

Anti-corruption policy

Track record

The number of **investigations, prosecutions and convictions** in corruption cases fell overall in 2015. Of the 6 investigations officially presented by the Special Prosecutor's Office since the end of 2015 in relation to the wiretapping scandal, more than half are corruption-related cases.

More than half of the **high-level corruption cases** launched since 2003 have been completed. The credibility of the track record (an 'Urgent Reform Priority') remained marred by the lack of effective investigations of serious allegations made against senior officials and by protracted prosecutions in high-profile cases. Investigations of corruption in **public procurement** and concessions remained limited in 2015, despite persistent allegations of widespread corruption.

No substantial sanctions were imposed for breaches of **political party and election campaign financing** regulations. A more credible supervision system and a consistent track record of effective and dissuasive penalties, in particular against major political parties, still needs to be developed.

Most cases are still referred to the prosecution service by the police. A more proactive approach is required from other law enforcement and supervisory bodies. The tendency of the Public Prosecutor's Office not to pursue criminal investigations initiated by the State Commission for the Prevention of Corruption (SCPC), the State Audit Office and other institutions continued.

In 2015, the SCPC slowed down its corruption prevention activities significantly. It filed only 2 requests to prosecutors to initiate criminal proceedings (compared with 7 in 2014). It carried out checks on **asset declarations** of only 43 elected and appointed officials. It also initiated 7 misdemeanour proceedings for failure to declare assets (51 in 2014). The SCPC asked the Public Revenue Office to conduct asset examination procedures in only 10 suspicious cases (58 in 2014). Unlike in previous years, the Public Revenue Office did not initiate any asset verification procedures on its own initiative.

As regards **conflict of interest**, the SCPC received 437 statements of interests in 2015 and misdemeanour procedures were initiated against 3 officials for failure to submit their statements of interests (22 in 2014). The SCPC also initiated 107 procedures to resolve conflicts of interest. The only available sanction, a 'public reprimand', was pronounced against 16 officials for refusing to resolve their conflicts of interest.

The system for investigating and penalising undeclared assets remained lengthy and cumbersome. The SCPC's ability to fully implement the system of penalties for reporting failures is being undermined by courts applying weak sanctions, often below the level required by law.

Although the National Commission for the Protection of the Right to Free Access to Public Information stated in its annual report that 93 % of around 5000 requests for access to information had received a positive reply, the number of complaints increased (960 in 2015). There are indications that the authorities do not disclose information in areas such as budget expenditure, procurement, the operation of law enforcement authorities and the judiciary.

Institutional framework

Prevention measures

The **SCPC** is still not in a position to fulfil its mandate, despite the adoption of a methodology

for anti-corruption verification, the establishment of a new unit with four temporary employees and an electronic register of elected and appointed officials to facilitate the control of assets and interests (an 'Urgent Reform Priority'). The SCPC's status, funding and technical tools still remain inadequate and it still needs to demonstrate its independence. The number of complaints continued to drop in 2015, down to only 124 compared with 141 in 2014 and 201 in 2013. This indicates a drop in the level of public trust and confidence in the SCPC.

The **State Audit Office's** IT infrastructure improved but interconnection with other relevant institutions is still not in place. The enforcement regime needs to be further improved and the roles of relevant institutions need to be clarified to enable control of political party donors and assets received and owned by political parties.

An institution needs to be empowered to ensure effective and timely control and supervision of **public procurement**, concessions, public-private partnerships and execution of public contracts. There is no administrative penalty regime. The transparency and accountability of public institutions and state enterprises, and of public expenditure, are still insufficient. The National Commission for the Protection of the Right to Free **Access to Public Information** remained passive and is criticised for its lack of functional independence.

The Academy for Judges and Prosecutors, the SCPC and the Training Centre of the Ministry of the Interior continued to provide a variety of **anti-corruption training**. 226 border police officers attended eight specialised training courses on the fight against corruption. The private sector should be systematically included in corruption prevention activities.

Law enforcement

The existing specialised units in police and prosecution face some difficulties especially in fighting high-level corruption. The Ministry of the Interior's **Unit for the Fight against Corruption** is still inadequately equipped and understaffed. The **Public Prosecutor's Office** budget increased to EUR 8 million in 2016 and it launched an electronic case management system aimed at improving its efficiency and integrity. **The Special Prosecutor's Office** received EUR 4.13 million for 2016 and could finally recruit its staff, but its work was hampered by obstruction and a lack of cooperation from other institutions, as well as insufficient technical equipment.

The powers and resources of the police, the Public Prosecutor's Office, the courts and the **Agency for Management of Confiscated Property** should be strengthened so that criminal assets can be seized and confiscated more frequently, including in the early stages of criminal investigations.

In 2015, the Ministry of the Interior's **Unit for Internal Control, Criminal Investigations and Professional Standards** started disciplinary procedures against 20 police officers on charges of corruption (11 in 2014). The procedures resulted in fines against nine officers and one dismissal. The Unit also started criminal proceedings in 14 corruption-related cases (11 in 2014). To ensure proper oversight of police work, the Unit's independence should be strengthened and an external oversight mechanism of the Ministry of the Interior created. The **customs administration** further improved procedures for corruption risk assessment. It

adopted a new code of conduct, carried out internal investigations and organised anticorruption training. Following 51 disciplinary procedures in 2015, 5 customs officers were dismissed for corruption-related violations (compared with 4 in 2014). No criminal charges for corruption were brought against customs officers in 2015 (there were 5 such cases in 2014). The customs administration needs additional technical equipment so that it can independently carry out special investigative anti-corruption measures.

Legal framework

There are still significant gaps and weaknesses in the legislation. A new **law on the protection of whistle-blowers** was adopted in November 2015 but Venice Commission recommendations still need to be addressed. Amendments were made to the electoral code, which partially addressed previous OSCE/ODIHR recommendations, including on election campaign financing. However, some OSCE/ODIHR and GRECO recommendations on political parties still need to be addressed.

The State Audit Office was given the task of reviewing complaints about campaign financing. The law on state audit was amended to increase the fines for non-cooperation by auditees and their responsible staff. However, there are concerns over legal certainty and potential abuse of the new penalty regime.

The SCPC currently has inadequate powers to put an end to and penalise conflicts of interest in cases where the official concerned refuses to cooperate.

Strategic framework

Some important measures set out in the 2011-2015 state programmes to prevent corruption and conflicts of interest and their action plans were not implemented. The overall impact of these state programmes has been limited.

The new state programmes for 2016-2019 are focused on fewer priorities. However, they fail to address the criminal framework for combating corruption, where many legal, institutional and practical weaknesses persist. They are equally short on detail and ambition in other key parts. Implementation costs and the bearers of these costs were not set out in the state programmes and no specific funds from the state budget were secured to implement them.