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on the Code of Conduct for the Civil Servants

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Chapter I

Field of Application and General Principles

Field of Application

Art. 1. – (1) This Code of Conduct for civil servants, hereinafter called *Code of Conduct*, regulates the general norms of moral and professional conduct for civil servants.

(2) The general norms of moral and professional conduct stipulated by this Code of Conduct are compulsory for the civil servants and for those who are temporarily holding a public office within public authorities and institutions.

Objectives

Art. 2. – The objectives of this Code of Conduct aim to secure the increase in the quality of the public service, a good management with a view to best serving public interests and to contribute to the elimination of bureaucracy and corruption in the public administration sector by :

a) regulating the norms of moral and professional conduct needed in making social and professional connections with a view to creating and maintaining at a high level the prestige of the public institution and its servants.

b) raising the citizens' awareness as to the conduct they should expect from civil servants when pursuing their public duties.

c) creating a trustful climate between the citizens and the civil servants, and on the other hand, between the citizens and the public authorities.

General Principles

Art. 3. – the principles that govern the moral and professional conduct of civil servants are:

- a) The supremacy of law, meaning that civil servants shall observe the Constitution and the Romanian laws;
- b) The priority of the public interest, meaning that civil servants shall place the public interest above any other interest in pursuing their public duties;
- c) Securing the equal treatment of citizens in their relation with public authorities and institutions, meaning that civil servants shall apply the same legal principles in identical or similar situations.
- d) Professionalism, a principle according to which civil servants shall be responsible, competent, efficient, honest and conscientious in pursuing their duties.
- e) Impartiality and independence, meaning that in pursuing their public duties civil servants shall be objective and neutral when it comes to any political, economic, religious or any other interest.
- f) Integrity, the principle according to which civil servants mustn't request or accept, directly or indirectly, for themselves or for others, any advantages or benefits in pursuing the duties of their civil service position or to take any unfair advantage of the positions they hold;
- g) Freedom of thought and expression, meaning that civil servants can express and implement their opinions by observing the rule of law and good morals.
- h) Honesty and fairness in pursuing public duties and responsibilities.
- i) Openness and transparency, meaning that the activities carried out by the civil servants in performing their positions are public and can be monitored by the citizens.

Terms

Art. 4. – For the purposes of this law:

- a) *civil servant* means the person appointed on a civil service position in accordance with Law 188/1999 regarding the Statute of the civil servants;
- b) *civil service position* means the entirety of attributions and responsibilities established by the public authority or institution, upon the law, in order to carry out its competences;
- c) *public interest* means the settling of legitimate requests by natural and legal persons, of public and private law, Romanian and foreign, as well as the fulfillment of duties by public servants regularly and continuously, with

impartiality and fairness, in keeping with the responsibilities they have under the law;

d) *personal interest* means any patrimonial or non-patrimonial advantage civil servants may pursue, for themselves or their families, parents, friends or closed ones or for legal persons and organizations they have had business or other types of relations with, which might affect their impartiality and integrity in pursuing public duties;

e) *conflict of interests* means the situation in which the personal interest, direct or indirect, of a civil servant is against the public interest, so that it affects his independence and impartiality in making decisions or in carrying out his duties in time and with objectiveness.

f) *public interest information* means any information related to or resulted from the activities of a public authority or institution; no matter its purpose.

g) *information on the personal data* means any information related to an identified or identifiable person.

Chapter II

General Norms of Moral and Professional Conduct for Civil Servants

To provide a high quality public service

Art. 5. – (1) Civil servants shall provide high quality public services to the benefit of the citizens, by actively participating in decision making and by turning decisions into practice, with the aim of meeting the responsibilities of the respective public authorities and institutions.

(2) In pursuing their public duties, civil servants shall have a professional conduct and shall prove, under the law, administrative transparency, so as to maintain public confidence in the integrity, impartiality and efficiency of public authorities and institutions.

Loyalty to the law

Art. 6. - (1) Civil servants, through their actions, shall abide by the laws of the country and take action in order to enforce legal provisions, in keeping with their responsibilities, by observing the principles of professional ethics.

(2) Civil servants shall obey the legal provisions regarding restrictions for certain rights, because of the features of the public position they hold.

Loyalty to public authorities and institutions

Art. 7. – (1) Civil servants shall loyally protect the prestige of the public authority or institution they work with, and shall refrain from any action that might harm its image or its legal interests.

(2) Civil servants must not:

- a) publicly express untrue opinions about the activity of the respective public authority or institution, about its policies and strategies or about normative or individual draft acts;
- b) make unauthorized remarks about disputes pending, to which the public authority or institution is a party;
- c) divulge information that does not have a public character, in circumstance other than those provided by the law;
- d) divulge information they have access to as civil servants, if that may bring about unwarranted advantages or harm the image or the rights of some civil servants, natural or legal persons;
- e) provide advice and assistance to legal or natural persons in carrying out legal or other kind of actions against the state or the public authority or institution they work for, unless they have responsibilities of this kind.

(3) The provisions in paragraph (2) lit. a)-d) also apply when the work report ends, for a period of 2 years, if special laws do not provide other terms.

(4) Civil servants are allowed to disclose information that do not have a public character or to provide documents containing such information, upon the request of another public authority or institution, only if approved by the head of the public authority or institution the respective civil servant works at.

(5) The provisions of this Code of Conduct cannot be interpreted as derogation from the civil servant's legal obligation to offer information of public interest, as provided by the law.

Freedom of opinion

Art. 8. – (1) In pursuing their duties, public servants shall respect the dignity of their position, correlating the freedom of dialogue with the promotion of the interests of the public authority or institution they work at.

(2) Civil servants shall observe the freedom of opinion and should not be influenced by personal or populist motives. When expressing their opinions, civil servants shall have a conciliatory attitude and avoid conflicts generated by exchanges of opinions.

Public activity

Art. 9. – (1) The relationship with the media is the duty of the civil servants specially appointed by the head of the respective public authority or institution, as provided by the law.

(2) The civil servants appointed to participate in public events or debates, as officials, shall act within the range of responsibilities assigned to them by the head of the respective public authority or institution they work at.

(3) If not appointed to act as such, the civil servants can participate in public events or debates, provided they make public the fact that the opinions expressed do not represent the official standpoint of the public authority or institution they work at.

Political activity

Art. 10. – In pursuing their public duties, civil servants mustn't :

- a) participate in fund raising for political parties;
- b) provide logistical support to candidates for public offices;
- c) collaborate with natural or legal persons who make donations and sponsor political parties;
- d) post within the premises of the public authorities or institutions logos/insignia or any other signs with names of the political parties or their representatives;

The use of image

Art. 11. – Civil servants mustn't use their name or image in advertising events for the promotion of commercial activities or for electoral purposes.

Relationships

Art. 12. – (1) In the relationship with the staff of the respective public authority or institution, as well as with natural or legal persons, civil servants shall have a conduct based on respect, good-faith, fairness and courtesy.

(2) Civil servants shall not harm the honor, reputation and dignity of the other people working with the respective public authority or institution, as well as of those who they get in contact with while pursuing their public duties by:

- a) using offensive language;
- b) divulging aspects of their private lives;
- c) drawing up defamatory notes or complaints;

(3) Civil servants shall have an unbiased and justifiable stand so as to efficiently solve the problems of the citizens. They shall observe the principle of equality before the law and public authorities by:

a) promoting similar or identical solutions to the same category of situations

b) eliminating any form of discrimination on grounds such as nationality, religious and political orientation, wealth, health, age, sex or other.

(4) In order to engage in social and professional connections that protect the dignity of the persons involved, secure the efficiency of the activity performed and an increase in the quality of the public service provided, the norms of conduct stipulated in paragraphs (1)-(3) shall be observed by the other parties involved in these relationships as well.

International relations

Art. 13. - (1) The civil servants that represent the public authority or institution at international organizations, education institutions, conferences, seminars and other activities shall promote an image favorable to Romania and to the public authority or institution they represent.

(2) In the relationship with representatives of other countries, civil servants mustn't express personal opinions on national issues or international disputes.

(3) When traveling abroad, civil servants shall act as provided by the corresponding protocol rules and they mustn't break the laws and customs of the country they're visiting.

Restrictions regarding the acceptance of presents, services and advantages

Art. 14. – Civil servants shall not ask for or accept presents, services, favors, invitations or any other advantages for themselves, their families, parents, friends or people they have business or political relations with, which might influence their impartiality in exerting their public duties or which might stand for rewards related to their position.

Participation in decision making

Art. 15. – (1) As regards decision making, civil servants shall act as provided by the law and use their power of decision in a justifiable and impartial way.

(2) Civil servants mustn't promise that a certain decision will be made by the respective public authority or institution, by other civil servants or that certain responsibilities will be carried out in a privileged manner.

Objectivity

Art. 16. – (1) In pursuing their public duties as leaders, civil servants shall ensure equal chances of career development for the civil servants subordinated to them.

(2) Civil servants in leading positions shall objectively examine and apply professional skills evaluation criteria for the staff subordinated to them when they propose or approve promotions, transfers, appointments or dismissals, or when granting material or moral incentives, excluding any form of favoritism or discrimination.

(3) Civil servants in leading positions mustn't favor or hamper the access or promotion to public positions making use of discriminatory criteria, or reasons such as kinship, affinity or other criteria which break the provisions stipulated in paragraph 3.

The use of political prerogatives

Art. 17. - (1) The use of the prerogatives entailed by the respective public positions for purposes other than those provided by the law is forbidden.

(2) In decision making, counseling or document drafting, evaluations or participation in investigations or control actions, civil servants mustn't pursue their own personal interests or harm in any way other people.

(3) Civil servants mustn't use their public position or the connections they have established while pursuing their public duties to influence any internal or external investigation or to influence the making of a certain decisions.

(4) Civil servants mustn't force other civil servants to enroll in organizations or associations, irrespective of their character or suggest them to do so by promising material or professional rewards.

The use of public resources

Art. 18. – (1) civil servants shall protect the state's public and private property as well as that of the local government units, to avoid any prejudice, acting in any situation as a good owner.

(2) Civil servants shall use office time and the goods belonging to the respective public authority or institution just for carrying out activities specific to the public position held.

(3) Civil servants shall propose and secure, in keeping with their official responsibilities, the proper and efficient use of public money, as provided by the law.

(4) Civil servants engaged in didactic or publishing activities, to their own benefit, mustn't use the office hours or the logistics of the public authority or institution they work for in carrying out these activities.

Restricted participation in acquisitions, license granting or leasing

Art. 19. – (1) Civil servants can purchase goods owned by the state or by local government units, put up for sale legally, except for the following situations:

- a) When they learnt about the value or the quality of the goods to be sold during or following the fulfillment of their public duties;
- b) When they participated, as part of their public responsibilities, in organizing the selling of the respective good;
- c) When they can influence the selling or when they got information to which those interested in purchasing the respective good had no access to;

(2) The provisions in paragraph (1) also apply when goods owned by the state or by local administrative units are licensed or leased.

(3) Civil servants mustn't supply information on public or private property of the state or of the local administrative units which are put up for sale or leasing, in conditions other than those provided by the law.

Chapter III

The Coordination and Control of the Application of the Norms of Moral and Professional Conduct

The public institution in charge

Art. 20. – (1) The National Agency of Civil Servants is the body in charge of coordinating and monitoring the application of the norms stipulated, and it has the following responsibilities:

- a) to monitor the application and observance of the norms stipulated in this Code of Conduct
- b) to receive reports and complaints about breaches of the provisions of this Code of Conduct
- c) to recommend solutions to the cases it was notified of
- d) to draft studies and reports on the observance of the norms included in this Code of Conduct

- e) to cooperate with the NGOs whose activities focus on promoting and protecting the legitimate interests of the citizens in their relation with civil servants;

(2) The National Agency of Civil Servants cannot influence the proceedings of the discipline committees.

Notification

Art. 21.- (1) The National Agency of Civil Servants can be notified by any citizen of:

- a) a civil servant breaching the provisions of this Code of Conduct;
- b) a civil servant being threatened or constrained to break the law or avoid its proper enforcement;

(2) The notification of the National Agency of Civil Servants does not exclude the notification of the competent discipline committee, as provided by the law.

(3) Civil servants cannot be sanctioned or prejudiced in any way for rightfully reporting the case to the National Agency of Civil Servants or the competent discipline committee, as provided by the law.

(4) The National Agency of Civil Servants shall check the situations it was notified of, by observing the principle of confidentiality regarding the identity of the person who sent the report/complaint.

(5) All notifications will be centralized in a database, used to:

- a) Identify the causes which led to the violation of the norms of professional conduct;
- b) Identify ways of preventing the violation of the norms of professional conduct;
- c) Take the necessary measures aimed at cutting down on and doing away with cases of law violation.

Settling the case

Art. 22.- (1) the results of the investigation will be put down in a report, on the basis of which the National Agency will draw up a recommendation addressed to the respective public authority or institution regarding the way in which the case can be settled.

(2) The following persons will be informed about the recommendation drawn up by the National Agency:

- a) the civil servant or the person who sent the notification;
- b) the civil servant who is the subject of the respective notification;

- c) the head of the public authority or institution the respective civil servant works with;
- (3) Within 30 working days, the public authorities and institutions shall inform the National Agency about the way in which the measures included in the recommendation will be taken.
- (4) If the head of the public authority or institution or his/her deputies are involved in the respective situation, the recommendation drawn up by the National Agency will be submitted to the upper hierarchical body, or if the case may be, to the prime-minister.

Publicity on reported cases

Art. 23. – (1) the annual report on the public office and civil servants management which is drawn up by the Civil Servant’s National Agency and is submitted to the Government, will also include the following:

- a) the number and subject matters of complaints about cases of violation of the norms of conduct;
- b) the categories and the number of civil servants who violated the norms of moral and professional conduct;
- c) the causes and the consequences of the failure to observe the provisions of this Code of Conduct;
- d) the register of those cases when civil servants were asked to act under political pressure;
- e) recommendations;
- f) the names of the public authorities or institutions who failed to observe the recommendations;

(2) The National Agency of Civil Servants can decide to include in its annual report cases presented in detail, which are of a particular interest to the public.

Chapter IV Final provisions

Accountability

Art.24. - (1) the violation of this Code’s provisions triggers the disciplinary liability of the civil servants, as provided by the law.

(2) The Discipline Committees have the necessary competence to investigate into cases of Code of Conduct violation and to suggest disciplinary measures, as provided by the law.

(3) If the respective notified situations are criminal matters, the competent law enforcement bodies will be notified, as provided by the law.

(4) Civil servant will answer before the law if, by violating the norms of moral and professional conduct harm in any way natural or legal persons.

The harmonization of the internal rules of organization and operation

Art. 25. – Within 60 days since the enforcement of this Code of Conduct, the public authorities and institutions will harmonize their internal rules of organization and operation or the specific codes of conduct, in keeping with the provisions of this Code of Conduct, depending on their field of activity.

Publicity

Art. 26. – For citizen information, the PR departments with the public authorities and institutions shall post or distribute this Code of Conduct in a proper presentation form.

Enforcement

Art. 27. – This Code of Conduct for Civil Servants gets in forces within 15 days since it publication of the Official Gazette of Romania, Part I.