

PUBLIC MINISTRY

NATIONAL ANTICORRUPTION DIRECTORATE



Activity report 2018

Legislative context, assessments

- **Amendment of the Law no. 304/2004** by the Law no. 207/2018 and Government Emergency Order no. 92/2018
 - Reduction of the jurisdiction of the directorate
 - Non-unitary practice in the prosecutors' participation in the court hearings
 - The amendment of the conditions and procedure for appointing the prosecutors within DNA
- **Decisions of the Romania's Constitutional Court** - 9 exceptions of unconstitutionality (2018)
 - 9 in the previous years with an impact on the manner in which the criminal proceedings is conducted in the DNA cases
 - 2 of settling some constitutional disputes with impact on DNA
- The carrying out of 5 comprehensive **control** activities **by the Judicial Inspection**

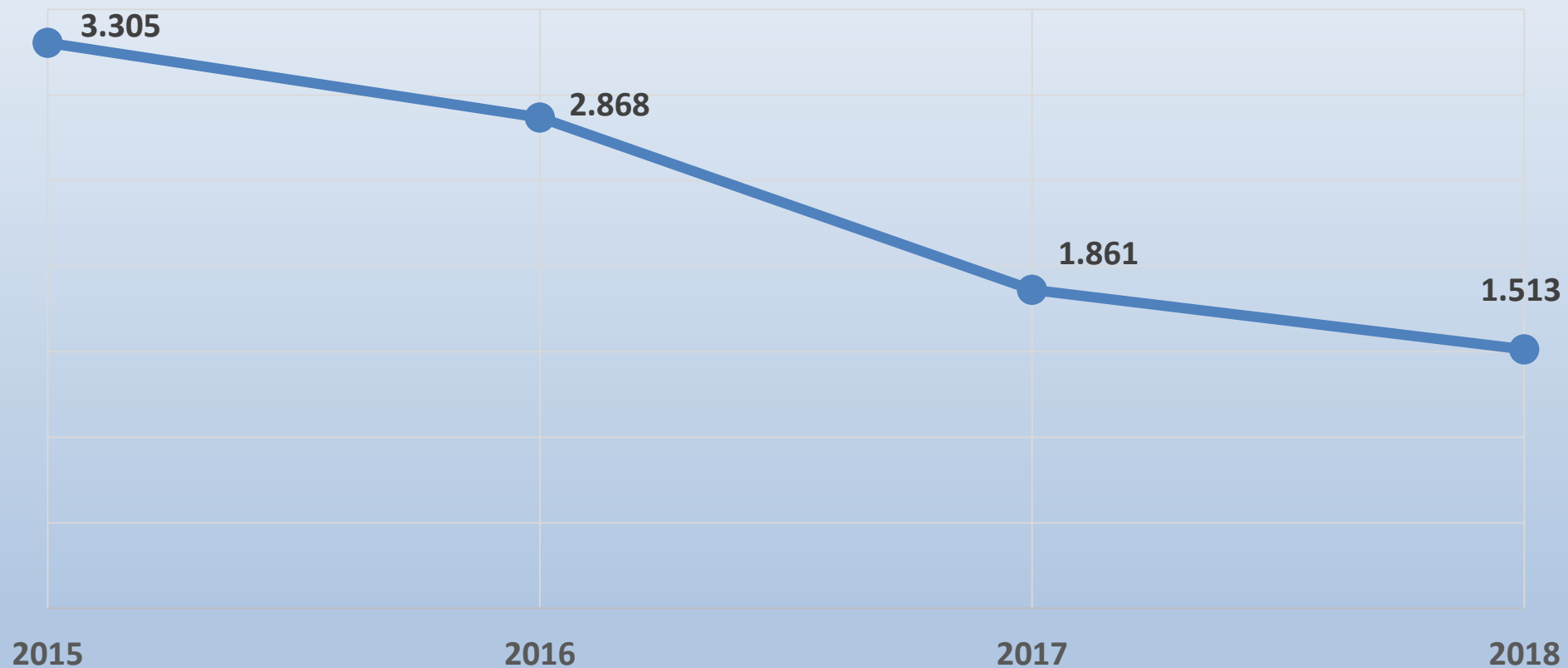


Criminal investigation activity



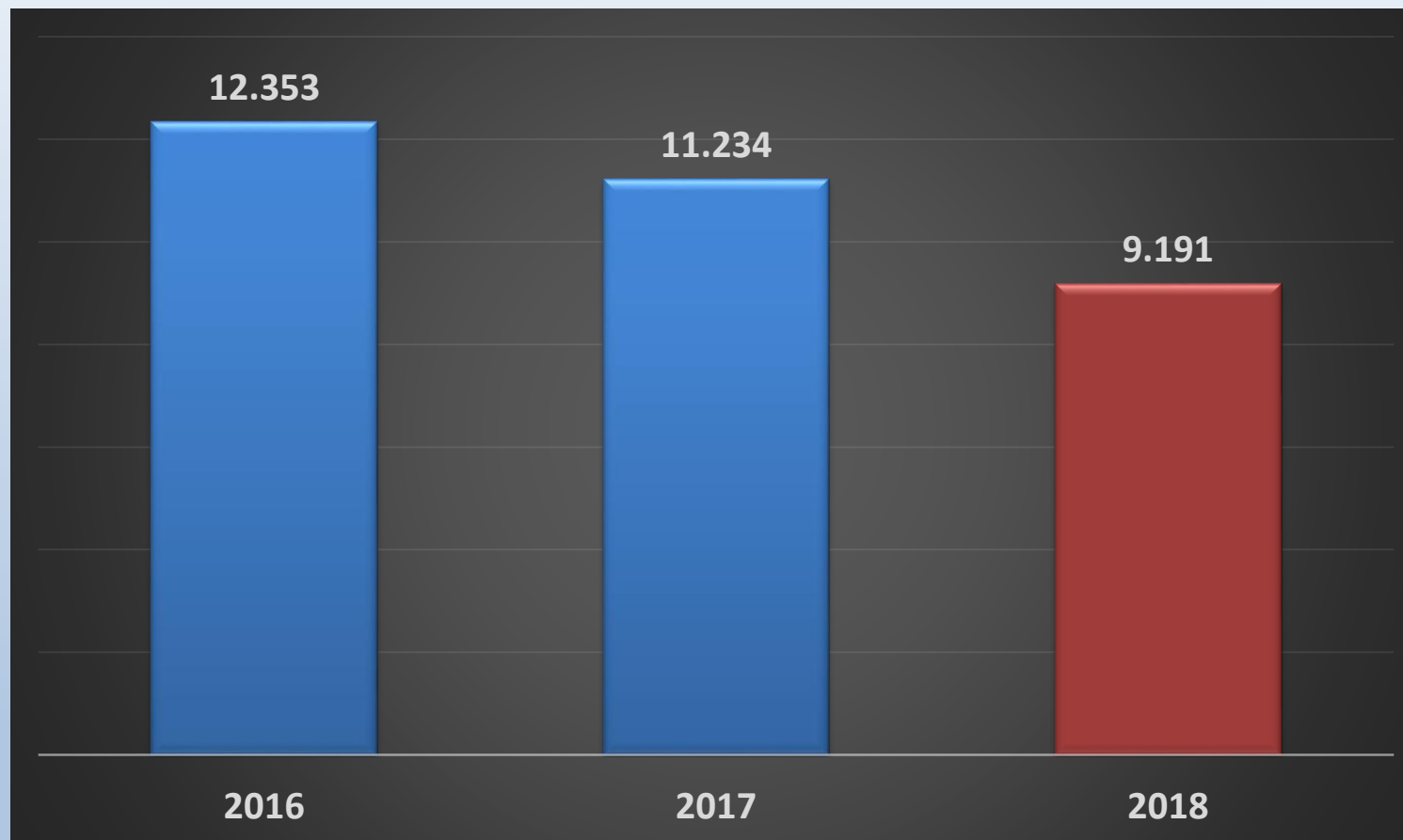
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Notifications from individuals and institutions

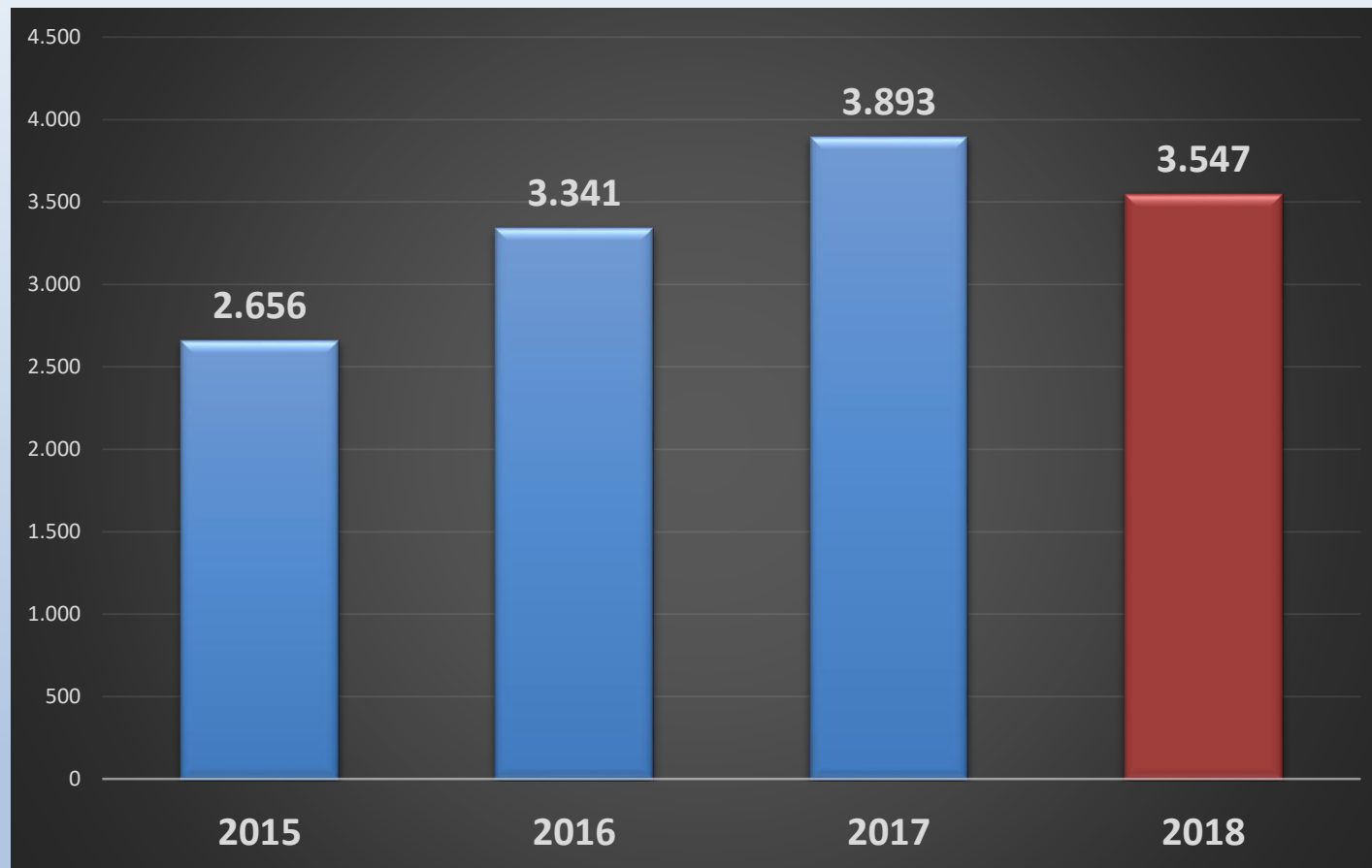


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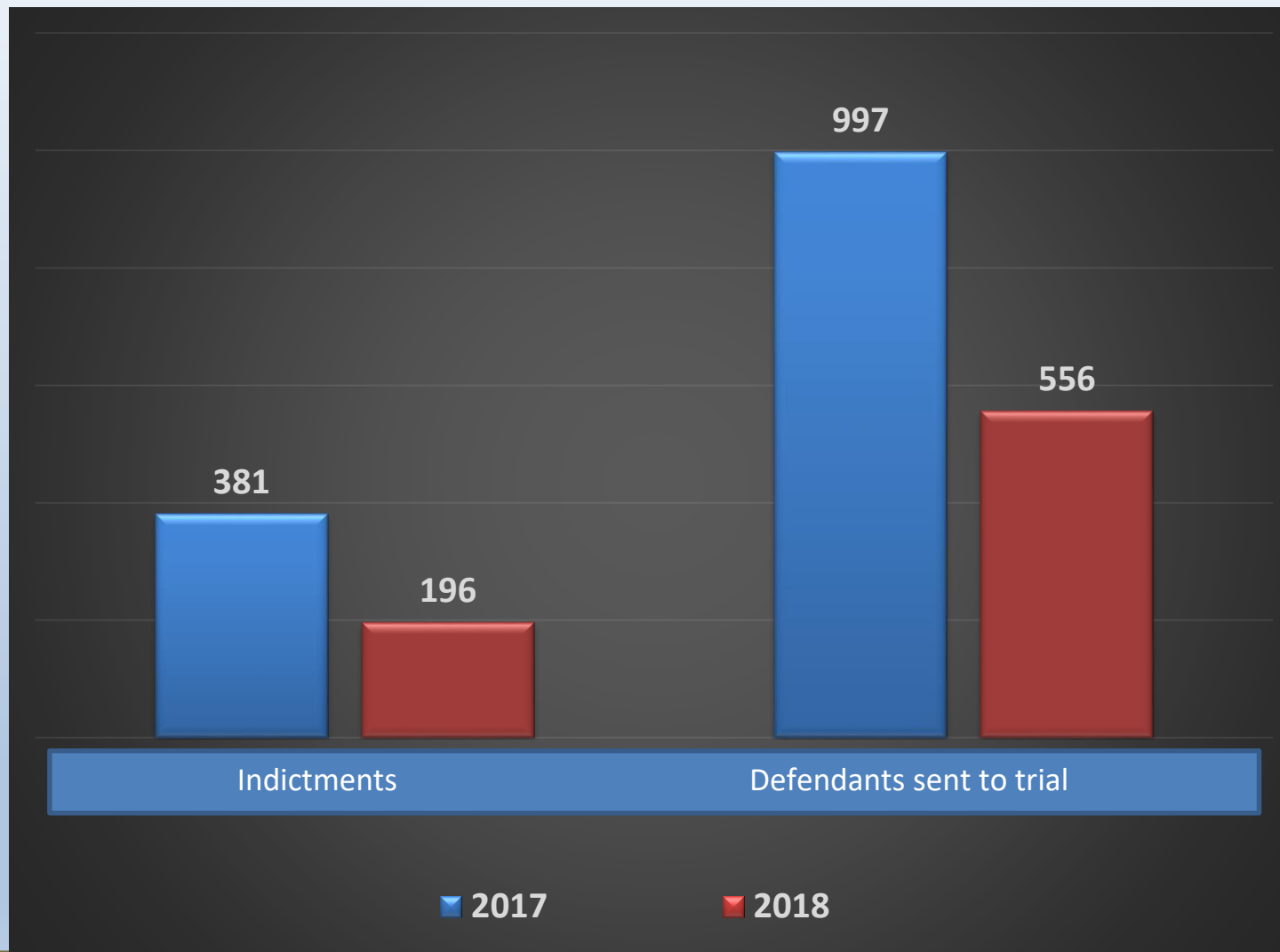
Cases to be solved



Cases solved on the merits



Indictments and defendants sent to trial

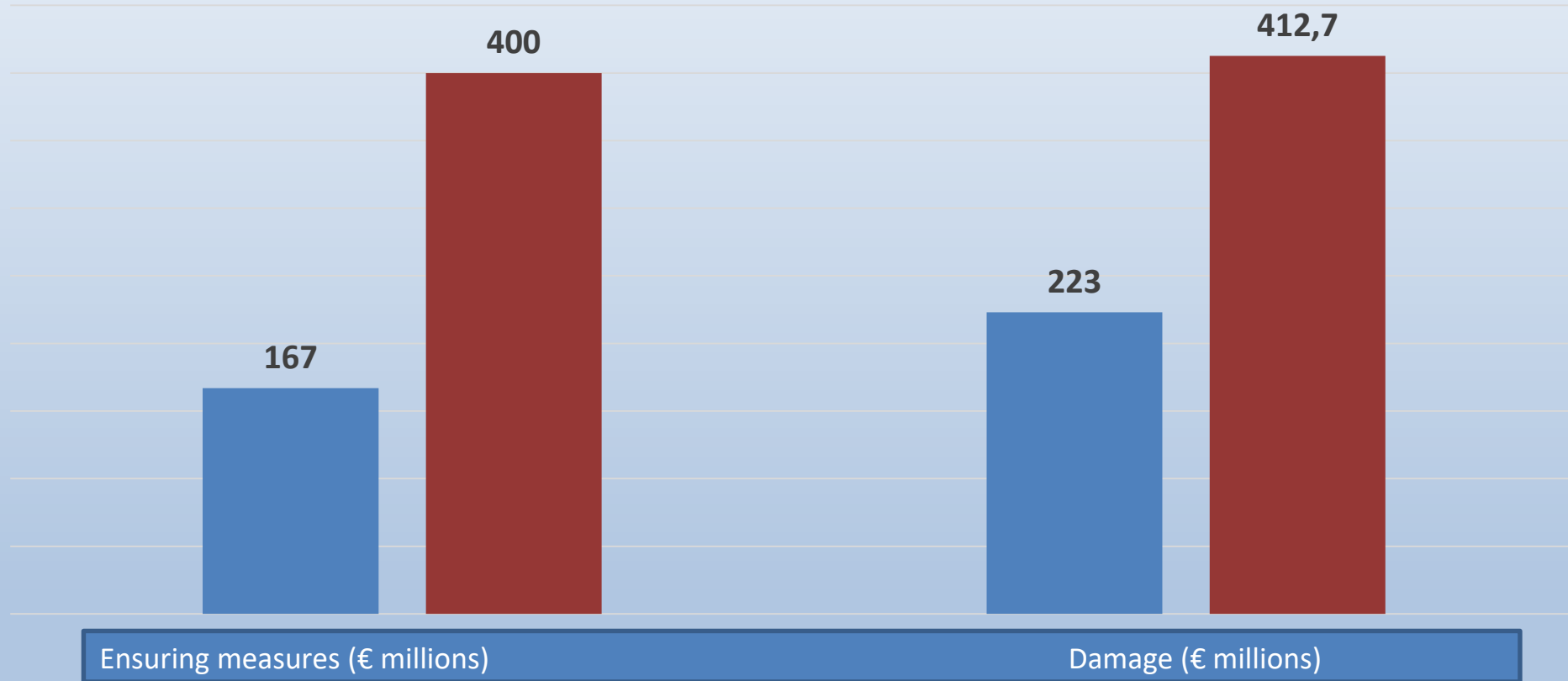


Examples of positions held by the defendants sent to trial

- 7 dignitaries (1 Minister, 2 members of Parliament, 4 Secretaries of State)
- 25 Mayors and Vice-mayors
- 4 Presidents and vice-presidents of County Councils
- 7 county and local counsellors
- 17 people with management positions within the local authorities
- 3 magistrates
- 7 lawyers
- 19 police officers
- 18 presidents, managers of public institutions
- 7 directors of national companies
- 7 teaching staff and directors - in the field of education
- 6 managers of hospitals and physicians - in the field of healthcare



Damage and ensuring measures

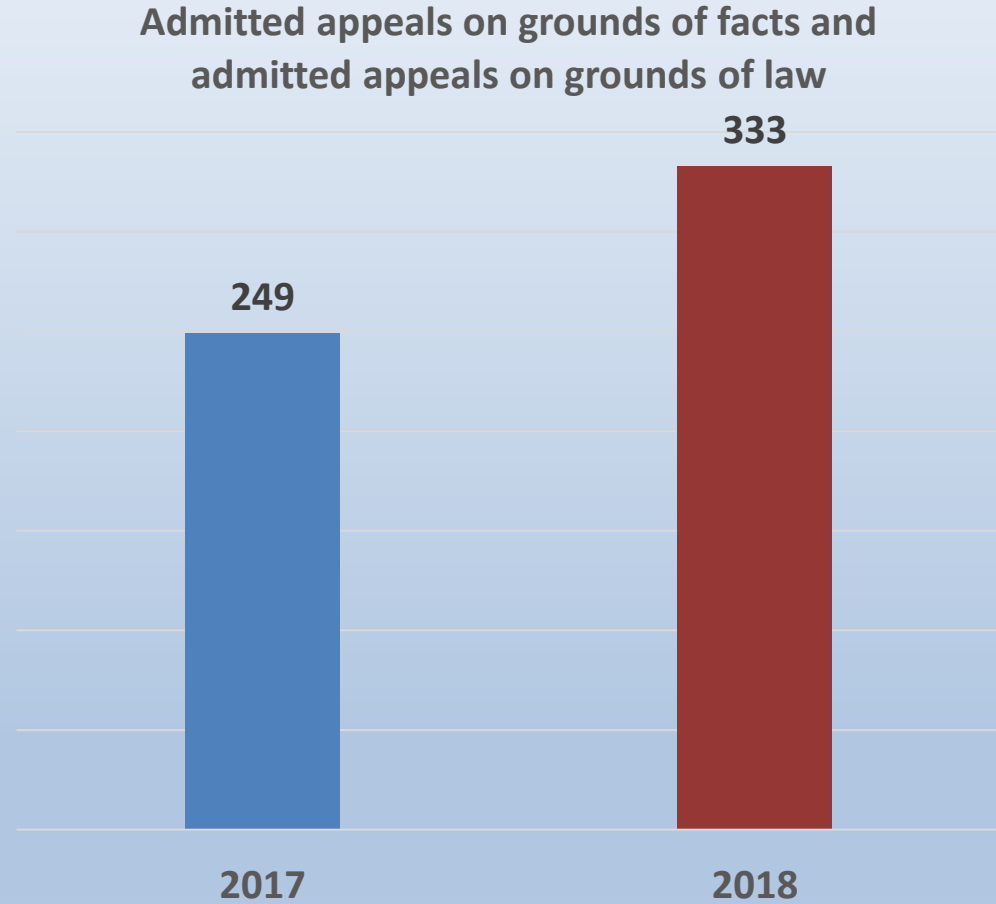
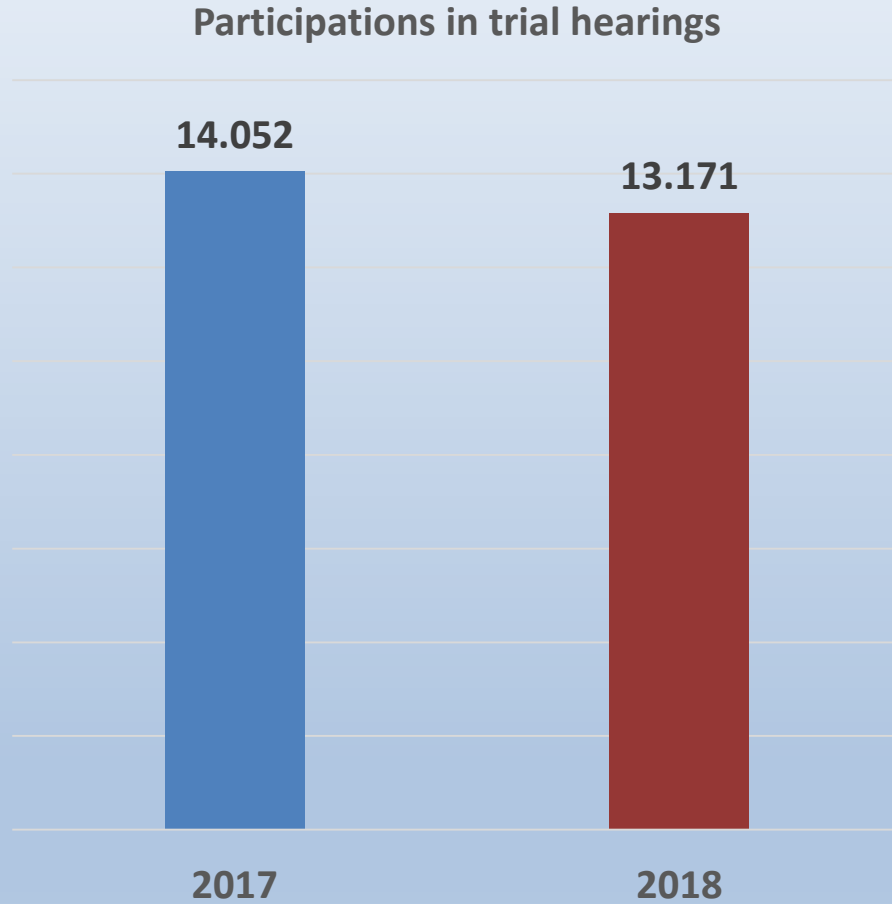


Judicial activity

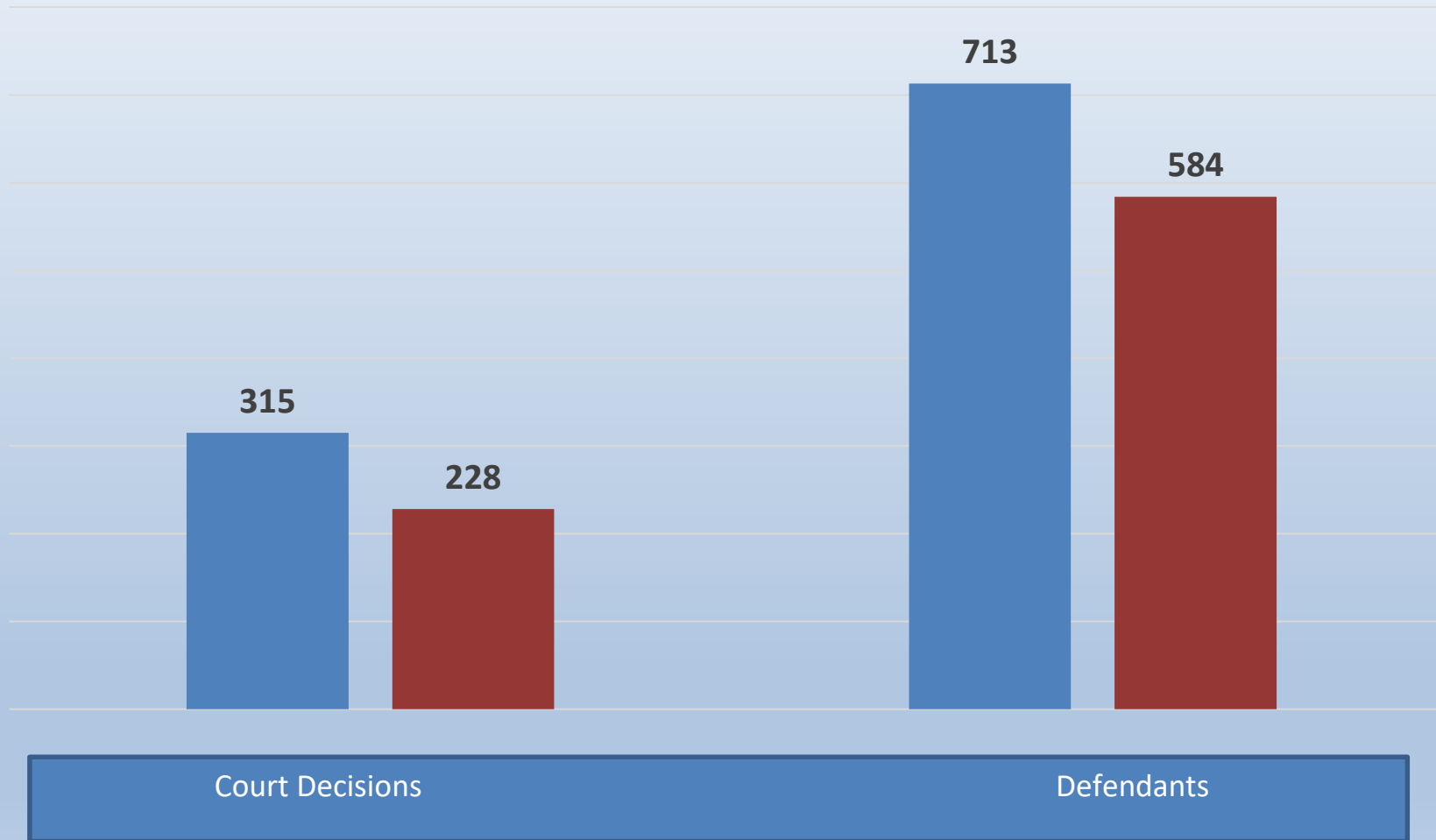


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Participations in trial hearings



Conviction decisions

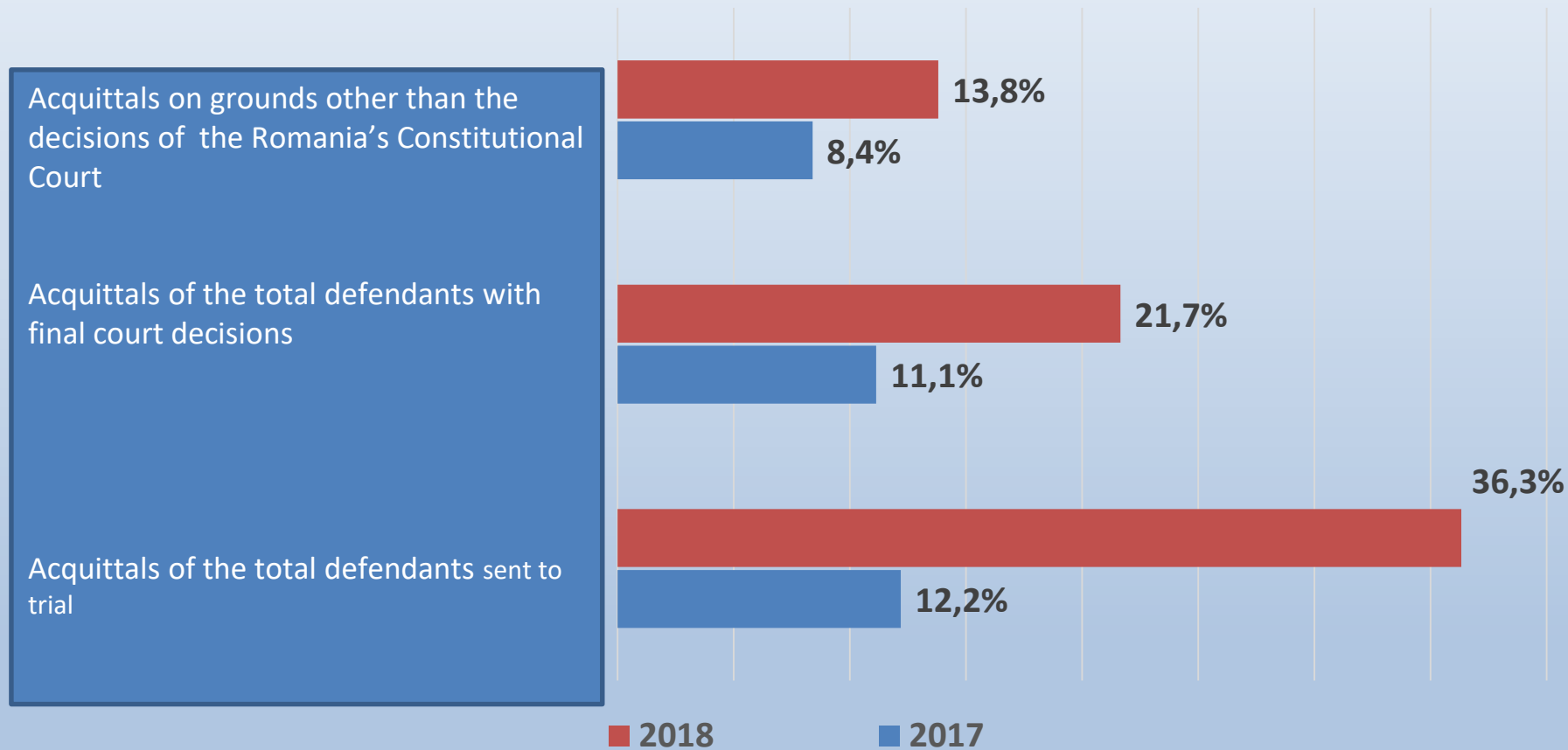


Examples of positions held by convicted people

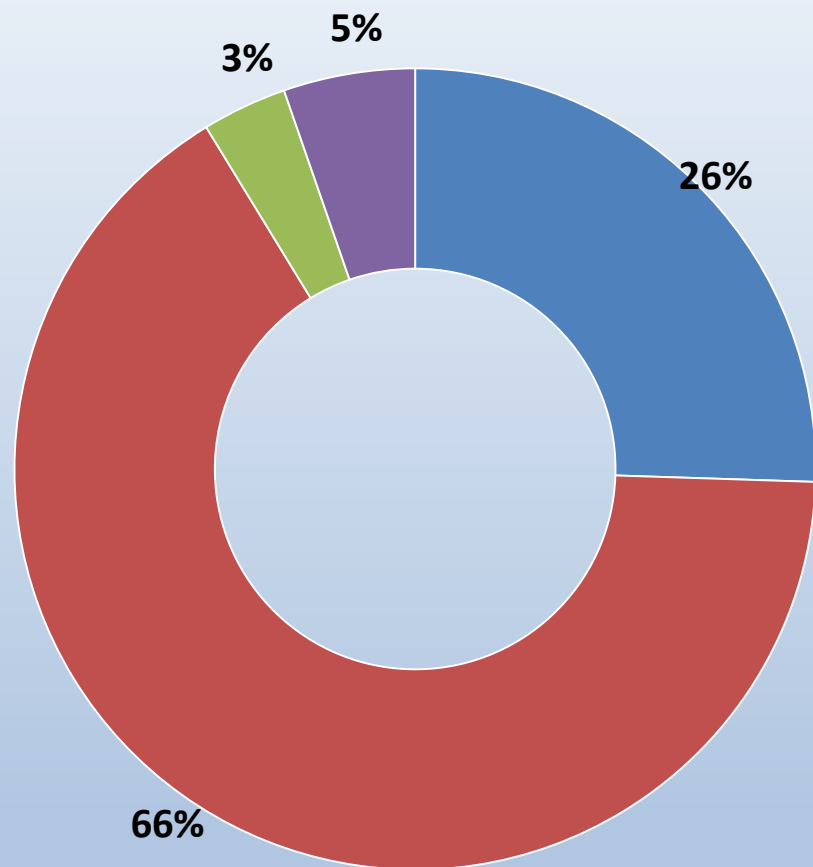
- 5 dignitaries (1 Minister, 3 members of Parliament, 1 Secretaries of State)
- 1 Secretary General in the Ministry
- 24 Mayors and Vice-mayors
- 2 Presidents of County Councils
- 2 Prefects and sub-prefects
- 10 people with management positions within the local authorities
- 9 magistrates
- 10 lawyers
- 18 officers of Ministry of Administration and Interior and Ministry of National Defense
- 2 people with management positions in public institutions
- 7 directors of national companies
- 6 teaching staff - in the field of education
- 3 managers of hospitals and physicians - in the field of healthcare



The acquittal rate



Punishments and manner of execution



- Final conviction decisions with execution of the punishment in imprisonment
- Punishment with suspension of the execution
- Enforcement of the punishment is postponed during the term of parole
- Punishment with a criminal fine



Examples of final convictions§1

- **Former minister** convicted at **6 years of imprisonment** for taking of bribe and abuse of office in relation with the receiving of 10% of the payment due to the companies which contracted works for the Ministry
- **Senator** convicted at **3 years of imprisonment** for traffic of influence in relation with the request of Euro 5000 per month in return for the interceding with the view to signing a contract of assistance
- **Deputy and former Minister** convicted at **4 years of imprisonment** for traffic of influence in relation with the receiving of 5% of a contract amount in return for the interceding with a Mayor



Examples of final convictions§2

- **Presidential counsellor and Deputy** convicted at **7 years of imprisonment** for complicity to abuse of office in order to favor a private company in the contractual relations with a state company
- **Chief prosecutor** convicted at **4 years of imprisonment** for favoring the perpetrator, for interceding with the view to obtaining by a defendant a favorable judicial decision
- **Judge** convicted at **7 years of imprisonment** for taking of bribe, received € 195,000 in order to rule an acquittal decision
- **Prosecutor** convicted at **5 years of imprisonment** for taking of bribe and traffic of influence for accepting the offer of € 10,000 in order to issue a favorable judicial decision and for the receiving of € 2000 in order to exert his/her influence with the view for a forensic medical certificate to be issued



Examples of final convictions §3

- Fraud by reconstituting ownership of a forest land. **Damage of lei 19.9 millions.** Punishments for the 3 defendants – between **2 years and 2 years and 6 months imprisonment** with suspension of the execution, for fraud
- Defrauding of a national company in the energy sector by the illegal signing of 3 public acquisition contracts and the illegal favoring of some companies. **Damage of lei 12.8 millions.** Punishments for the 6 defendants – between **4 and 6 years of imprisonment** for abuse of office
- Fraud with European funds within POS DRU project prin prezentarea unor documente false. **Damage- 4,5 mil euro.** Punishment - **2 years and 11 months of imprisonment**, with suspension of the execution
- Mayor and vice-president of a political party, convicted at **3 years and 3 months of imprisonment** for operations that were incompatible with the position and the use of the influence in order to obtain undue benefits, illegally channeled state funds for payments allocated to the company he controlled. **Damage – about lei 1 million.**



Conclusions

- The decrease in the number of notifications
- The decrease in the caseload related to unsolved cases
- Significantly greater amount of the damage and ensuring measures ordered in the indictments
- **115** people with important positions sent to trial
- **89** people with important positions received final conviction decisions



Priorities 2019

- Efforts need to continue to **recover the damage** caused by offences which fall under the jurisdiction of the Directorate and to order ensuring measures with the view to **confiscation**
- **Professional investigations** need to be further carried out in high level corruption cases and in those related to the frauds committed against the European funds, with a focus on the following priority sectors:
 - Corruption in the **healthcare** system
 - Corruption in the field of **forestry** and of illegal forestry exploitation
 - Corruption in **public acquisitions**
 - Corruption in granting and using of **public subsidies**
 - **Offences against the financial interests of the European Union**



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**Activity report
2018**
