

LAW NO. 144 FROM 21 MAY 2007, REPUBLISHED
ON THE ESTABLISHMENT, ORGANIZATION AND FUNCTIONING OF THE NATIONAL INTEGRITY
AGENCY

- Including subsequent amendments and additions -

Chapter I

General provisions

Articles 1-9 are repealed.

Chapter II

Implementation of the legal provisions regarding the declarations of assets and interests

Articles 10-12 are repealed.

Chapter III

The National Integrity Agency

Section 1

Organization and functioning

Art. 13.

(1) The present law sets up the National Integrity Agency, an autonomous administrative authority with legal personality, operating at national level as a single structure, with its headquarters in Bucharest.

(2) The personnel of the Agency shall be composed of the Agency president, the Agency deputy-president, integrity inspectors, public officials and contractual personnel. The Agency president shall be a dignitary having the rank of a Secretary of State, and the Agency deputy-president shall be a dignitary having the rank of a Subsecretary of State; the office of integrity inspector is a public office of special statute.”

(3) *Repealed.*

Art. 14 *Repealed.*

Art. 15

(1) In fulfilling the tasks it was assigned by law, the Agency shall act in accordance with the principle of operational independence.

(2) The Agency is led by a President, assisted by a Vice President, both appointed by the Senate, based on a competition, organized by the National Integrity Council. The mandates of the President and of the Vice President remain valid until the end of their exercise period.

(3) According to the principle of operational independence, the President, Vice President and the integrity inspectors shall not seek or receive provisions relating to the assessments on property of persons, conflicts of interest and incompatibilities of any public authority, institution or person.

Art. 16

(1) The current and capital expenses shall be entirely financed by the state budget. The draft budget is drawn up by the president of the Agency, with the avis of the Ministry of Economy and Finances and shall be forwarded to the Government in order to be included in a distinct section of the draft state budget to be approved by law.

(2) The Agency's President shall act as main chief financial officer. If the position of Agency President is vacant as well as in other cases where the President is unable to perform its duties, the main chief financial officer position is exercised by the Vice President or by the General Secretary of the Agency."

(3) The maximum number of positions of the Agency shall be 200; this number may be increased by the law on the state budget, at the proposal of the Agency president.

(4) The organizational structure of the Agency, the tasks, duties and responsibilities of the staff from its own device are established through the Rules of Organization and Operation (ROI) approved by an order of the Agency's President and will be published in the Romanian Official Gazette, Part I."

Art. 17 *Repealed.*

Section 2

Status of the Agency Staff

Art. 18

(1) The person who meets the requirements provided by art. 19 para. (2) may be appointed as an inspector.

(2) The appointment of inspectors shall be made following a competition or an examination, organized in accordance with a regulation approved by decision of the National Integrity Council, at the proposal of the president of the Agency and published in the Official Journal of Romania, Part I, as well as on the website of the Agency.

(3) The appointment of inspectors, of other public servants and of contractual personnel shall be made in accordance with Law no. 188/1999 on the Civil Servants Statute, as amended, as well as in accordance with the Government Emergency Ordinance no. 24/2000 on the system of setting basic pays for

budgetary-sector employees hired in virtue of employment contracts, approved by Law 383/2001, as subsequently amended and Law 53/2003- Labour Code as subsequently amended.

(4) The staff of the Agency may not express publicly its opinion regarding the cases pending with the Agency.

(5) The staff of the Agency has the duty not to disclose data or information to which it had access, except when requested by the law. This prohibition shall continue to apply 5 years after the activity has ceased; non-compliance is sanctioned by the criminal law.

(6) The staff of the Agency may be subject to civil, disciplinary, administrative and criminal liability, in accordance with the law.

*) To see the National Integrity Council Resolution no. 3 / 2008 on approval of the contest or examination to fill in the position of integrity inspector within the National Integrity Agency, published in the Official Gazette, Part I, no. 116 of February 14, 2008, with modifications and ulterior completions.

Art. 19.

(1) The president and vice-president of the Agency shall be appointed by the Senate, for a 4-year unrenovable term of office following a competition organized in accordance with the present law.

(2) The president or the vice-president of the Agency shall be any person cumulatively fulfilling the following requirements:

a) is a Romanian citizen;

b) has full exercise of his/her rights;

c) has a university degree in law or economics, certified under the law;

d) is not a member or has not been for the past 3 years a member of a political party, group or alliance;

e) was not an agent or collaborator of intelligence services before 1990, was not and is not an operative worker, including an undercover agent, informer or collaborator of the intelligence services;

f) has not been convicted for a criminal offence committed with intention, for which a rehabilitation order has not been issued and which renders him/her incompatible with the public dignity function, and does not have a fiscal record ;

g) is medically and psychologically able to fulfill his/her duties.

(3) The evidence that the requirements provided by para. (2), let. d) and e) are met shall be done by means of a written statement on own responsibility authenticated by a public notary.

Art. 20

(1) Within 5 days from approval of the Regulation on the Competition, the Council shall make public the initiation of the procedure for selecting the president or vice president by publishing an announcement on the Agency's website, in at least three national newspapers and in Part III of the Official Journal of

Romania. The expenses made while organizing the first competition for the president and vice president's appointment of the National Integrity Agency, as the case may be, shall be provided by the Agency itself.

(2) Candidacies, accompanied by certifying documents, shall be submitted within 30 days after the date the announcement was published, with the Human Resources Department of the Agency.

Art. 21.

(1) Within maximum 10 days from the expiry of the deadline for submitting the candidacies, the National Council of Integrity shall examine whether eligibility requirements provided by art. 18 para. (2) are met and shall select the eligible candidates files.

(2) Within 30 days after completing the verifications, the candidates who meet the eligibility requirements provided by art. 17 para. (2) shall participate in a competition.

Art. 22.

(1) The competition conditions and procedure shall be established by a Regulation.

(2) The Regulation on the competition or examination shall be approved by decision of the National Integrity Council and published in Part I of the Official Journal of Romania and on the Agency website within 15 days from the setting up of the Council.”

(3) The topic areas for the competition and the membership of the board responsible for the organization of the competition, drafting the subjects, checking the papers and solving the appeals shall be established by decision of the National Integrity Council and shall be published on the Agency's website.

(4) The competition or the examination shall consist of a written test and an interview.

(5) The subjects for the written test shall be drafted based on the topic areas, so as to reflect the candidates' knowledge as well as their leadership and organization abilities. The subjects shall be marked from 1 to 100.

(6) To pass the written test, candidates must obtain at minimum 70 points for each subject.

(7) The appeals shall be lodged within 2 days from the publication of the results and shall be solved within 2 days from the end of the lodging deadline.

(8) Candidates who obtained the minimal score provided in para. (6) shall take an interview before the National Integrity Council within 5 days from the resolution of any objections to the examination results.”

(9) The results of the competition shall be validated by the National Integrity Council, within 15 days from settlement of the appeals.

(10) Within 5 days from the resolution of any objections to the examination results, at the request of the board that organized the competition, the National Council for the Study of “Securitate” Archives shall check and communicate to the board whether any of the candidates used to belong to or collaborate with the intelligence services before the year 1990. The results of such checks shall be attached to the files of candidates.”

*) To see the National Integrity Council Resolution no. 2 / 2007 on the approval of the contest or examination for the positions of president and vice president of the National Integrity Agency, published in the Official Gazette, Part I, no. 479 of July 17, 2007, with modifications and ulterior completions.

Art. 23.

The appointment of the successful candidates shall be made by the Senate, within 15 days following validation of the results, in accordance with the provisions of the Regulation.

Art. 24.

(1) Within 5 days from validation of the competition, the Agency president and deputy-president shall take the following oath before the Senate: "I swear to abide by the Constitution and by the laws of this country, to protect the rights and fundamental freedoms of individuals, to fulfill my competences with honour, scruples and impartiality. So help me God!" or, where appropriate, they shall state the following formula: "I assume the obligation to abide by the Constitution and by the laws of this country, to protect the rights and fundamental freedoms of individuals, to fulfill my competences with honour, scruples and impartiality". The reference to a divinity is not compulsory."

(2) The refusal to take the oath or to pronounce the phrase shall result in the annulment of the appointment/entails nullity of the appointment.

Art. 25.

The president and the vice-president of the Agency may be removed from office in the following situations:

- a) resignation;
- b) managerial inability, ascertained under art. 26 para. (2);
- c) final conviction for the commission of a criminal offence;
- d) breach of the legal provisions on the conflict of interests or incompatibilities was ascertained or if the confiscation of a part of the assets or of a specific good was decided,
- e) failure to meet any of the requirements provided by art. 19, para. (2).

ART. 26

(1) In the situations mentioned in art 25, the Senate disposes, through decision the removal from the function, at the National Integrity Council's proposal.

(2) The finding of the situation under article 25 letter b) is done by a Committee made up of five members appointed by the Council, based on the proposal of the President of the Council, who based on an independent external audit report provided in par. (3), ensures the assessment of managerial abilities of the Agency positions. The conclusions of the evaluation are submitted to the Senate by the President of the Council."

(3) The Senate may issue a report yearly by an external independent audit.

(4) The National Integrity Council shall ascertain any of the situations provided by art. 25 let. c) and e), ex officio or upon the notification of any person.

Art. 27.

Positions of president and vice-president of the Agency shall be incompatible to any other public or private position, except for exclusively academic teaching positions or activities.

Art. 28.

(1) The main duties of the president of the Agency are the following: At article 28, alignment (1) let. h) will have the following content:

a) to organize, coordinate, lead and control the current activities of the Agency, within the limits established by law;

b) to approve the organizational and personnel chart;

c) to appoint, the staff of the Agency by order, in accordance with the provisions of the law;

d) to initiate disciplinary actions against the staff under his/her supervision;

e) to ensure the publication of the Agency's annual activity report and of the external independent audit report on the Agency website;

f) present to the Council, quarterly or on request, whenever necessary, briefings on the work of the Agency;

g) to represent the institution in its relationships with any other public or private institution or natural person;

h) ensures the elaboration of the strategy regarding the procedure of the asset evaluation, conflict of interest and the incompatibilities by the Agency, taking into account the recommendation of the Council; The strategy is elaborated annually and presented to the Council for Approval."

i) issue orders and instructions;

j) to fulfill any other duties specified by the law.

(2) The vice-president of the Agency shall fulfill the duties established by the present law or assigned to him/her by the president. The duties provided by para. (1) let. b) and g) may be carried out only by the president.

(3) The President, Vice President and General Secretary of the Agency do not have operational functions regarding the asset evaluation, conflict of interest and incompatibilities."

Art. 29.

(1) Staff salaries and other rights of the Agency personnel shall be established taking into account the importance, responsibility, complexity and specificity of the work performed, the prohibitions and

incompatibilities provided by law, seeking to guarantee its independence and autonomy according to the law.

(2) The President and Vice President of the Agency are to be remunerated according to Annex XI from Law no. 330/2009 regarding the unitary salaries paid to the personnel from the public funds and benefits from other funds and salary rights as these are mentioned in the Law for the integrity inspectors.

(3) *Repealed*

(4) The Agency supports for the Council members the travel expenses, in the cases where their residence is in another city than Bucharest and other expenses necessary to for home and abroad travelling, for the purpose of achieving the objectives of this law, within the approved budget.

(5) Board members are entitled to a hearing allowance, in accordance with Government Emergency Ordinance no.27/2010 regarding the amendment of article II, from Law no. 203/2009 to approve the Government Emergency Ordinance no. 79/2008 on financial and economic measures for the economic operators, published in the Official Gazette, Part I, no. 230 dated 12 April 2010, respectively 1% of gross salary income of the Agency's President. These rights are taxed according to law."

Art. 29¹

(1) Basic salary for the position of General Director within the Agency is established through assimilation with the basic salary for the position of Director within the Competition Council, corresponding to the length of service.

(2) Basic salary for the position of Director within the Agency is established through assimilation with the basic salary for the position of Deputy Director within the Competition Council, corresponding to the length of service.

(3) Basic salary for the position of Head of Office within the Agency is established through assimilation with the basic salary for the position of Head of Office within the Competition Council, corresponding to the length of service.

(4) Basic salary for the position of Superior Integrity Inspector within the Agency is established through assimilation with the basic salary for the position of Superior Competition Inspector within the Competition Council, corresponding to the length of service.

(5) Basic salary for the position of Principal Integrity Inspector within the Agency is established through assimilation with the basic salary for the position of Principal Competition Inspector within the Competition Council, corresponding to the length of service.

(6) Basic salary for the position of Assistant Integrity Inspector within the Agency is established through assimilation with the basic salary for the position of Assistant Competition Inspector within the Competition Council, corresponding to the length of service.

(7) Basic salary for the position of Debutant Integrity Inspector within the Agency is established through assimilation with the basic salary for the position of Debutant Competition Inspector within the Competition Council, corresponding to the length of service.

(8) Of the basic salaries established under paragraphs (1) – (3) shall benefit only the leading personnel within the Agency, according to the specific public functions.

Art. 30.

(1) The security of premises of the Agency, of its assets and values, the monitoring of access and maintenance of internal order necessary to undertake the ordinary activity in such premises, shall be ensured, free of charge, by Gendarmerie, through its specialized structures.

(2) Manpower and necessary funds for the protection and safety of the operations carried out shall be established by a Government Decision at the proposal of the president of the Agency. Protection by the Gendarmerie shall be ensured on condition the funds and manpower shall be increased accordingly. The terms on the use of the Gendarmerie units for securing and protecting the premises and the personnel shall be established by a protocol concluded between the Ministry of Interior and Administration Reform and the Agency.

ART. 31

(1) The preventive arrest of the President, Vice President or an integrity inspector of the Agency will attract the suspension from the held position.

(2) Within 24 hours from the date the measures provided by para. (1) were ordered, a prosecutor or, as the case may be, a judge, shall communicate the decision to the Agency or, as the case may be, to the National Integrity Council.

(3) The suspension from the position of president and vice-president of the Agency shall be ascertained by the National Integrity Council, and by the Agency's president for the staff under his/her supervision. The decision of suspension shall be communicated to the person concerned.

(4) If the president or the vice-president of the Agency are suspended from their positions, the National Integrity Council shall delegate the leading powers to an integrity inspector. The interim tenure ends when the suspended persons are reinstated or when new persons are appointed.

(5) If it is ordered the revocation of the preventive arrest, the suspension shall cease and the respective person will be reintegrated into the position previously held and the remuneration for the period of suspension will be paid.

Art. 32

(1) Evaluation of the Agency leadership quality shall be done on a yearly basis, by an external independent audit.

(2) Financing of the audit provided by para. (1) shall be ensured from the Agency's budget. The selection of the entity which performs the audit shall be done in compliance with legal provisions on public procurement.

(3) Public or private sector entities to which the state is a shareholder may not participate in the public procurement procedures.

Art. 33

(1) The audit report shall be prepared in the first three months of the year and shall necessarily include recommendations on the fulfillment of managerial duties, efficient organization, conduct and

communication, the taking of responsibilities by the Agency's leadership, as well as recommendations on the need to reduce or, as applicable, to increase the number of the Agency positions.

(2) Within maximum 5 days after receiving the report, the president shall communicate it to the Council.

Chapter IV

The National Integrity Council

Art. 34.

The National Integrity Council, hereinafter "the Council", is a representative body under Parliamentary authority exercised by the Senate, with non-permanent activity, having the tasks provided by the present law.

Art. 35.

(1) The Council is appointed by the Senate and shall consist of a number of members, appointed as follows:

a) 1 representative by each parliamentary group from the Senate plus the national minorities group from the Chamber of Deputies,

b) 1 representative by the Ministry of Justice and 1 by the Ministry of Economy and Public Finances;

c) 1 representative by the National Union of County Councils in Romania, designated by the general assembly, according to the statute;

d) 1 representative by the Local Authorities Associations in Romania designated by the general assembly, according to the statute;

e) 1 representative by the Town Authorities in Romania designated by the general assembly, according to the statute;

f) 1 representative by the Commune Authorities in Romania designated by the general assembly, according to the statute;

g) 1 representative of high public servants and 1 representative of the public servant designated by National Agency of the Public Servants;

h) 1 representative designated in common agreement by the legally established associations of the magistrates.

i) 1 representative designated by civil society organizations, legally constituted, with activity in human rights, judicial or financial area.

(2) The entities in paragraph (1) shall designate their own representatives to the Council within 20 days from the entry into force of this Law. The National Integrity Council shall be validly set up if the entities in para.(1) have designated at least half plus one of its members."

(3) The authorities, the institutions and the structures provided under para. (1) shall adequately appoint a substitute for each designated member.

(4) Within 5 days from designation by the entities in para. (1) of the Council's members, the Senate shall convoke the session for the setting up of the National Integrity Council. The session shall be quorate if at least the majority of its members are attending."

ART.35¹

(1) It may be appointed in the position of Member of the National Integrity Council the person who cumulatively meets the following conditions:

- a) Is a Romanian citizen;
- b) Has full legal capacity;
- c) Has high educational background certified according to the law;
- d) Was not an agent or employee of the intelligence service before 1990, was not and is not an operational agent, inclusively an undercover agent or has co-operated with the intelligence service;
- e) It is definitely sure that there was not a state of incompatibility or conflict of interest that there were significant differences of more than \$ 10,000;
- f) It has not been convicted for offenses committed with intent, for which rehabilitation has occurred, and it does not have a fiscal record;
- g) It is medically and psychologically fit for this position;

(2) Proof of fulfillment of the conditions set out in paragraph (1) letter d) is done based on the declaration on oath, certified by a notary public.

Art. 36

(1) The Council's president is elected from their members, through the secret vote of half plus one of the members, in five days from the date of the Council's meeting.

(2) The president of the Council can be revoked through the secret vote of at least 2\3 of the Council' s members, in case he brakes the Constitution and the laws of the country or he executed with dishonesty his prerogatives through the public function he exercises.

Art. 37

(1) The mandate of the Members of the Council is of 4 years.

(2) The mandate of the Council's members shall cease when the new members are designated, taking into account the provisions of para. (1).

(3) The Member mandate ceases before term, by dismissal from the Senate, due to the breach of the legal duties by resignation or death. Failure or the breach of the legal duties means that a Council Member is unfounded absent at three consecutive meetings or at any 6 Council meeting during the year.

(4) The substitute shall participate with full rights to the Council's meetings, in the absence of the Council's member he replaces.

(5) In the cases provided in para. 3, the designation of the new members of the Council or, as the case may be, of their substitute shall be made according to the provisions of art. 35 para. (1) and (3).

(6) Between the 90th and the 30th day before the mandate of the Council expires, the new members for the Council shall be designated.

Art. 38.

(1) The Council's sessions shall be public.

(2) The Council shall have the following tasks:

a) to propose to the Senate the appointment and the removal from office of the Agency's president and vice-president;

b) to ascertain the suspension from office of the Agency's president and vice-president;

c) approves by decision the Rules of Organization and Operation (ROI) of the Council, of the Council Committees as well as the internal norm of conduct;

d) to approve by decision the Regulations on the organization of the competition/ examination for the selection of the Agency's president and vice-president, as well as the topic areas and the structure of the board responsible for the organization of the competition, the drawing up of the subjects, the correction of tests and the settlement of appeals;

e) It analyzes the information and reports which are presented by the president of the Agency regarding its activity, trimester or every time are asked by the Council, through its president.

f) elaborates recommendations referring to the strategy and the asset evaluation activity, conflicts of interest and incompatibilities of the Agency.

g) to analyze annual audit reports, provided under art. 33.

h) It draws up to the Senate, yearly and every time is necessary, a report about the Agency's activity.

i) any other prerogatives foreseen by the law.

Art.38¹

The activity of assets evaluation, interests and incompatibilities for the President and Vice President of the Agency, as well as for its staff is made under the provisions of the present law, by an evaluation committee within the National Integrity Council, composed of five members appointed by the Council, at the proposal of the Council's President."

Art. 39

The members of the Council have the obligation in their exercise to abstain from the expression or the public manifestation of their political convictions regarding the Council's activities or the Agency and not to encourage any political party or any organization which has the same juridical regime as the political party.

Art. 40.

- (1) The Council shall meet monthly or every time is necessary.
- (2) The president of the Council and at least a quarter of its members shall summon the Council.
- (3) The Council shall function in the presence of at least 2/3 of its members and shall adopt decisions with the simple majority vote of the present members.
- (4) The secretariat of the Council shall be ensured by the personnel designated by the Agency.
- (5) The Council's meetings shall regularly take place at the premises of the Agency.

Chapter V

Disclosure of assets and interests

Articles 41 – 44 are repealed.

Chapter VI

Repealed

Chapter VII

Other penalties

Articles 51 – 57 are repealed.

Chapter VIII

Final and transitory provisions

Art. 58.

Within maximum 30 days after the entry into force of the present law, according to article 62 paragraphs (1), letter b) the documents from the archive located at the committees foreseen by Law no. 115/1996, with later amendments, will be submitted to the Agency based on a Minute. The cases in which checks are

in progress will be solved further on under the responsibility of the committees for assets evaluation, according to Law no. 115/1996, with subsequent amendments.

Art. 59.

For the position of President and Vice President of the Agency all documents will be submitted to the Council.

Art. 60

Within 30 days of the entry into force of this law, the persons designated in accordance with art. 10 shall ensure the enforcement of the present law and shall introduce in their internal regulations detailed provisions regarding conflicts of interests adjusted to the specific nature of that institution, which shall be communicated to all the employees together with the provisions of the present law.

Art. 61

Fines applied under this law are revenues to the state budget.

Art. 62

(1) The present Law enters into force:

a) in 3 days from its publishing in the Romanian Official Gazette, Part I, in regard to chapter III and IV, referring to National Integrity Agency and National Integrity Council;

b) in 6 months from its publishing in the Romanian Official Gazette, Part I, in regard to chapter I, II and chapter V - VII.

(2) The members of the National Integrity Council shall be designated within maximum 30 days after the entry into force of the present law, according to paragraph (1) let. a).

(3) The president and vice-president of the Agency shall be designated by the Senate of Romania, in accordance with this law.

(4) The Agency shall operate with no more than 25 posts until the date when it becomes operational, within the time limit set forth in para.(1). Within 5 days from the taking of the oath by the President of the National Integrity Agency, the Ministry of Economy and Finance, the Ministry of Justice, the Ministry of the Interior and of Administrative Reform, the Ministry of Labour, Family and Equal Opportunities, the National Fiscal Administration Agency, the Fraud Squad and the National Agency of Public Officials shall assign persons to perform operations relating to the setting up, organization and operation of the Agency. At the date when the Agency becomes operational, such persons may choose, with the consent of the Agency president, to be transferred to work within the Agency, under the law.

(5) The institutions mentioned in paragraph (4) shall designate seconded staff as follows:

a) Ministry of Economy and Finances - 4 persons;

b) Ministry of Justice - 3 persons;

c) Ministry of Interior and Administrative Reform- 5 persons;

d) Ministry of Labour, Family and Equal Opportunities- 4 persons;

e) National Agency for Fiscal Administration - 3 persons;

f) National Agency for Public Servants- 3 persons.

(6) In order to comply with provisions of paragraphs (2) – (5), the Government shall provide the financial, material and the logistical resource necessary for the operation of the Agency within 20 days after the present law has come into force, pursuant to paragraph (1) let.a). Within the same period, the Government and the local public administration authorities shall take the measures to ensure the Agency's premises.

(7) The first evaluation of the Agency shall be carried out starting with the mandate of the president designated in accordance with art. 23.

Law. 144/2007 on the establishment, organization and functioning of the National Integrity Agency was published in the Official Gazette, Part I, no. 359 of May 25, 2007.

*) According to the Government Emergency Ordinance no. 221/2008 for the establishment of some measures for the reorganization of central public administration, published in the Official Gazette, Part I, no. 882 of December 24, 2008, in the normative acts in force the names Ministry of Economy, Trade and Business, Ministry of Justice, Ministry of Interior and Administrative Reform, Ministry of Labor, Family and Equal Opportunities are replaced with the following Ministry of Public Finance, Ministry of Administration and Interior, Ministry of Labor, Family and Social Protection.

Art. 63

(1) On the date of the entry into force of this law, in accordance with art. 57, para.1, let. b), the following provisions shall be repealed:

a) Art. 1, 2, art. 3 para. (2) and (3), art. 4 - 9, art. 11 – 13, art. 14 para. 1, art. 15 let. b), art. 16 para. (2), art. 19, art.21-23, art. 32, 35, 36, 38 and 39 of Law no. 115\1996, with the subsequent amendments and completions.

b) Chapter I – “General Provisions”- art.73 para. (3) - (7), art. 74 and art. 76 para. (2)-(4) from Chapter II - “Conflict of interests”- and art.112-113 from Chapter VI – “Common Provisions” - Title IV, - “Conflict of interests and the status of incompatibilities in the exercise of dignities and public functions”- from Book I – “General Provision concerning prevention and fight against corruption”- of Law 161/2003 on measures to ensure transparency in exercising public dignities, public positions and in the business community, on preventing and sanctioning corruption, published in the Official Journal of Romania no. 279 Part I of April, 21, 2003, with the subsequent amendments and completions;

c) para. (1) of art. 54 of Law 393/2004 Statute of local officials, published in Official Journal of Romania, Part I, no. 912 on 7 October 2004, with the subsequent amendments.

(2) The provisions concerning incompatibilities comprised in art. 80-110 of Chapter III, Title IV, Book I, as well the ones stipulated by art. 115-117 of Chapter VII, Title IV, Book I, of Law 161/2003 on measures to ensure transparency in exercising public dignities, public positions and in the business community, on preventing and sanctioning corruption, as amended are and shall remain in force.

(3) The provisions of the present Law regarding the verification of conflicts of interests and the ascertainment of incompatibilities doesn't apply to magistrates in the activity of solving the causes from the judgment courts and the parquet around them, regarding to which the conflict of interests or the ascertained facts of incompatibilities were invoked

Art. 64

On the date of entry into force of the present law, Law no. 115/1996 on declaring and controlling the wealth the dignitaries, magistrates, persons holding a leading or controlling position and of public servants, published in the Official Journal of Romania, Part I, No. 263 of October, 23rd 1996, as amended shall be completed as follows:

1. Paragraph (2) of article 14 shall be modified and shall have the following content:

“(2) The dismissal ordinance shall be communicated to the parties and to the prosecutor's office attached to the Court of Appeal in the circumscription of which operates the commission, either to the National Integrity Agency or to the chief prosecutor of the National Anticorruption Directorate, as well as to the general direction of public finances in the circumscription of which the person whose assets are under control has residence.”

2. Paragraph (1) of article 16 shall be modified and shall have the following content:

“(1) The President of the Court of Appeal or the president of the fiscal and administrative contentious, when receiving the file, shall set a term of hearing, according to law and shall order the summoning of all the parties who had been called to the Agency. The state, through the Ministry of Economy and Finances, shall always be summoned during court proceedings. The presence of the prosecutor and of the Agency is mandatory.

3. Article 20 shall be modified and shall have the following content:

“Art. 20. The sentences of the Court of Appeal – the disputed claims office administrative and fiscal can be appealed by the interested parts, by the Agency and the public prosecutor, in 15 days from the communication, to the High Court of Cassation and Justice- Sentences by the court of appeal, section for contentious administrative and fiscal business”

4. The naming “investigation commission” shall be replaced by the naming “National Integrity Agency” throughout Law No. 115/1996.