation of these amounts.

General objective nr. 3: Administrative consolidation of the National Integrity Agency

Specific objective 3.1: Internal consolidation of ANI's administrative activities

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
3.1.1.	Ensuring optimal and efficient design of financial, human and technical resources	Permanent action, assessed on an annual basis	<p>Budget approved by Parliament</p> <p>Complete Staff organigram</p> <p>Acquired / implemented technical resources</p>	<p>Lack of political will</p> <p>Economic instability</p>	<p>ANI</p> <p>Government</p> <p>Parliament</p>	<p>Implemented</p> <p><u>Budget</u> the expenditure budget of the National Integrity Agency for 2020 was approved by the State Budget Law no. 5/2020:</p> <p>➤ Commitment of funding in the total amount of 33,870,000 Lei, of which:</p> <ul style="list-style-type: none"> - Personnel expenses – 12.700.000 Lei; - Goods and services – 6.600.000 Lei; - Programmes from Social European Fund (SEF) – 14.170.000 Lei; - Other Expenses – 100.000 Lei; - Capital expenditures – 300.000 Lei. <p>➤ Budget appropriations in the total amount of 34.802.000 Lei, out of which:</p> <ul style="list-style-type: none"> - Personell expenses – 12.700.000 Lei; - Goods and services – 6.600.000 Lei; - Programmes from Social European Fund (SEF) – 15.102.000 Lei; - Other Expenses – 100.000 Lei; - Capital expenditures – 300.000 Lei. <p>The budget of the National Integrity Agency for 2020, following the budget rectifications and as a result of the distribution of credits to the reserve fund, according to the provisions of art. 54 of Law no. 500/2002 on public finances:</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p>➤ Commitment of funding in the total amount of 49.245.000 Lei, out of which:</p> <ul style="list-style-type: none"> - Personnel expenses – 12.445.000 Lei; - Goods and services – 18.166.000 Lei; - Programmes from Social European Fund (SEF) – 14.170.000 Lei; - Other Expenses – 30.000 Lei; - Capital expenditure – 4.434.000 Lei. <p>➤ Budget appropriations in the total amount of 37.177.000 Lei, out of which:</p> <ul style="list-style-type: none"> - Personnel expenses – 12.445.000 Lei; - Goods and services – 18.166.000 Lei; - Programmes from Social European Fund (SEF) – 2.102.000 Lei; - Other Expenses – 30.000 Lei; - Capital expenditure – 4.434.000 Lei. <p><u>Human Resources</u></p> <p>As of December 31, 2020, a number of 100 employees were working within the National Integrity Agency, of which:</p> <ul style="list-style-type: none"> • Management: 2 employees • Integrity Inspectors: 45 employees • Support staff for the Integrity Inspection department: 40 employees • Administrative staff: 13 employees <p>To ensure the necessary human resources, procedures have been initiated to fill the vacancies, as follows:</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<ul style="list-style-type: none"> ➤ By organizing 2 recruitment exams started at the end of 2019 with a deadline of execution and completion in 2020, in order to fill a number of 6 vacancies (4 positions for specific positions with special status and 2 positions for general positions) ➤ By organizing 4 recruitment exams at the beginning of 2020 in order to fill a number of 6 vacancies, of which: 2 vacancies for general public positions and 4 vacancies for contractual positions. ➤ Following the organization and deployment of the recruitment exams, in 2020 a number of 9 vacancies were filled, of which 3 vacancies for specific public executive positions, 2 vacancies for general public executive positions and 4 vacancies for contractual executive positions. ➤ A vacancy was filled by job transfer ➤ For the development of the career of civil servants within the agency, the following were initiated and organized: ➤ 2 promotion exams in higher professional degree for 9 civil servants who met the conditions for participation in the exam, of which: 8 civil servants (3 specific public positions with special status and 5 general public positions) passed in higher professional degree through organized exam during 2020. A civil servant with special status did not participate in the promotion exam due to the change in the service relationship by job transfer. <p>Following the issuance of Decree no. 195/2020 on the establishment of the state of emergency on the territory of Romania, followed by Decree no. 240/2020 on the extension of the state of emergency and the adoption of Decision no. 394/2020, on the declaration of the state of alert and the measures applied during it to prevent and combat the</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p>effects of the COVID-19 pandemic, the normative acts to extend the state of alert, as well as the provisions of Law 55/2020 on some measures to prevent and combat the effects of the COVID-19 pandemic, during the state of emergency and the state of alert on the territory of Romania, in 2020 the occupation of vacancies and temporarily vacant positions could not be achieved, due to the restrictions provided by the mentioned normative acts, issued in order to prevent and combat SARS-Cov-2 disease.</p> <p><u>Technical resources</u> PREVENT computer system In 2020, the PREVENT IT system was fully operational, with the following results: analysis of 19,140 public procurement procedures, of which approximately 18% refer to contracts financed from European funds; issuance of 10 integrity warnings related to total amount of 54.3 million lei (approx. 11.1 million euros). PREVENT was created in order to prevent conflicts of interest in the procedure of awarding public procurement contracts, by establishing an ex-ante verification mechanism from the perspective that may generate conflicts of interest in the procedures initiated by the Electronic Public Procurement System, so that such situations are removed without affecting the procurement process.</p> <p>The project "<i>EMOD - Development of the institutional capacity of the National Integrity Agency for the efficiency of internal workflows and the way of submitting assets and interests declarations in the electoral and annual process</i>"</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p>The EMOD project, implemented since October 1, 2019, has as objective the improvement of the administrative capacity of the National Integrity Agency, in order to optimize administrative processes to ensure compliance with integrity rules in the organization of electoral processes and during the annual submission of these declarations, as well as adopting measures to simplify ANI's services, by implementing innovative information systems.</p> <p>Therefore, in order to streamline the process of filing assets and interest declarations, within the project "EMOD - Developing the institutional capacity of the National Integrity Agency for streamlining internal workflows and how to file assets and interests declarations in the process electoral and annual", a module for the transmission of remote declarations called e-DAI was developed, which will become operational in the first part of 2021</p>
3.1.2.	Efficiently plan resources in order to boost activity	Permanent action, assessed on an annual basis	<p>Staffing scheme for the minimum staffing requirements for each department and the conditions occupying the vacancy drawn up quarterly and annually</p> <p>Number of staff maintained at least at the minimum level of staff required each year</p>	Insufficient financial resources	ANI	<p>Partially Implemented</p> <p>As of December 31, 2020, a number of 100 employees were working within the National Integrity Agency, of which:</p> <ul style="list-style-type: none"> • Management: 2 employees • Integrity Inspectors: 45 employees • Support staff for the Integrity Inspection department: 40 employees • Administrative staff: 13 employees <p>The staffing organigram regarding the minimum staffing requirements for each department is provided by the staff statement prepared monthly by the Human Resources Service.</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
			Minimum 70% of ANI staff trained annually and monitored training, so that over a period of 3 years all ANI employees have participated in at least one professional training course			<p>The conditions necessary for filling the positions within ANI are provided by the staff job descriptions and are updated whenever there are legislative changes in this respect.</p> <p>In 2020, the exams for filling vacant or temporarily vacant positions were suspended, as a result of the establishment on the Romanian territory of the state of emergency, respectively of the state of alert, by:</p> <ul style="list-style-type: none"> - Decree of the President of Romania no. 195/2020; - Decree of the President of Romania no. 240/2020; - the provisions of the Military Ordinances during the state of emergency; - Law no. 55/2020. <p>In the context generated by the dynamics of the evolution of the national epidemiological situation, determined by the spread of the SARS-CoV-2 coronavirus, in order to prevent and combat the effects of the COVID-19 pandemic, the institution's staff did not participate in 2020 training programs.</p>
3.1.3	Establishment of a Service within ANI with attributions to implement structural funds, studies and strategies	December 2018	<p>Modified organization chart</p> <p>At least one employee</p>	The difficulty of attracting staff due to the low level of pay	ANI	<p>Implemented</p> <p>By amending and supplementing the ROF of the National Integrity Agency, in April 2018, the Communication, Public Relations and Strategy Directorate within the General Directorate of Legal, Public Relations and Communication was reorganized, establishing the Structural Funds, Studies and Strategies Implementation Service.</p>
3.1.4	Operationalization of the Service with responsibilities for	2020	Modified organization chart	The difficulty of attracting staff	ANI	Implemented

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
	implementing structural funds, studies and strategies		At least two people employed	due to the low level of pay		At the end of 2020, within the Structural Funds, Studies and Strategies Implementation Service were operating 2 persons (one person with management position and one person with execution function) at the end of 2020.
3.1.5	Increase in the number of externally funded projects or projects funded by the state budget.	Permanent action, assessed on an annual basis	At least one project initiated annually All initiated projects implemented	Lack of budgetary resources Lack of human resources	ANI External partners	<p>Partially implemented</p> <p>No other financing contracts were signed in 2020 and the implementation of the ongoing projects continued, as follows:</p> <p><u>1. Project "LINC - increasing the capacity of the central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets" SMIS 118824.</u></p> <p>For the implementation of objective 5.2 of the National Anticorruption Strategy 2016 - 2020, starting with 31.07.2018, the National Integrity Agency became the beneficiary of the project "LINC - increasing the capacity of the central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and assets unjustified "SMIS 118824, which was implemented and developed in partnership with the Romanian Association for Transparency (TI-Ro).</p> <p>The implementation period of the LINC project is 31.07.2018 - 01.02.2021.</p> <p><u>2. EMOD Project - Development of the institutional capacity of the National Integrity Agency for the efficiency of internal workflows and the way of submitting declarations of assets and interests in the electoral and annual process</u></p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p>In order to improve the process of submitting declarations of assets and interests, as well as data processing, ANI submitted on April 25, 2019 an application for funding from European funds, entitled "<i>EMOD - Development of the institutional capacity of the National Agency for Integrity for streamlining internal workflows and how to submit declarations of assets and interests in the electoral and annual process</i>". The project has started to be implemented since October 1, 2019.</p> <p>During 2020, a module for the transmission of remote declarations called e-DAI was developed, which will become operational in the first part of 2021.</p> <p>ANI also submitted in 2020 applications as a partner, for two projects, in partnership with the REPER Association for Values Management / Association for Cooperation and Sustainable Development:</p> <ul style="list-style-type: none"> - Active Citizens Fund - CALL # 3 - Working Together to Improve Governance and Anticorruption OPEN SOCIETY INITIATIVE FOR EUROPE <p>Project proposals were not accepted for funding.</p>
3.1.6.	Expansion and operationalization of the workspace	July 2016	Purchased and operationalized workspace	<p>Lack of adequate space</p> <p>Lack of security personnel</p> <p>Lack of budgetary resources</p>	<p>ANI</p> <p>The Government of Romania</p>	<p>Implemented</p> <p>At the beginning of 2020, the operationalization process of the secondary headquarters of the National Integrity Agency was completed. In this respect, 12 employees of the Agency within the Human Resources Service and the Economic Service carried out their activity in this headquarters.</p>

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
3.1.7.	Improving institutional capacity by implementing recommendations made by external auditors	Permanent action, assessed on an annual basis	At least 90% of the recommendations made by the external auditors implemented annually	Lack of resources	ANI	Partially implemented 65% of the external auditor's recommendations had status implemented and partially implemented.
3.1.8.	Improving operational working procedures	Permanent action, assessed on an annual basis	Minimum 90% of operational procedures reviewed annually	Insufficient human resources and time to update operational procedures	ANI	Implemented In 2020, all operational and system procedures, specific to the activity carried out within ANI, were updated / revised. New procedures have also been developed.
3.1.9.	Increasing the quality of the activities carried out by the Public Internal Audit Department, as well as the implementation of the recommendations formulated in the Public Internal Audit Report	Permanent action, assessed on an annual basis	Staffing organigram for the minimum staffing requirements for each department and the job requirements drawn up quarterly and annually A system / performance audit mission performed every 3 years	Lack of budgetary resources	ANI	Partially implemented The staffing organigram regarding the minimum staffing requirement for each department is provided by the staff statement prepared monthly by the Human Resources Service. In order to increase the quality of the activities carried out by the Public Internal Audit Department (CAPI), in 2020, CAPI performed, according to the Annual Public Internal Audit Plan, 7 audit missions, of which 4 follow-up missions to implement the recommendations, 2 compliance missions and 1 performance audit mission. The workspace designated for the activity of the Public Internal Audit Department is appropriate.

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
			<p>Certified internal auditors</p> <p>Annual professional training for staff performed</p> <p>Segregated Workspace for internal auditors</p>			<p>The annual professional training of internal auditors was not carried out in 2020 due to reasons generated by the pandemic context.</p> <p>ANI internal auditors are not certified because the procedures mentioned in OMFP Order no. 659/2015 amended by OMFP Order no. 783/2016, were not approved, which leads to the impossibility of attestation of internal auditors by UCAAPI.</p>
3.1.10.	Elaboration of the Information Technology policy	June 2016	Information Technology Policy developed	N/a	ANI	<p>Implemented</p> <p>The Information Technology „Service sub department „ developed In April 2016 a document called <i>The IT Strategy for 2015 - 2020</i>, approved by the A.N.I. Management, which included the following sections:</p> <ul style="list-style-type: none"> - The advantages of using information technology as well as the necessary steps to be taken to achieve the set objectives; - Expected results from the use of the information; - SWOT analysis of IT&C services; - The objectives proposed to be implemented in the period 2015-2020.

Specific objective 3.2: Increasing the efficiency of the Human Resources Policy

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
3.2.1.	Increasing the number of employees at the level of the support departments for the Integrity Inspection	Permanent action, assessed on an annual basis	<p>Exams organized for the remaining vacancies / identified as necessary, under the conditions established by law</p> <p>Budgeted and vacant job positions occupied at least 90% each year, under the conditions established by law and the approved budget appropriations</p>	Insufficient number of budgeted positions	ANI	<p>Implemented</p> <p>As of December 31, 2020, a number of 100 employees were working within the National Integrity Agency, of which:</p> <ul style="list-style-type: none"> • Management: 2 employees • Integrity Inspectors: 45 employees • Support staff for the Integrity Inspection: 40 employees • Administrative staff: 13 employees <p>To ensure the necessary human resources, procedures have been initiated to fill the vacancies, as follows:</p> <ul style="list-style-type: none"> ➤ By organizing 2 exams initiated at the end of 2019 with a deadline of development and completion in 2020, in order to fill a number of 6 vacancies (4 positions for specific positions with special status and 2 positions for general positions) ➤ By organizing 4 recruitment competitions at the beginning of 2020 in order to fill a number of 6 vacancies, of which: 2 vacancies for general public positions and 4 vacant contractual positions. <p>Following the organization and deployment of recruitment competitions, in 2020 a number of 9 vacancies were filled, of which 3 vacancies for specific public executive positions, 2 vacancies for general public executive positions and 4 vacant contractual executive positions.</p> <ul style="list-style-type: none"> ➤ By job transfer, one vacancy was filled.

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p>For the development of the career of civil servants within the Agency, there were initiated and organized:</p> <ul style="list-style-type: none"> ➤ 2 promotion exams in higher professional degree for 9 civil servants who met the conditions for participation in the exam, of which: 8 civil servants (3 specific public positions with special status and 5 general public positions) passed in higher professional degree through organized exam during 2020. A civil servant with special status did not participate in the promotion exam due to the change in the service relationship by transfer in the interest of the service. <p>In 2020, the exams for filling vacant or temporarily vacant positions were suspended, as a result of the establishment on the Romanian territory of the state of emergency, respectively of the state of alert, by:</p> <ul style="list-style-type: none"> - Decree of the President of Romania no. 195/2020; - Decree of the President of Romania no. 240/2020; - the provisions of the Military Ordinances during the state of emergency; - Law no. 55/2020.
3.2.2.	Increasing the number of integrity inspectors	Permanent action, assessed on an annual basis	Job contests organized for the remaining vacancies / identified as necessary, under the conditions established by law	<p>Insufficient number of budgeted posts</p> <p>Low exam pass rate</p> <p>Government blocking public</p>	ANI	<p>Implemented</p> <p>As of December 31, 2020, a number of 100 employees were working within the National Integrity Agency, of which:</p> <ul style="list-style-type: none"> • Management: 2 employees • Integrity Inspectors: 45 employees • Support staff for the Integrity Inspection: 40 employees • Administrative staff: 13 employees

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
			<p>Budgeted and vacant posts occupied at least 90% each year, under the conditions established by law and the approved budget appropriations</p> <p>Minimum number of integrity inspectors provided during each year, according to the staffing scheme</p>	sector employment		<p>To ensure the necessary human resources, procedures have been initiated to fill the vacancies, so:</p> <ul style="list-style-type: none"> ➤ By organizing 2 contests initiated at the end of 2019 with a term of development and completion in 2020, in order to fill a number of 6 vacancies (4 positions for specific positions with special status and 2 positions for general positions) ➤ By organizing 4 recruitment ontests at the beginning of 2020 in order to fill a number of 6 vacancies, of which: 2 vacancies for general public positions and 4 vacant contractual positions. <p>Following the organization and conduct of recruitment competitions, in 2020 a number of 9 vacancies were filled, of which 3 vacancies for specific public executive positions, 2 vacancies for general public executive positions and 4 vacant contractual executive positions.</p> <ul style="list-style-type: none"> ➤ By transfer in the interest of the service a vacancy was filled. <p>For the development of the career of civil servants within the Agency, they were initiated and organized:</p> <ul style="list-style-type: none"> ➤ 2 promotion exams in higher professional degree for 9 civil servants who met the conditions for participation in the exam, of which: 8 civil servants (3 specific public positions with special status and 5 general public positions) passed in higher professional degree through organized exam during 2020. A civil servant with special status did not participate in the promotion exam due to the change in the service relationship by transfer in the interest of the service.

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						In 2020, the contest for filling vacant or temporarily vacant positions were suspended, as a result of the establishment on the Romanian territory of the state of emergency, respectively of the state of alert, by: - Decree of the President of Romania no. 195/2020; - Decree of the President of Romania no. 240/2020; - the provisions of the Military Ordinances during the state of emergency; - Law no. 55/2020.
3.2.3.	Preparation of the human resources management policy	January 2017	Prepared policy	Insufficient human resources and reduced time	ANI	Implemented The policy of the National Integrity Agency on Human Resources Management was approved during 2020, by Internal Note no. 20588 from 22.12.2020.
3.2.4.	Professional training of ANI experts on the training of trainers component	Permanent action, assessed on an annual basis	Minimum 70% of ANI staff trained annually and monitored training, so that over a period of 3 years all ANI employees have participated in at least one professional training course	Lack of training offer	ANI External Suppliers	Not Implemented No training programs were organized for ANI experts on the train of the trainers component during 2020, in the context generated by the COVID-19 pandemic.
3.2.5.	Professional training of integrity inspectors and administrative staff	Permanent action, assessed on	Minimum 70% of ANI staff trained annually and monitored training, so that over a period of 3 years all		ANI External Suppliers	Not Implemented in 2020 The institution's staff did not participate in training programs, because of the context generated by the dynamics of the evolution of the national epidemiological situation related to

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
		an annual basis	ANI employees have participated in at least one professional training course	Lack of professional training offer Lack of budgetary resources		the spread of SARS-CoV-2 Coronavirus, to prevent and combat the effects of the COVID-19 pandemic.

Specific objective 3.3: Streamlining the communication policy

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
3.3.1.	Development of communication policy	December 2019	Policy Developed	Insufficient human resources and reduced time	ANI	<p>Not Implemented</p> <p>In 2020, the Short term strategy of the National Integrity Agency (2020-2021) was developed, in which a comprehensive set of objectives on the communication and public relations level were included.</p>
3.3.2.	Improving the process of communicating information of public interest, including information available on the Agency's website	Permanent action, assessed on an annual basis	<p>Web sections updated annually</p> <p>Improved operational procedures</p>	Insufficient human resources and reduced time	ANI	<p>Implemented</p> <p>The web sections of the Agency's website are constantly updated.</p> <p>Thus, in order to improve the process of communicating information of public interest, the Agency publishes on its website quarterly and annual activity reports, useful guides, questions and answers section, etc.</p> <p>At the same time, 43 public information materials were posted on the Agency's website in 2020.</p> <p>In 2020, all operational and system procedures, specific to the activity carried out within ANI, were updated / revised. New procedures have also been developed.</p>
3.3.3.	Modernization of communication tools	January 2017 / Permanent action, assessed on	Updating the brochure presenting ANI's activity		<p>ANI</p> <p>External Supplier</p>	<p>Partially implemented</p> <p>On the occasion of the 10th anniversary of the establishment of the National Integrity Agency, ANI elaborated a brochure</p>

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
		an annual basis	<p>Using the newsletter and social media tools</p> <p>Use of infographics to present relevant information</p>	Lack of budgetary resources		<p>that summarizes the activity and the results obtained in the 10 years of fighting corruption through administrative means. The brochure contains detailed information on the legal framework, the institutional organization, the administrative capacity, the evolution of the system of declarations of assets and interests, the results obtained in identifying, preventing and sanctioning integrity incidents, the activity in the field of exporting good practices internationally, as well as the main challenges and strategic objectives for the coming years. The brochure is available electronically on the Agency's website, in both Romanian and English. ANI disseminates the Brochure among the institutions and organizations in Romania, as well as at the international level, on the occasion of the visits that take place at the ANI headquarters or on the occasion of the events in which the Agency's staff participates.</p> <p>In order to improve the level of knowledge and understanding of the Agency's activity at local and regional level, ANI used social networks (Facebook) to disseminate the issued public information materials. At the same time, the Agency published on its Facebook page information regarding the main events and projects in which it took part.</p>

General objective nr. 4: Ensuring an adequate level of transparency

Specific objective 4.1: Ensuring an adequate level of transparency with regards to asset and interest declarations

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS evaluation as of 31.12.2020
4.1.1.	Increasing the number of people who submit declarations of assets and interests in electronic format	December 2019	20,000 declarations of assets and interests submitted in electronic format	Refusal of persons to submit statements in electronic format Lack of resources	ANI Persons who have the obligation to submit DA / DI Public institutions and authorities	Implemented ANI submitted on April 25, 2019 an application for funding from European funds, entitled " <i>EMOD - Development of institutional capacity of the National Integrity Agency for streamlining internal workflows and how to submit declarations of assets and interests in the electoral and annual process</i> " in order to improve the process of submitting declarations of assets and interests, as well as data processing, The eDAI platform was launched in 2021. The DAI can be submitted online, using the electronic signature using the new platform. Starting 2022, all persons required by law will have the obligation to complete and submit the declarations in electronic format. Thus, for the mentioned draft law, the Agency sent in 2019 a positive pronouncement to support this law.
4.1.2.	Ensuring continuity in the publicity of declarations of assets and interests and supporting other institutions in presenting their declarations of	Permanent action, assessed on an annual basis	100% of the declarations of assets and interests received each year, archived and uploaded on the ANI website, within 3	Lack of budgetary and human resources	ANI	Implemented Throughout 2020 was ensured the continuity in the publication of declarations of assets and interests on the Portal available on the institution's website, as well as in updating the section by inactivating the declarations in

Level	Action	Deadline	Valuation indicators set by ANI	Risks	Responsibility	TGS evaluation as of 31.12.2020
	assets and interests in a transparent manner		months from their submission			<p>case of 3 years term elapsing from when the person stopped having that function(job).</p> <p>The number of declarations of assets and interests published on the Public Portal at the end of December 2020 was 8,551,811.</p> <p>For the local elections (September 27, 2020) and parliamentary elections (December 6, 2020), ANI managed to publish the declarations of assets and interests submitted by the candidates, in a separate section, especially created, on the website of the Agency.</p> <p>Hence, 505,000 declarations of assets and interests were published on the section for local elections, respectively 12,994 declarations of assets and interests were published on the section for parliamentary elections, within 48 hours of submission.</p>

Specific objective 4.2: Updating the ANI web page

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
4.2.1.	Development of the English language version of the website	December 2019	Translated sections of the website	Lack of budgetary resources Insufficient human resources	ANI External Supplier	<p>Not Implemented</p> <p>At the end of 2020, there is a framework agreement for the development of the English version of ANI's website. The subsequent contract is to be signed after the approval of the expenditure budget of the National Integrity Agency for 2021.</p> <p>The sections of the content of the website https://www.integritate.eu/ have not been translated into at least one international language, as specified in the technical specifications for the development of ANI's integrated IT systems for the period 2019- 2020.</p>
4.2.2.	Constant updates of website sections	Permanent action, assessed on an annual basis	Permanently updated sections	Lack of human resources	ANI	<p>Implemented</p> <p>The content of the existing sections on the Agency's website are updated by each department within the institution, responsible for a section / subsection, whenever it is necessary to publish information and data, according to an internal note on the methodology of updating the content of the ANI site sections.</p> <p>Thus, the following sections can be found on the Agency's website:</p> <ul style="list-style-type: none"> - The "ANI" section which includes the following subsections: Organization, Budget and Public

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p>Procurement, Assets Statements, Legislation, Audit Reports, Decision Transparency, ANI Careers;</p> <ul style="list-style-type: none"> - The “Interactive ANI” section includes the following subsections: Statements Portal, Notifications, Documents and Forms, Guides, Questions and Answers; - Cooperation Section comprising the following subsections: International Cooperation, National Cooperation, Projects; - Section N.I.C. (National Integrity Council) which includes the following subsections: What is N.I.C., Decisions and recommendations, Declarations of assets and interests, N.I.C. meetings, Contests/exams; - Media section, which includes the following subsections: Press releases, Multimedia; - Contact section containing the Agency's contact details as well as two contact forms (Audience Registration Form and Contact Form). <p>Also, with regards to raising awareness and prevention of local and parliamentary elections, a section has been set up on the website for the electoral process, which includes the following subsections: Single point for publishing statements of assets and interests submitted by candidates in elections, guides, section containing the main incident legislative texts, contact form, etc.</p>

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p>43 public information materials were posted on the Agency's website in 2020.</p> <p>In order to fill in personnel vacancies, the Agency published on the website, in the dedicated section, announcements regarding the organization of recruitment competitions/exams.</p> <p>A project website was created as well (https://www.proiect-linc.ro/) within the LINC project, which includes all project deliverables, announcements, information, newsletters, press releases, as well as an e-module. learning where the materials related to the training sessions within activity 5 are available.</p>
4.2.3.	Publication of final and irrevocable court rulings on confiscations of property, conflicts of interest and incompatibilities	Permanent action, assessed on an annual basis	At least 80% of final and irrevocable decisions issued by courts published on the ANI website	Insufficient human resources and reduced time	ANI	<p>Not Implemented in 2020</p> <p>In 2019, <i>the commission for the analysis of the opportunity to maintain on the ANI website some information containing personal data</i> decided to remove from the website the section of "The evaluation reports remaining final".</p>

General objective nr. 5: Cooperation with inter-institutional (governmental entities) and non-institutional (non-governmental) entities

Specific objective 5.1: Cooperation at national level

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
5.1.1.	Building awareness of the integrity concept in educational institutions	Permanent action, assessed on an annual basis	Minimum 2 events with organized educational institutions At least one collaboration protocol initiated per year	Lack of budgetary resources Lack of available experts	ANI Educational institutions	Partially Implemented A representative of the Agency participated in an event dedicated to master students at the Faculty of Political, Administrative and Communication Sciences at Babeş-Bolyai University in Cluj-Napoca.
5.1.2.	Stimulating the cooperation activity with public institutions and authorities, as well as with the associated structures of the local public administration authorities	Permanent action, assessed on an annual basis	Minimum 2 events organized At least one collaboration protocol initiated per year	Lack of availability of budgetary or human resources	ANI The National Union of County Councils in Romania Association of Romanian Municipalities Romanian Cities Association	Implemented During the reporting period, the Agency carried out cooperation activities with public institutions and authorities, as well as with the associated structures of local public administration authorities, as follows: In 2020, the Agency strengthened the collaboration with the associated structures of the local public administration authorities, by appointing two experts to participate, as trainers, in the project <i>"Improving the access and quality of services for citizens - a transparent and accountable public administration"</i> , implemented by the Association of Romanian Municipalities, in partnership with the Association of Romanian Municipalities and the Association of Local Authorities in Norway.

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
					Association of Romanian Communes	<p>The project, funded by the SEE and Norwegian Grants 2014-2021 aims to strengthen the capacity of local government in Romania by increasing accountability, transparency and raising awareness of incompatibilities and conflicts of interest, by creating an information center (e-ICT) and through various other tools such as guides, training and advice provided to local authorities.</p> <p>At the same time, in order to carry out specific activities to monitor the implementation of the National Anticorruption Strategy at the level of local public administration, a representative of the National Integrity Agency participated, during November 11-27, together with those of the Ministry of Public Works, Development and Administration (MLPDA) at 8 training sessions for representatives of local public administration in the field of prevention of incompatibilities and conflicts of interest. The training sessions took place within the project "Strengthening integrity systems - the best strategy to prevent corruption in public administration", SIPOCA code 61, implemented by MLPDA through the Directorate of Integrity, Good Governance and Public Policy.</p> <p>Also, within the LINC project, a project whose main objective is to improve the activity of identification, sanctioning and prevention of cases of incompatibilities, conflicts of interest and unjustified assets at the level of central public administration authorities and Parliament, in 2020 the following were carried out:</p> <ul style="list-style-type: none"> - Three networking conferences, during which the procedures to identify the conflicts of interest and incompatibilities

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p>indicators, addressed to the central public administration authorities, were presented;</p> <p>13 training sessions on the job for 170 people from public institutions in the central administration, as follows: National Agency for Administration of Unavailable Assets (ANABI), Ministry of Culture and subordinate institutions / coordinated by the Ministry, The Ministry of National Education, the Ministry of National Defense, the National Institute of Statistics, the Ministry of Justice and subordinate institutions, respectively the Ministry of Transport.</p>
5.1.3.	Developing and strengthening partnerships with non-governmental organizations	Permanent action, assessed on an annual basis	<p>At least one organized event</p> <p>At least one collaboration protocol initiated per year</p>	Lack of availability of budgetary or human resources	ANI NGO's	<p>Partially implemented</p> <p>In 2020, the Agency developed partnerships with non-governmental organizations, as follows:</p> <ol style="list-style-type: none"> 1. The Project "LINC - increasing the capacity of the central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets" SMIS 118824 2. In order to implement the objective no. 5.2. of SNA 2016 - 2020, starting with 31.07.2018, the National Integrity Agency became the Beneficiary of the project "LINC - increasing the capacity of the central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets", which was funded by the Administrative Capacity Operational Program and carried out in partnership with Transparency International Romania. 3. Collaboration with other non-governmental organizations

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p>4. Within the LINC project, an online seminar moderated by the Secretary General of ANI, dedicated to integrity inspectors within the Agency, took place on 26 November 2020, and was attended by national and international experts in the field of the fight against corruption, within GRECO, The World Bank, Transparency International Berlin and the Expert Forum Association. 40 students participated from ANI.</p> <p>The seminar's speakers were national and international experts specialized in anticorruption, such as Dmytro Kotlyar (Consultant, World Bank / Stolen Asset Recovery Initiative), Vita Habjan Barborič (GRECO Bureau Member), Rafael García Aceves (Policy Coordinator, Public Contracting, Transparency International) and Laura Ștefan (Forum Expert Association).</p> <p>The main topics addressed were the digitalization of the declaration of assets and interests process, the integrity framework from a civil society perspective, good practices in GRECO Member States in managing integrity incidents, and alternative methods of preventing, detecting and managing conflicts of interest.</p> <p>The Agency also participated in the following events in 2020:</p> <ul style="list-style-type: none"> - July 17 - Online debate on the impact of the pandemic on public procurement, organized by the Expert Forum Association (EFOR); - October 29 - Round table on the first report of the European Commission on the rule of law in Romania, organized by the Association Expert Forum (EFOR) and APADOR-CH;

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						- November 19 - Webinar "Warning in the public interest" and CivicAIP Launch - Civic Network to promote the warning in the public interest, organized by the Syene Center for Education, Association for Cooperation and Sustainable Development, Center for Independent Journalism, Center for Advanced Research in Management and Applied Studies and the REPER Association for Values Management.
5.1.4.	Providing points of view to entities that have legislative initiative regarding the draft laws related to ANI's activity	Permanent action, assessed on an annual basis	100% points of view issued on the requests received, within the imposed deadlines	The refusal of the authorities to request views from ANI	ANI DRP	<p>Implemented</p> <p>The National Integrity Agency constantly formulates points of view regarding the draft normative acts that regulate its activity.</p> <p>In 2020 the A.N.I. issued 8 points of view to the entities that have legislative initiative regarding the draft laws related to the activity of the Agency, with reference to the following normative acts:</p> <ol style="list-style-type: none"> 1. Law amending the Competition Law no. 21 of April 30, 1996, republished in the Official Gazette of Romania, Part I, no. 153 of February 29, 2016, with subsequent amendments and supplements. 2. Law amending and supplementing Law no. 176/2010 on integrity in the exercise of public functions and dignities, for the amendment and completion of Law no. 144/2007 regarding the establishment, organization and functioning of the National Integrity Agency, as well as for the modification and supplementing other normative acts. 3. Law for completing Annex no. 2 to Law no. 176/2010 on integrity in the exercise of public functions and dignities, for

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p>amending and supplementing Law no. 144/2007 on the establishment, organization and functioning of the National Integrity Agency, as well as for amending and the supplementing other normative acts.</p> <p>4. Law for the amendment of letter f) of art. 178 of Law no. 95/2006 on health care reform.</p> <p>5. Law for supplementing Law no. 176/2010 on integrity in the exercise of public functions and dignities, for the amendment and supplementing of Law no. 144/2007 regarding the establishment, organization and functioning of the National Integrity Agency, as well as for the modification and supplementing of other normative acts.</p> <p>6. Law for the amendment of art. 25 para. (2) of Law no. 176/2010 on integrity in the exercise of public functions and dignities, for the amendment and supplementing of Law no. 144/2007 regarding the establishment, organization and functioning of the National Integrity Agency, as well as for the modification and supplementing of other normative acts.</p> <p>7. The law for the amendment of par. (2) in art. 25 of Law no. 176/2010 on integrity in the exercise of public functions and dignities, for the amendment and supplementing of Law no. 144/2007 regarding the establishment, organization and functioning of the National Integrity Agency, as well as for the modification and supplementing of other normative acts.</p> <p>8. Law amending point 34 and point 35 of paragraph (1) of art. 1 and supplementing Law no. 176/2010 on integrity in the exercise of public functions and dignities.</p>

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
5.1.5.	Involvement of ANI in the implementation of the objectives and measures provided by the National Anticorruption Strategy	Permanent action, assessed on an annual basis	<p>Participation in all activities organized by the Technical Secretariat of SNA</p> <p>Minimum 2 experts appointed to assist the Technical Secretariat</p> <p>Attend at least one meeting per year</p> <p>Participation of ANI experts in the evaluation missions, requested by the Technical Secretariat of SNA</p>	Lack of available of human resources	ANI	<p>Implemented</p> <p>The National Integrity Agency participated in 2020 in the meeting of the <i>Platform for Cooperation of Independent Authorities and Anti-Corruption Institutions</i>, which took place in December.</p> <p>Also, in 2016, two representatives from the institution responsible for the implementation of the Strategy were appointed.</p> <p>At the beginning of 2020, the National Integrity Agency submitted the report on the stage of implementation of the measures provided by the National Anticorruption Strategy 2016 - 2020 for 2019.</p> <p>Externally, in order to implement objective no. 5.2. of SNA 2016 - 2020, the National Integrity Agency implemented the project <i>"LINC - increasing the capacity of central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets"</i>, a project developed in partnership with Transparency International Romania (project funded through Administrative Capacity Operational Program).</p> <p>At the same time, in order to carry out specific activities to monitor the implementation of the National Anticorruption Strategy at the level of local public administration, a representative of the National Integrity Agency participated, during November 11-27, together with those of the Ministry of Public Works, Development and Administration (MLPDA) at 8 training sessions for representatives of local public</p>

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						administration in the field of prevention of incompatibilities and conflicts of interest. The training sessions took place within the project "Strengthening integrity systems - the best strategy to prevent corruption in public administration", SIPOCA code 61, implemented by MLPDA through the Directorate of Integrity, Good Governance and Public Policy.
5.1.6.	Harmonization and clarification of the legislative framework on incompatibilities	December 2019	Working group set up Number of proposals made Legislative changes made	Legislative instability Legislative procrastination Dilution of the existing legislative framework	ANI MoJ	Implemented Considering the initiative to harmonize the legislation on conflicts of interest and incompatibilities regarding the civil service (draft Administrative Code), on July 5, 2019 it was published in the Official Gazette of Romania no. 555, Emergency Ordinance no. 57/2019 regarding the Administrative Code. The normative act regulates the general framework for the organization and functioning of the public administration authorities and institutions, containing in its content provisions regarding the integrity framework. The draft Administrative Code was adopted on July 9, 2018 by the Parliament and sent for promulgation to the President of Romania. A complaint of unconstitutionality was filed which was admitted by the Constitutional Court of Romania on November 6, 2018.

Specific objective 5.2: Cooperation at international level

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
5.2.1.	Involvement of the Agency in technical assistance projects	Permanent action, assessed on an annual basis	Participation in at least one activity per year At least one ANI expert involved in technical assistance projects	Lack of resources Lack of available experts	ANI MoFA Civil society	Implemented In 2020, the Agency provided technical assistance through the LINC project. Thus, the four trainers within the project held 13 training sessions on “job on the job” for 170 people from public institutions in the central administration, as follows: National Agency for Administration of Unavailable Goods (ANABI), Ministry Culture and subordinated institutions / under the coordination of the Ministry, the Ministry of National Education, the Ministry of National Defense, the National Institute of Statistics, the Ministry of Justice and the subordinated institutions, respectively the Ministry of Transport.
5.2.2.	Continuing the export of good practices regarding the Romanian system of declarations of assets and interests	Permanent action, assessed on an annual basis	Participation in at least 5 activities per year Designated responsible ANI expert	Lack of resources Lack of available experts	ANI MoFA Civil society	Implemented From March 4 to 6, 2020, at the proposal of the EU Anti-Corruption Initiative in Ukraine, ANI received a study visit from a delegation of 10 representatives from the National Agency on Corruption Prevention in Ukraine. During the visit to the A.N.I. headquarters, the Ukrainian delegation had a meeting with the Agency's management, as well as thematic meetings with the integrity inspectors, who presented the general framework of the Agency's activity and the PREVENT system. Moreover, in 2020, ANI distributed good practices regarding the Romanian system of declarations of assets and interests, as well as the institutional model of the Agency, in the following events:

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<ul style="list-style-type: none"> 13, 15 October - ANAP Workshops on Assessment of the PP system, organized by the World Bank 01 December - 19th International Anticorruption Conference, organized by the International Monetary Fund During the conference, the Secretary General of ANI participated, as a speaker, in the panel "Do we know enough about our public officials? The criticality of transparency in financial disclosure systems for a fair recovery". 14 December - ACN webinar, organized by the OECD and The Anti-Corruption Network (ACN) <p>The event, broadcast live on YouTube, was the first OECD webinar dedicated to anti-corruption reforms in Eastern Europe and Central Asia from 2016-2019. At the same time, on this occasion, a mechanism for monitoring anti-corruption efforts was launched, by awarding scores on the fight against corruption using over 60 Performance Indicators. At the event, the Secretary General of ANI participated as a speaker, having interventions on the assets declaration system, both in Romania and internationally.</p>
5.2.3.	Cooperation in the context of the activities provided within the organizations of which ANI is part of	Permanent action, assessed on an annual basis	Participation in at least 3 activities per year Designated responsible ANI expert	Lack of available experts	ANI Regional / international organizations	<p>Implemented</p> <p>In 2020, the Agency participated, in the conditions imposed by the COVID-19 pandemic, in the events organized by the international bodies of which it is part, by promoting its own institutional model at global level.</p> <p><u>Organization for Economic Co-operation and Development (OECD)</u></p>

Level	Action	Deadline	Valuation Indicators set by ANI	Risks	Responsibility	TGS valuation as of 31.12.2020
						<p>On 14 December 2020, the Secretary-General of the Agency participated as a speaker at ACN webinar, an event organized by the OECD and The Anti-Corruption Network (ACN). The event, broadcast live on YouTube, was the first OECD webinar dedicated to anti-corruption reforms in Eastern Europe and Central Asia from 2016-2019. At the same time, on this occasion, a mechanism for monitoring anti-corruption efforts was launched, by awarding scores on the fight against corruption using over 60 Performance Indicators. At the event, the Secretary General of ANI participated as a speaker, having interventions on the assets declaration system, both in Romania and internationally.</p> <p><u>Network for Integrity</u> During 2020, the National Integrity Agency held the Vice-Presidency of the Network for Integrity. Network for Integrity is an international initiative consisting of 14 independent institutions with a role in preventing corruption on 4 continents, the first international platform aimed exclusively at the field of integrity. At the end of 2020, ANI representatives collaborated with those of the High Authority for Transparency of Public Life in France (HATVP), in order to organize the next plenary session (February 11, 2021) during which ANI takes over the Presidency of the Network, for a term of 2 years.</p> <p><u>World Bank</u> On October 13 and 15, the Secretary General of ANI participated in ANAP Workshops on Assessment of the PP system, organized by the World Bank.</p>

8 ANNEX 2 Status of implementation of action measures related to the ANI's Short Term Strategy (2020 - 2021)

Nr.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsibility	TGS evaluation as of 31.12.2020
DIGITIZATION							
1.	Digitalization of the system of declaring assets and interests	Implementation of the IT system for completing and submitting declarations of assets and interests in electronic format	Functional computer system for electronic completion and submission 10,000 declarations submitted and processed in electronic format	Insufficient budgetary resources (e.g. high digitalization costs) Delays caused by malfunctions technically	December 2021	Directorate-General for Information Technology, Procurement, Investment and Logistics (D.G.T.I.A.I.L.)	<p>Not applicable at 31.12.2020</p> <p>The deadline for implementing this measure is December 2021. In 2020, through the online e-DAI platform available on the Agency's website, it is possible to complete and generate in electronic format of the assets and interests declarations, which will then be transmitted in physical format, collected, processed and published in the separate section of the Agency's website, entitled "Declarations of assets".</p> <p>Based on our understanding, starting May 2021 it is available to send declarations remotely through the online platform e-DAI.</p>
		Continuation of the implementation of the project "EMOD - Development of the institutional capacity of the National Integrity Agency for streamlining internal workflows and how to	Status of implementation of activities in accordance with the Gantt chart of the funding application	N.A.	December 2021	EMOD project team	<p>Not applicable at 31.12.2020</p> <p>The deadline for implementation of this measure is December 2021. The project has been implemented since October 1, 2019 and has an implementation period of 24 months.</p>

		<i>submit declarations of assets and interests in the electoral and annual process", SMIS code 129864</i>					Within the project, the module for the remote transmission of e-DAI declarations was developed, which became operational in the first part of 2021.
		Preparation of the Procedure for the remote transmission of declarations of assets and interests, as well as the conditions under which it is carried out	Procedure for remote transmission of declarations of assets and interests approved by order of the Vice President of the National Integrity Agency	N.A.	February 2021	Integrity Inspection Directorate-General for Legal, Public Relations and Communication (D.G.J.R.P.C.)	Not applicable as of 31.12.2020 The deadline for implementing the measure is February 2021.
		Training of persons under the incidence of Law no. 176/2010 on the completion and remote transmission of declarations	Guide for completing and remotely transmitting declarations developed and deployed Minimum 5 training sessions for the persons responsible for the implementation of Law no. 176/2010 organized 3 media materials issued	Lack of response of decision makers Non-allocation of resources needed Restrictions imposed by SARS-CoV-2 virus	December 2021	Integrity Inspection Communication, Public Relations and Strategy Directorate (D.C.R.P.S.)	Not applicable as of 31.12.2020 Although the implementation deadline is December 2021, during the year 2020 video tutorials on DAI submission were published on the ANI website. During 2020, no training sessions were organized due to the issues caused by the COVID pandemic 19.
2.	Alignment with the standards imposed by Emergency Ordinance no. 38/2020 on the use of documents in	Preparation of an Internal Procedure to standardize the use of digital signatures for ANI documents	System procedure prepared	N.A.	November 2020	D.G.J.R.P.C.	Partially Implemented The System Procedure <i>Regarding the circuit of electronically signed documents was elaborated</i> , except for the declarations of assets and interests

	electronic form at the level of public authorities and institutions						and will be introduced in the procedures manual.
		Restructuring of the <i>Contact</i> section, existing on the institution's website	Restructured <i>Contact</i> Section	N.A.	March 2021	D.G.T.I.A.I.L.	<p>Not applicable as of 31.12.2020</p> <p>The deadline for this measure is March 2021.</p> <p>During 2020, the existing "Contact" section of the Agency's website has not been modified.</p> <p>Note: According to our agreement, the "Contact" section will be amended during 2021.</p>
ADMINISTRATIVE CAPACITY							
3.	Development of the computer application intended to increase the administrative capacity of the General Directorate of Integrity Inspection	Implementation of the project " <i>IT technical assistance services, software maintenance and repairs, software development and archiving, for carrying out the activity of ANI</i> ", financed by budgetary funds	Operational computer application	<p>Insufficient budgetary resources</p> <p>Delays caused by technical malfunctions</p>	December 2021	D.G.T.I.A.I.L.	<p>Not applicable as of 31.12.2020</p> <p>The deadline for this measure is December 2021.</p> <p>During 2020, based on our understanding, the Agency signed a framework agreement with an external provider, which will provide IT technical assistance, software maintenance and repairs, software development and archiving services for the period July - December 2021.</p>

4.	Starting the procedure to analyze the efficiency of the integrity legislative framework	Carrying out an analysis of the existing synopses in the current legislation and identifying some solutions	Analysis of the integrity legal framework performed	N.A.	June 2021	D.G.J.R.P.C.	Not applicable as of 31.12.2020 The deadline for this measure is June 2021.
5.	Carrying out the steps in order to obtain the budgetary resources necessary to fulfill ANI's objectives	Carrying out the budget projection in accordance with the real financing needs of the Agency	Expenditure budget, approved in accordance with the ANI request	Insufficient budgetary resources	Annual	Economic Service	Implemented According to <i>Law 500/2002 on public finances</i> , the budget projection for the following year is sent in the last quarter of the current year at the request of the Ministry of Finance. ANI's proposals for the 2021 Budget were submitted to the Ministry of Finance, within the deadline.
6.	Elaboration of the Human Resources Management Policy	Development of human resources policy	The policy of the National Integrity Agency on Human Resources Management elaborated	N.A.	December 2020	Human Resources Service	Implemented The policy of the National Integrity Agency on Human Resources Management was approved during 2020, by Internal Note no. 20588 from 22.12.2020.
7.	Compliance with protection rules and ensuring health safety at work, in the	Ensuring at workplace of specific personal protective equipment against the spread of SARS-CoV-2 virus (surgical masks, soap,	Protective and hygiene materials	N.A.	Permanent	Service Purchases, Investments and Administrative (S.A.I.A.)	Implemented The S.A.I.A. department permanently provides specific individual protective equipment against the spread of SARS-

	context of the spread of SARS-CoV-2 virus Infection	disinfectants, protective gloves)					CoV-2 virus (surgical masks, soap, disinfectants, protective gloves).
		Periodic disinfection of the spaces in the area of the access points in the institution, of the meeting room, of the offices and of the mechanical ventilation of the rooms	Disinfection of the main and secondary headquarters of ANI	N.A.	Permanent	S.A.I.A.	Implemented A.N.I. regularly carries out disinfection actions of both the main office and the secondary office
		Organize the activity to ensure physical distance at work or the implementation of remote work arrangements (telework or staff rotation plan), if the situation requires it	Technical means necessary to fulfill the attributions according to the job description provided	Technical and security limitations	N.A.	ANI Management D.G.T.I.A.I.L. S.A.I.A.	Implemented In the context of preventing the spread of SARS-VOC-2 virus infection, in terms of organizing the work and carrying out the work schedule in telework mode, the Agency purchased 30 laptops for telework staff, and for cases where the specific activity did not allow remote work, the work schedule was organized by dividing the staff into two groups that start or end the activity, at a difference of at least 2 hours.
		Development of an internal procedure for the prevention and control of coronavirus infection	Procedure developed	N.A.	October 2020	Labor Protection Department	Implemented Two procedures have been developed in this regard: - <i>OP 14 / CPM operational procedure Procedure for measuring the body temperature of the staff, visitors and collaborators of the National Integrity Agency</i> - <i>OP 15 / CPM operational procedure</i>

							<i>Procedure if an employee of the National Integrity Agency is suspected / confirmed of COVID-19 infection (SARS CoV-2)</i>
PREVENTION AND AWARENESS							
8.	Stimulating the activity of offering points of view regarding the legal framework of integrity	Submission of points of view on integrity framework requests	Number of points of view issued within the legal deadline	Insufficient human resources	Permanent	D.G.J.R.P.C.	<p>Partially Implemented</p> <p>Following the requests sent to the National Integrity Agency, during October - December 2020, D.G.J.R.P.C. issued 437 points of view regarding both the possibility of a state of incompatibility and / or a conflict of interests, as well as the manner of completing / submitting the declarations of assets and interests.</p> <p>In 2020, there were also cases in which the legal deadlines were exceeded due to the large volume of requests sent to ANI, compared to the number of staff designated with the elaboration of responses, as well as due to limitations imposed on staff activity, in the context of epidemiological spread of the SARS-CoV-2 coronavirus.</p> <p>Thus, in order to improve the activity by solving, within the legal deadline, the requests regarding the legislative framework that governs the integrity system, DGJRPC aims to increase the staff, and as an immediate measure, to</p>

							co-opt people from other departments.
		Development of an online platform to organize the integrity legislation, generating through advanced <i>machine learning</i> algorithms, solutions to the interested persons regarding a possible state of incompatibility or conflict of interests	Feasibility study started Application for obtaining external financing	Insufficient resources Application rejection	December 2021	Structural Funds Implementation, Studies and Strategies Service (subdepartment) (S.I.F.S.S.S)	Not applicable as of 31.12.2020 The deadline for this measure is December 2021.
9.	Training of persons under the incidence of Law no. 176/2010	Continuing the training of persons who are required to submit declarations of assets and interests regarding the legislative framework of integrity	Minimum 5 training sessions organized	N.A.	February 2021	Project team LINC	Not applicable as of 31.12.2020 The deadline for this measure is February 2021.
10.	Ensuring integrity and transparency in the deployment of the electoral processes	Updating the list of persons banned from holding an elective position	Updated list of people Updated web section	N.A.	Permanent	Integrity Inspection D.G.T.I.A.I.L.	Implemented The National Integrity Agency permanently updates the list of persons who are prohibited from holding an eligible position for three years according to art. 25, para. (2) of Law no. 176/2010. The list is available on the Agency's website, in the separate 3-year Prohibition section, which contains data and information on persons for whom it has been definitively and irrevocably established that they have been in incompatibility or conflict of interest.

							<p>The Agency's website contains the section "Definitive incompatibilities - 3-year ban" in which the list of persons banned from running for an elective office is constantly updated.</p> <p>Also, the section includes the persons verified by ANI, for whom the act of finding / the evaluation report of the state of incompatibility or of the conflict of interests remained definitive and which, according to Law no. 176/2010, are deprived of the right to exercise another public office or dignity, except for the electoral ones, for a period of 3 years.</p>
		<p>Creation of a special section on the ANI website to group all relevant information on the obligations of candidates in elections and its filling in of the information</p>	<p>Special section created and available on the ANI website</p> <p>Press release issued</p>	<p>Delays occurred in execution of the design and scheduling</p>	<p>December 2020</p>	<p>Integrity Inspection D.G.T.I.A.I.L.</p>	<p>Implemented</p> <p>With regard to raising awareness and prevention in the context of the local and parliamentary elections that took place in 2020, the following subsections have been set up on the Agency's website:</p> <ul style="list-style-type: none"> - Single point of publication of declarations of assets and interests submitted by candidates - declarations of assets and interests have been collected, processed and published in a separate, specially created section on the Agency's website. - Dedicated contact form to notify irregularities and the way of completing the declarations of assets

							<p>or interests submitted by the candidates;</p> <ul style="list-style-type: none"> - The main legislative texts governing the legal regime of incompatibilities, conflicts of interest and unjustified assets; - Guide for completing declarations of assets and interests and Guide on incompatibilities and conflicts of interest; - Point for downloading e-forms electronic assets and interest declarations. <p>Also, for the launch of each of these subsections, the Agency issued a press release on the prevention and awareness measures adopted by ANI in the context of the organization of the 2020 elections.</p>
		<p>Communication of relevant information to those entities that ensure the validation of mandates for candidates</p>	<p>Updated database</p> <p>Responsible entities informed N.A.</p>	N.A.	December 2020	<p>Integrity Inspection</p> <p>D.G.J.R.P.C.</p>	<p>Implemented</p> <p>In the context of the September 2020 local elections, the Agency submitted to the Central Electoral Bureau the nominal list of persons under a 3-year ban for holding an eligible position.</p> <p>Also, after the completion of the local elections, ANI sent to the competent courts to validate the mandates of the local elected officials, the nominal list of candidates under the interdiction of 3 years to hold an eligible position, in</p>

							accordance with art. 25 of Law no. 176/2010.
11.	Prevention of conflicts of interest in public procurement procedures	Prevention of conflicts of interest in public procurement procedures through the PREVENT IT System	All public procurement procedures, initiated and carried out annually, exclusively through SICAP, by the contracting authorities provided in art. 4 of Law no. 98/2016 and art. 4 of Law no. 99/2016 analyzed All Integrity Warnings issued annually through the PREVENT computer system analyzed and solved Statistical data resulting from the PREVENT computer system published quarterly	Delays caused by technical malfunctions	Permanent	Analysis and Prevention Service D.C.R.P.S.	<p>Partially Implemented</p> <p>There are still delays in sending integrity warnings, delays based on technical malfunctions in the REVENT computer system that are not properly identified and communicated.</p> <p>Integrity warnings issued annually through the PREVENT computer system are analyzed and resolved (respectively closed as a result of remedial measures taken by the contracting authorities or invalidated by ANI as a result of the additional information received from the contracting authorities). It is necessary to send ANI's notifications to ANAP in the cases where the remedies of the contracting authorities do not correspond to the provisions of art. 8 (2) law 184/2016.</p> <p>The Communication, Public Relations and Strategy Department includes in the quarterly reports the statistical data transmitted by the Analysis and Prevention Service regarding the results of the PREVENT information</p>

							system and issues quarterly press releases.
		Prevention of conflicts of interest in public procurement procedures carried out through direct procurement, according to the procedure developed at the level of the Integrity Inspection, especially regarding direct procurement cases carried out in the context of the COVID-19 pandemic	Analysis of at least 1,000 direct purchases, based on existing public information, by applying risk indicators	Missing open data	February 2021	Integrity Inspection	<p>Not applicable as of 31.12.2020</p> <p>The deadline for this measure is February 2021.</p>
12.	Completion of the project "LINC - Increasing the capacity of the central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets", SMIS code 118824	Implementation of the remaining activities, following the extension of the project in the context of the COVID-19 pandemic	<p>Final request for reimbursement submitted to AM POCA</p> <p>Lack of recommendations in the independent external audit report regarding the implementation of the project</p>	Difficulties in project implementation	February 2021	Project team LINC	<p>Not applicable as of 31.12.2020</p> <p>The deadline for this measure is February 2021.</p>
13.	Implementation of legal provisions on preparing and updating the list of	Development of a methodology on how to transmit, as well as the structure of data and	Approved methodology	Rejection of GEO no. 111/2020 by the Parliament	October 2020	<p>Integrity Inspection</p> <p>D.G.J.R.P.C.</p>	<p>Implemented</p> <p>The methodology was developed, approved and posted on the ANI website.</p>

	important public positions	information to be managed / reported				D.C.R.P.S.	
		Preparation of the preliminary list of entities in charge of the obligation to transmit the list of important public positions	List of entities in charge of the obligation to transmit the list of important public positions	Difficulties in interpreting the legislation	October 2020	Integrity Inspection D.G.J.R.P.C. D.C.R.P.S.	Implemented The list was prepared, 234 entities were identified.
		Submission of the notifications by which the entities are requested to transmit the list of important public positions in accordance with the provisions of art. 3 of Law no. 129/2019	Notification regarding the obligations of the entities developed and transmitted	N.A.	October 2020	Integrity Inspection D.G.J.R.P.C. D.C.R.P.S.	Implemented 234 notifications were developed and sent by email or mail.
		Preparation / updating of the list of important public positions	Existing List of important public positions	Lack of responses from entities	Permanent	Integrity Inspection D.G.J.R.P.C. D.C.R.P.S.	Implemented The list of important public positions was prepared, as transmitted by the entities.
		Publication on the Agency's website, in the dedicated section, of the list of important public positions, in a structured form	Dedicated section on the Agency's website	Delays caused by technical malfunctions Delays occurred in execution of the design and scheduling	November 2020	D.G.T.I.A.I.L. D.C.R.P.S.	Implemented Within the Agency's website, a distinct section was created called "List of important public positions", which includes: list of important public positions, methodological norms, Law no. 129/2019 and GEO no. 111/2020.

							Also, with the implementation of this section, a press release was issued in this regard.
		Transmission to the European Commission of the list of important public functions, exclusively by electronic means of communication, whenever required.	List forwarded to the European Commission	N.A.	Permanent	D.C.R.P.S	Implemented The list was sent to the Representation of the European Commission in Romania by address no. 17965 / 17.11.2020.
14.	Updating the website of the National Integrity Agency www.integritate.eu	Restructuring of the website www.integritate.eu, in accordance with the legal provisions and the specifics of the institution	Functional website Restructured / reorganized sections	Insufficient human resources and time required Delays caused by technical malfunctions	June 2021	D.G.T.I.A.I.L. D.C.R.P.S.	Not applicable as of 31.12.2020 The deadline for this measure is June 2021. During 2020, the Agency's website did not undergo any structural changes. Note: Based on our understanding, the restructuring of the Agency's website will take place during 2021.
		Updating the sections of the ANI website	Updated sections	Insufficient resources human and time necessary Delays caused by malfunctions technically	Permanent	All ANI departments	Implemented All sections of the ANI website are constantly updated. The content of the existing sections on the Agency's website are updated by each department within the institution, responsible for a section / subsection, whenever it is necessary to publish information and data, according to an internal note on the

							methodology of updating the content of the ANI website sections.
ASSESSMENT OF INTEGRITY INCIDENTS							
15.	Continuation of the evaluation activity performed by the integrity inspectors and the correlated increase of the capacity to evaluate the Integrity incidents	Continuation of the evaluation activity performed by the integrity inspectors	Nr. of completed files	Insufficient staffing scheme at the level of the Integrity Inspection	Permanent	Integrity Inspection	<p>Implemented</p> <p>During October and December 2020, integrity inspectors within the A.N.I. completed 285 files, in which the existence of integrity incidents was found, or in which the file was closed.</p> <p>Moreover, the integrity inspectors applied a number of 101 contravention sanctions, for not filing or delaying the declaration of assets and interests, for non-compliance with the obligations to the head of the public institution or to persons within public institutions, responsible for implementing legal requirements, regarding the declarations of assets and interests.</p>
		The use, in the evaluation activity carried out by the integrity inspectors, of the services of the PatrimVen Information System, in the instance where it is required	Improved procedure	Delays caused by technical malfunctions	Permanent	Integrity Inspection	<p>Implemented</p> <p>The Integrity Inspection uses in its evaluation activity the services of the PatrimVen Information System, where the situation requires it, in accordance with its operational procedures.</p>

		Use and improve operational procedures for the evaluation activity of integrity inspectors	Operational procedures developed or revised	N.A.	Permanent	Integrity Inspection	Implemented The procedures are constantly updated in accordance with the factual situation (state of emergency / state of alert, final decisions of the courts, etc.).
16.	Continuation of the steps regarding the application of dissuasive sanctions as a result of the final evaluation reports issued by ANI	Carrying out the steps to apply the provisions of art. 25 of Law no. 176/2010 and following the application of the disciplinary sanctions provided by law to the competent entities	Steps taken in 100% of the evaluation files which remained final	Legislative limitations Non-application of disciplinary sanctions by disciplinary commissions The non-unitary practice of the courts Legislative changes Lack of responsiveness of entities	Permanent	Integrity Inspection D.G.J.R.P.C.	Implemented The steps for applying the provisions of art. 25 of Law no. 176/2010 are provided in the operational procedures of the integrity inspectors and are performed in each file, after the evaluation report remains final. Moreover, D.G.J.R.P.C. aims to identify the legal requirements that allow the validation of the mandates of local elected officials for persons who are in the period when they are prohibited from holding a position of public dignity, according to art. 25, para. (2) of Law no. 176/2010. Thus, it is necessary to create a strategy for submitting a proposal to amend the legal provisions, in the sense of introducing as a condition of eligibility for the exercise of the mandate that the person is not in the interdiction period provided by art. 25, para. (2) of Law no. 176/2010.
		Application of sanctions for non-compliance by the	Proceedings undertaken in 100% of cases where the head of the public	N.A.	Permanent	Integrity Inspection	Implemented There is a procedure that regulates the sanctioning activity that falls within

		head of the public institution	institution has not applied the legal provisions				the scope of activity of integrity inspectors and is applied if the situation requires it.
		Publication on the Agency's website, in the dedicated section, of persons under the interdiction to exercise a public function or dignity for a period of 3 years	Updated section	Delays caused by technical malfunctions	Permanent	Integrity Inspection	Implemented The dedicated section is permanently updated, after the evaluation report remains final and after the communication of the sanction applied by the employing institution.
		Notification to the competent bodies in the case of identifying indicators regarding involvement in criminal acts	Proceedings carried out in 100% of cases where indications of criminal acts have been identified	N.A.	Permanent	Integrity Inspection	Implemented The notification of the competent bodies occurs whenever the evaluation activity results in minimal indications regarding the violation of the criminal legislation and the statute of limitation period has not occurred. Also, in the instance where the inspector is unable to frame the deed to a certain text of the Criminal Code, he redirects the petition / notification to the criminal investigation body in order to analyze it and dispose of it accordingly.

9 Use of this Report

This Report is intended for use by the management of the National Integrity Agency, in order to communicate it to the National Integrity Council and publish it on the Agency's website. As such, the comments / findings included in this report should not constitute a basis for any further action.

Our findings, as presented in this Report, are based on the documentation provided to us by ANI.

We cannot rule out the possibility that we may have reached different findings if additional information and documents had been made available to us. We relied on the contents of the documents and information provided to us and assumed that this information and documents are correct and complete.

If there is additional information and / or documentation that has not been disclosed or provided to us, or if any of the verbal statements or explanations are incorrect or misleading, it is possible that any of the findings, interpretations or opinions contained herein in this Report are incomplete or have yielded different results, which would require different and additional procedures outside the scope of this mission.

The verification procedures performed by TGS were agreed between the National Integrity Agency and TGS. TGS does not give any assurance as to the adequacy of these verification procedures performed for the purposes of the Agency.

If we had applied additional specified procedures, it is possible that other issues would have come to our attention, issues that we would have reported to ANI.

This Report should not be construed as expressing opinions in the legal field that are outside our area of expertise.

TGS is not responsible for updating this Report with events or circumstances occurring after 31.12.2020.

This Report or its contents may not be used, reproduced or distributed, in whole or in part, to any other party or for any purpose other than that for which it was issued, without the prior written consent of TGS, except those referred to in the first subparagraph. Furthermore, we do not accept liability to any third party for any breach of this obligation or for any opinion expressed or information presented in this Report. The information included in this Report is provided on the assumption that the recipient will not use it as the sole basis for any action or decision. This Report covers only the elements specified above and does not extend to any other type of financial information.

This report refers only to the audit of the management of the National Integrity Agency during 2020 carried out in accordance with the provisions of the SSRI 4400 standard, as defined in the specifications. Therefore, through this report we do not provide assurance on the quality of ANI management.

❧ End of the Report ❧