

Factual Findings Report

External Audit of the Management of
National Integrity Agency for 2021

April 2022



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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. 2627/01.02.2022 and registered at TGS România Assurance & Advisory Business Services SRL (hereinafter „TGS”) under no. 2022.TGSRO.13.1.1.2/10.02.2022, 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 2021, 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:

- General planning – 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 audit engagement

The evaluation of the quality of ANI’s management for 2021 was assessed during the period between February 15th and April 26th, 2022. 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 4400)¹;
- ✓ 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 Approach, work program and project phases* of this report. All the procedures detailed in Chapter 2 have been performed in accordance with the terms agreed by the Contract.

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

By following and performing the agreed upon procedures, we obtained sufficient and appropriate evidence to issue this 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, 2021.

Regarding the findings identified in 2021, 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 2021 is as follows:

Impact	Findings identified in 2021
Major	-
Medium	2
Minimum	1
Total findings identified in 2021	3

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 the previous years is presented in the table below:

Status of implementation of recommendation for deficiencies formulated in previous years	Impact			Total
	Major	Medium	Minimum	
Implemented recommendations	5	8	7	20
Partially implemented recommendations	8	8	6	22
Recommendations not implemented	3	1	6	10
Recommendations eliminated as no longer applicable		1		1

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) are presented within this report.

Through its attributions and clearly defined status, the National Integrity Agency is an autonomous administrative authority holding exclusive competence to ensure integrity in the exercise of public officials and dignities and to prevent institutional corruption. The National Integrity Agency holds responsibilities in managing the system of assets and interests declarations and operates as a single structure, at national level.

Following the assessment of ANI's activity performed during the year 2021, we observed that ANI continued to implement specific measures in order to ensure the management of the institution's activity in context of COVID-19 pandemic. Such measures were aimed at consolidating and further developing the Agency's organizational capacity as well as at ensuring an internal and external communication system that would allow employees to perform their tasks efficiently. ANI managed to fulfill its objectives as well as its role, established by the law on organization and functioning, respecting independence, transparency and professionalism principles. Among the achievements of 2021, we note the following:

- Digitalization of the process of completing and submitting the assets and interests declarations, by launching the online platform "e-DAI". Through this new mechanism, the entire process of filling-in, signing, submitting and making assets and interests declarations available to the public has been digitalized, Romania thus joining the states where digitalized wealth reporting systems is implemented;
- Formalization of the process of digitalization of assets and interests declarations, as well as increasing public awareness on the procedure for online transmission of declarations of assets and interests. An **User Manual** on online submission of assets and interests declarations has been made available to users, as well as a series of video tutorials;
- Successful implementation of the project "LINC - increasing the capacity of the central public administration to identify, sanction and prevent cases of conflicts of interest, incompatibilities and unjustified assets ", all project objectives being met. The project was implemented in partnership with Transparency International Romania, between July 30, 2018 - January 30, 2021, and was co-financed by the European Social Fund, through the Operational Program Administrative Capacity 2014-2020;
- ANI took over the presidency of Network for Integrity for the following two years. Network for Integrity is an international initiative of 14 independent institutions from 4 continents, all holding attributions related to corruption prevention. Network for Integrity's objective is to promote the principles of good governance, being the first international platform exclusively dedicated to integrity aspects;
- Election of ANI's Secretary General as a member of the International Anticorruption Academy (IACA) Governors' Council. The Secretary General of ANI will exercise his mandate during the period 2021 - 2024; IACA functions as a forum for cooperation in the field of anti-corruption education, training and research;
- In 2021, the National Integrity Agency has been involved in the transposition into national regulation of Directive (EU) 2019/1937 of the European Parliament and of the Council dated 23 October 2019 related to the protection of persons who report breaches of European Union law, as part of a Draft law on whistleblowers protection. This draft law designates ANI as the competent authority at the central level, following two areas of action:
 - ✓ solving whistleblowers incidents which are limited to the specific competence of the Agency (by setting up a specialized structure);
 - ✓ a set of general competencies relating to the entire mechanism applicable at national level, such as: information, whistleblower guidance, formulating recommendations, compiling statistics, as well as the enforcement of financial sanctions. Concrete actions were proposed, at Agency level, in 2021, aiming to implement legal obligations, including specific implementation tools.

- In 2021, in anticipation of the transposition into Romanian legislation of the Directive (EU) 2019/1937 of the European Parliament and Council dated 23 October 2019 on the protection of persons who report breaches of European Union law, as well as in view of the draft law which is setting ANI as one of the external reporting channels, the Agency has established a set of concrete actions stemming from this legislative initiative. These actions were due to the Agency's need to comply with a series of deadlines set out as part of the draft law, which are applicable in context ANI's new set of responsibilities.
- As part of the National Recovery and Resilience Plan (PNRR), ANI has been appointed coordinator for *Pillar V - health and resilience (economic, social and institutional), Component 14 - Good governance, Project 7 - Evaluating and updating of legislation regarding integrity framework*;
- Finalization and publication on ANI's website of the list of important public functions, following the adoption of Emergency Ordinance no. 111/2020 on amending and supplementing Law no. 129/2019 to prevent and combat money laundering and terrorist financing. The list of important functions was also submitted to the European Commission. In 2021, ANI updated the List of important public functions, the list was initially prepared in 2020.
- Continuation of the implementation of the project "EMOD - Development of the institutional capacity of the National Integrity Agency to streamline internal workflows and how to submit declarations of assets and interests in the electoral and annual process";
- Continuation of the process of implementing the objectives established by the Cooperation and Verification Mechanism, respectively through the Rule of Law Mechanism;
- Continuation of the 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; in 2021 ANI issued 1,814 opinions and instructions regarding possible incompatibility and / or a conflict-of-interest situations, and assets and interests declarations submission process;
- Sharing of good practices and strengthening international cooperation with institutions holding similar objectives to prevent and combat corruption, as well as similar competencies to ANI; during 2021, working meetings were organized, with several participation of several representatives from other states involved in anti-corruption measures;
- Cooperation activities with public institutions and authorities, as well as with structures of local public administration authorities, such as participation in workshops, conferences, webinars, seminars, as well as training sessions (as a lecturer / trainer); topics revolved around preventing corruption in public administration, raising awareness of incompatibilities and conflicts of interest, supporting anti-corruption reforms, etc.;
- The implementation measures included in the National Integrity Agency Short-Term Strategy for 2020 - 2021 have been implemented or partially implemented; all 38 established measures were implemented or partially implemented at the end of 2021;
- Achieving 77% implementation status as "implemented" and "partially implemented" for recommendations regarding the improvement of Agency's activity, formulated as part of

previous audit reports; this indicates a high degree of involvement and efficiency from the management of the Institution.

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 8 job positions are available and only one is occupied;
- Insufficient workspace and file storage space;
- Shortage of human capital, as the level of job occupancy is below 51% at the end of 2021, specifically 102 positions being occupied out of the total of 200 approved positions;
- 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 direct accessible electronic information/communication with other institutions.

Bucharest, April 21, 2022

In the name of:

TGS Romania Assurance & Advisory Business Services SRL

Registered in the Electronic Public Register of Auditors financial institutions and audit firms with FA number 91

Madeline Alexander

Registered in the Electronic Public Register of Auditors financial institutions and audit firms with FA number 36

For signature please refer to the
Romanian version

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 2021, in accordance with International Standards on Related Services (ISRS 4400 – Engagement Mission 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 at a minimum to 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 General project 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 carried out 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 February 15th, 2022, 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 carry out the engagement activities, deadlines for execution and reporting for 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);
- Analyse the decision-making process and the actions taken during the year 2021, in order to use these in the sampling process; based on this analysis, we agreed 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;
- Development of the interviews plan aimed at identifying and understanding specific risks;
- Monitoring the implementation status of the recommendations formulated as a result of the audit missions performed during previous years;
- 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 for each ANI structure (direction, service, office or compartment).

By the end of these two phases, on February 22nd, 2022, 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 in previous years.

Based on statistical evidence, made available to us by the ANI team, regarding the specific activities of the National Integrity Agency in 2021, we analyzed the situation of the works performed as part of ANI core activity in 2021 (the population subject to sampling), we determined the stratification criteria and we randomly selected the testing sample, based on the following methodology, as well as on the basis of professional judgement related to the risk of non-compliance, 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 files for each of the 3 statuses (settled, dismissed and in progress). The core activity of the Agency is 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;
 - Monitoring the functioning / performance of ANI management, 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 the IT system 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 security environment.

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

- Reporting chart;
- Decision-making process at Agency level;
- The circuit 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 2021;
- Observance of the random principle as it applies to the distribution process for of evaluation of files;
- Observance of deadlines for completion of works/files.

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

- Understanding and knowledge of internal rules and procedures, respectively we analysed and we familiarized ourselves with:
 - ✓ Regulation of 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 officials 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, distribution 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, in order to assess their area of applicability

- Specific observation, questioning, confirmation and detail tests.

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

2.4 Reporting phase

Following the evaluations made in accordance with ISRS 4400, TGS Romania has submitted to ANI management this factual finding report containing the deficiencies identified regarding internal processes and/or procedures applicable at the Agency's level.

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

3 Action measures implementation status related to the Short-term National Integrity Agency Strategy (2020 – 2021)

The National Integrity Council approved, by Decision no. 3 dated 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 (2020-2021). ANI Strategy 2020-2021 was structured on six benchmarks or areas of intervention, namely: relevant objectives and measures not implemented in the previous strategy paper, ensuring the Agency's management until the appointment of the Agency's President, adapting to the new context generated by the legislative changes on the integrity framework, defining the opportunity to set-out the new National Anticorruption Strategy, aligning the Agency with public administration digitalization standards and ensuring integrity and transparency, in the Agency's own field of activity, in the organization of the electoral processes in 2020. In order to meet these needs, a number of 16 short-term objectives have been defined, which are structured around four areas of intervention, namely: digitalization, increase of administrative capacity, prevention and awareness and assessment of integrity incidents. A series of action measures, performance indicators, implementation deadlines, risks and implementation responsibilities were 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 with deadlines by 31.12.2021 is at approximately 84% with "implemented" status and 16% or "partially implemented" status, as reflected below:

Total number of measures	Implemented	Partially implemented	Not implemented
38	32	6	-

Please refer to Annex 1 for a detailed analysis of the progress related to the measures included in the Short-term National Integrity Agency Strategy (2020-2021).

4 Remediation status for deficiencies identified during the verifications performed prior to year 2021

Following the tests performed to determine the degree of remediation of the findings identified following the verifications performed prior to year 2021, the statistics of the state of remediation of the findings on December 31, 2021 resulted, are presented below:

Directorate/ Department	Total number of recommen dations	Status			
		Impleme nted	Partially implemen ted	Not implemen ted	Recommendation s that have been removed as no longer applicable
Integrity Inspection	9	2	6	1	-
Analysis and Prevention Department	5	5	-	-	-
Internal Public Audit Department	2	-	-	2	-
Contentious Department, Advisory and Legislation Department	2	1	1	-	-
Communication and Public Relations Department	2	1	-	-	1
Implementation of Structural Funds, Studies and Strategies Department	4	4	-	-	-
Human Resources Department	1	-	1	-	-
General Registry and Archive Department	1	-	1	-	-
Internal managerial control system	1	-	1	-	-
Personal data processing activities	5	2	1	2	-
Information Technology Department	17	5	8	4	-
Procurement, Investments and Administrative Department	4	-	3	1	-
Total	53	20	22	10	1

For details on the implemented / partially implemented recommendations please refer to *Chapter 5 Working methodologies specific to each area verified in 2021*

5 Working methodologies specific to each area verified in 2021

5.1 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, considering the legal termination of the mandate of the President of ANI, the management of the Agency has been ensured by the Vice President of ANI, in accordance with art. 28 par. 2 of Law no. 144/2007, until the June 30, 2021. Starting with July 1st, 2021, following the completion of the competition process for the position of President of ANI, organized between June 14th - June 24th, 2021, in accordance with the Romanian Senate Decision no. 89/2021, the former Vice President has been appointed as President of ANI, for a period of 4 years.

At the Agency level, the General Secretary of ANI who coordinates the activities established according to the Agency's organizational chart and fulfills other attributions delegated to him by the president of ANI. The General Secretary has been appointed by Prime Minister's Decision no. 7/2016.

We analysed the attributions Agency's management as per Regulation of Organization and Functioning of ANI and organized interviews with Agency's management, in order to analyze the conformity of the practical activity with the provisions of the ROF.

In 2021, no discrepancies have been identified between the practical activity and the ROF provisions regarding the positions of President, Vice-president and General Secretary.

5.2 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.

5.2.1 Integrity Inspection Services (4 services)

The evaluation activity performed in relation to the 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 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 2021 as well as observance of applicable legislation.

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

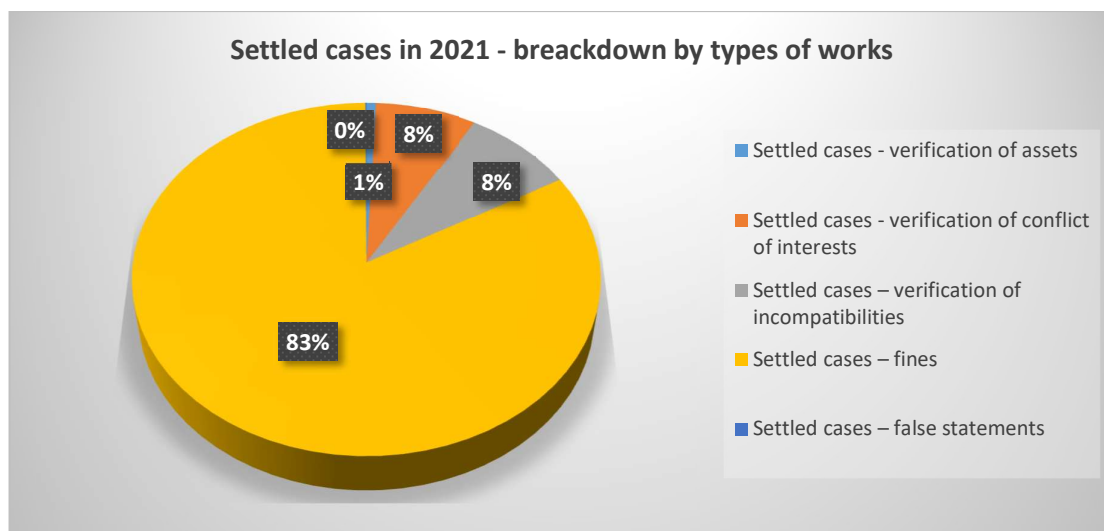
1. We requested the statistics regarding the number of files verified by ANI in 2021, based on the following structure: files settled, files dismissed and files in progress as of December 31, 2021;
2. Based on the statistics, on our professional judgement associated with the relevant risk as well as on the activity of Integrity Inspection specifics, 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 risk levels for non-compliance with the current operating procedures
3. We have requested the list of the files which were subject to evaluation procedures performed by the Integrity Inspection in 2021;
4. Based on the list of files, we randomly selected the sample of files subject to verifications.

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

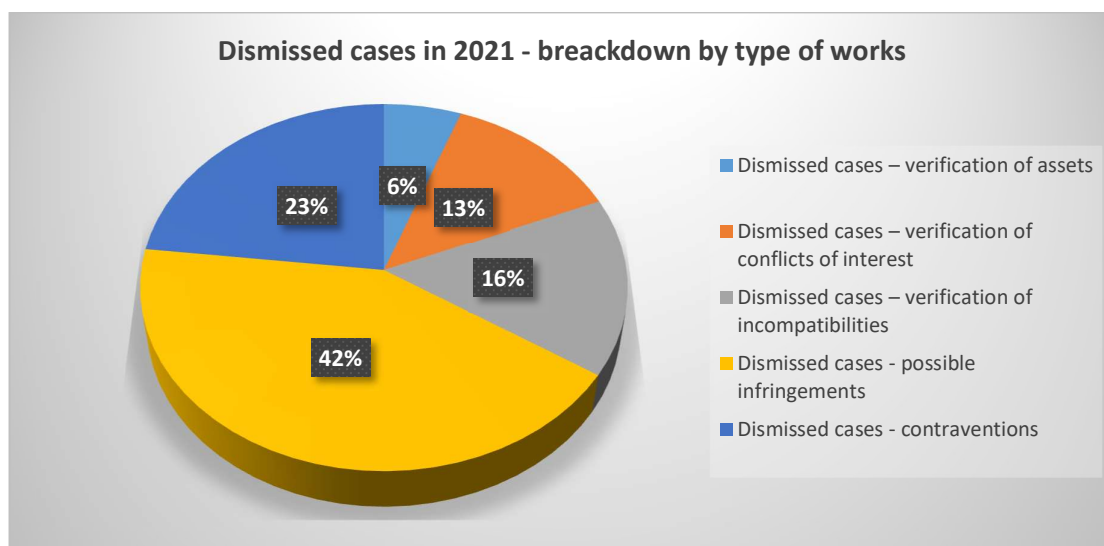
Type of files in 2021 Integrity Inspection (1 st of January – 31 st of December 2021)	Number of works	Sample size
SETTLED CASES	1.141	20
Settled cases - verification of assets	8	2
Settled cases - verification of conflict of interests	87	3
Settled cases – verification of incompatibilities	96	4
Settled cases – fines	949	10
Settled cases – false statements	1	1
DISMISSED CASES	3.102	20
Dismissed cases – verification of assets	175	3
Dismissed cases – verification of conflicts of interest	402	4
Dismissed cases – verification of incompatibilities	485	4
Dismissed cases - possible infringements	1.322	5
Dismissed cases - contraventions	718	4
CASES IN PROGRESS	4.706	20
Cases in progress – verification of assets	585	3
Cases in progress – verification of conflicts of interest	739	5
Cases in progress – verification of incompatibilities	529	2
Cases in progress - possible infringements	1.838	5

Cases in progress – contraventions	1.015	5
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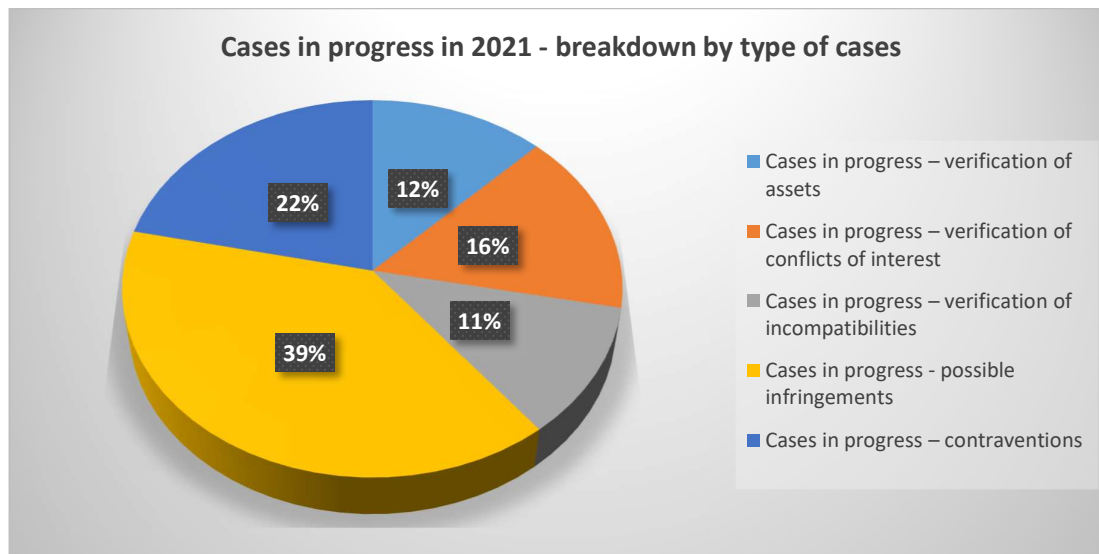
During 2021, the breakdown of settled cases by type of files is presented in the diagram below, noting a percentage of 83% having as objective fines:



As for cases dismissed during 2021, 23% of the total refer to contraventions and 42% refer to dismissed cases related to possible infringements, as presented in the diagram below:



At the end of 2021, the distribution of cases in progress by type of works is presented according to the figure 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 2021, we analysed the workload level per inspector. Here are our findings:

- ✓ The average number of files evaluated by each inspector is approx. 19 files
- ✓ The average number of notifications elaborated as part of their works is 454 addresses per inspector
- ✓ The average number of fines reports (possible infringements) is 17 reports per inspector;
- ✓ The average number of possible infringements reports(contraventions) is 30 reports per inspector;
- ✓ The average number of dismissal reports prepared is 89 per inspector.

Compared to 2020, in 2021 there is an increase in the number of works performed by inspectors of Integrity Inspection, from 4,915 files (solved, filed, in progress) in 2020 to 8,955 files in 2021, accounting for an 82% increase of the number of files processed. The number of integrity inspectors has been relatively constant during the year 2021. At the end of 2021, 45 integrity inspectors were part of the Integrity Inspection team.

During 2021, in accordance with the 2021 Activity Report, the activity of integrity inspectors focused on the following aspects:

- ✓ finalizing of a number of 1,329 files and identifying 96 cases of incompatibility, 58 cases of conflicts of interests and 8 cases of unjustified differences between wealth and

- realized income; 36 cases related to findings of indications regarding criminal acts being committed by 33 persons (conflict of interests with criminal content, the abuse of entrusted power for private gain)
- ✓ enforcement of 950 contraventions, for failure to submit assets and interests declarations within the term provided by law, non-application of disciplinary sanctions, as a result of final evaluation reports, etc.;
 - ✓ settlement of 4,119 petitions made, either on paper or by e-mail by, by citizens or organizations;
 - ✓ analysing, in terms of income confidentiality, 4,169 declarations of assets;
 - ✓ registration of 1,757 possible contraventions for non-compliance with assets and interests declarations submission procedure, 2,526 declarations were analysed;
 - ✓ providing clarifications on assets and interests declaration completion and submission procedure, as follows: over 2,000 clarifications provided using the 3 dedicated telephone lines; 659 clarifications provided over email, using the dedicated e-mail address;
 - ✓ involvement of 6 integrity inspectors in projects financed from non-reimbursable external funds (the LINC project – during the month of January 2021 and the EMOD project - throughout 2021);
 - ✓ training, as part of 5 training sessions, 349 persons responsible for implementing legal provisions regarding assets and interests declarations as, as well as depositors from public authorities and institutions, with regards to digitalization of the process of filing assets and interests declarations and the legal regime of incompatibilities and conflicts of interest;
 - ✓ participation, as lecturers, in 9 training sessions in the field of prevention and fight against corruption and transfer of good practices between teams of practitioners (prosecutors, judicial police officers, prevention officers); such training sessions were organized by the General Anticorruption Directorate as part of the Integrated Development Project anti-corruption tools - ANTICOR_INT, which involved participants attendance both through online and onsite (Tulcea, Piatra Neamț, Târgu Mureș, Alba Iulia, Târgu-Jiu, Bucharest, Cluj Napoca);
 - ✓ supporting two internship programs for students from the University of Bucharest - Faculty of Law; internships duration was of 3, respectively 2 weeks;
 - ✓ participation in other 13 national and international events, in the field of public integrity;
 - ✓ participation of 15 integrity inspectors in training/professional development programs.

In consideration of the situation generated by the COVID-19 pandemic, at the level of the Integrity Inspection a new operational procedure was elaborated in 2021, regarding the activity performed by inspectors in telework / work from home conditions, during the state of emergency / alert periods (PO - II - 17).

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 regarding the supervision of the activity of integrity inspectors (PO – II -14).

As a result of the verifications performed on the activity of the 4 integrity services with reference to the year 2021, as well as on the sample of specific files, we did not identify any deficiencies.

Follow up on the remediation of the findings identified as part of audit engagements performed period prior to year 2021:

The following deficiencies have been **remedied**:

- *Procedural acts 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 file redistribution was not performed;*

Following the examination of the sample selected for 2021, we did not identify any files in which the procedural documents drawn up exceed a period of more than 30 days from the date of distribution.

Heads of Services, including the General Manager of the Integrity Inspection, monitors at least once a month work status of files assigned to integrity inspectors. The National Integrity Agency has been operational for 15 years, carrying out the evaluation activity regarding the conflicts of interests and incompatibilities since 2003, and the evaluation activity of the wealth files since 1996. The evaluation activity, especially in the case of evaluation of assets, involve a long period of analysis and evaluation, as required by the level of complexity and the time effort required to carry out the evaluation activity (eg the evaluation activity for a wealth file can be carried out for a period of 20 years). This fact may lead to the situation in which some works are performed for a long period of time, however this does not impact the Integrity Inspection's activity.

Also, one of the main functionalities provided by SIMIDAI application is to strictly prioritize inspection works in consideration of the 3-year legal deadline, as provided by art.11 and art. 25 of Law 176/2010.

- *The proposal-to-sanction report was not prepared, which results in dismissal of the offence (ie outside the statute of limitation of 3 yrs).*

Based on our verifications performed on the sample represented by possible contravention files, we found no delays in preparing reports regarding proposals for sanction; the procedural deadline of 6 months starting from the deadline for submission of assets and interests declarations (15.06.2021) was not exceeded.

The e-DAI online platform was launched in May 2021, which enabled digitization of the process of completing and submitting assets and interests declarations. Through the new mechanism the entire process of completing, signing, submitting and publishing declarations has been digitalized. The e-DAI platform will allow generation of real-time alerts for any violation/offence in the process of completing, signing, submitting assets and interest declarations.

The information inserted in the e-DAI module will allow integrity inspectors to issue reports and apply sanctions, if required, within a very short timeframe, since mailing, physical storage and manual verifications will be eliminated.

The following deficiencies were **partially remedied**:

- *The reminders were not drawn up and sent to the institutions that failed to respond to ANI's initial letters in the procedure term of 30 days;*

As a result of our verifications on the selected sample, we did not identify any cases in which reminders were prepared or sent with delay. For the sample verified in 2021, we have observed compliance with the procedural provisions regarding the deadline for sending reminder addresses. Such addresses were sent, where appropriate, within 30 days. Furthermore, integrity inspectors also contact the institutions in question by telephone, in order to streamline the process of obtaining the required information, the conversation being materialized in telephone conversation reports in which the status of the response is reported as communicated, without affecting the evaluation activity.

- *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 compliance social distancing measures imposed by the COVID-19 pandemic. On top of that, the database could not be accessed from home or from other remote location. Also, the supervision process performed by the heads of the 4 services is carried out by extracting information from SIMIDAI and manually processing the information in order to generate different statistics. Moreover, heads of services are allocated, in addition to the activity of supervision and monitoring of inspectors, the same number of files as to an integrity inspector. This has a direct impact on the quality of monitoring the inspectors works which can register delays in issuing procedural documents and such delays remain unaddressed.*

Based on our verifications performed on the sample selected for 2021, we found no delays in issuing procedural documents. Once the SIMIDAI application will be based new allocation algorithms, the number of files distributed to the heads of services will be significantly lower compared to those assigned to inspectors, so as to allow the allocation of 75% of their time to the management aspects and inspector's work supervision. The SIMIDAI application is expected to be fully implemented by June 2022.

- *Lack of a high-performance IT system allowing inspectors to prevent the intervention of the 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 warning messages.*

Considering the high impact, on the evaluation activity, of the two deadlines provided by articles 11 and 25 of Law no. 176/2010, the system of frequent alerts for integrity inspector was integrated into the new SIMIDAI application, and will be functional starting with June of 2022. Such alerts will also be viewed by heads of services and service directors. This aspect was also integrated as an objective in the performance evaluation reports for integrity inspectors, for 2022. Performing evaluation activities in violation of the two legal deadlines will have significant impact on the final scoring of inspectors' performance.

- *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*

generates negative impact on the supervision process. Also, there is no differentiated distribution of files, the heads of services, in addition to the activity of supervision and monitoring of inspectors, are being allocated the same number of files as to integrity inspectors.

Based on the new allocation algorithms provided in the new version of the SIMIDAI application, the heads of four services will have a significantly smaller number of works assigned compared to that of the service inspectors, so as to allow the allocation of 75% of their time to management aspects and supervising inspectors' work. Inspectors work monitoring will be performed exclusively using the SIMIDAI application, expected to be fully implemented by June 2022.

- *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 councillors during representation before courts of law, in case of contested cases), the level of vacancies at the level Integrity Inspection being over 50% at the end of 2020.*

During 2021, a testing competition was organized for 2 vacant integrity inspector positions (assistant and principal levels), between the 31st of May 2021 and the 22nd of July 2021. Following the competition, only the assistant level integrity inspector position has been filled.

We recommend organizing the competitions, with priority, in consideration of the large number vacancies still registered at Integrity Inspection Department level. According to the discussions with the director of the Integrity Inspection, the limited number of positions open for competition in 2021 was also due to the lack of necessary office space allocated to Integrity Inspection. We recommend initiating with high priority the process of identifying new office spaces in order to ensure that the inspectors work in optimal conditions.

- *Constant legislative changes impact negatively the activity carried out by integrity inspectors. With the occasion of each legislative change integrity inspectors must identify the files in their portfolio that could be affected and to prioritize files so as to reduce the impact on the activity of the National Integrity Agency.*

During 2021, a grant application was submitted for the project "NIAct - Updating integrity legislation and providing support to authorities and depositors in the transition to digital assets and interests declarations", funded through the Operational Programme Administrative Capacity. The project objectives are as follows:

- ✓ Updating the legal framework for preventing and sanctioning conflict of interest, incompatibilities and unjustified assets;
- ✓ Supporting public authorities and institutions in order to optimize the process of electronic submission of DA / DI and the development of unitary procedures;
Developing specific know-how for persons from the public institutions designated as responsible for the process of completing and electronic submission of assets and interests declaration, through the e-DAI system.

The financing contract for this project was signed in February 2022. The project will enable update and unification of the legislation governing the legal regime of incompatibilities, conflicts of interest and unjustified assets.

The following deficiency **was not remedied**:

- *Lack of adequate workspaces, which could allow the integrity inspector to organize, store and manage files so as to minimize the risk of not meeting the deadlines provided in art. 11 and art. 25 paragraph (5) of Law no. 76/2010.*

During 2021, no new workspaces were identified, that would facilitate the development of ANI's activity, although steps have been initiated in this regard. The lack of adequate work space for integrity inspectors to carry out activities, is not the sole reason, but one important one impacting the efficiency of the activity of the inspectors and determines the low occupancy rate at Agency level, below 51% at the end of 2021. We recommend management to accelerate the process, in order to identify new workspaces.

5.2.2 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 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 Agency's internal regulatory framework, the Operational procedure for preventing conflicts of interest in the process of awarding public contracts (PO-II-15), revised in 2021, is the one that defines the process of verifying public procurement procedures initiated through the electronic public procurement system, in order to prevent conflicts of interest and other suspicions of irregularities.

Thus, in view of evaluating the management actions within the Analysis and Prevention Department, a sample was selected based on the following procedure, agreed upon with ANI's management:

- ✓ a request was made for the statistics regarding all public procurement procedures published in SICAP, that were automatically transmitted to PREVENT system in 2021, which were subject to verification by integrity inspectors
- ✓ the size of the sample subject to analysis was determined;

- ✓ the sample of procedures subject to testing was randomly selected.

Based on the methodology presented above, a sample of **5** public procurement procedures resulted, corresponding to a number of **26** public procurement procedures which were part of the verification performed by the Analysis and Prevention Department in 2021 and for which the PREVENT system has generated a notification of the existence of a potential conflict of interest (out of the total 26 integrity warnings, 4 were issued under the same procurement procedure). It should be noted that throughout 2021, the total number of procurement procedures that were introduced under the PREVENT system was **7.803** 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 as well as based on the functionality of the PREVENT system.

We have analysed the content of the specific operational procedures, regulating the verification of procedures initiated through the public procurement system, in order to understand specific workflows and internal processes at the level of the Analysis and Prevention Department and to determine relevant criteria for stratifying the sampling base. Through interviews with the head of the Analysis and Prevention Department, we were able to analyze the level of compliance of workflows against the existing internal procedural framework, in 2021.

At the level of year 2021, as a result of the verifications performed on the activity performed by the Analysis and Prevention Department, as well as on the sample of specific works, we did not identify deficiencies.

Follow up on the remediation of the findings identified as part of audit engagements performed period prior to year 2021:

The following deficiencies have been **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.*

The tools for monitoring the activity of the Analysis and Prevention Department are defined in the *Operational procedure for preventing conflicts of interest in the process of awarding public contracts (PO-II-15)*, reports used are correlated with the activity carried out at department level.

Thus, following the evaluation of the activity carried out in 2021 by the Analysis and Prevention Department, we observed the existence and submission of reports generated for 2021. Information on the results of the PREVENT system in 2021, as well as information on the results of the PREVENT system for each quarter of 2021, were published on Agency's website. Such reports are mandatory in accordance with the provisions of art. 14, paragraph (1) and para. (2) of Law no. 184/2016, as follows:

- "(1) ANI publishes, on a quarterly basis, on its website, analyzes and statistics on the results of the mechanism for preventing conflicts of interest in public procurement procedures;*
- (2) The prevention system operates with data collected from SEAP integrity forms and with the necessary information managed, according to the law, by the Directorate of Personnel Records and Database Administration within the Ministry of Internal Affairs and the National Trade Register Office."*

In addition, during 2021, the *"Operational procedure for preventing conflicts of interest in the process of awarding public contracts (PO-II-15)"* was updated on 10.12.2021, by including new provision regarding reporting frequency, as follows:

- Point 5.5.12. *"In the situation regulated under art. 14, para. (2) of Law no. 184/2016, in this case on a quarterly basis, as well as whenever required and exclusively in electronic format, in the sense that reports related to analysis and statistics are to be presented on Agency's website, respectively transmitted to other interested institutions, as case may be."*

During 2021, reports were presented in accordance with procedural provisions and the legislation in force, and the PREVENT system allows users to generate reports, in the sense of reporting on the procedures entering the analysis of the PREVENT system, broken down by procedures without lots, respectively independent procedures with lots, respectively procedures on national and / or Community (European funds).

- *PREVENT system's interface does not have enabled the 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, even 3 years after its presumed constitution.

The technical facilities for access and storage at Agency level are available and used by the employees of the Department, which leads to an increase in the efficiency of the interogation process, and the archived procedures can be easily viewed by PREVENT Department employees (e.g., by using the reporting tool provided by the Investigative Case Management module of PREVENT information system, all the archived procedures for a selected period are viewed instantly).

- *Lack of correlation between the actual practice and procedural requirements as far as deadlines for submitting integrity warnings status information to the Directorate for Communication, Public Relations and Strategy, information which is being used in order to publish statistics on the results of the conflict prevention mechanism in public procurement procedures, on Agency's website.*

In 2021, the *"Operational procedure for preventing conflicts of interest in the process of awarding public contracts (PO-II-15)"* has been updated in order to comply with the recommendations regarding the implementation of a management and monitoring system at Integrity Inspection level, allowing internal reporting from Analysis and Prevention Department to the Communication, Public Relations and Strategy Directorate (CPRD), by including new provision regarding the transmission of the integrity warnings reports to CPRD, as follows:

- Point 5.5.12. *"In the situation regulated under art. 14, para. (2) of Law no. 184/2016, in this case on a quarterly basis, as well as whenever required and exclusively in electronic format, in the sense that reports related to analysis and statistics are to be presented on Agency's website, respectively transmitted to other interested institutions, as case may be."*

Following our analysis of reports submitted during 2021, we did not find any deviations from the procedural provisions, the reports being sent to CPRD in accordance with the legal deadlines (at least quarterly) or whenever they were requested by email by CPRD.

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

Following our analysis on the selected sample represented by integrity warnings sent in 2021, respectively 5 integrity warnings, there were no situations of delay regarding the issuance, validation and transmission of integrity warnings. Integrity warnings were transmitted in compliance with the procedural deadline of maximum 3 working days from their issuance / generation. Also, as resulting from discussions, the collaboration with ADAR (Agency for the Digital Agenda of Romania) in 2021 was carried out properly, with no situations of delay in the transmission of integrity warnings from the PREVENT system. Collaboration protocols concluded by ANI with ADAR and NAPC (National Agency for Public Procurement) establish the cooperation between institutions in the provision of eGovernment services through SEAP and include the joint actions of the institutions involved, in order to establish a conflict prevention mechanism, as part of the procedure for awarding public contracts.

- *Remedial measures undertaken by contracting authorities were not in line with the provisions of art. 8 (2) Law 184/2016*

In order to prevent conflicts of interest, the PREVENT system automatically generates integrity warnings, according to the legal provisions, for the type of relationships in which the persons within the Contracting Authority have the obligation to complete and submit assets and interests declarations. The system also generates warnings with regards to relationships/irregularities, identified and initiated by the integrity inspectors, exclusively for the type of relations in which the persons within the Contracting Authority do not have the obligation to complete and submit the assets and interests declarations and, implicitly, to which provisions of Law no. 176/2010 are not applicable.

During 2021, the *"Operational procedure for preventing conflicts of interest in the process of awarding public contracts (PO-II-15)"* has been updated.

In 2021, following the verification of integrity warnings included in our sample, we have identified that, in case of one procurement procedure for which an integrity warning was issued, the Contracting Authority ordered measures to resolve the conflict of interest (respectively the replacement of the subcontractor found in a situation of conflict of interest), based on the integrity warning issued, in advance, by ANI, and forwarded to NAPC. No situations were identified, within the verified sample, in which the Contracting Authority did not take measures based on the integrity warning and, thus, there were no cases in which the National Integrity Agency proceeded to apply

art. 9 of Law no. 184/2016, respectively by elaboration of Notification with a proposal for notification ex officio, exclusively after the completion of the procurement procedure and exclusively regarding the persons affected by the provisions of Law no. 176/2010.

5.3 Legal, Public Relations and Communication General Directorate

5.3.1 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 institution's defences before courts of law and on representation of the Agency before courts of law. However, in the alternative, in situations where legal advisers that 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 183 legal files that were instrumented by legal advisors during 2021, database which 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, we have randomly selected a number of 10 legal files, taking into consideration the inclusion of at least one legal file per case type.

5.3.2 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 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, 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 2589 requests registered in 2021 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.

The physical presence of legal advisers in the court was necessary, in the following two situations, for all other cases, ANI requesting trial *in absentia*:

- ✓ In all cases pending before the High Court of Cassation and Justice, the Bucharest Court of Appeal, as well as in cases that may set a precedent for judicial practice.
- ✓ In courts of law outside Bucharest, in cases involving the identification of significant differences (as a result of the evaluation of assets declarations, data and information on existing assets, as well as significant patrimonial changes during the course of public office or public dignity exercise)

In conclusion, at the level of year 2021, by analyzing the procedural framework and the degree of compliance in relation to it, based on the selected samples, we did not identify any deficiencies.

Follow up on the remediation of the findings identified as part of audit engagements performed period prior to year 2021:

The following deficiency was **remedied**:

- *The procedural framework is not correlated with the operational flow used in practice by legal counsellors in the Contentious Department, as follows:*
 - ✓ *Statements of defence prepared by legal advisers and subsequently sent to court are not dated, as required by provisions of the operational procedure.*

However, the date when statements of defence are being drafted has no relevance in terms of verifying compliance with court deadlines for transmission of communications to court. The date mentioned 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, we identified situations of non-compliance with operational procedures with regards to not mentioning the actual drafting date on the statement of defence.

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

As common practice statements of defence are being 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, documents are being mentioned in a correspondence registry, with the signature of the appointed legal advisor.

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

In 2021, on the 24th of December, *Operational Procedure on drafting of documents and the representation of ANI before courts of law (PO-01/ D.G.J.R.P.C.)* has been revised.

The recommendation regarding the revision of the requirement to register documents representing the institution's defenses before the courts in the records of the structure, in order to eliminate double registration (in the legal files registry and in the electronic database of the legal secretary) has been implemented. The registration of documents it is performed, according to the new procedure, in the electronic database of the legal secretary. The documents regarding the defenses of the institution before courts of law are communicated courts through the General Registry of the institution, a takeover report being issued (excel document) which constitutes the confirmation of their handover. The General Registry of the institution sends the confirmation of transmission of correspondence in the case of documents sent by civil mail, respectively confirmation of receipt of the registered letter.

With regard to the removal of the requirement for legal advisors to write the date corresponding to the preparation of the counterclaim on the respective document, this recommendation is no longer applicable as the dating of the counterclaims is a requirement used by the management for monitoring the work performed by legal advisers, more specifically, while drafting documents to be presented to courts.

The following deficiency was **partially remedied**:

- *Number of legal advisors is insufficient for the workload.*

In December 2021, the cumulative staff structure for both departments, the Contentious Department and the the Advisory Services and Legislation Department, includes 18 positions (13 positions occupied by civil servants - legal advisers, including

management positions and 5 vacancies - out of which 1 is temporarily vacant). According to the information provided by the General Manager of LPRCGD, legal advisers in the Advisory Services and Legislation Department are frequently involved in activities that normally fall within the attributions of legal advisers in the Contentious Department and vice versa, the staff proving to be often insufficient to address the current workload. Filling out vacancies would facilitate the development of the activity of the two departments in optimal conditions and would ensure the segregation of tasks and types of works between the two departments.

5.3.3 Communication, Public Relations and Strategy Directorate

Communication and Public Relations Department

Communication and public relations of the National Integrity Agency are 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, published in the Official Gazette on May 7, 2018.

We proceeded to verify the conformity of the practical activity of CPRD with the provisions of operational procedures, 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 for elaborating answers to the requests formulated based on Law 544/2001;
- ✓ Compliance of press monitoring activities with the provisions of the operational procedures applicable to this process.

Regarding the process of elaborating the answers formulated based on Law no. 544/2001, we performed the following procedures:

- ✓ we selected from the "Register of requests made under Law 544/2001", a sample of 10 requests out of the total 55 requests for public informations registered in 2021 in order to verify observance of deadlines set out in the applicable operational procedure;
- ✓ verified the existence of the mandatory public information, on Agency's website, in accordance with Law no. 544/2001.

To test the press monitoring process, we selected 5 days out of the total working days of 2021, for which we checked whether the press monitoring activity was carried out in accordance with the provisions of the operational procedure.

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 observance of legal deadlines.

Also, we obtained ANI reports to the Ministry of Justice with regards to the result of the evaluation on Agency's progress under the Cooperation and Verification Mechanism (CVM), in the context of the European Commission's assessment of significant

developments related to the "Rule of law", as part of National Anticorruption Strategy, as well as G.R.E.C.O. reports.

Regarding the implementation of the Short-Term National Integrity Agency Strategy (2020 - 2021), we evaluated the process of implementing the action measures out in order to achieve the strategical objectives. A detailed analysis of the progress registered in implementing actions set-out as part of the Short-Term National Integrity Agency Strategy (2020 - 2021) can be found in **Annex 1** to this report.

In 2021, following the evaluation of operational procedures and based our verification methodology no deficiencies were identified with regards to the activity of the Communication and Public Relations Department.

Follow up on the remediation of the findings identified as part of audit engagements performed period prior to year 2021:

The following deficiencies were **remedied**:

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

In 2021, as a result of the tests performed on the sample of 10 responses formulated to the requests for information of public interest under Law 544/2001, we did not identify exceedances of the maximum term of 30 days.

At the same time, as a result of our evaluation of the Agency's activity for the year 2021, we propose the **elimination of the following observation**, and implicitly of the associated recommendation, that was formulated in the previous years because we consider that it is no longer applicable:

- *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.*

The Agency's Integrity plan, established in order to implement the National Anticorruption Strategy 2016-2020 is no longer applicable, since the strategy was elaborated for the period 2016-2020. In accordance with the National Anticorruption Strategy 2021-2025, approved by Government Decision no. 1269 of December 17, 2021, ANI defined the Agency's Strategy for the period 2022-2025, which continues the strategic lines undertaken under the Strategy for preventing and sanctioning conflicts of interest, incompatibilities and unjustified assets (2016 - 2020) and the Short-Term National Integrity Agency Strategy (2020 -2021).

Implementation of Structural Funds, Studies and Strategies Department

In consideration of 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 provisions of operational procedures.

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

- ✓ Analysis of the activities carried in this department, in 2021;
- ✓ Understanding the management methodology for these projects which are being financed from non-reimbursable sources and implemented at Agency level;
- ✓ Defining the management process related to identifying national and / or external financing sources;
- ✓ Identification of possible risks in relation with various areas of activity in order to increase the efficiency of activities carried out at Agency level.

Following our interview with the head of department, we were informed that during 2021, the activities of the service were performed by only two employees.

The activities of the department included the following:

- ✓ Identification and evaluation of Agency needs for project applications, including preparing the documentation necessary for submitting applications for non-reimbursable external funds;
- ✓ Identification and analysis of opportunities for the application and submission of funding applications for projects, respectively submission of funding applications for projects with funding from non-reimbursable external sources;
- ✓ Maintaining relations with institutional partners with which there are ongoing projects (e.g., Transparency International Romania, General Anticorruption Directorate, etc.).

In consideration of ANI's specific activity and financing needs identified at Agency level, in 2021, ISFSSD team monitored and identified funding opportunities for which funding applications could be submitted and carried out the activity of permanent monitoring of specialized websites ex: <http://poca.ro>, <https://www.fdsc.r/active-citizens-fund>, <https://ec.europa.eu>.

In 2021, the team's efforts were focused on submitting funding applications for the following projects:

- ✓ the project "NIAct - Updating integrity legislation and providing support to authorities and depositors in the transition to digital assets and interests declarations ", SIPOCA code 1158, submitted in October 2021;
- ✓ the project "qAID: A methodology on how to measure the impact of asset and interest disclosures systems in MSs", submitted by the National Integrity Agency in the call for projects Internal Security Fund-Police (ISFP), on the European Commission platform managed by DG Home, in February 2021;
- ✓ the project "Together for a Digital Community", a project funded by the Foundation for Civil Society Development (FDSC), Active Citizens Fund Call for projects no. 3, 2nd round of financing, submitted in April 2021, in partnership with Association REPER pentru Management prin Valori;
- ✓ the project "SPOT - Methods for civic monitoring of conflicts of interest", project financed by the Foundation for the Development of Civil Society (FDSC), Active Citizens Fund Call for projects no. 3, 2nd round of funding, submitted in April 2021, in partnership with Romanian Association for Transparency. .

Regarding the funding applications submitted during 2021, for the project *„NIAct - Updating integrity legislation and providing support to authorities and depositors in the transition to digital assets and interests declarations”,* cod SIPOCA 1158, the financing contract was signed in February 2022, the project being under implementation since that date.

The funding application submitted on European Commission platform managed by DG Home, has been rejected, mainly due to the fact that the project did not score enough points as a result of the funding application evaluation process, e.g. criteria such as *Relevance and Added value* receiving a low score. For the other 2 funding applications, submitted as part of the project organized by the Foundation for Civil Society Development (FDSC), which were not selected for funding, it was found that the issue of corruption was not one of the priorities in awarding these grants intended for civil society's benefit.

During 2021, the efforts of the ISFSSD team were also focused on strengthening institutional cooperation with different public authorities in order to develop the National Recovery and Resilience Plan. Under this project ANI has been appointed as coordinator of several reforms and / or investments, and will also have the quality of Beneficiary for three other projects that correspond to Pillar II - Digital Transformation, from Component 7 - Digital Transformation. These 3 projects's objectives are developing the PREVENT system, developing Agency's technical capabilities to take over and process assets and interests declarations in digital format, as well as designing a digital awareness and prevention platform for the legal integrity framework.

Through the Operational Programme Administrative Capacity, since 2018, ANI 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", in partnership with Transparency International Romania. In February 2021 the LINC project was completed and the objectives of the project were met, as follows:

- ✓ Training more than 390 people in the field of corruption prevention, transparency and integrity;
- ✓ Elaboration and dissemination of 3 unitary procedures for the prevention of corruption incidents, respectively 2 system procedures and an operational procedure were elaborated;
- ✓ Develop a public policy document on the integrity standards applicable to Members of Parliament and candidates in parliamentary elections.

Another project currently implemented at Agency level is *"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",* whose implementation period was extended due to delays in the procurement procedure for "Integrated platform implementation (advanced analysis), IT system integration services and machine learning algorithm implementation services".

The benefits of the EMOD project are as follows:

- ✓ Simplifying the process of completing and submitting assets and interests declaration electronically (historical access, remote transmission, dedicated mobile applications, documents can be accessed from phone, tablet);
- ✓ Easier to use forms (pre-completion, automation);
- ✓ Reducing the time for submitting declarations of assets and interests at ANI;
- ✓ Increased security (ensuring data and information protection);
- ✓ Transparency and public accountability (reducing publication times, meeting deadlines);
- ✓ Increasing data quality (preventing errors made by asset and interests declarations depositors).

ISFSSD team also provided support to various national or international authorities, in submitting projects as the Agency expressed willingness to provide experts necessary for project implementation.

In addition to department's specific management tasks, the head of department was involved in several activities, as follows:

- ✓ Ensuring the technical secretariat within the Monitoring Commission of the Internal Management Control System. at Agency level;
- ✓ Reporting to the Ministry of Foreign Affairs, as part of the European Semester;
- ✓ Monitoring and implementation of action measures provided in the National Anticorruption Strategy, included in Agency's Short-Term Strategy.

Following verifications performed on these activities for 2021, the following **new deficiency was identified**:

- *The workload load for ISFSSD team is high and is determined by the considerable volume of activity performed by only two hired employees; at the end of 2021, out of the total of 9 positions approved for this structure, 7 are vacant.*

Follow up on the remediation of the findings identified as part of audit engagements performed period prior to year 2021:

The following deficiencies **were remedied**:

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

Following the rejection of 3 funding applications submitted by ISFSSD in 2021, the analysis of the reasons that led to their rejection has been carried out as resulted from the Explanatory Notes prepared. The funding application submitted through the European Commission platform managed by DG Home, has been rejected, mainly due to the fact that the project did not score enough points as a result of the funding application evaluation process, e.g. criteria such as *Relevance and Added value* receiving a low score. For the other 2 funding applications, submitted as part of the project organized by the Foundation for Civil Society Development (FDSC), which were not selected for funding, it was found that the issue of corruption was not one of the priorities in awarding these grants intended for civil society's benefit.

- *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.*

During 2021, the Implementation of Structural Funds, Studies and Strategies Department started procedures for obtaining non-reimbursable external financing, the efforts being concentrated in several directions, such as financial allocations from the National Recovery and Resilience Plan, as well as from the Operational Programme Administrative Capacity (OPAC).

However, following the submission of the funding application for the OPAC funded project, SIPOCA code 1158 / MySMIS2014_152674, in which case the project has been approved, the ISFSSD employees involved in preparing the funding application were also included in the project implementation team, as project manager and monitoring expert, in accordance with the Order no. 2447 / 31.01.2022 of Agency's presidency, regarding the appointment of the project team for the project "NIAct - Updating the legislation in the field of integrity and offering support to the authorities and depositors in the transition to the digital declaration of assets and interests".

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

From our discussions with department representatives and in consideration of numerous funding applications submitted in 2021, we have observed that funding opportunities monitoring activities are performed on a daily basis, by permanently accessing profile sites and analyzing calls for project's eligibility criteria and alignment with ANI objectives. The Agency has offered support for the implementation of 3 projects submitted by other national or international authorities, including also several of its own experts.

- *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.*

The system procedure regarding the development of projects financed from non-reimbursable external funds and from the National Recovery and Resilience Plan (Code PS21), was under elaboration process at the end of 2021. In 2022, during our audit mission, the PS21 system procedure has been approved by the President of the National Integrity Agency and entered into force. Provisions of the system procedure describe all steps to be followed as part of non-reimbursable projects management and implementation.

5.4 Information Technology, Procurement, Investment and Logistics General Directorate (ITPILGD)

5.4.1 Information Technology Department (ITD)

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 ITD 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 operates.

Following the verifications performed related to the 2021 activity, no **new observations** were identified.

Follow-up on the extent to which the findings identified in the engagements prior to year 2021 were addressed:

The following deficiencies were **remedied**:

- *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 2021, monthly backups performed by ITD on external hard drives, both for support systems (Active Directory, Domain controllers, NTP server, Ticketing, Access Control, Spam Filter, SAP ERP / IndSoft ERP, File share, etc.) and for applications utilized at Agency level, were temporarily kept in the Agency office location on Mihai Eminescu Street.

The space in which the backups are being stored benefits from security measures similar to those existing in the server room located at Agency's headquarters. Thus, the access to the room where the backups are being stored benefits from video monitoring system and access is granted based on access cards.

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

During 2021, we observed compliance with the provisions of procedure PO-STI-06 Information continuity management while testing information continuity by restoring backups for the following systems:

- | | | |
|-----------------------|----------------------------|------------------------|
| ✓ INDSOFT/SICO Server | ✓ Proxypass Server | ✓ AZURE Server |
| ✓ INDACO Server | ✓ NTP Server | ✓ BMC Server |
| ✓ Domain Controller | ✓ mail spam Server | ✓ Acces control Server |
| ✓ Mail Exchange | ✓ Internal chat Server | ✓ Ticketing Server |
| ✓ Monitoring systems | ✓ Fileserver | ✓ DMS Server. |
| ✓ Server management | ✓ Windows update
Server | |

- *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.*

During 2021, server rooms were equipped with an access control system which limited access exclusively to ITS staff. As for the server room located Agency's headquarter's ground floor, the automatic access control system, mounted on the unsecured front door, has been moved in accordance to recommendations.

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

During 2021, user account management has been operated consistently and a matrix of roles was developed, assigning access rights to applications for each function at Agency level in compliance with "least privilege" and "need to know" principles.

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

During 2021, the Agency implemented a Jumpserver (Apache Guacamole) system that manages, logs in and monitors the activities of service providers when they connect remotely.

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 for continuation of activities, should the head office location become unavailable.*

During 2021, the Agency developed a System Procedure for Ensuring Business Continuity Management and Business Development Plan was developed by ITPILGD. However, [1] The procedure for implementing a disaster recovery location has not progressed, a secondary location was not available at the time of the audit. [2] No measurable impact on the Agency's work has been assessed relation to activities carried out, and no specific indicators have been identified such as: Recovery Time Objective (RTO) and Recovery Point Objective (RPO). [3] The Agency did not define a Disaster Recovery Plan containing relevant information on: the list of persons involved and their contact details (name, address, telephone number, etc.) and the order in which these persons must be contacted; a detailed list of the software required and settings to be made, as well as a set of instructions for installing and configuring this software; detailed database restoration procedure; data connections (local network and internet) as well as settings and instructions on their configuration.

- *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 2021, in the event that an employee has left the organization, following a ticket initiated by the head of department or Human Resources Department, ITD deactivated the respective employee's user account in all computer systems. During 2021, the IT department reviewed all users with access to Active Directory. The only applications which are not integrated with AD are Jurisprudenta and SICO. User administration is performed by software developers who receive reports from end users - software owners regarding deleting accounts or creating new accounts. However, we did not find

any evidence to confirm and ensure traceability of the users review process. Moreover, the users review process, as defined by internal regulations, only refers to users defined in Active Directory and does not cover user reviews for other Agency's applications which are not integrated with Active Directory (Jurisprudenta and SICO).

- *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 the use of such accounts.*

During 2021, we observed the existence of generic user accounts with acces to computer applications / systems (incl. Active Directory). Details of the purpose of these generic user accounts were available only for some of them. However, we did not identify a formalized register of these generic user accounts, approved by management, specifying for all of them, who has acces to these generic user accounts and what they are being 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.*

During 2021, the Agency implemented a new IT Service Management tool (BMC Footprints) which is being used in the change management process. As for changes made to IT systems and services, change requests were prepared according to the Operational Procedure on change management. However, we have not identified the formalization of some steps in the operational procedure such as: Notification from the change request initiator to the person responsible the implementation, regarding the approval of the change request; Acceptance tests and documentation of changes performed.

- *Privileged accounts management - A number of users with administrator rights have been defined at the Agency for applications 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 2021, the Agency implemented a Jumpserver for proper control and monitoring of privileged users' rights exercised by providers. In addition, descriptions of the purpose for which they were created have been added for some generic accounts, and generic and privileged accounts have also been part of then Active Directory user review process. However, the review of privileged users was not carried out in accordance with the provisions of the Operational Procedure on User Account Management and we did not identify any evidence confirming the traceability of this process, so as to ensure the Agency that all privileged accounts are associated with a nominal user account.

- *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 2021, the backup process for the applications used by the Agency and for the supporting IT systems has been performed by copying to external hard drives without using specialized software and without involving an efficient monitoring process that would generate alerts in case errors, or to certify, by automated methods or by 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 2021, the Agency had contracts for IT services, assistance, technical support and maintenance with suppliers, in order to ensure maintenance of Agency's systems and applications. However, we identified the fact that, during the year, there were also periods of discontinuity for such IT service, assistance, technical support and maintenance contracts.

- *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 2021, the Agency implemented a number of security solutions that contribute to better monitoring and identification of potential operational and security incidents. Thus, during the year, a solution for monitoring the IT infrastructure, a vulnerability management solution and a new ticketing system were entered production phase. However, we have not identified the existence of a centralized register of operational or security incidents, formalizing all errors and operational incidents and information security incidents during 2021.

The following deficiencies **were not remedied**:

For the following observations categorized as "not remedied" at the end of 2020, no progress has been identified during 2021, so as to change their classification:

- *DMS system administration - Responsibilities related 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.*

In 2021, the DMS system is in the end-of-life phase, therefore it no longer receives technical support. Moreover, the system has not been decommissioned in previous years, the decommissioning and replacement plans being repeatedly postponed. At present, this process is planned for 2022.

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

We noted that, prior to 2021, the backup process was not performed consistently for all systems and applications used in the Agency. Thus, due to lack of dedicated equipment and necessary storage space, the backup process was not performed for critical applications of the Agency (e.g., SIMIDAI, Prevent, etc.). During 2021, due to budgetary constraints, the recommended steps were not implemented and were

postponed by the Agency for 2022. The investment plan includes the purchase of additional storage which would allow proper performance of the backup process.

➤ *Lack of fire extinguishing systems*

Before 2021, 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. During 2021, due to budgetary constraints, the recommended measures were not implemented.

➤ *Insufficient staff in the Information Technology Department*

Before 2021, we observed that, although there are eight positions in the Information Technology Department, all these positions are vacant. During 2021, one person was hired, recommended measures not being fully implemented.

General Registry and Archive Department

The General Registry and Archives Department (hereinafter "GRAD") reports to the General Manager of Information Technology, Procurement, Investment and Logistics General Directorate. The main activities of the GRAD are the registry activity and the archive activity. The main attributions of GRAD are established by the Organization and Functioning Regulation of ANI, as well as by the System procedure regarding Agency's Archive and document management (SP 06 / SCM / ANI) and by operational procedures describing specific flows for this Department.

The general registry ensures the receipt of all correspondence addressed to the Agency, as well as the transmission of Agency's correspondence, at the request of the President and / or Vice-President of the Agency.

The activity of archiving the documents is carried out by a person with appropriate qualification, appointed by Order of the Vice President no. 4572 of March 10, 2020. The activity of archival processing, scanning, conversion, indexing and storage for all declarations of assets and interests, as well as for files settled or dismissed by integrity inspectors, is performed based on service contracts with specialized service providers.

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.

Regarding the archiving activity, we randomly selected a sample of 10 archiving requests for which we verified whether procedural provisions regarding the submission or removal from the archive of the documents were properly observed.

No deficiencies were identified in relation to the activity carried out during 2021.

Follow-up on the extent to which the findings identified in the engagements prior to year 2021 were addressed:

The following deficiency was **partially remedied**:

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

In May 2021, the online e-DAI platform was launched by the Agency. Through this platform persons who have the obligation to declare their assets and conflict of interests fill in and submit asset and interests declarations, in digital format. Asset and interests declarations submitted through the e-DAI platform are archived electronically. No remarkable progress has been made in ensuring an efficient archiving system for files belonging to other ANI structures.

5.4.2 Procurement, Investments and Administrative Department (PIAD)

Procurement, Investments and Logistics Bureau (PILB)

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 2022, which includes 122 entries, we have randomly selected a sample of 10 procurement procedures, as follows:

- ✓ 6 direct purchases,
- ✓ 2 acquisitions by simplified procedure,
- ✓ 1 acquisitions thorough open tender procedure,
- ✓ 1 acquisition by negotiated procedure without prior publication of a contract notice

The sample of direct acquisitions was adjusted from 7 acquisitions to 6 direct acquisitions, compared to the size reported in the Initial Report, by replacing one of the directed acquisitions with a "negotiated procedure without prior publication of a contract notice ". On the date of the initial report one of the acquisition procedures was erroneously placed in the direct purchase category instead of the "negotiated without prior publication of a contract notice" category.

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 ITPILGD/PIAD-PILB representatives, our analysis of the procedural framework and on the testing performed on the selected files in our sample, the following aspects were 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 2021, after analysing the procedural framework and the degree of compliance in relation to it, based on the selected sample we did not identify any deficiencies:

Follow-up on the extent to which the findings identified in the engagements prior to year 2021 were addressed:

The following deficiencies were **partially remedied**:

- *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.*

In 2021, the procedures for the procurement of products/services/works by negotiated procedure without prior publication of a contract notice and the procurement of products/services/works by competitive negotiation under GEO 114/2011, were developed in a preliminary version (draft). However, these procedures were not finalized and approved in 2021.

As part of the preliminary version of the Operational Procedure for the procurement of products/services/works by negotiated procedure without prior publication of a contract notice, the stage of verifying the eligibility of submitted bids against the award documentation has been documented, introducing a verification tool, namely an Evaluation Report signed by all members of the evaluation committee.

- *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.*

Following our discussions with the head of the P.I.A.D.- P.I.L.B., during 2021, all specific procedures have been revised, however such procedures are in preliminary form (draft) at the date of the audit. Procedures are also being revised in accordance with the template provided in SGG Order no. 600/2018, as requested by SGG as a result of the methodological guidance mission carried out in 2021. The operational procedures in preliminary form (draft) have been presented to the audit team.

Among the changes performed in these revised operational procedures, in 2021, we mention the following:

- ✓ *The Operational Procedure "Records and keeping copies of public procurement contracts" (PO 10/S.A.I.A. – B.A.I.L.) was renumbered correctly, changing from PO 10/S.A.I.A. – B.A.I.L. to PO 07/S.A.I.A.– B.A.I.L.;*
- ✓ *In PO 01/ S.A.I.A. - B.A.I.L. "Procurement through "simplified procedure" of products / services / works", a new provision has been included regarding utilization of the Necessity Report form presented in PO 02/ S.A.I.A. - B.A.I.L. and the reference, erroneously mentioned before, to PO 03/ S.A.I.A. - B.A.I.L, has been eliminated.*

During our audit mission, the P.I.A.D.- P.I.L.B. specific operational procedures not yet approved, have been submitted to the management for approval.

- *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.*

Following our discussions with the General Manager of P.I.A.D.- P.I.L.B. we were informed that, during 2021, all specific P.I.A.D.- P.I.L.B have been revised, and were available in preliminary form (draft) at the date of the audit. Procedures revision was organized in order to comply with the template provided in SGG Order no. 600/2018, as requested by the SGG as a result of the methodological guidance mission carried out in 2021.

Modifications have been made also, in order to reflect the activity performed in practice, as follows:

- ✓ A new provision, regarding utilization of a Necessity Report template presented in Annex to the procedure regulating direct purchases, the annex being used for all types of procurement and adapted according to the specifics of each type of procedure;
- ✓ The provision regarding the compulsory documentation of the verification of eligibility criteria by filling in separate Evaluation Forms by each of the members appointed in the Evaluation Committee has been eliminated; a new procedural step has been included, providing for the utilization of an Evaluation Report, in accordance with the practical activity carried out at Agency level.

Deadlines are being used as an instrument for monitoring and streamlining procurement procedures and, even though such deadlines are not provided by legal provisions applicable to public procurement and do not impact the public procurement process, it is recommended that all persons involved in the process have deadlines set for their tasks, regardless of the process.

The above-mentioned procedures were presented, at the time of the audit, in preliminary form (draft), submitted for approval, with the exception of PO 01 / SAIA - BAIL "Procurement by simplified procedure of products/services /works", procedure which was approved by Agency's management during our audit mission.

The following deficiency **was not remedied**:

- *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.*

During 2021, no operational procedure was developed regarding the management of contracts awarded as a result of public procurement procedures, which would include provisions regarding the appointment of a person in charge of monitoring the execution of the contract in the department which initiated the procurement procedure, at the moment of the procurement procedure initiation, by submitting the Necessity Report. It is necessary for a person to be appointed in charge of monitoring the

implementation of each contract, until final delivery of products/services/works, and this person should be part of the team initiating the procurement procedure.

We recommend analyzing the possibility of developing a system procedure, in cooperation of all Agency structures involved in the contract monitoring process, starting from the initiation of the procurement procedure, taking into account that responsibilities P.I.A.D.- P.I.L.B end with the signing the purchase contract/order note/invoice. Such procedure should include specific details regarding all steps to be followed for ensuring contract management, including designated responsibilities and forms to be used in the process.

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 Agency.

In the context of the epidemiological crisis generated by the SARS-CoV-2 virus, during 2021, the Administrative Department implemented all necessary measures to ensure compliance with the rules regarding performance of office related activities in shared office areac, including periodic disinfection with disinfectants, in accordance with Government Decision no. 6 of 9 / 03.2020, regarding the approval of additional measures for controlling the new Coronavirus, issued by the Government of Romania – National Committee for Special Emergency Situations (CNSSU).

5.5 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 2021 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.

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 2021, registered under no. 18744 / 27.11.2020 and the Annul Internal Public Audit Plan (variant 2, revised), registered under no. 23029/19.11.2021;
- ✓ The Preparation of the Multiannual Internal Public Audit Plan, for the period 2021 - 2023, registered under no. CAPI 18743/27.11.2020;

- ✓ The Preparation of the Quality Assurance and Improvement Program no. CAPI 19090/03.12.2020;
- ✓ The Elaboration of the Annual Internal Public Audit Activity Report;
- ✓ Performing the internal audit engagements;
- ✓ Assessment of the individual professional performance;
- ✓ The continuous education training of internal auditors

During 2021, PAID carried out 6 internal audit missions, of which 3 follow-up missions regarding the implementation of audit recommendations, 1 compliance audit mission, 1 system audit mission and 1 ad-hoc compliance audit mission.

In order to evaluate the managerial actions within the Public Internal Audit Department, we selected from the "Annual Public Audit Plan for 2021" two audit engagements, one follow-up mission regarding implementation of recommendations resulted from the internal audit mission *"Evaluation of actions taken in order to achieve the objectives of the national strategies, assumed by ANI and internal integrity"* and one system audit mission regarding *"Evaluation of the corruption prevention system"*.

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 2021, 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 year 2021 were addressed:

The following deficiencies **were not remedied**:

➤ *Certifying internal auditors*

By the time of our audit, the Agency's internal auditors were not certified because the procedures mentioned in art. 44 and 45 of the Ministry of Public Finance Order no. 659/2015, amended by Ministry of Public Finance Order no. 783/2016, have not been approved by order of the Minister of Public Finance, which leads to the impossibility of certifying internal auditors by Central Harmonization Unit for Public Internal Audit (UCAAPI). On the other hand, art.3 of Ministry of Public Finance Order no. 645/2015, stipulates that "Internal auditors in office at the date of entry into force of Law no. 191/2011 have the obligation to obtain the attestation certificate within 6 years", a deadline which 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 2021, internal auditors did not attend any training programs because of the context generated by the COVID-19 pandemic.

5.6 Economic Department

The economic activity within ANI is covered by the Economic 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 Bureau
- ✓ Accounting Department

The Economic 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 2021 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.

5.6.1 Financial Office

We analyzed the attributions of the Financial Bureau in accordance with the Organization and Functioning Regulation (ORF) and applicable operational procedures and tested compliance of the operational procedures applicable in 2021 with ORF and applicable legislation.

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

- ✓ Elaboration of the expense budget project for 2021;
- ✓ Elaboration of the Public investment program for 2021;
- ✓ The process of establishing necessary financing (credits) for 2021;
- ✓ Communication and implementation of budget rectifications and transfers within the approved budgetary lines;
- ✓ Internal preventive financial control at Financial Bureau level;
- ✓ Expense commitment, liquidation, authorization and payment processes;
- ✓ Monitoring personnel expenses;
- ✓ Cash operations in lei and foreign currency, in compliance with the Regulation for cash operations.

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.

We have obtained and analyzed the following documents:

- ✓ Framework Letter of the Ministry of Finance no. 462147 / 15.01.2021 on the macroeconomic context, the methodology for drafting the budget projects for 2021 as well as estimates for 2022-2024;
- ✓ Instructions of the Ministry of Finance no. 462082 / 15.01.2021 regarding expenditure limits established for the principal authorizing officers;
- ✓ Internal administrative orders, issued by Agency's management, regarding the appointment of the persons responsible for the expense commitment, liquidation, authorization and payment processes;
- ✓ Agency's Vice President Order no. 21062 / 30.12.2020 regarding the organizing and exercising its own preventive financial control system at Agency level;
- ✓ The register of operations submitted for preventive financial control authorization in 2021 for Quarter I, II, III, IV and we tested, by sample, the conformity of registered operations;
- ✓ Cash register in lei and foreign currency for November 2021 - we verified the compliance of the document circuit with the legal provisions, as well as applicable operational procedure regarding the payments performed by the cashier;
- ✓ The report regarding Monitoring personnel expenses financed from the state budget, submitted to the Ministry of Public Finance during the year 2021, for the months of April and October 2021 - we verified compliance with the provisions of the operational procedure (OP - SE -12).

Following our verifications, we have not identified any deficiencies regarding the activity of the Financial Bureau, during year 2021.

5.6.2 Accounting Compartment

We analyzed the attributions of the Accounting Compartment in accordance with the Organization and Functioning Regulation (ORF) and applicable operational procedures and tested compliance of the operational procedures applicable in 2021 with ORF and applicable legislation.

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

- ✓ Internal preventive financial control at Compartment level;
- ✓ Preparation of yearly financial statements;
- ✓ The process of assets inventory, based on a sample.

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 2021.

Following our verifications performed on the activity of the Economics Department in 2021, the following **observation** was identified:

- *Workload for employees of the Accounting Compartment is high, considering activity volume and the fact that only 3 positions are occupied, out of the total of 5 positions approved as part of the organizational chart, the other 2 positions being vacant at the end of 2021.*
- *Economic Department employees did not attend any professional training courses over the past 2 years. This requirement is specified by art. 458 para (2) of the Administrative Code.*

5.7 Human Ressources 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 organizational chart, there are 10 positions in HRD, out of which, on 17.12.2021, only 4 positions were occupied, having an occupancy rate of 40%. One of the 4 occupied positions has been filled in July 2021, by detachment. Another of the occupied positions is for the role of head of HRD, also covering occupational health and safety attributions. From an organizational point of view, HRD is organized in 2 structures with different responsibilities, as follows

- ✓ Human Ressources 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.

5.7.1 Human Ressources 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 2021 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:

² 31 operational procedures

- ✓ management of the HR personal files, for both public servants and contractual personnel;
- ✓ organization of contests for employment and promotion within ANI;
- ✓ compliance with legal provisions regarding submitting assets and interests declarations by Agency personnel;
- ✓ preparation, certification and the circuit of the timesheets, including inventory of the paid, medical and unpaid leaves, overtime approval process etc.;
- ✓ continuing professional training process– The professional training program for 2021 and the evaluation of the professional training activities;
- ✓ confirmation of the permanent positions for debutant personnel during 2021;
- ✓ performance evaluation for Agency's personnel;
- ✓ elaboration of the Plan for the occupation of public positions for the year 2021;
- ✓ modification / termination of the labour contract / transfer;
- ✓ monitoring compliance with Codes of conduct by Agency employees;
- ✓ Disciplinary Commission Activity at Agency level;
- ✓ preparation and approval of Agency organogram;
- ✓ preparation and updating job descriptions;
- ✓ payroll and payroll related activities;
- ✓ elaboration and modification of the Regulation on the organization and functioning of the National Integrity Agency;
- ✓ Ethical counseling activity.

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

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

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

- ✓ From the "List of hiring testing organized by ANI in 2021", we selected 2 hiring testing session out of the 11 organized in 2021, for the occupation of a public servant/contractual position;
- ✓ From the "Contractual personnel of ANI in 2021", we selected 5 professional files out of the total of 15 contractual personnel positions;
- ✓ From the situation of debutant positions in 2021, we selected 1 file from the 2 positions becoming permanent in 2021;
- ✓ From the "List of terminated labour contracts", we selected 2 files out of the total of 6 files for labour contract termination;
- ✓ From the "Public servants Records", we selected 10 professional files out of the total 87 civil servants professional files, active in 2021;
- ✓ From the "List of new-comers in 2021", we selected 5 personnel files out of the total of 15;
- ✓ Timesheets for the month of July 2021 for the analysis of the preparation, approval and flow of collective attendance sheets (timesheets);
- ✓ 10 civil servants professional files for testing the process of evaluating professional performance in 2021 as well as 5 contractual personnel professional files.

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 HRO staff and Agency ROF.

Regarding the activity of the Disciplinary Commission, in 2021, according to the information provided by the Head of HRO, no documents regarding the activity of the Disciplinary Commission and no documents showing findings regarding disciplinary violations were submitted to HRO.

5.7.2 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 2021, 239 regular trainings in the field of occupational safety and health were carried out and documented in the Occupational Health & Safety Personal Training Records for a number of 104 Agency employees.

In context of COVID-19 pandemic, the need to prevent the spread of infections caused by the SAR-CoV-2 virus and to ensure health and safety at work, determined the National Integration Agency to elaborate a series of administrative decisions, in 2020, 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).

According to the information provided by the Head of HRO, the procedures and administrative acts issued in 2020 to prevent and control the spread of infections caused by SARS-Cov-2 virus and occupational health & safety insurance, remained in force during 2021.

Based on the documentation obtained, we have selected a verification sample and performed detail tests on the selected sample. We have randomly selected 15 personnel files for which we verified the existence of the Occupational Health & Safety Personal Training Records as well as staff instructions periodicity, training sessions materials, staff members and instructor's signatures on the Occupational Health & Safety Personal Training Records. 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", including compliance with provisions regarding maximum time interval between two consecutive training sessions.

Following our verifications, we have not identified any deficiencies regarding the activity of the Human Resources Department during year 2021.

Follow-up on the extent to which the findings identified in the engagements prior to year 2021 were addressed:

The following deficiency **was partially remedied**:

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

During 2021, one of the 4 vacancies registered in the organizational chart in December 2020 has been filled, by secondment, for a determined period of 6 months, with the possibility of prolonging the secondment. However, the workload of HRD staff in relation to department's activity volumes remains high. Therefore, it is recommended that efforts to fill the vacancies are continued during the next period.

5.8 The Activity of the Monitoring Commission for the Internal Management Control System

Within the National Integration 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 analyse and endorse the Program for the development of the managerial control system at Agency level;
- ✓ to submit the Program for the development of the managerial control system to Agency's management approval;
- ✓ to monitor the implementation of the Program and update the Program, whenever necessary;
- ✓ to monitor compliance with deadlines provided by the Program;
- ✓ to monitor and support Agency departments in their efforts of implementing the activities set-out as part of the Program;
- ✓ to receive Agency's department status reports regarding their progress in developing and implementing managerial control systems, through the Monitoring Commission secretary;
- ✓ to present, upon request, status reports regarding the development of managerial control systems at Agency level, to Agency's management; such reports may include actions undertaken with regards to monitoring and coordination of the process, methodological guidance, as well as settlement of various issues encountered;
- ✓ to analyze and prioritize significant risks that may affect the achievement of Agency's general objectives, by establishing the risk profile and the annual risk tolerance limit, which are approved by Agency's management;
- ✓ to analyze and submit for endorsement by the Chairman of the Monitoring Committee the Plan for the implementation of control measures related to significant risks identified at the level of the Agency; the Plan is then submitted for approval to Agency's management;

- ✓ to analyze the status report, elaborated by the secretary of the Monitoring Commission, based on the reports sent by Agency's departments, regarding the development of the risk management process;
- ✓ to prepare the draft Report regarding the stage of development and implementation of the internal managerial control system at Agency level, in order to be submitted to the Directorate for Internal Management and Interinstitutional Relations of Government General Secretary; the elaboration of this report includes preparing Annual centralized statements on the state of implementation and development of the internal management control system, as well as the Report on internal management control system at December 31st of the current year, until February 20 of the following year.

In 2021, the membership and attributions of the Monitoring Commission of the Internal Management Control System have changed, by Order of the Vice President of ANI no. 3379 /22.02.2021. The changed attributions of the Monitoring Commission have been included in the updated version of the Regulation of Organization and Functioning of the Monitoring Commission of the Managerial Control System at Agency level, approved by Internal Note no. 20391 / 18.10.2021.

The Agency's Internal Managerial Control System development program for the year 2021, has been submitted for the approval of Agency's President, by the Address no. 13074 / 02.07.2021. The program approved by the Agency's management includes:

- ✓ the purpose for developing the internal managerial control system at ANI level;
- ✓ the scope of the Program for the development of the internal managerial control system of ANI;
- ✓ Agency's objectives as far as developing the internal managerial control system;
- ✓ proposed stages for development of the internal managerial control system at Agency level;
- ✓ algorithmic steps for running the Program.

The program for the development of Agency's internal management control system includes details regarding measures / actions established in order to achieve Agency's general objectives, the persons responsible for the implementation of such measures / actions, as well as relevant documentation and deadlines.

During 2021, as a result of the Agency's letter to the Government General Secretary, requesting an online methodological guidance mission by the Directorate for Internal Management Control and Interinstitutional Relations, such mission was carried out between 17.05.2021-30.06.2021. As a result of this guidance mission, the Government General Secretary presented the Report no. 690 / 30.06.2021. As a result of the guidance received, the Plan for the implementation of the recommendations for the development of the internal management control system at Agency level has been elaborated and approved, by the Internal Note no. 18152 / 16.09.2021.

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

- ✓ the Program for the development of the managerial control system, for the year 2021;
- ✓ Monitoring Commission reports and decisions, as resulted from Commission's periodical meetings;

- ✓ Self-assessment questionnaires, regarding the stage of implementation of the managerial control standards, in accordance with the provisions of Government General Secretary Order no.600 / 2018, prepared by Agency's departments;
- ✓ Records of specific objectives and associated measures / actions, prepared by Agency's departments;
- ✓ Risk registers prepared by each of Agency's structures, as well as the updated Risk register at Agency level;
- ✓ The control measures implementation plan for 2021, developed at Agency level;
- ✓ Business continuity plans prepared by Agency's department for 2021;
- ✓ Operational and system procedures in force at Agency level;
- ✓ The sensitive roles registry at Agency level, for 2021, as well as the Centralized list of sensitive roles at Agency level, registered under no. 3848/15.02.2022, elaborated based on lists provided by 1st level Agency's departments;
- ✓ The Report on the development of the internal managerial control system at 31.12.2021, submitted to Government General Secretary under Address no. 3962/16.02.2022.

During 2021, a new system procedure has been prepared, regarding the elaboration of documented procedures (Code: PS-00). The procedure was approved on 18.10.2021. Based on the new procedure procedures can be elaborated at all Agency levels. All Agency's procedures are included in the System Procedures Registry and the Operational Procedures Registry.

In 2021, Agency's General Objectives have been updated and registered as such in the Record of general objectives at the level of the National Integrity Agency for the year 2021, registered under no. 20635 / 21.10.2021. Agency's general objectives are in line with the provisions of the Regulation on the Organization and Functioning of the National Integrity Agency (ROF), approved by the Order of the Agency's President no. 14,409 / 10.10.2019.

In addition, specific objectives derived from the Agency's general objectives have been updated in 2021, based on the references included in the Records of the specific objectives and associated measures / actions held by each of Agency's 1st level departments, as follows:

- ✓ Integrity Inspection Specific objectives and associated measures for year 2021, registered under no. 53962/29.10.2021;
- ✓ Economic Department Specific objectives and associated measures of the for year 2021, registered under no. 21287/29.10.2021;
- ✓ ITPILGD Specific objectives and associated measures of the for year 2021, registered under no. 21235/29.10.2021;
- ✓ HRD Specific objectives and associated measures for year 2021, registered under no. 20997/27.10.2021;
- ✓ CPRD Specific objectives and associated measures for year 2021, registered under no. 21267/29.10.2021;
- ✓ Agency's President Office Specific objectives and associated measures for year 2021, registered under no. 21015/27.10.2021.

During 2021, with regards to inclusion of specific attributions related to internal management control in relevant job descriptions, the Secretary of the Monitoring Commission for Internal Management Control System has sent to all 1st level Agency departments specific requests. The responsibility of monitoring the process has been assigned to Human Resources Department.

Business Continuity Plans have been prepared, in 2021, for each Agency structure, as follows:

- ✓ Integrity Inspection Business Continuity Plan Planul for year 2021, registered under no. 54046/G/II/29.10.2021
- ✓ Economic Department Business Continuity Plan Planul for year 2021, registered under no.21288/29.10.2021
- ✓ ITPILGD Business Continuity Plan Planul for year 2021, registered under no.21250/29.10.2021
- ✓ HRD Business Continuity Plan Planul for year 2021, registered under no.20999/27.10.2021
- ✓ LPRCGD Continuity Plan Planul for year 2021, registered under no. 21277/29.10.2021
- ✓ Agency's President Office Business Continuity Plan Planul for year 2021, registered under no. 21258/28.10.2021

A new system procedure, PS-01 Risk Management System Procedure has been approved - Edition I, Revision 0.

A risk register was prepared by each Agency structure. Also, the Risk Register at Agency level has been prepared and includes a number of 34 risks.

We analyzed the Report on the development of the risk management process in 2021, as follows:

- ✓ Integrity Inspection Report on the development of the risk management process in 2021, registered under no. 26474/30.12.2021
- ✓ Economic Department Report on the development of the risk management process in 2021, registered under no. 26404/30.12.2021
- ✓ ITPILGD Report on the development of the risk management process in 2021, registered under no. 26426/30.12.2021
- ✓ LPRCGD Report on the development of the risk management process in 2021, registered under no. 16350/29.12.2021
- ✓ HRD Report on the development of the risk management process in 2021, registered under no. 261/05.01.2022
- ✓ Agency's President Office Report on the development of the risk management process in 2021, registered under no. 25002/15.12.2021.

The Program for the development of the managerial control system, for the year 2021, has been endorsed by the Chairman of the Monitoring Commission and approved by the Agency's President on 15.02.2022. The plan addresses each of the risks identified by each Agency structure by establishing appropriate control measures, a deadline for the implementation of such measures, as well as the persons responsible for implementing the established measures.

In addition, a new system procedure has been developed (PS-07 / SCM) - System procedure regarding the management of risks associated with sensitive roles - Edition I, Revision 0, approved on 20.12.2021. The Register of sensitive roles at Agency level, for the year 2021, registered under no. 3848 / 15.02.2022, as well as the Centralized List of sensitive roles at Agency level, for the year 2021, registered under no. 3848 / 15.02.2022,

have been elaborated based on the situations provided by each of the 1st level Agency departments, as follows:

- ✓ List of sensitive roles at Integrity Inspection level, registered under no. 26475/30.12.2021
- ✓ List of sensitive roles at Economic Department level, registered under no 26405/30.12.2021
- ✓ List of sensitive roles at ITPILGS level, registered under no 26425/30.12.2021
- ✓ List of sensitive roles at LPRCGD level, registered under no 26135/27.12.2021
- ✓ List of sensitive roles at HRD level, registered under no 25809/23.12.2021
- ✓ List of sensitive roles at Agency's President Office level, registered under no. 25852/23.12.2021
- ✓ List of sensitive roles at PIAD level, registered under no 26458/30.12.2021

According to the information provided by the Secretary of the Monitoring Commission of Internal Management Control System no professional training courses related to internal management control systems were conducted in 2021.

Following our verifications performed regarding the activity performed in 2021, **no deficiencies** were identified.

Follow-up on the extent to which the findings identified in the engagements prior to year 2021 were addressed:

The following deficiency **was 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 2021, no person was appointed to handle public interest alerts. The appointment of such responsible person will be made once the Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, will be transposed into Romanian legislation. The transposition deadline provided in the National Recovery and Resilience Plan is end of March 2022 (Q1 2022).

According to the information provided by the Secretary of the Monitoring Commission, given the role of ANI provided by the new legislative framework, namely the role of external reporting channel, the transposition of the Directive is expected to be finalized in due terms. The relevant procedure will be reviewed so as to correspond to relevant European requirements.

5.9 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 does 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"*.

We assessed the level of compliance with the GDPR requirements in relation to the recommendations made as a result of the audit missions carried out prior to year 2021, through interviews with the person appointed in charge of personal data protection, from the Public Internal Audit Department and by examining the revised version of operational procedure PS 11 / SCM / GDPR, from 2020.

Follow-up on the extent to which the findings identified in the engagements prior to year 2021 were addressed:

The following deficiencies **were 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*

The GDPR Specific Procedure, PS 11 / S.C.M. / GDPRP, was revised in 2020, introducing the changes requested as part of the audit recommendation, as follows:

- ✓ the introduction, in Chapter 4. Definitions and / or abbreviations, of the following definition of “personal data security breach” - any event, action or inaction that could generate a personal data security breach, leading, accidentally or unlawfully, to the destruction, loss, modification, disclosure, unauthorized disclosure or unauthorized access to personal data which are being transmitted, stored or processed;
- ✓ the introduction, in Chapter 8. Main activities in chronological steps, point 8.6. Security incident management, of a new sub-point 8.6.4. The classification of the personal data security breach includes: breaches of confidentiality, integrity, availability;
- ✓ the introduction, in Chapter 8. Main activities in chronological steps, point 8.6. Security incident management, of the following Note, under point 8.6.8: - in case of personal data security breach, such incident it will be considered and treated taking into account the provisions of MT 01 / SMSI regarding the Methodology on the analysis and management of security risks related to systems, IT services and support processes.
- ✓ the introduction, in Chapter 8. Main activities in chronological steps, section 8.6. Management of security incidents, of new details regarding the notification of the National Supervisory Authority and/or data subjects, following risk assessment.

- *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.*

Based on the contracts concluded with the IT service providers analyzed in 2021, registered under contract no. 15649 / 10.08.2021 and contract no. 12236 / 22.06.2021, we have observed that the clause dedicated to *Personal data processing* has been included, as follows:

- ✓ under art. 24 of contract no. 12236/22.06.2021
- ✓ under art. 25 of contract no. 15649/10.08.2021

The clause dedicated to *Personal data processing* includes requirements regarding the collection, processing and storage/archiving of personal data, appropriate technical and organizational measures to ensure an adequate personal data security level, mutual information and notification regarding any personal data security breach, the obligation regarding keeping updated records of processing activities, as well as requirements relating to data subject consent.

The following deficiency **was partially remedied**:

- *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).*

In 2021 we did not observe the complete implementation of this observation. The process of administrative digitalization continued; however, efforts have been focused on the process of digitalizing assets and interests declarations.

The following deficiencies **were not 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.*

During 2021, the position of DPO is not distinctly defined in Agency's organization chart. Also, during 2021, no adequate mechanisms were implemented at the Agency level to ensure independence of the designated DPO while conducting relevant activities.

Currently, the DPO designated at ANI level, by Order of the Agency's President no. 4874 / 04.04.2018, is a senior auditor, part of the Public Internal Audit Department. Considering the provisions of art. 22 of Law no. 672/2000 on public internal audit, "*internal auditors should not be involved in any way in the performance of activities that they could potentially audit, nor in the development and implementation of internal control systems for public entities*". Also, in accordance with point 3.2.2.1.1 of Government Decision no. 1086/2013 for the approval of the General Norms regarding the exercise of the public internal audit activity: "*through its attributions, the public*

internal audit department must not be involved in the exercise of auditable activities or in the elaboration of specific procedures, other than those of internal audit”.

In this context, we reiterate the need to implement, as a matter of priority, the recommendation formulated on ensuring the independence of the DPO, including independence from the activities it assesses.

- *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 2021, Agency employees did not attend professional training courses in the field personal data protection.

6 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 31.12.2021.

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 paragraph. 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 2021 carried out in accordance with the provisions of the SSRI 4400 standard, as defined in the specifications.

✂ End of the Report ✂

7 ANNEX 1 Status of implementation of action measures related to the ANI's Short-Term Strategy (2020 - 2021)

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
DIGITALIZATION							
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	Information Technology, Procurement, Investment and Logistics General Directorate (I.T.P.I.L.G.D.)	Partially implemented In May 2021, ANI launched the online e-DAI platform, for completing and submitting electronic assets and interests declaration. Prior to the launch of the e-DAI platform, on January 11, 2021, ANI issued a press release informing the public of the publication, in the Official Gazette of Romania, of the procedure for remote transmission of assets and interests declarations. Following the launch of the e-DAI platform, ANI made available to depositors the <i>User Manual</i> available at https://dai.integritate.eu/docs/manual_deponent.pdf and also a series of video tutorials dedicated

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							<p>to the electronic submission of declarations. A section dedicated to the e-DAI platform has also been included on the Agency's website and an integrity inspector has been appointed to respond to depositor's queries regarding the electronic submission of assets and interests declarations.</p> <p>Although ANI has made efforts both to implement the IT system and to raise public awareness of the electronic submission of declarations, at the end of 2021, a number of approx. 7,000 statements have been submitted, and not 10,000 statements, as established as achievement indicator.</p>
		Continuation of the implementation of the project "EMOD - Development of the institutional capacity of the National	Status of implementation of activities in accordance with the Gantt chart of the funding application	N.A.	December 2021	EMOD project team	<p>Partially implemented</p> <p>The EMOD project has been in implementation since October 1, 2019 and has an implementation period of 24 months. At the end</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
		Integrity Agency for streamlining internal workflows and how to submit declarations of assets and interests in the electoral and annual process", SMIS code 129864					of 2021, the project was still under implementation as there were some delays in carrying out project activities. Delays were due to the late start of the procurement procedure included in activity A1 - implementation of an integrated platform, but also due to the situation caused by the COVID19 pandemic, which led to the unavailability of some key experts/ departments involved in the implementation of project activities. In accordance with Addendum no. 2 to the financing agreement no. 433 of 01.10.2019, the implementation period of the EMOD project has been extended to 34 months. The new deadline for project finalization is 01.08.2022.

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
		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 Legal, Public Relations and Communication General Directorate (L.P.R.C.G.D.)	Implemented Pursuant to the provisions of art. 2 ^ 1 para. (2) of 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 completion of other normative acts, with the subsequent modifications and completions, and of art. 28 para. (1) lit. i) and para. (2) of Law no. 144/2007 on the establishment, organization and functioning of the National Integrity Agency, republished, with subsequent amendments and completions, the Vice President of the National Integrity Agency issued Order no. 96 of January 4, 2021 for the approval of the Procedure for remote submission of assets and interests declaration, including

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							<p>the conditions under which remote transmission is carried out.</p> <p>Also, on 11.01.2021, a press release has been published on the website of the Agency, with regards to the publication in the Official Gazette of Romania of the procedure for remote transmission of assets and interests declarations.</p>
		<p>Training of persons under the incidence of Law no. 176/2010 on the completion and remote transmission of declarations</p>	<p>Guide for completing and remotely transmitting declarations developed and deployed</p> <p>Minimum 5 training sessions for the persons responsible for the implementation of Law no. 176/2010 organized</p>	<p>Lack of response of decision makers</p> <p>Non-allocation of resources needed</p> <p>Restrictions imposed by SARS-CoV-2 virus</p>	<p>December 2021</p>	<p>Integrity Inspection</p> <p>Communication Public Relations and Strategy Directorate (C.P.R.D.)</p>	<p>Implemented</p> <p>In May 2021, ANI launched the online e-DAI platform, for filling in and submitting electronic assets and interests declarations. Prior to the launch of the e-DAI platform, on January 11, 2021, ANI issued a press release informing the public of the publication in the Official Gazette of Romania of the procedure for remote transmission of assets</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
			3 media materials issued				<p>and interests declarations.</p> <p>Following the launch of the e-DAI platform, ANI made available to depositors the User Manual available at https://dai.integritate.eu/docs/manual_deponent.pdf.</p> <p>In November of 2021, ANI organized 5 online training sessions designed to facilitate the transition to electronic submission of declarations, through the e-DAI platform.</p> <p>During the training sessions, topics of interest related to the legal regime of incompatibilities and administrative conflicts of interests have been addressed and discussed.</p> <p>During 2021, the following press releases were issued with regards to online submission of assets and interests declarations:</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							<ul style="list-style-type: none"> - PRESS RELEASE – regarding publication in the Official Gazette of Romania of the procedure for remote submission of assets and interests declarations (11.01.2021) - PRESS RELEASE - digitization of the process of filling in and submitting assets and interests declarations (17.05.2021) - PRESS RELEASE regarding the deadline for submitting assets and interests declarations (08.06.2021) - PRESS RELEASE regarding the electronic submission of assets and interests declarations, exclusively through the e-DAI system, and the extension of the deadline regarding the obligation to electronically

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							sign assets and interests declarations (15.12.2021)
2.	Alignment with the standards imposed by Emergency Ordinance no. 38/2020 on the use of documents in electronic form at the level of public authorities	Preparation of an Internal Procedure to standardize the use of digital signatures for ANI documents	System procedure prepared	N.A.	November 2020	L.P.R.C.G.D.	Implemented We have identified the system procedure PS17 / 16.06.2021 regarding the circuit of electronically signed documents, with the exception of assets and interests declarations, elaborated by LPRCGD.
		Restructuring of the <i>Contact</i> section, existing on the institution's website	Restructured <i>Contact</i> Section	N.A.	March 2021	I.T.P.I.L.G.D.	Implemented Agency's website (https://www.integritate.eu/Contact.aspx) The Contact Section corresponds to the provisions of art. 6, para. (1) and (4) of the Emergency Ordinance no. 38/2020 on the use of electronic documents at the level of public authorities and institutions. (respectively: (1) public authorities and institutions shall provide their own portals or shall use such tools provided by third parties. (2) Public authorities and

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							institutions have the obligation to publish online information on documents are received online).
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 "IT technical assistance services, software maintenance and repairs, software development and archiving, for carrying out the activity of ANI", financed by budgetary funds	Operational computer application	<p>Insufficient budgetary resources</p> <p>Delays caused by technical malfunctions</p>	December 2021	I.T.P.I.L.G.D.	<p>Partially implemented</p> <p>The system is under development, being closely correlated with the e-DAI platform (depositor enrollment module, responsible person dedicated module, data contained in declarations e.g.: real estate, movable assets, financial assets, investments, loans, foreign assets, income, name, first name, gender, CNP, domicile), with the customized platform within EMOD as well as with external databases. The EMOD project finalization deadline was extended until the 1st of August 2022.</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
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	L.P.R.C.G.D.	<p>Implemented</p> <p>In 2021, ANI performed a preliminary analysis of proposals to amend and update Law no. 176/2010, with subsequent amendments and completions, conducted by LPRCGD. It was submitted to the National Integrity Council for recommendations and observations, since the Council is constituted on the principle of equal representation of all categories of persons subject to verification.</p> <p>On the 17th of September 2021, ANI submitted the project entitled "Updating integrity legislation and providing support to authorities and depositors during transition to digital assets and interests declarations" in the POCA / 949/2/2 call for projects (IP23 / 2021). The funding application was elaborated and submitted on the MySMIS2014</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							<p>platform. At the end of 2021 the project is under evaluation process by the POCA Management Authority.</p> <p>In accordance with Article 3, letter h of the Government Emergency Ordinance no. 124 / 14.12.2021, ANI has been appointed as coordinator of reforms and / or investments part of the National Recovery and Resilience Plan (NRRP). The Reform <i>The evaluation and update of the integrity framework legislation</i> was included in NRRP, Component 14 - Good governance; Reform 7, with deadline in December 2024.</p>
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 Department	<p>Implemented</p> <p>According to Law 500/2002 <i>on public finances</i>, budget projections for the following year are being submitted during the last quarter of the current year,</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							<p>upon Ministry of Finance's request.</p> <p>Agency's Budget projections for year 2021 were sent to the Ministry of Finance, by address no. 1320 / 22.01.2021. Via State Budget Law no. 15/2021, the expenditure budget of the National Integrity Agency for 2021 was approved, in accordance with the real financing needs of the Agency.</p>
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 Department	<p>Implemented</p> <p>Agency's Human Resources Management Policy was approved during 2020, by Internal Note no. 20588 from 22.12.2020</p>
7.	Compliance with protection rules and ensuring health safety at work, in the context of the	Ensuring at workplace of specific personal protective equipment against the spread of SARS-	Protective and hygiene materials	N.A.	Permanent	Procurement, Investments and Logistics Bureau (P.I.L.B.)	<p>Implemented</p> <p>The P.I.L.B. permanently provides specific personal protective equipment against SARS-CoV-2 virus infections (surgical masks,</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
	spread of SARS-CoV-2 virus infection	CoV-2 virus (surgical masks, soap, disinfectants, protective gloves)					<p>soap, disinfectants, protective gloves).</p> <p>We have identified direct purchases of personal protective equipment against SARS-CoV-2 virus infections performed by ANI, as well as approved justificative documentation, containing necessary materials and equipment. We also identified the handover reports of specific coronavirus protection materials.</p>
		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.	Agency's Management I.T.P.I.L.G.D. P.I.L.B.	<p>Implemented</p> <p>ANI periodically carries out disinfection activities in both headquarters and secondary offices. We identified both the periodic announcements to all Agency personnel regarding the the date when disinsections were carried out, as well as necessity reports, approved by Agency's management and delivery reports for disinsection services.</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
		Organize the activity to ensure physical distancing 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.	Agency's management I.T.P.I.L.G.D. P.I.L.B.	<p>Implemented</p> <p>In context of preventing the spread of infections caused by SARS-VOC-2 virus, in terms of organizing activities and teleworking, the Agency purchased 30 laptops for staff working remotely, and for cases where specific activity did not allow teleworking, the work schedules were organized by dividing the staff into two groups which started and ended their office activity, at time interval of minimum 2 hours.</p> <p>In order to prevent the spread of infections caused by SARS-CoV-2 virus, the Agency provided technical means necessary to perform the duties, in accordance with job description, in telework or work from home conditions.</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
		Development of an internal procedure for the prevention and control of coronavirus infection	Procedure developed	N.A.	October 2020	Labor Protection Department (L.P.D.)	<p>Implemented</p> <p>Two procedures have been developed in this regard:</p> <ul style="list-style-type: none"> - <i>Operational Procedure OP 14 / CPM - Measurement of body temperatures for all staff members, visitors and collaborators of the National Integration Agency;</i> - <i>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)</i> <p>At the end of year 2021, following the restructuring of operational procedures, the two procedures were renumbered as PO-44 and PO-45, all LPD procedures being included in the HRD procedure register.</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
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	L.P.R.C.G.D.	<p>Partially implemented</p> <p>Following requests sent out to the National Integrity Agency between October 2020 and December 2021, LPRCGD issued 2,251 points of views regarding both potential incompatibilities and or conflicts of interest, and queries on how to complete/submit assets and interests declarations.</p> <p>During the audited period there were also cases in which the legal deadlines were exceeded due to excessive workload caused by the large volume of requests received compared to available personnel, as well as as a result of the limitations imposed on employee's activity, in the context of the epidemiological situation determined by the spread of the SARS-CoV-2 coronavirus.</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							In order to improve work efficiency and settling requests regarding the legislative framework governing the integrity system within the legal deadlines, LPRCGD aims to increase the number of staff.
		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	Implementation of Structural Funds, Studies and Strategies Department (I.S.F.S.S.D)	Partially implemented The development such platform is a part of one of Agency projects which will receive funding through the National Recovery and Resilience Program. The feasibility study is scheduled to start once the purchase procedure for this platform will be finalized. At present, the source of funding for this project is ensured and the preliminary concept of the platform has been prepared.
9.	Training of persons under the incidence of	Continuing the training of persons who are required to submit declarations	Minimum 5 training sessions organized	N.A.	February 2021	Project team LINC	Implemented Between October 2020 and February 2021, 6 online training

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
	Law no. 176/2010	of assets and interests regarding the legislative framework of integrity					sessions were organized (video conference format).
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 I.T.P.I.L.G.D.	<p>Implemented</p> <p>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> <p>The Agency's website contains the section "Definitive incompatibilities - 3-year ban" in which the list of persons banned</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							<p>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>
		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>Special section created and available on the ANI website</p> <p>Press release issued</p>	Delays occurred in execution of the design and scheduling	December 2020	<p>Integrity Inspection</p> <p>I.T.P.I.L.G.D.</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> <p>✓ Single point of publication of declarations of assets and</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							<p>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.</p> <ul style="list-style-type: none"> ✓ Dedicated contact form to notify irregularities and the way of completing the declarations of assets or interests submitted by the candidates; ✓ 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</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							issued a press release on the prevention and awareness measures adopted by ANI in the context of the organization of the 2020 elections.
		Communication of relevant information to those entities that ensure the validation of mandates for candidates	Updated database Responsible entities informed N.A.	N.A.	December 2020	Integrity Inspection L.P.R.C.G.D.	<p>Implementat</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 accordance with art. 25 of Law no. 176/2010.</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
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 Department C.P.R.D.	<p>Implemented</p> <p>Between October 29th 2020 and December 31st 2021, the PREVENT system issued 29 integrity warnings regarding possible violations of the legislation on conflicts of interest in public procurement procedures, amounting to 146 million lei (approx. 29.5 million euro).</p> <p>During the same reporting period, the National Integrity Agency has analyzed, in order to prevent conflicts of interest, through the PREVENT system, a number of 11,800 public procurement procedures.</p> <p>Data and information on 2,642 contracting authorities, 17,364 economic operators and 338,387 persons, representatives of public institutions and tenderers, have been analysed through the PREVENT system.</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							CPRD includes in their quarterly activity reports, data provided by the Analysis and Prevention Department regarding the results of the PREVENT IT System and issues a quarterly / half-yearly press release in this regard.
		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>Partially implemented</p> <p>The Analysis and Prevention Service analyzed a number of 908 direct procurement procedures, based on existing public information.</p>
12.	Completion of the project "LINC - increasing the capacity of the	Implementation of the remaining activities, following the extension of the	Final request for reimbursement submitted to AM POCA	Difficulties in project implementation	February 2021	Project team LINC	<p>Implemented</p> <p>On January 28th 2021, a video conference was held via the</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
	central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets", SMIS code 118824	project in the context of the COVID-19 pandemic	Lack of recommendations in the independent external audit report regarding the implementation of the project				<p>Zoom platform, as LINC project finalization conference presentingg project results. 50 persons attended the conference.</p> <p><u>(Conference to present the results of the LINC project LINC project (project-linc.ro)</u> On the occasion of closing the Linc project, ANI issued a press release on February 3rd 2021, regarding the LINC Project closing conference, presenting project results <u>(PRESS RELEASE - LINC Project Results Conference (integrity.eu)</u></p> <p>The final reimbursement request, registered under no. 3885 / 01.03.2021, has been submitted on the 1st of March 2021, and was subsequently approved by POCA Management Authority.</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
13.	Implementation of legal provisions on preparing and updating the list of important public positions	Development of a methodology on how to transmit, as well as the structure of data and information to be managed / reported	Approved methodology	Rejection of GEO no. 111/2020 by the Parliament	October 2020	Integrity Inspection L.P.R.C.G.D. C.P.R.D.	Implemented The methodology was developed, approved and posted on the ANI website.
		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 L.P.R.C.G.D. C.P.R.D.	Implemented The list entities has been drawn up. 234 entities have been 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 L.P.R.C.G.D. C.P.R.D.	Implemented 234 addresses have been prepared and sent by email or regular mail.

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
		Preparation / updating of the list of important public positions	Existing List of important public positions	Lack of responses from entities	Permanent	Integrity Inspection L.P.R.C.G.D. C.P.R.D.	Implemented On 12.11.2020, the list of important public positions has been drawn up, based on information they were transmitted by the entities. The list of important public positions was updated on 11/23/2021.
		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	I.T.P.I.L.G.D. C.P.R.D.	Implemented A separate section was created ON Agency's website, entitled " <i>List of important public positions</i> ". The section includes: list of important public positions, methodological norms, Law no. 129/2019 and GEO no. 111/2020. Also, with the occasion of initiating the dedicated section on Agency's website, a press release was issued in this regard.

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
		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	C.P.R.D.	<p>Implemented</p> <p>The List of important public positions drawn up on 12.11.2020 has been transmitted to the Representative Office of European Commission in Romania by email, on the 17th of November 2020.</p> <p>The updated version of the List of important public positions drawn from 23.11.2021 has been transmitted to the Representative Office of European Commission in Romania by email, on December the 8th, 2021.</p>
14.	Updating the website of the National Integrity Agency <u>www.integritate.eu</u>	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	I.T.P.I.L.G.D. C.P.R.D.	<p>Implemented</p> <p>ANI representatives forwarded their proposals for changes to Agency's website, to Agency's management, through Internal note no. 12671 / 28.06.2021.</p> <p>Based on this Internal note, in cooperation with the I.T.P.I.L.G.D.,</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							a series of changes were operated on Agency's website. A new restructuring of the Agency's website is also under way and will be completed in 2022.
		Updating the sections of the ANI website	Updated sections	Insufficient resources human and time necessary Delays caused by malfunctions technically	Permanent	All Agency Departments	Implemented All sections on Agency's website are constantly being updated. The content of the existing sections is updated by each department responsible for a section / subsection, whenever new information and data need to be published, based on an Internal note regarding the methodology for updating the content of Agency's website sections.
ASSESSMENT OF INTEGRITY INCIDENTS							
15.	Continuation of the evaluation activity performed by the integrity	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	Implemented During October and December 2021, integrity inspectors within the A.N.I. completed 1.614 files ,

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
	inspectors and the correlated increase of the capacity to evaluate the integrity incidents						<p>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 1.051 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 assets and interests declarations.</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 operational procedure regarding access to the database of the Ministry of Public Finance through the PatrimVen Information System - PO-II-18 was updated on 10.12.2021.</p>

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
		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 L.P.R.C.G.D.	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.

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
		Application of sanctions for non-compliance by the head of the public institution	Proceedings undertaken in 100% of cases where the head of the public institution has not applied the legal provisions	N.A.	Permanent	Integrity Inspection	Implemented We have identified PO-II-02 Operational procedure for the application of sanctions for minor offenses, updated on 10.12.2021.
		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.

crt. no.	Objective	Measures	Achievement indicators	Risks	Deadline	Responsability	Evaluation as of 31.12.2021
							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.



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