

Anti-corruption policy

The Criminal Code was amended to remove the possibility for courts to return a bribe to a bribe-giver who declares the offence before it is uncovered. The Law on Financing of Political Parties and the Election Code were further amended with a view to addressing GRECO and ODIHR recommendations.

The ***administrative capacity*** of the relevant institutions was strengthened slightly, however both the State Commission for the Prevention of Corruption (SCPC) and the Anti-Corruption Unit of the Ministry of Interior remain inadequately staffed and funded (6 out of 18 planned posts in the Anti-Corruption Unit are still vacant). The State Audit Office (SAO) is also understaffed and underfunded in the light of its new functions of financial supervision of political parties and election campaigns. The limited powers of the SCPC are hampering its development into an effective anti-corruption body. The dismissal of the former president of the SCPC without a clear legal basis raised concern. One new prosecutor was employed in 2013 in the Basic Public Prosecutor's Office for the fight against organised crime and corruption, but both human and material resources still need to be significantly strengthened within the prosecution service in order to meet the challenges of the new Law on Criminal Procedure which is due to enter into effect in December 2013.

There were 123 convictions for corruption-related offences in 2012, most of which related to abuse of public office. Bribery offences still account for a low number of overall convictions. The SCPC received 177 complaints in 2012, a drop of 33% compared to 2011. It filed 13 requests to the public prosecutors' offices to initiate criminal proceedings. The overall capacity of the courts to deal with corruption cases remains weak, in particular as regards high-level cases, where proceedings are lengthy and inefficient. Requests sent by the SCPC to the public prosecutor to initiate criminal proceedings are not effective, as they rarely lead to successful prosecutions. Orders for seizure and confiscation of assets remain rare and special investigative measures are not used systematically to detect and investigate corruption offences. It remains to be seen whether the new Law on Criminal Procedure will improve the general implementation of the anti-corruption framework in practice.

The ***corruption prevention activities*** of the SCPC in 2012 included both the random verification of asset declarations and the newly introduced systematic verification of statements of interest of appointed and elected officials, as well as checks carried out *ex officio* or on the basis of external complaints. In 30 cases the SCPC asked the Public Revenue Office to conduct an asset examination procedure and, as a result, 6 officials were charged the 70% tax rate on their undeclared income. The SCPC also initiated misdemeanour proceedings against 10 officials who had failed to submit asset declarations. As regards conflicts of interest, 483 statements submitted by MPs, ministers, deputy ministers and officials elected or appointed by parliament were verified by the SCPC in 2012. During the verification exercise, 123 officials were found not to have submitted statements and as a result misdemeanour proceedings were initiated in 26 cases in early 2013. However, the absence of a registry of elected and appointed officials continued to hamper effective control of assets and conflicts of interest of these officials.

In 2012, the Sector for Internal Control and Professional Standards in the Ministry of Interior started ***disciplinary procedures*** against 347 police officers (an increase from 228 in 2011). It also raised criminal proceedings in 10 corruption-related cases. The customs administration further strengthened its integrity system with measures relating to transparency, human

resources and financial management. 72 disciplinary procedures were initiated against customs officers in 2012; however none were directly corruption-related. Criminal charges were brought against 2 customs officers for taking a bribe. The internal control system in central and local administration remains weak and effective whistle-blowing mechanisms in the public and private sectors are yet to be set up.

The implementation of the legal framework on *political party funding* remains deficient. The lack of transparency and accountability of political parties for breaches of the legislation on party funding remains a concern. In spite of legislative amendments, limited action has been taken as regards measures to inform political parties about their reporting obligations and a more streamlined and proactive supervision and sanctioning system is needed. The OSCE/ODIHR reported widespread allegations of misuse of state resources during the 2013 local elections and the failure of the relevant institutions to counter them raised serious concerns. The SCPC's public announcement about the irregularity of the asset declaration of an opposition mayoral candidate, a few days before election day, called its impartiality into question.

Corruption in *public procurement* continues to be a serious concern. While reports of violations of public procurement law and corruption in public procurements are widespread, there is currently no institution assigned to ensure effective and timely control and supervision of public procurements, including concessions and public-private partnerships, and of the execution of contracts. No administrative sanctions are foreseen for violations of the administrative regulations and criminal investigations and convictions for abuse of public procurement rules, while on the increase, are still relatively rare. The institutional framework and measures taken need to be expanded to effectively address this problem.

The Law on Free *Access to Public Information* and its implementation remain deficient. The legal penalties are still not imposed in practice and political parties remain excluded from the list of holders of information, releasing them from the obligation to provide information to the public and from the penalty regime. The transparency and accountability of public institutions and enterprises, and of public expenditure, continue to be insufficient. (*see also 2.1 – Public administration*).

In 2012, the SCPC and the Academy for Judges and Prosecutors carried out 32 anti corruption *training activities*, reaching more than 800 participants. The collection of data on the implementation of 2011-2015 state programmes for the prevention and suppression of corruption and on conflicts of interest improved with the introduction of new software in the SCPC. Representatives of the police, financial police, customs administration, Public Revenue Office, public prosecutor's offices and courts, as well as the SCPC, cooperated in a working group to set up a unified statistical system for anti-corruption policy. However, much remains to be done as regards awareness-raising. The enforcement of anti-corruption policy was largely invisible to the public. The number of complaints to the SCPC is falling year on year. Operational cooperation between institutions still remains weak, and the law enforcement and supervision agencies engaged in the fight against and prevention of corruption are insufficiently proactive.