

FIGHT AGAINST FRAUD DEPARTMENT
DLAF

ACTIVITY REPORT 2021

DLAF LUPTA
ANTIFRAUDA
FIGHT
AGAINST FRAUD

**FIGHT AGAINST FRAUD DEPARTMENT
- DLAF**

ANNUAL ACTIVITY REPORT

2021

TREATY ON THE FUNCTION OF THE EUROPEAN UNION

CHAPTER 6 - FRAUD COMBATTING

Article 325

“(1) The Union and the Member States shall combat fraud and any other illegal activity which is detrimental with the Union's financial interests, through measures to be taken in accordance with this Article, measures that will discourage fraud and provide effective protection in the Member States, as well as in institutions, bodies, offices and agencies of the Union.

(2) In order to combat fraud, which is detrimental with the Union's financial interests, the Member States shall adopt the same measures as they adopt in order to combat fraud affecting their own financial interests.

(3) Without prejudice other provisions of the Treaties, Member States are coordinating their action aiming to defend the Union's financial interests against fraud. To this end, Member States together with the Commission shall organise close and constant cooperation between the competent authorities.

(4) The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt, after consulting the Court of Auditors, the necessary measures in the field of fraud prevention which is in the detrimental of the Union's financial interests and combating fraud, in order to provide effective and equivalent protection in the Member States, as well as in the institutions, bodies, Union agencies.

(5) The Commission, in cooperation with the Member States, shall submit annually, to the European Parliament and Council, a report regarding the measures adopted in order to implement the present Article.”

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FOREWORD

The year 2021 marked an anniversary moment for DLAF - **10 years since its establishment**, in 2011, as a structure with **legal personality**, within the working apparatus of the Government and under the coordination of the Prime Minister, during which the Department has **permanently reconfirmed its position as national coordinator of the fight against fraud and as a trusted partner of the European institutional actors** involved in the fight against fraud, corruption and other illegal activities affecting the EU's financial interests.

The continuing health restrictions imposed by the COVID-19 pandemic have limited, in the reference year, face-to-face interactions, in particular with regard to the regular awareness-raising and training activities organised by DLAF. However, the legislative, administrative and operational measures adopted by the Department, throughout the year, have **strengthened its administrative capacity** to meet the new challenges and created the framework for a gradual return to normality.

The European instruments, which entered into force in 2021, through **the recovery and resilience mechanism** and **the conditionality mechanism based on the rule of law**, have provided an additional level of protection to the EU budget, but also to the joint responsibility of the EU and its Member States to protect the financial interests of the Union and combat fraud.

The operationalisation of the EPPO on June 1st, 2021 has created challenges to address the procedures for investigating crimes under DLAF's competence in order **to align with the Department's responsibilities as a competent national administrative authority**.

In this context, DLAF has taken steps to put in place the appropriate administrative tools for a **prompt response** to the EPPO's specific mission and the overall objective of protecting the European Union's financial interests, thus taking action to ensure **cooperation with the national institutions involved** in the coordination, management and control of EU funds.

Within the **new EU anti-fraud architecture**, DLAF acts in order to **strengthen its role** so as to provide **effective guarantees for compliance with Romania's obligations under art. 325 TFEU**.

Bogdan - Ionuț DINȚOI,

Head of the Fight Against Fraud Department - DLAF

Protection of EU's financial interests in Romania throughout legislative, administrative or inter-institutional cooperation measures

In accordance with Article 10 of the Regulation on the organization and functioning of the Fight Against Fraud Department – DLAF, approved by Government Decision no. 738/2011, the Legal Affairs Directorate within DLAF, ensures the protection of the EU's financial interests, by direct or coordination, preventive, legislative or administrative means, as follows: it promotes regulatory acts or public policies, cooperates and communicates DLAF's point of view at the meetings with other national institutions involved in the protection of the financial interests of the European Union, with OLAF or other relevant public authorities in the other Member States of the European Union, , drafts legal opinions on the application of legislation in the field of protection of the financial interests of the European Union, at the request of national or European institutions.

The Legal Affairs Directorate endorses, from legal point of view, the acts issued or concluded by the Head of the Department and represents the interests of the institution before the courts and other jurisdictional bodies.

Programs and Professional Training Service, as a part of the Legal Affairs Directorate, coordinates, at national level, the training and professional development activity in the field of protection of the financial interests of the European Union in Romania, develops, in collaboration with OLAF, specific training programs and modules, and coordinates, schedules, implements, monitors and evaluates the training programs in which DLAF takes part or in which it is a provider of technical and/or financial expertise to other states.

In the context of the **SARS-CoV-2** pandemic and the alert measures adopted by the Romanian authorities, the **Fight against Fraud Department suspended the organization of training events**; the Legal Affairs Directorate adapted its internal procedures, working remotely and using the qualified electronic signatures, thus respecting the health preventive policy adopted by DLAF.

❖ **Strengthening national policies and the national legislative framework regarding the protection of the EU's financial interests in Romania**

- **EUROJUST** – the Head of DLAF is EUROJUST national correspondent and attended the meetings of the members of EUROJUST National Coordination System, in order to strengthen judicial cooperation with the Member States of the European Union.

- *The National Anti-Corruption Strategy (NAS)* - DLAF is a member of the Cooperation of Independent Authorities and Anti-Corruption Institutions Platform, and in this capacity, it constantly reports on the evolution of internal anti-corruption mechanisms, shares best practices with other institutions and participates in the regular meetings of the Cooperation Platform, organized and coordinated by the Ministry of Justice (during the reference period, electronic consultations took place and the meetings of the cooperation platform were held in videoconference format).

DLAF contributed to drafting of the *The National Anti-Corruption Strategy (NAS) 2021 - 2025* (approved by *Government Decision no.1269/2021*), through specific measures to achieve the general objective: "Strengthen institutional management and administrative capacity for preventing and combating corruption".

- *Network for the notification of national measures regarding European directives transposition* - DLAF is a member of this group coordinated by the Ministry of Foreign Affairs and contributes to the monitoring, assumption and initiation of internal procedures for the transposition of directives falling within its area of competence.

- *Legal opinions* on the protection of the EU's financial interests in Romania - at the request of the interested entities and entitled according to the law, the Legal Affairs Department formulated opinions on the application of the legislation in the field of PIF of the European Union, as follows: incidental issues of the subcontracting or the period of monitoring of projects, interpreting the provisions of the Government Emergency Ordinance no. 66/2011 regarding the prevention, detection and sanctioning of irregularities occurred in obtaining and using of European funds and/ or related national public funds, as previously amended.

- *The Government's Annual Working Plan (PALG)* - DLAF reports regularly in the PALG's electronical application, its legislative priorities for the current period; DLAF also reports to the General Secretariat of the Government on its legislative priorities, as well as other legislative proposals that may be included in the legislator's initiatives.

DLAF *monitors the evolution in the Romanian Parliament of the legislative proposals* or of the parliamentary examination of the European Union documents, which falls in its area of interest.

- *Opinions* issued during the interinstitutional consultation, at the request of the initiating institutions, *on proposals for normative acts* which targets for example: implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), facilitating the use of financial information and financial analysis in order to prevent, detect, investigate or prosecute certain crimes, the amendments of the Administrative Code, the financial management of the European funds for the 2021-2027 programming period allocated to Romania from European Regional Development Fund, the Cohesion Fund, the European Social Fund Plus, the Just Transition Fund, the establishment of the institutional and financial framework for the management of European funds under the Recovery and Resilience Facility, as well as various measures financed by non-reimbursable external funds.

- *The Implementation of ISO 9001 Unitary Quality Management System and CAF Instrument* - DLAF is participating together with the General Secretariat of the Government in the “Implementation of the ISO 9001 Unitary Quality Management System and CAF Instrument at SGG level, inclusive at the level of the departments and structures of the central public administration which are under its control/coordination/authority”, within the Sipoca 695 Project “Strengthening the management system by implementing the Common Self-Assessment Framework (CAF) and the quality management system according to ISO 9001: 2015”.

- As a beneficiary of EU funds through POAT 2014-2020, DLAF participated in a series of on-line surveys launched by the Ministry of Investments and European Projects, in order to *evaluate POAT 2014-2020 and to apply horizontal principles at structural and investments funds level*.

- DLAF contributed to the *consultation on the European affairs public policy* project and the European affairs communication strategy carried out by the Ministry of Foreign Affairs in the framework of the Project “Reinforcing and promoting Romania's position as a relevant actor in European decision-making processes”.

- *During the state of alert, arising from the COVID 19 pandemic*, The Legal Affairs Directorate monitored official national or European publications for immediate information on the regulatory acts which entered into force and the national or European case law, as well as the European measures adopted in the context.

- The Legal Affairs Directorate ensured the *representation of the interests* of DLAF in several cases *before the courts*.

❖ Strengthening European policies and the European legislative framework regarding the protection of the EU's financial interests

- *European Affairs Coordination Committee, Ministry of Foreign Affairs* - DLAF is a member of this interinstitutional group coordinated by the Ministry of Foreign Affairs, which aims to establish the positions expressed by Romania in the Council of the European Union, in the field of anti-fraud coordination and effective and equivalent protection of the financial interests of the European Union, including the general mandates approved by the Government and addressed to the Council.

- *Permanent Representation of Romania to the European Union* - DLAF co-operated with the Permanent Representation of Romania to the EU and issued opinions on topics within its area of competence on the European agenda.

- *The Working Group for Combating Fraud - GAF, Council of the European Union* - DLAF participates in group meetings or submits its position to the Permanent Representation of Romania to the European Union, on issues related to the protection of the financial interests of the European Union, included on the agenda of the working group of the Council of the European Union. In 2021, the meetings were organized in videoconference format, and DLAF ensured participation in all GAF meetings.

During the reporting period, the Legal Affairs Directorate handled European affairs files relating, for example, to: the investigations conducted by the European Anti-Fraud Office (OLAF) and the cooperation with the European Public Prosecutor's Office, the Union Anti-Fraud programme, the exchange, assistance and training programme for the protection of the euro against counterfeiting for the period 2021-2027 (the 'Pericles IV' programme), the Report from the Commission to the European Parliament and the Council concerning the implementation and the results of the Pericles 2020 programme for the protection of the euro against counterfeiting in 2020, the Annual Report from the Commission to the European Parliament and the Council on the Protection of the European Union's financial interests - Fight against fraud (2019 and 2020), the Annual exchange of views with the institutions pursuant to Art. 16 of Regulation (EU, Euratom) No 883/2013, the Report from the Commission to the European Parliament and the Council: Final evaluation of the Regulation (EU) No 250/2014 of the European Parliament and of the Council of 26 February 2014 establishing a programme to promote activities in the field of the protection of the financial interests of the European Union (Hercule III programme) and repealing Decision No 804/2004/EC.

- *The EU Litigation Working Group, Ministry of Foreign Affairs* - DLAF is a member of this interinstitutional group within the Ministry of Foreign Affairs, which debates horizontal issues regarding Romania's representation at the Court of Justice of the European Union, as well as the implications for the Romanian institutions of the recent jurisprudence of the Court of Justice of the European Union; DLAF presents opinions to the Government Agent for the CJEU in pending cases concerning the protection of the financial interests of the European Union.

- *The National Coordinator for Romania's relationship with the OECD* - DLAF continued the cooperation with the National Coordinator for Romania's relationship with the OECD in its area of expertise, in the context of the efforts to consolidate Romania's relationship with the OECD in order to acquire the status of candidate state for accession.

- DLAF contributed to the *European Parliament's analysis*, carried out in several Member States, on identifying fraud patterns with EU funds under shared management.

- *The Advisory Committee for the Coordination of Fraud Prevention (COCOLAF)* - DLAF is a member of this advisory committee of the European Commission for preventing and fighting against fraud and irregularities, attending both its annual meetings and working subgroup meetings.

- *The Annual Report of the European Commission to the European Parliament and to the Council on the protection of the financial interests of the European Union - the fight against fraud* - as the national coordinator of the fight against fraud, DLAF elaborated, in cooperation with the national institutions involved, and submitted Romania's contribution to the Questionnaire on the implementation of Article 325 TFEU for 2020.

- *Follow-up Recommendations made by the European Commission in the Report on the*

protection of EU financial interests - combating fraud, for 2019 - DLAF coordinated the drafting of the progress report for Romania and notified OLAF accordingly.

- *Legislative and administrative measures to improve the efficiency of cooperation with OLAF and EPPO*

On January 17, 2021, Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council of 23 December 2020 amending Regulation (EU, Euratom) No 883/2013, as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations entered into force.

In order to fulfill Romania's obligation, foreseen by *Art. 7 para (3a) of Regulation (EU, Euratom) No 883/2013*, DLAF consulted the national institution and notified OLAF of the relevant competent institution in the application of these legal provisions; at the same time, DLAF adopted internal measures to implement the provisions of Regulation (EU, Euratom) No 883/2013, respectively of Government Ordinance No 9/2021 on the establishment of measures to facilitate the use of financial information and financial analysis in order to prevent, detect, investigate or prosecute certain crimes.

Regarding the participation of Romania in the *enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO')*, DLAF contributed to the draft law establishing measures for the implementation of the Regulation (EU) No 2017/1.939, which became Law No 6/2021, to drafting the notification addressed by Romania, through the Ministry of Justice, to the European Chief Prosecutor, to the Council and to the European Commission pursuant to art. 117 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO').

At the same time as the EPPO became operational on 1 June, 2021, DLAF took steps to put in place the appropriate administrative tools for a prompt response to the EPPO's specific mission and to the overall objective of protecting the European Union's financial interests, to this end measures were taken to ensure cooperation with the institutions involved at national level in the coordination, management and control of European funds, namely:

- established internal administrative measures within DLAF to support interinstitutional dialogue in order to allow for a faster exchange of views and good practices in this field;
- created an information flow between national competent authorities and updated the cooperation protocols in force.

❖ **Co-operation protocols**

In order to ensure those interested in a specialized education and professional training in the field of protection of the financial interests of the European Union, through specific programs, in 2021, DLAF continued the collaboration with the Romanian academic environment, being concluded

new Protocols of co-operation with Transilvania University of Braşov, respectively with the Academy of Economic Studies of Bucharest.

❖ Involvement of DLAF in national events in the field of protection of the financial interests of the European Union, as well as in related fields that provide support for the achievement of the Department's institutional functions and objectives, as a method of anti-fraud training

- *28 January 2021* - Conference to present the results of the Project "LINC - increasing the capacity of the central public administration in preventing and identifying cases of conflicts of interest, incompatibilities and unjustified assets", organized by the National Integrity Agency, online;
- *17 March 2021* - The online closing conference of the Project "Strengthening the administrative capacity of the technical secretariat of the National Anticorruption Strategy 2016-2020 to support the implementation of anti-corruption measures", implemented by the Ministry of Justice, through the Operational Programme Increasing Administrative Capacity;
- *12 - 14 April 2021, Sibiu* - Session 1 of the Project "Training in the field of personal data processing for the structures within the coordination, management and control system of ESIF in Romania", implemented by the National Agency of Civil Servants, with funding through the Technical Assistance Operational Programme;
- *7 - 9 June 2021, Braşov* - Session 5 of the Project "Training in the field of personal data processing for structures within ESIF coordination, management and control system in Romania", implemented by the National Agency of Civil Servants, through the Technical Assistance Operational Programme;
- *9 - 11 June 2021* - The online workshop "Fraud case management against the EU's financial interests. Modern techniques and methods in financial investigation" within the Project "Increasing the efficiency of investigations in complex cases of fraud and corruption against the EU's financial interests", implemented by the National Anticorruption Directorate, funded by the European Anti-Fraud Office, through the Hercules Programme;
- *24 June 2021, Bucharest* - Launching Conference of the Project "Training in the field of personal data processing for the structures within the ESIF coordination, management and control system in Romania", implemented by the National Agency of Civil Servants, with funding through the Technical Assistance Operational Programme;
- *9 July 2021* - Conference launching the Technical/Technical Support Instrument 2022, managed by DG REFORM (European Commission) in partnership with the General Secretariat of the Government, online;
- *2 - 4 August 2021, Sibiu* - Training course within the Project "Training in the field of personal data processing for structures within the ESIF coordination, management and control system in

Romania”, implemented by the National Agency of Civil Servants, with funding through the Technical Assistance Operational Programme;

- *9 August 2021, Bucharest* - Conference for launching the Consultancy contract in order to develop ACP capacity for the efficient management of ESIF, organized by the Certification and Payment Authority (ACP);

- *25 - 27 August 2021, Alba Iulia* - The workshop within the Project “RAISA - Raising awareness and improving the working methods of the actors involved in the fight against fraud with intra-Community acquisitions affecting the EU budget”, implemented by the Dolj County Police Inspectorate, funded by the European Anti-Fraud Office, through the Hercules Programme;

- *30 August - 1 September 2021, Sibiu* - Training session within the Project “Training in the field of personal data processing for the structures within the ESIF coordination, management and control system in Romania”, implemented by the National Agency of Civil Servants, with funding through the Technical Assistance Operational Programme;

- *13 - 15 September 2021, Sibiu* - Training session within the project “Training in the field of personal data processing for the structures within the ESIF coordination, management and control system in Romania”, implemented by the National Agency of Civil Servants, with funding through the Technical Assistance Operational Programme;

- *27 - 29 September 2021, Sibiu* - Training session within the Project “Training in the field of personal data processing for the structures within the ESIF coordination, management and control system in Romania”, implemented by the National Agency of Civil Servants, with funding through the Technical Assistance Operational Programme;

- *29 September 2021, Bucharest* - Launching conference of the Project “Horizontal training in the field of personal data processing for ESIF beneficiaries”, implemented by the National Agency of Civil Servants, with funding through the Technical Assistance Operational Programme;

- *29 September - 1 October 2021, Braşov* - The international seminar within the Project “RAISA - Raising awareness and improving the working methods of the actors involved in the fight against fraud with intra-Community acquisitions affecting the EU budget”, implemented by the Dolj County Police Inspectorate, funded by the European Anti-Fraud Office, through the Hercules Programme;

- *14 October 2021* - EUREKA European Project - What digital tools do we have for mobility in the EU, organized online by the European Institute in Romania;

- *22 October 2021* - Launching event of the Monitoring Reports elaborated within the Project “Integrity Pacts - mechanisms of civic control for safeguarding EU funds”, organized online by Transparency International Romania and the Institute for Public Policies;

- *25 October 2021* - Conference “The actuality and perspectives of the interdependencies of the European Union law with the domestic law of the Member States”, organized online by the Law Magazine and the Union of Legal Counsellors in Romania;

- 18 - 19 November 2021 - Conference “Facilitate the exchange of best practices between authorities in the European Union in the management of complex cases of fraud against the EU's financial interests. The use of modern investigative techniques”, organized online by DNA;
- 26 November - 10 December 2021 - DLAF representatives held online lectures within the postgraduate program “Criminal Business Law” of the Faculty of Law of the Academy of Economic Studies (ASE) in Bucharest; at the module “Offences against the financial interests of the European Union”, they focused on the issues of preventing and combating fraud in the field of European non-reimbursable financial assistance;
- 10 December 2021, Bucharest - The 7th Meeting of the Members of the National Coordination System with EUROJUST, organized by DIICOT;
- 14 December 2021 - The meeting “Analysis of public procurement during the state of emergency”, organized online by Transparency International Romania.

❖ **Involvement of DLAF in international events in the protection of the financial interests of the European Union field, as well in related fields that provide support for the achievement of the Department's institutional functions and objectives, as a method of anti-fraud training**

- 18 January 2021 - The Working Group of Combating Fraud (GAF) Meeting, organised by the Council of the European Union, videoconference;
- 22 January 2021 - The CEPOL webinar ad-hoc 44/2020 “Newest investigative methods in the area of non-cash payment fraud investigations”, online;
- 28 January 2021 - The CEPOL webinar COVID 01/2020 “(Almost) A Year of Policing the Pandemic: Facts, Figures & Issues”, online;
- 10 February 2021 - The 30th OAFCN Meeting (The OLAF Anti-Fraud Communicators' Network), organised by the European Anti-fraud Office (OLAF), online;
- 15 February 2021 - The Working Group of Combating Fraud (GAF) Meeting, organised by the Council of the European Union, videoconference;
- 22 March 2021 - The Working Group of Combating Fraud (GAF) Meeting, organised by the Council of the European Union, videoconference;
- 23 - 25 March 2021 - “The 2021 OECD Global Anti-Corruption & Integrity Forum - Leading through the Crisis: Integrity and Anti-Corruption for a Resilient Recovery” organised by the Organisation for Economic Co-operation and Development (OECD), online;
- 22 April 2021 - The CEPOL webinar ad-hoc 27/2021 “Corporate Economic Crime”, online;
- 28 April 2021 - The Meeting of the Working Group Reporting and Analysis of Irregularities within the Advisory Committee for the Coordination of Fraud Prevention (COCOLAF) organised by the European Anti-fraud Office (OLAF), online;

- 12 May 2021 - The CEPOL webinar 59/2021 "CEPOL Exchange Programme 2021", online;
- 17 May 2021 - The CEPOL webinar 61/2021 "New portfolio on LEEd: how to develop your personal business skills", online;
- 17 May 2021 - The Working Group of Combating Fraud (GAF) Meeting, organised by the Council of the European Union, videoconference;
- 20 May 2021 - Webinar Coffee Talks EUROPOL - CEPOL "Trends of Serious Organised Crime and Law Enforcement Cooperation", organised by CEPOL and EUROPOL, online;
- 25 - 28 May 2021 - The CATONE Project Videoconference, implemented by the General Prosecutor's Office within the Court of Accounts Italy and AFCOS Italy, financed by the European Anti-fraud Office (OLAF), through Hercule Programme;
- 1 June 2021 – The Behavioural Science and Misinformation OECD Meet-up, online;
- 6 - 9 June 2021, Lisbon, Portugal - The CEPOL residential course 20/2021 "Missing Trader Intra Community Fraud";
- 16 June 2021 - The Working Group of Combating Fraud (GAF) Meeting, organised by the Council of the European Union, videoconference;
- 17 June 2021 - The CEPOL webinar 16/2021 "The administrative approaches and organised property crime: theory and practice", online;
- 17 June 2021 - The Plenary Reunion of the Advisory Committee for the Coordination of Fraud Prevention (COCOLAF), organised by the European Anti-Fraud Office (OLAF), videoconference;
- 24 June 2021 - Course "Introduction to AI and machine learning", organised by INTERPOL and CEPOL, online;
- 15 July 2021 - Course "Putting AI into practice", organised by INTERPOL and CEPOL, online;
- 8 September 2021 - Working Meeting between OLAF Unit D3 and DLAF, regarding to co-operation with EPPO, online;
- 14 September 2021 - The Working Group of Combating Fraud (GAF) Meeting, organised by the Council of the European Union, videoconference;
- 20 September 2021, Brussels, Belgium - the Presentation of the OLAF Report for 2020 and the 31st Annual Report on the Protection of the EU's financial interests, organised by the European Anti-fraud Office (OLAF);
- 21 September 2021 - The CEPOL webinar 21/2021 "Presentation of guidelines on prevention and detection of VAT fraud in the guarantees of origin market", online;
- 30 September 2021 - The 7th AFCOS Meeting organised by the European Anti-Fraud Office (OLAF), online;
- 14 October 2021 - The Behavioural Science and Misinformation OECD Second Meet-up, online;

- *9 November 2021* - The Working Group of Combating Fraud (GAF) Meeting, organised by the Council of the European Union, videoconference;
- *9 - 10 November 2021* - The conference "Anti-Fraud Intelligence Analysis Conference (AFIA 2021)", organised by European Anti-Fraud Office (OLAF), online;
- *16 - 18 November 2021*- The PIAF-IT Project Videoconference, implemented by the AFCOS Italy, financed by the European Anti-Fraud Office (OLAF), through Hercule Programme;
- *25 November 2021* - The conference "Fit for Recovery and Transition: Supporting Quality of Public Administrations in the EU", organised by DG REFORM, online;
- *6 December 2021* - The Plenary Meeting of the Advisory Committee for the Coordination of Fraud Prevention (COCOLAF) organised by the European Anti-Fraud Office (OLAF), online;
- *6 December 2021* - The Meeting of the Working Group Reporting and Analysis of Irregularities within the Advisory Committee for the Coordination of Fraud Prevention (COCOLAF) organised by the European Anti-Fraud Office (OLAF), online;
- *7 December 2021* - The Meeting of the Working Group Fraud Prevention within the Advisory Committee for the Coordination of Fraud Prevention (COCOLAF) organised by the European Anti-Fraud Office (OLAF), online;
- *9 December 2021* - The Anticorruption International Day Meet-up, organised by OECD, online.

Protection of EU's financial interests in Romania by operational measures

I) Directorate Control of DLAF carries out, according to the law, the function of operative control, for the purpose of identification of irregularities, frauds and other illegal activities which affect the European Communities' financial interests in Romania, as follows:

- carries out administrative investigations, on the spot checks, analysis and documentary checks or coordinates control actions;

- carries out or coordinates control actions in order to detect irregularities, frauds and other illegal activities related to the management, obtainment and usage of European as well as of the related co-financing funds and of any other funds that fall within the scope of EU's financial interests, inclusively loans and guarantees granted by the European Investment Bank;

- carries out or coordinates control actions in order to detect irregularities, frauds and other illegal activities affecting the European Union's financial interests in Romania through the illegal diminution of own resources.

Specifically, DLAF is an authority with particular responsibilities as laid down under Article 61 of Romanian Penal Procedure Code, in ascertaining fraudulent behaviour which affects EU's financial interests in Romania.

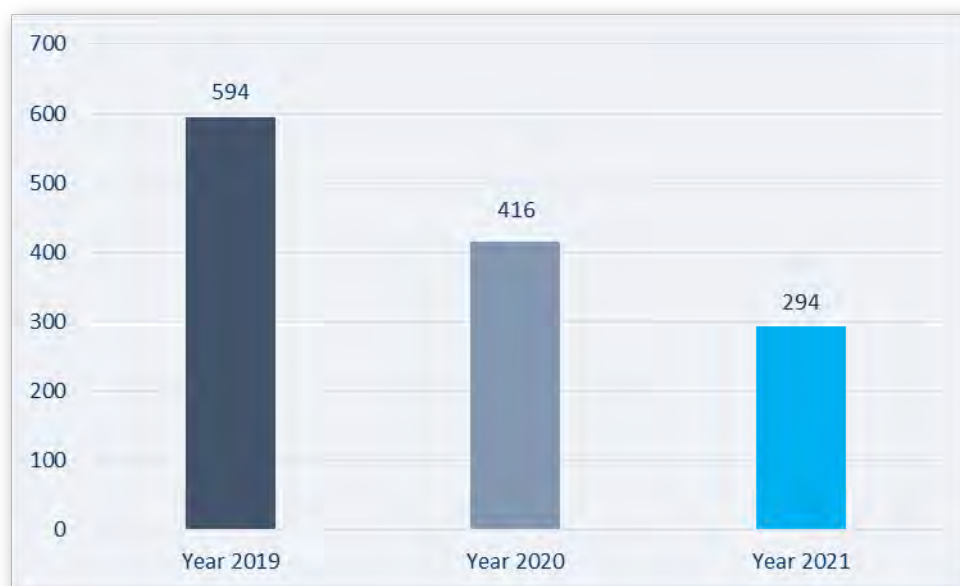
Upon the prosecutor's request, DLAF may open an investigation regarding the observance of the legal provisions related to the protection of EU's financial interests.

❖ In 2021, **DLAF carried out specific investigations in a number of 294 cases** (178 were in progress at the beginning of the year, while 116 were open throughout the year), of which **200 were finalized**.

I) DLAF'S INVESTIGATIVE PERFORMANCE IN 2021

Chart 1

Number of cases in progress as compared to 2019, 2020 and 2021

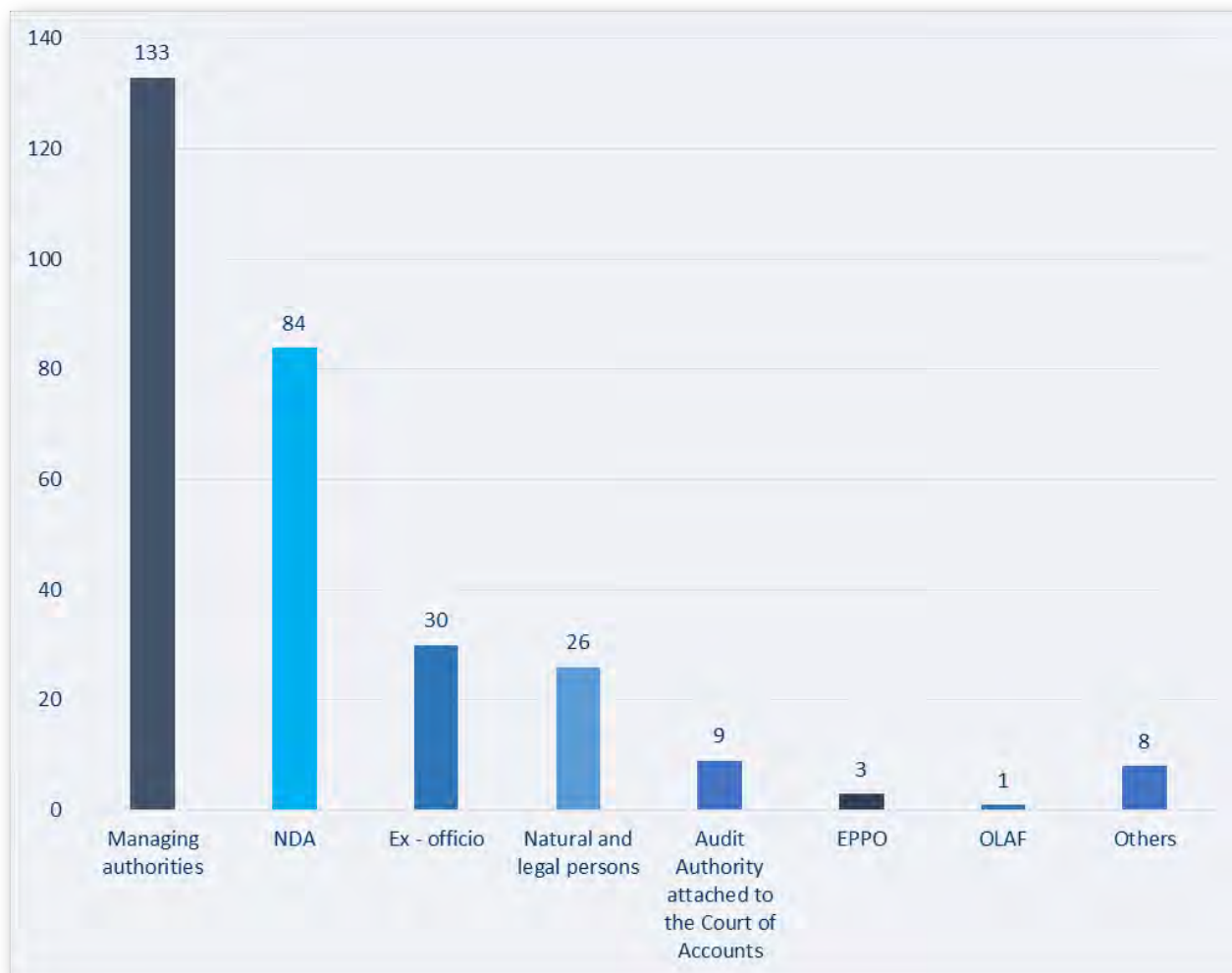


❖ As for the **294 control actions** in progress in 2021, the incoming information by **source** may be distributed as follows:

- Managing authorities: 133
- National Anticorruption Directorate: 84
- Ex - officio: 30
- Natural and legal persons: 26
- Audit Authority attached to the Court of Accounts: 9
- EPPO: 3
- European Antifraud Office: 1
- Others: 8 (ISC:3; IGPF: 2; DGRFP: 1; Anonymous notification: 1; Prefect's Institution of Teleorman County: 1)

Chart 2

Source of incoming information for the 294 cases in progress in 2021

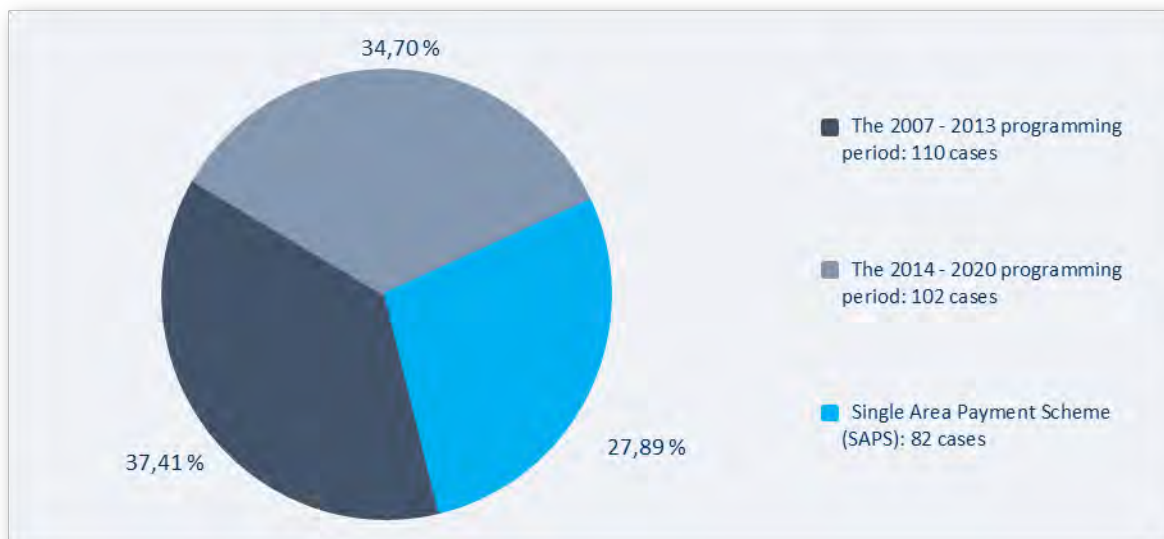


❖ The **294 cases** in progress in **2021** were mainly aimed at investigating EU funding related to obtainment and use of Structural, Cohesion, Agricultural Funds and payment schemes, as follows:

- The 2007 - 2013 programming period: **110** cases
- The 2014 - 2020 programming period: **102** cases
- Single Area Payment Scheme (SAPS): **82** cases

Chart 3

Distribution of cases ongoing in 2021 depending on programming period



❖ The number of cases in **2021** involving 2007 - 2013 programming period was in decrease compared to previous 2019 and 2020, while the investigations related to 2014 - 2020 programming period was on a higher trend related to 2019 and 2020.

Chart 4

Breakdown of cases involving
programming period 2007 - 2013/2014 - 2020
- as compared to 2019, 2020 and 2021 -



Chart 5

Type of financial tools within programming period 2007 - 2013 for the 110 cases in progress in 2021

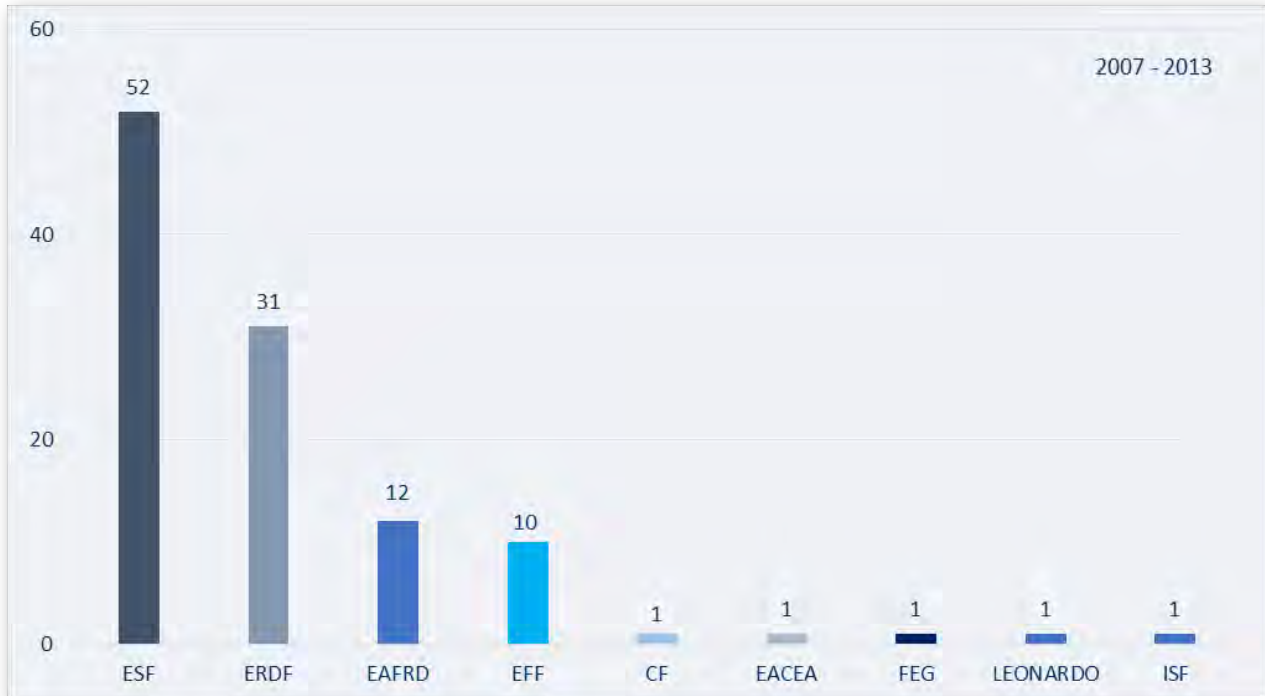


Chart 6

Breakdown of financial tools within programming period 2007 - 2013
- compared to 2019, 2020 and 2021 -

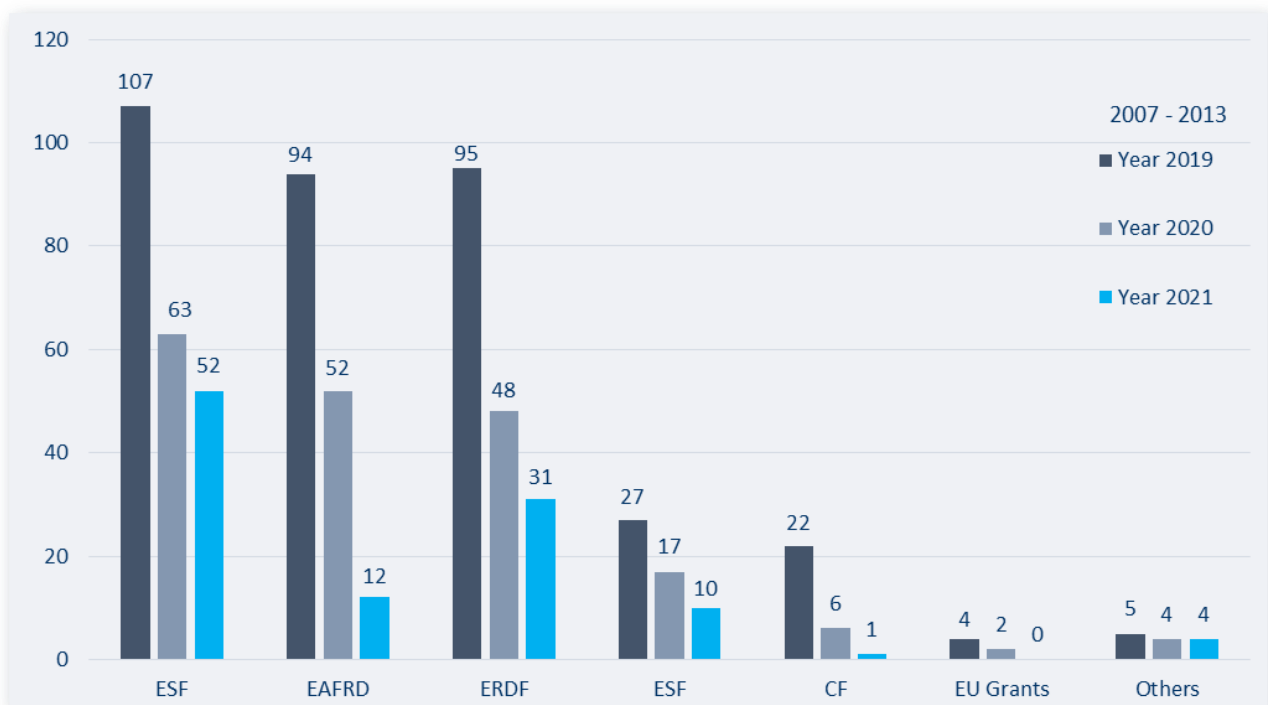


Chart 7
Breakdown of financial programmes within programming period 2014 - 2020
for the 102 cases in progress in 2021

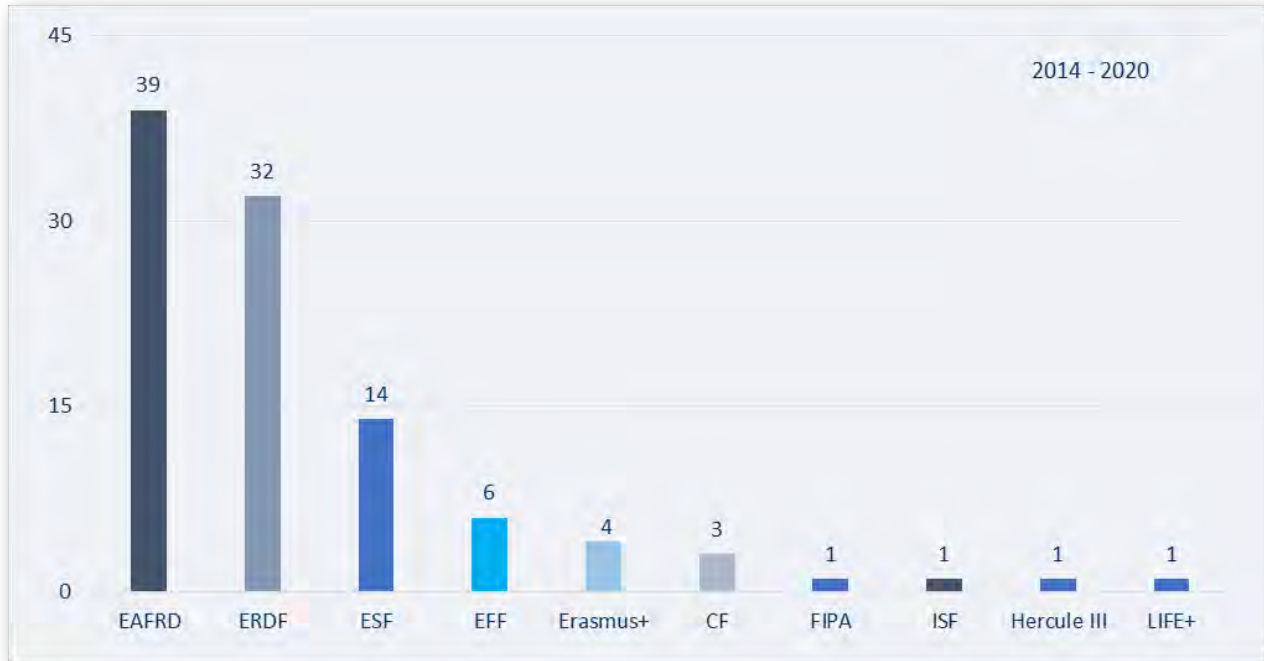
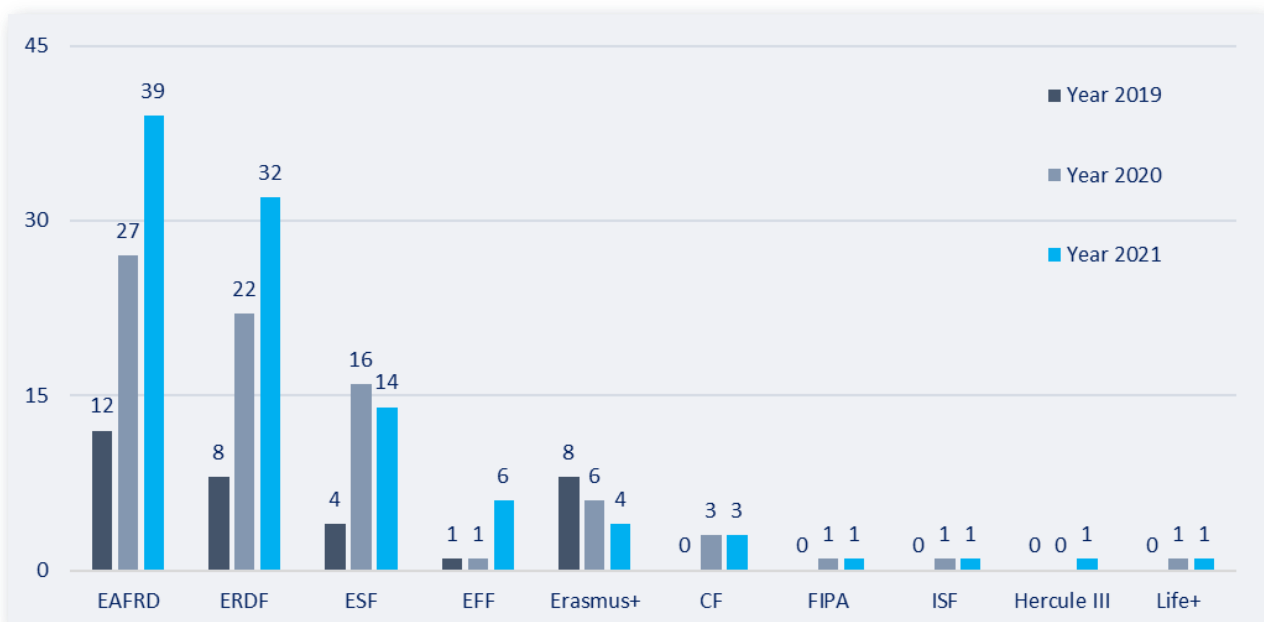


Chart 8
Breakdown of financial tools within programming period 2014 - 2020
- compared to 2019, 2020 and 2021 -



❖ Depending on the **type of financial tools** under **2007 - 2013** programming period, the **110 cases ongoing in 2021** can be divided by sector as follows:

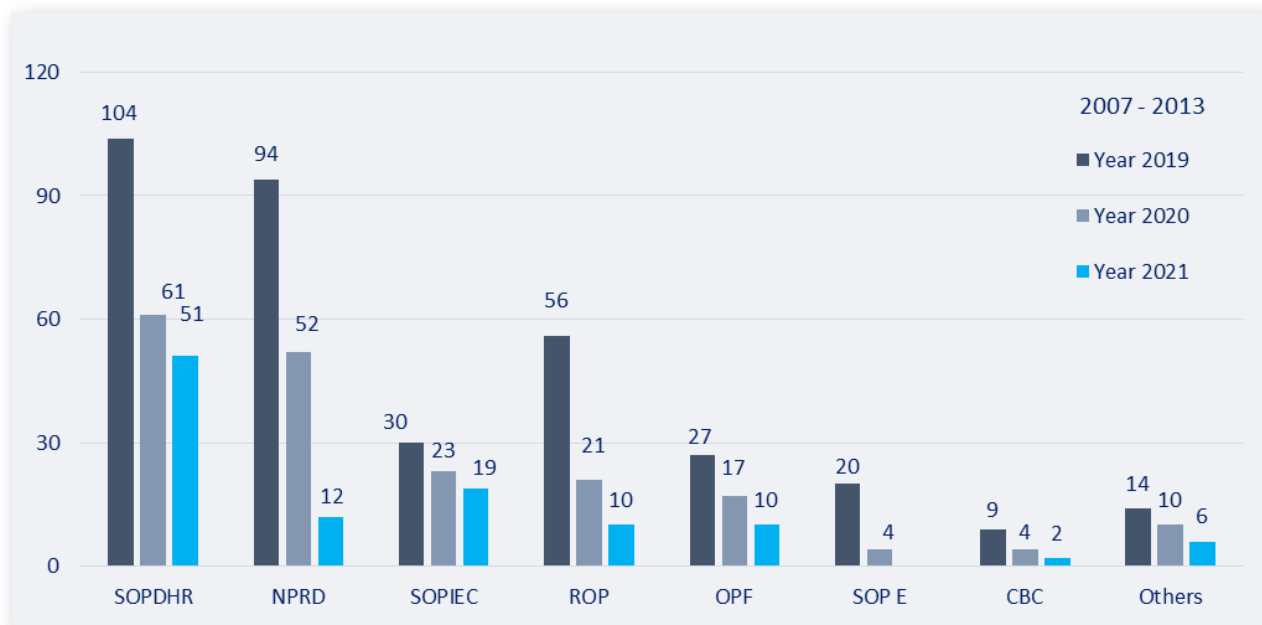
- Sectoral Operational Programme Development of Human Resources: 51
- Sectoral Operational Programme Increase of Economic Competitiveness: 19
- National Programme for Rural Development: 12
- Regional Operational Programme: 10
- Operational Programme for Fisheries: 10
- Cross-border Cooperation: 2
- Transport Sectoral Operational Programme: 1
- Operational Programme for Development of Administrative Capacity: 1
- Youth in Action: 1
- LdV:1
- Employment, Social Affairs and Inclusion:1
- CIPS/ISEC: 1

Chart 9

**Breakdown of financial programmes within programming period 2007 - 2013
for 110 cases ongoing in 2021**



Chart 10
Financial sectors investigated within programming period 2007 - 2013
- compared to 2019, 2020 and 2021 -



❖ Depending on the **type of financial programme** under programming period **2014 - 2020**, DLAF's **102 cases ongoing in 2021** can be divided by sector as follows:

- National Programme for Rural Development: 39
- Regional Operational Programme: 18
- Operational Programme Human Capital: 10
- Operational Programme Competitiveness: 8
- Cross-border Cooperation: 7
- Operational Programme for European Maritime and Fisheries: 6
- Operational Programme Administrative Capacity: 4
- Erasmus+: 4
- Large Infrastructure Operational Programme: 3
- Others: 3 - Borders Component:1; Life+:1; Hercule III: 1

Chart 11

Breakdown of financial programmes under programming period 2014 - 2020 for DLAF's 102 cases in progress in 2021



Chart 12

Financial tools under 2014 - 2020 programming period
- compared to 2019, 2020 and 2021 -

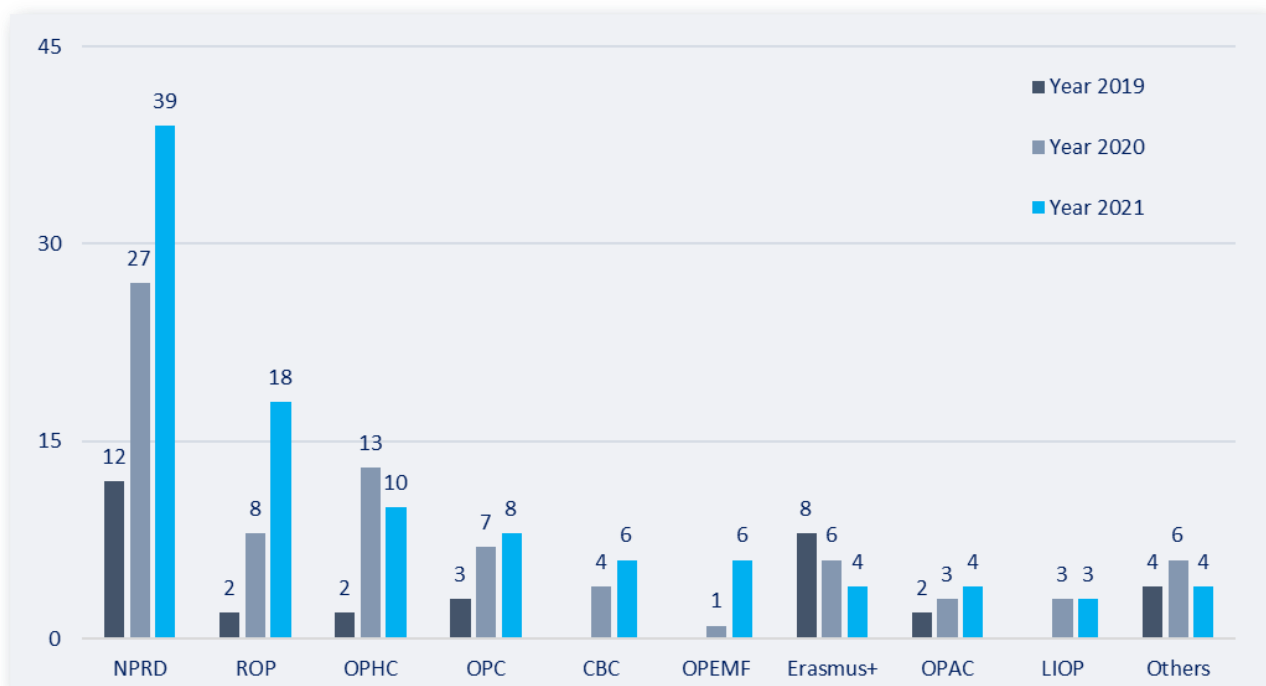
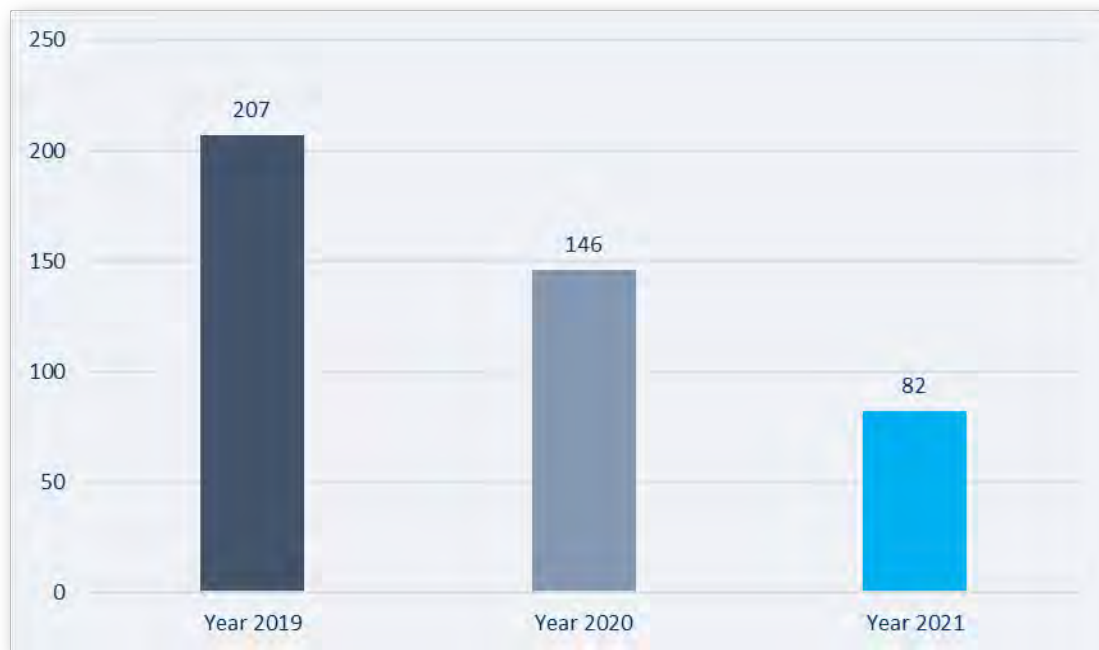


Chart 13
The single area payment scheme
- compared to 2019, 2020 and 2021 -



❖ **39.46%** of the **294 cases** were opened in the **2021**, **25.17%** - cases were opened in **2020**, **28.27%** - cases were opened in **2019** while **6.8%** - cases were opened more than 2 years ago.

Chart 14
Breakdown of cases in progress in 2021 by year of initiation

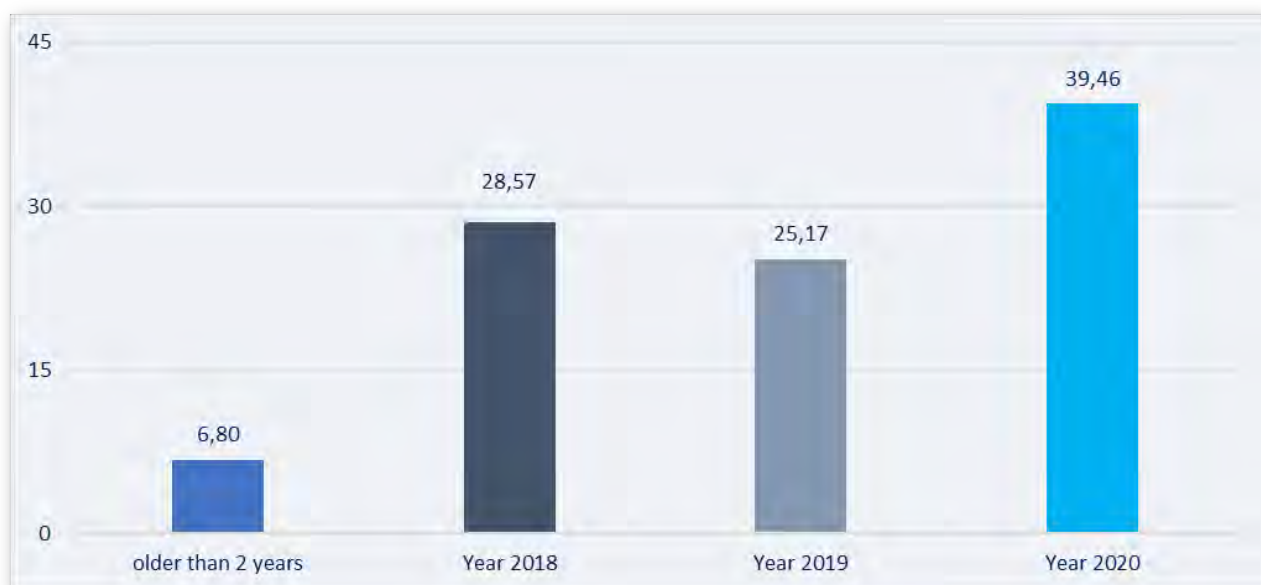
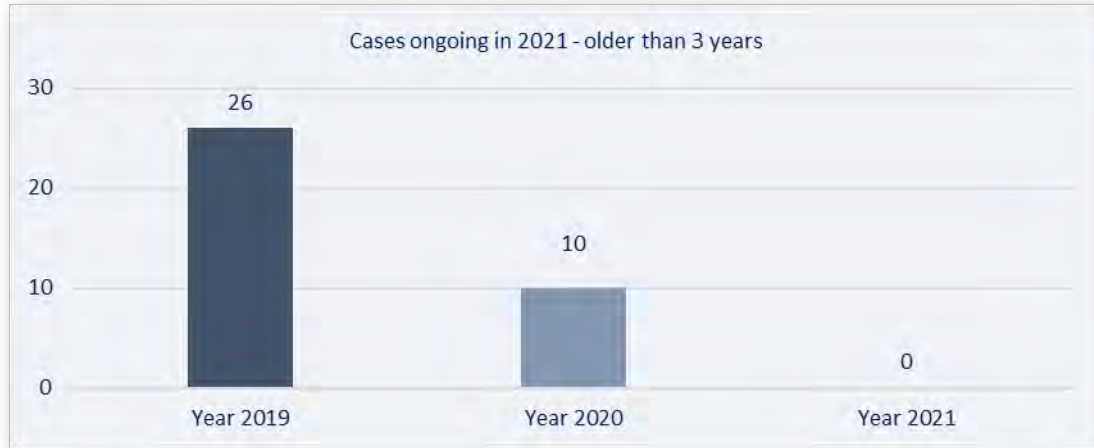


Chart 15
Breakdown of cases ongoing in 2021 - older than 3 years
- compared to 2019, 2020 and 2021 -



II) INVESTIGATIONS OPENED IN 2021

❖ **In 2021**, for a number of **42 cases** out of 116 investigations opened, the incoming information was registered in the same year.

Chart 16
Investigations opened in the same year of incoming information

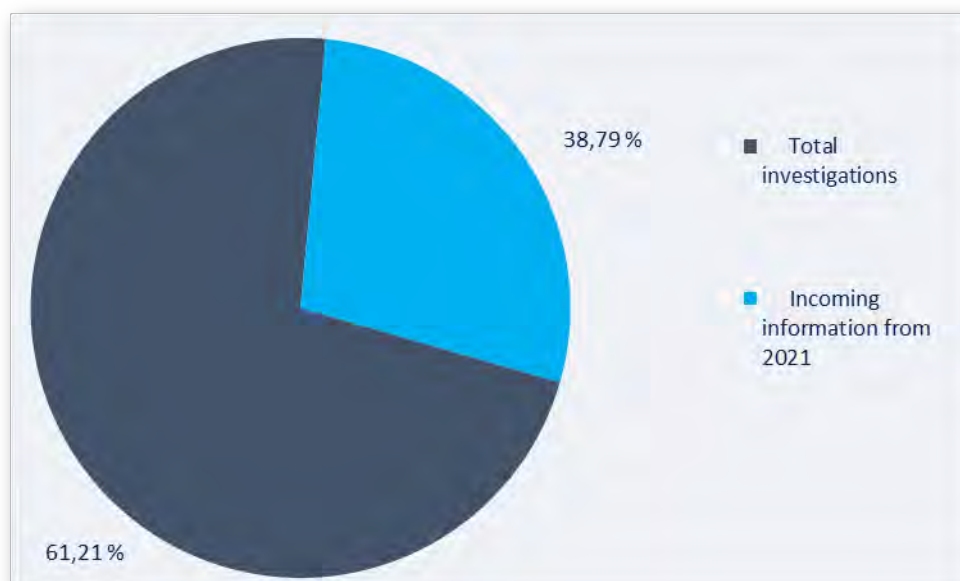


Chart 17
Cases opened in the same year of incoming information
- compared to 2019, 2020 and 2021 -



❖ For the **116 investigations** opened in 2021, the source of incoming information can be divided as follows:

- National Anticorruption Directorate: 39
- Managing authority: 37
- Ex - officio: 25
- Natural persons: 12
- EPPO: 3

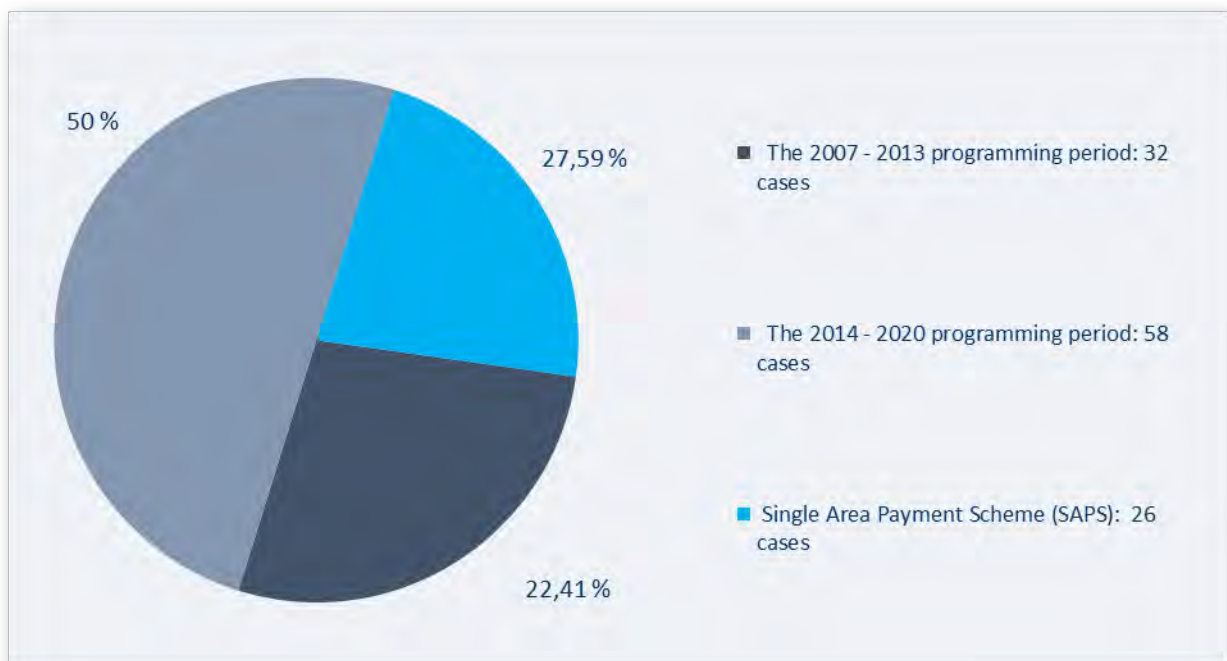
Chart 18
Source of incoming information for the 116 cases opened in 2021



❖ The **116 cases** opened in **2021** aimed at investigating the obtainment and use of Structural, Cohesion, Agriculture Funds, but also subsidies:

- The 2007 - 2013 programming period: **32 cases**
- The 2014 - 2020 programming period: **58 cases**
- Single Area Payment Scheme: **26 cases**

Chart 19
Cases in 2021, breakdown by programming period



❖ The number of investigations opened in **2021** focused on Single Area Payment Scheme is in decrease regarding previous 2019 and 2020, while the number of cases involving funds of 2014 - 2020 programming period faced increase compared to previous 2019 and 2020.

Chart 20
Cases opened in 2021, breakdown by programming period 2007 - 2013 / 2014 - 2020
- compared to 2019, 2020 and 2021 -

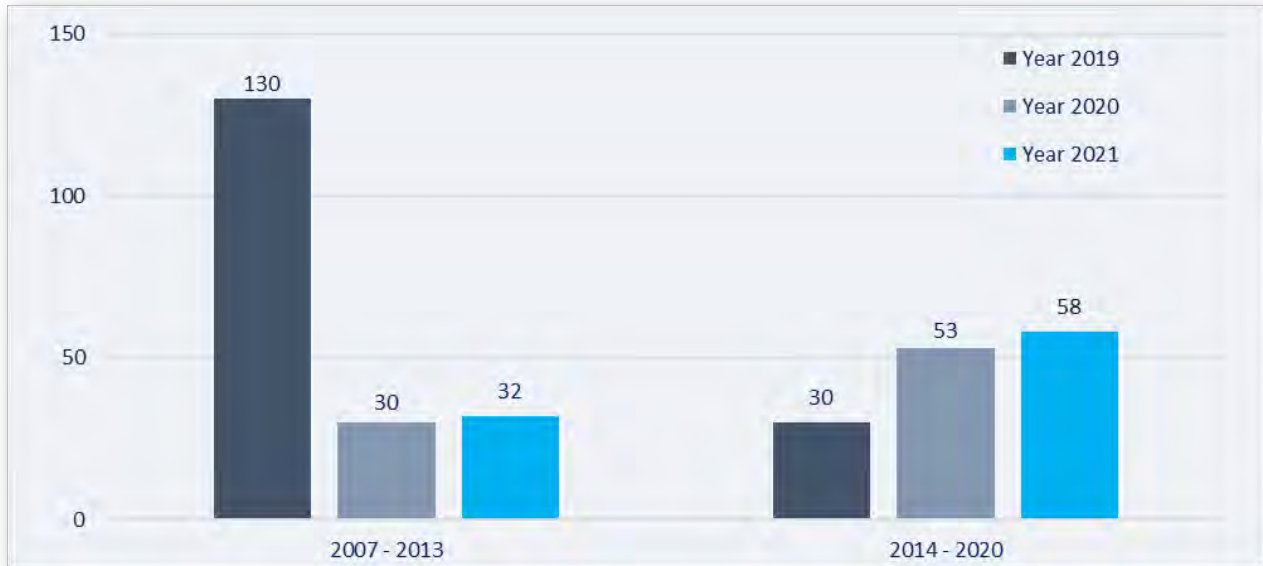


Chart 21
Breakdown of 2007 - 2013 financial programmes for the 32 DLAF's cases opened in 2021

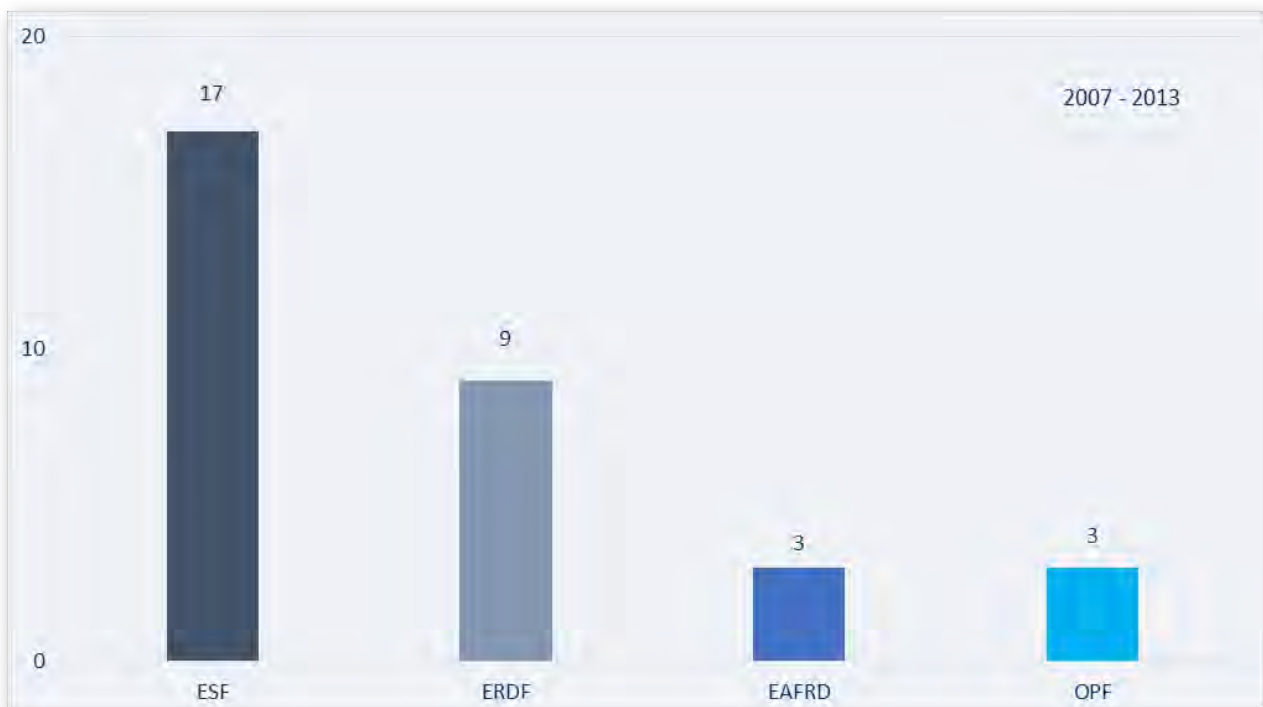


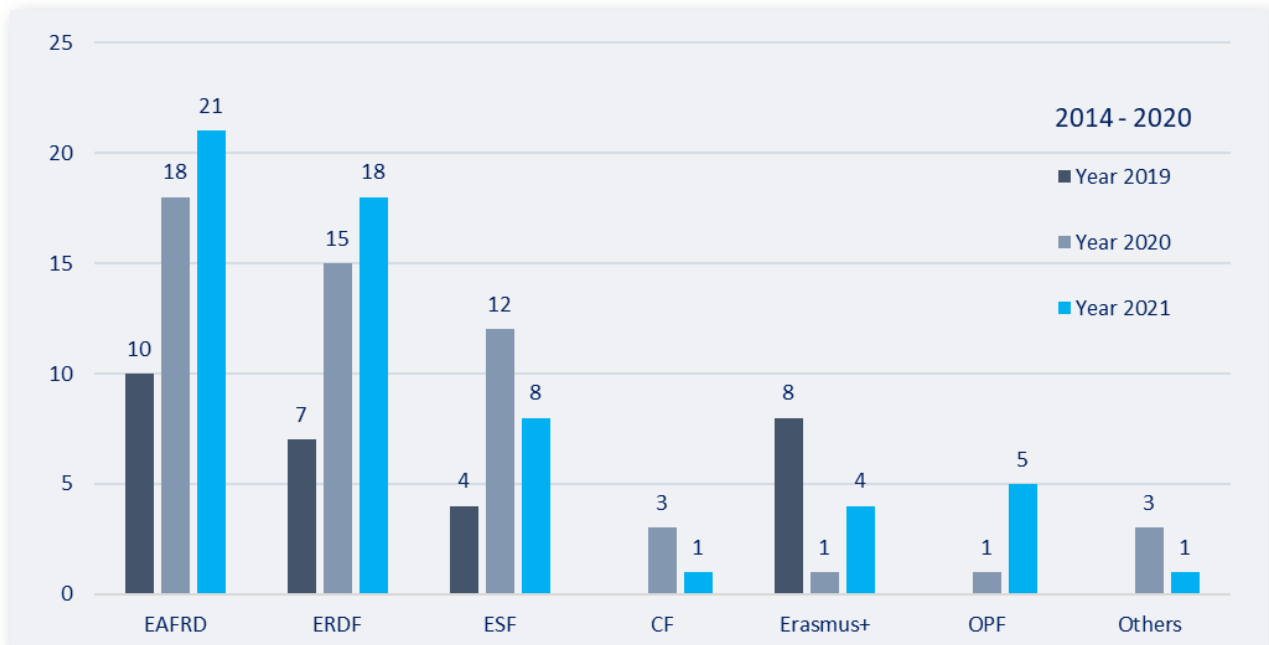
Chart 22
Financial programmes within programming period 2007 - 2013 as compared to 2019, 2020 and 2021



Chart 23
Breakdown of financial programmes within programming period 2014 - 2020 for the 58 DLAF's cases opened in 2021



Chart 24
2014 - 2020 financial programmes involved in investigations opened
- compared to 2018, 2019 and 2020 -



❖ Considering the **financial programming 2007 - 2013**, the **32 cases opened in 2021** can be divided as follows:

- Sectoral Operational Programme Development of Human Resources: 17
- Sectoral Operational Programme Increase of Economic Competitiveness: 7
- Operational Programme for Fisheries: 3
- National Programme for Rural Development: 3
- Cross-border Cooperation: 1
- Regional Operational Programme: 1

Chart 25

Breakdown of 2007 - 2013 financial tools for the 32 cases opened in 2021

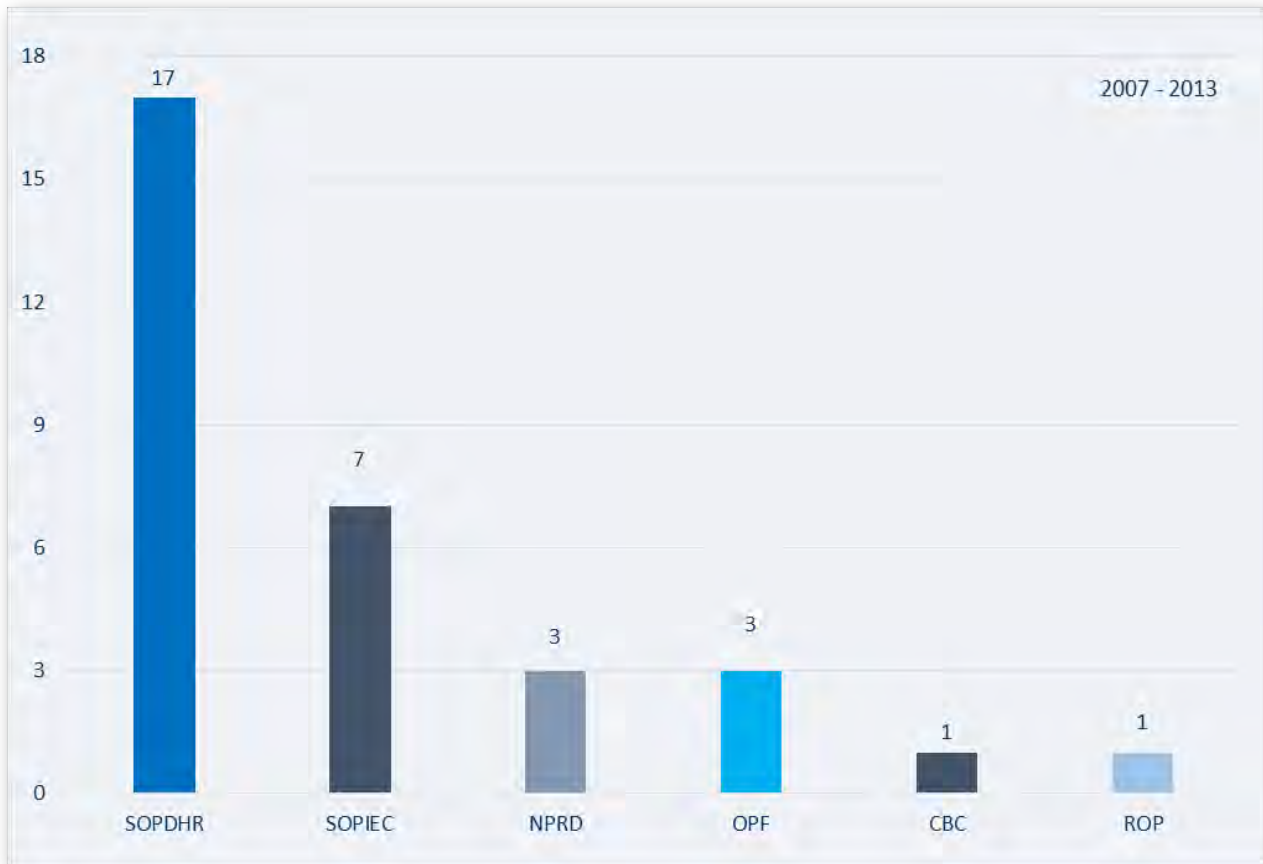
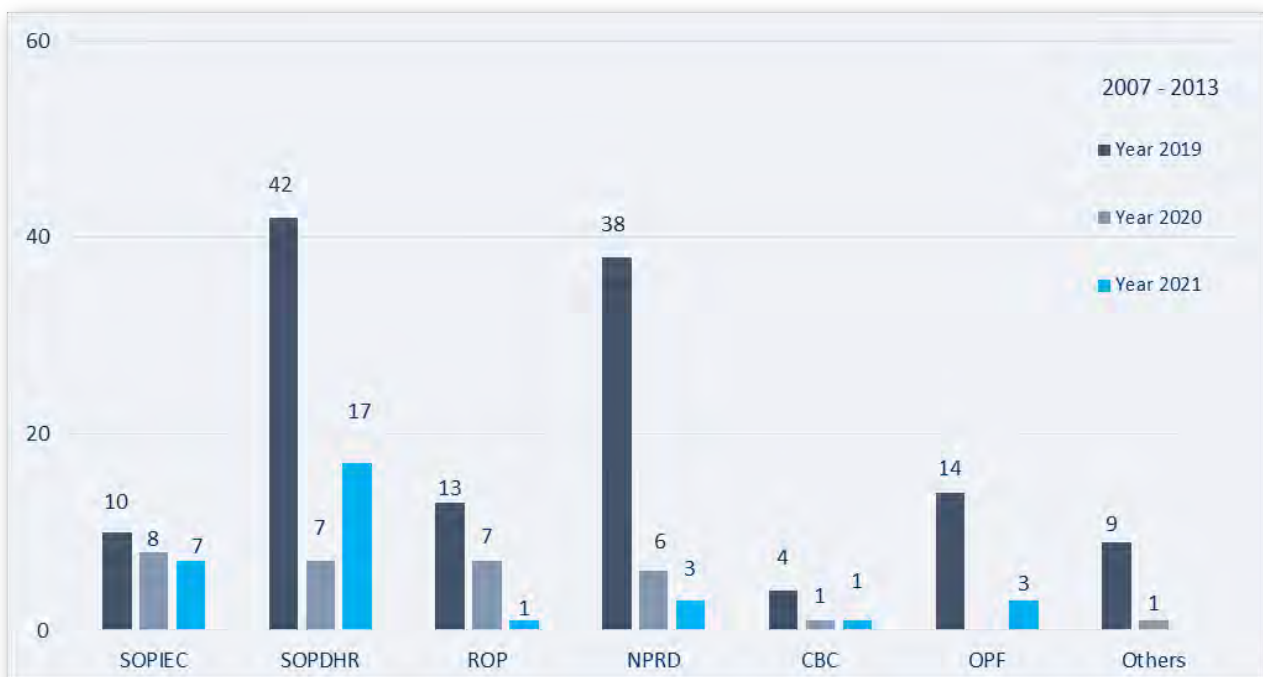


Chart 26

Breakdown of 2007 - 2013 financial tools
- compared to 2019, 2020 and 2021 -



❖ Considering the **2014 - 2020 financial programming**, the breakdown of **58 cases opened in 2020** is presented below:

- National Programme for Rural Development: 21
- Operational Regional Programme: 12
- Operational Programme Human Capital: 6
- Operational Programme for European Maritime and Fisheries: 5
- Operational Programme Competitiveness: 5
- Erasmus+: 4
- Operational Programme for Administrative Capacity: 2
- Cross-border Cooperation: 1
- Large Infrastructure Operational Programme: 1
- Hercule III: 1

Chart 27

Breakdown of 2014 - 2020 financial programming involved in 58 cases opened in 2021



Chart 28
Breakdown of 2014 - 2020 financial programmes
- compared to 2019, 2020 and 2021 -

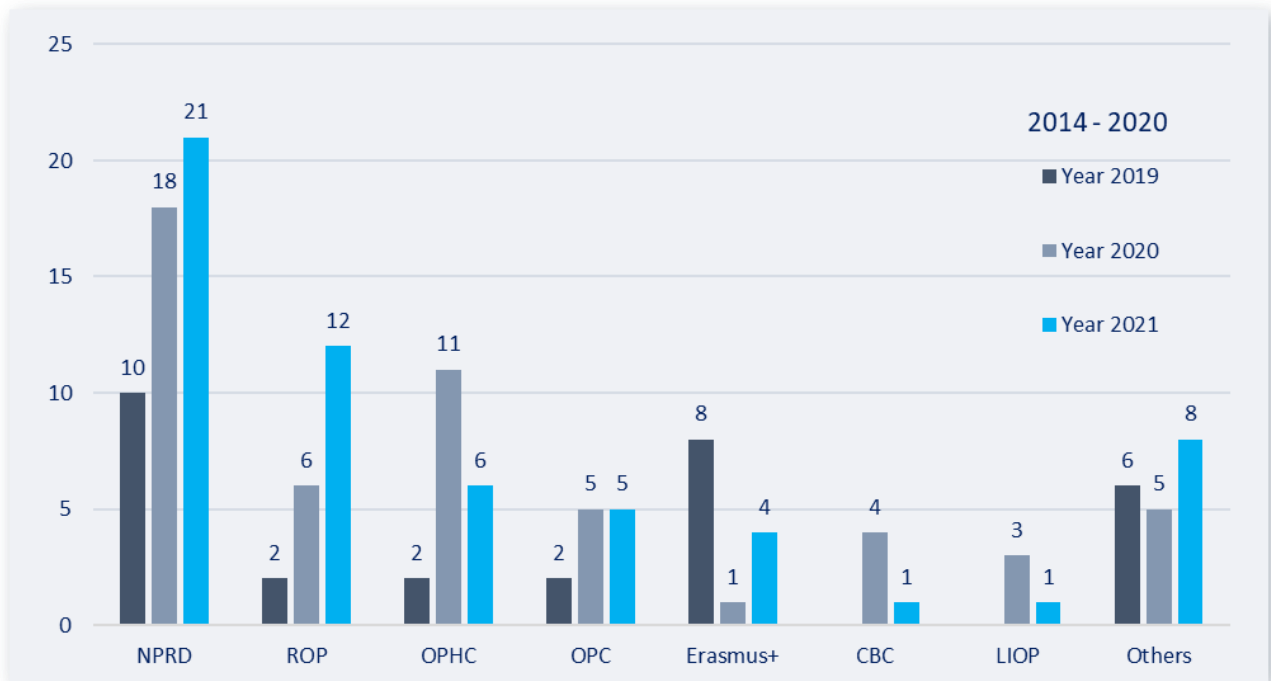
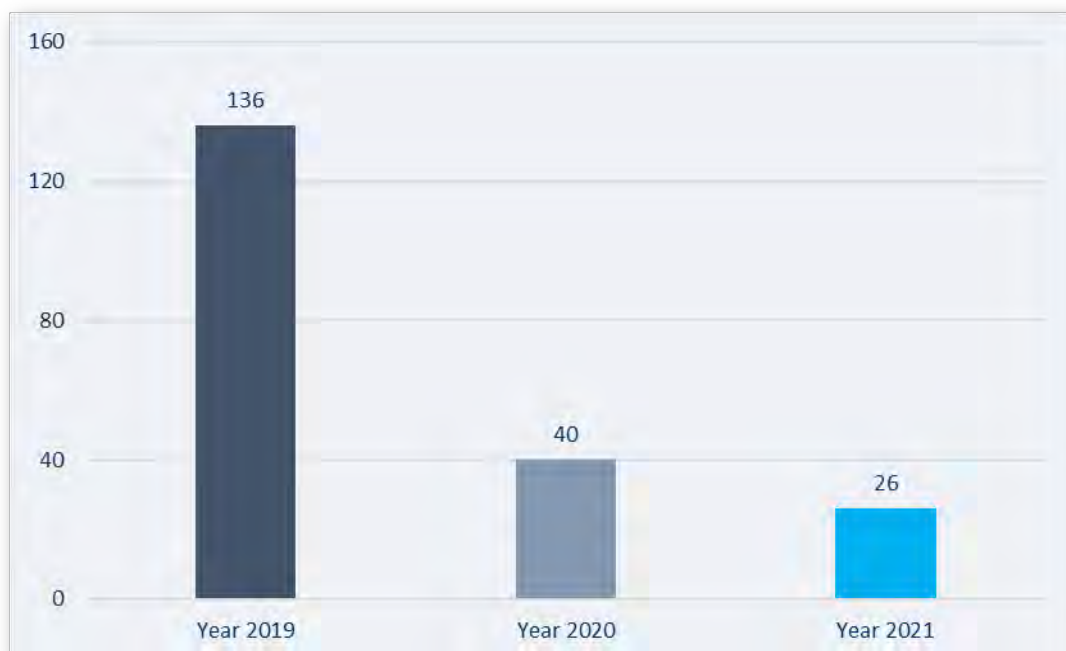


Chart 29
The single area payment scheme
- compared to 2019, 2020 and 2021 -



❖ **38.79%** of the **1116 DLAF's investigations** ongoing in 2021 represented the cases with incoming information registered in the same year, **29.31%** - cases with incoming information in **2020**, **27.59%** - cases with incoming information reported in **2019**, while **4.31%** of cases are based on information registered more than 2 years ago.

Chart 30
DLAF's cases opened in 2021 by year of incoming information



III) DLAF's CASES CONCLUDED IN 2021

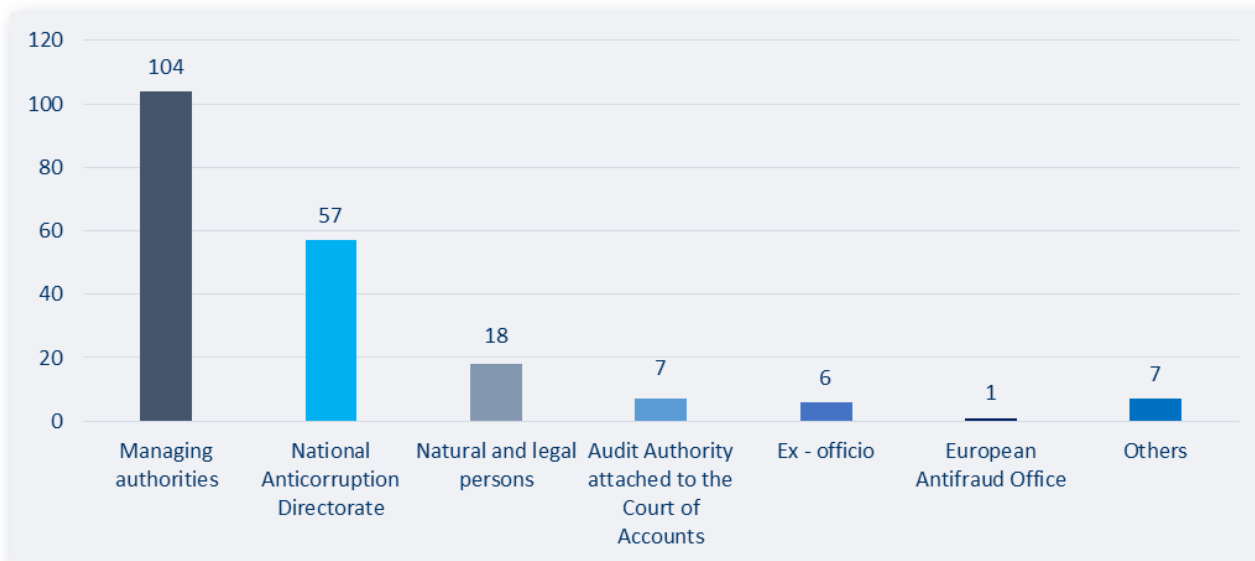
❖ DLAF **finalized 200** cases of **294 investigations** ongoing in 2021.

The **200 cases** finalized in **2021** were based on the following **source of incoming information**:

Managing authorities: 104

- National Anticorruption Directorate: 57
- Natural and legal persons: 18
- Audit Authority attached to Court of Accounts: 7
- Ex-officio: 6
- European Antifraud Office: 1
- Others: 7 (PI Teleorman; SIC: 3; GBPI: 2; Bucharest Public Finance Regional General Directorate:1)

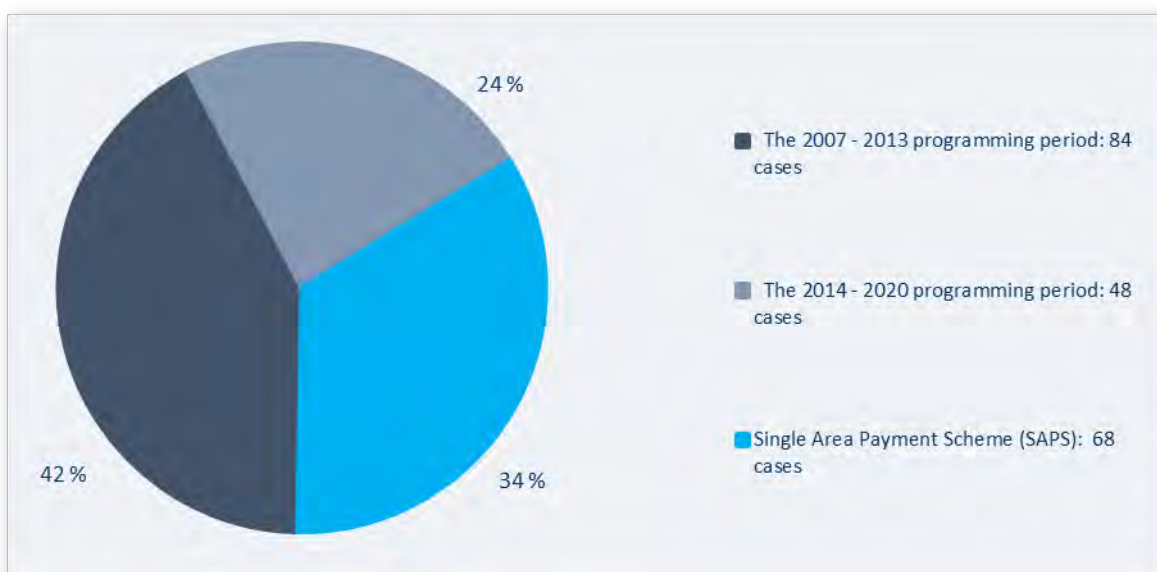
Chart 31
Incoming information by source for the 200 cases concluded in 2021



❖ The **200 cases** finalized in **2021** aimed at investigating obtainment and use of European funds by sector, namely Structural Funds, Cohesion Fund, Agricultural Fund and subsidies:

- The 2007 - 2013 programming period: **84** cases
- The 2014 - 2020 programming period: **48** cases
- Single Area Payment Scheme: **68** cases

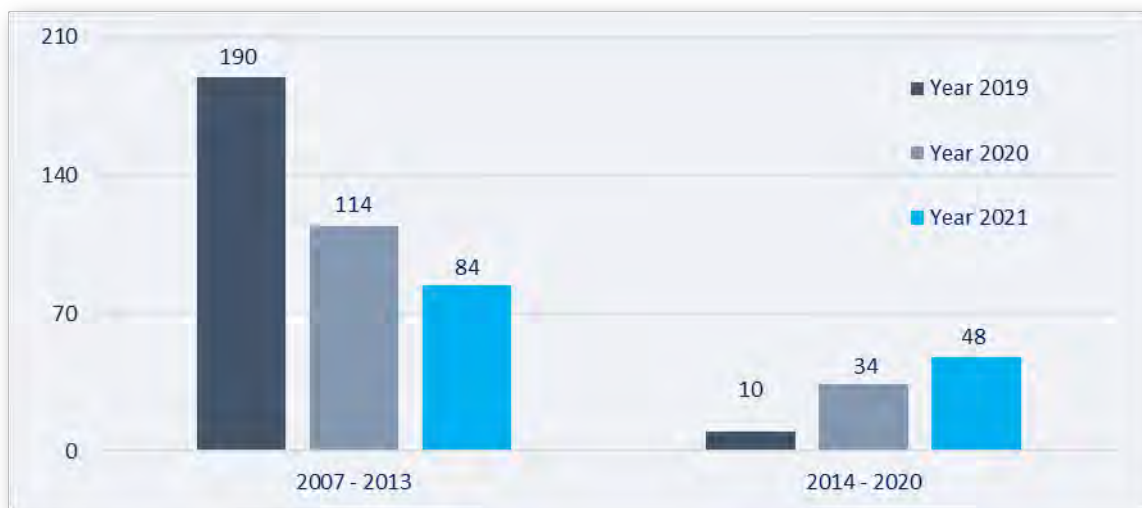
Chart 32
Breakdown of cases finalized in 2021 by programming period



❖ DLAF's cases finalized in **2021** involving EU funds of 2007 - 2013 programming period were in decrease with respect to previous years 2019 and 2020, while the investigations of 2014 - 2020 programming period faced an increase against prior 2019 and 2020.

Chart 33

Breakdown of DLAF's cases involved in 2007 - 2013 / 2014 - 2020 programming period - compared to 2019, 2020 and 2021 -



❖ DLAF's **200 cases** finalized in **2021** are divided as follows: **16.50%** stands for cases opened in 2021, **33.50%** - investigations initiated in 2020, **40.50%** - cases opened in 2019, while **9.50%** - cases initiated in 2018.

Chart 34

Breakdown of cases concluded by year of initiation

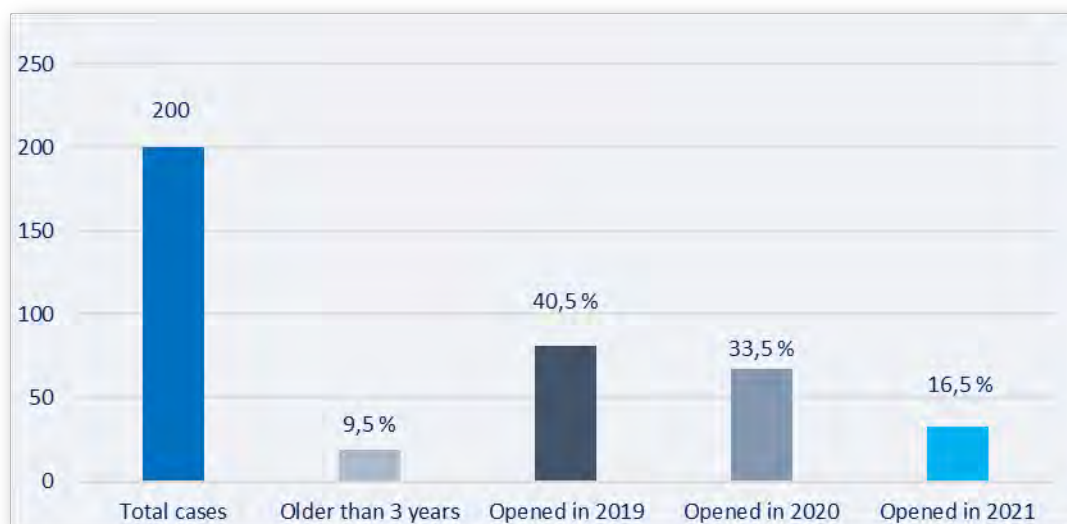


Chart 35

Financial tools of 2007 - 2013 programming period involved in 84 cases concluded in 2021

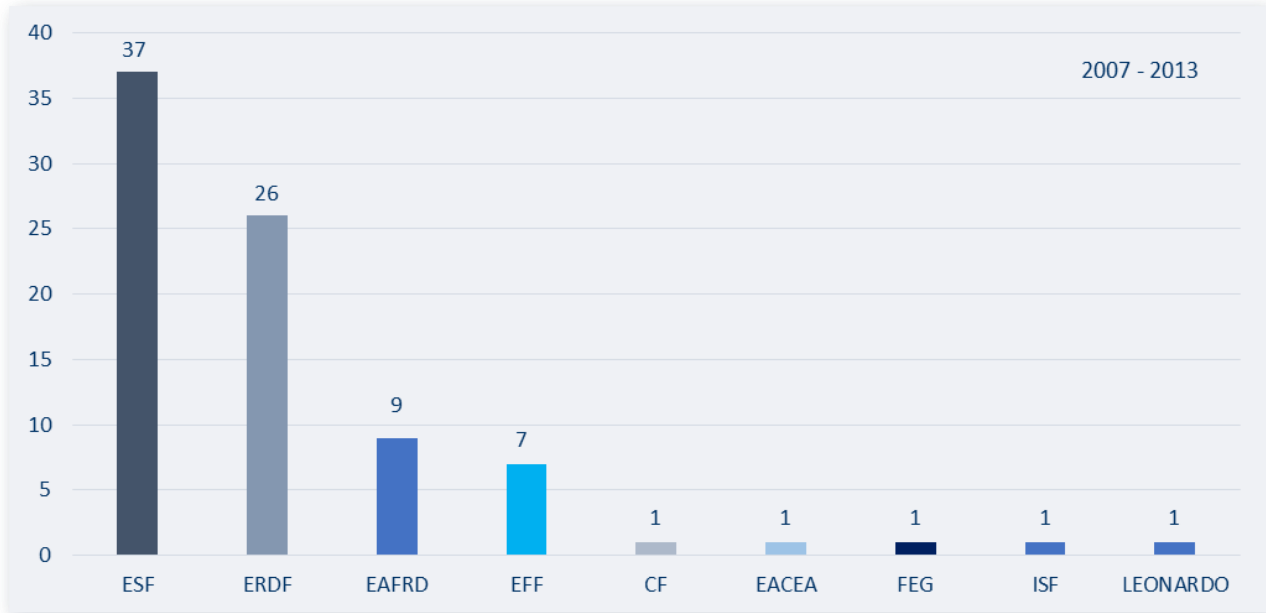


Chart 36

Financial tools of programming period 2007 - 2013 of cases finalized
- compared to 2019, 2020 and 2021 -

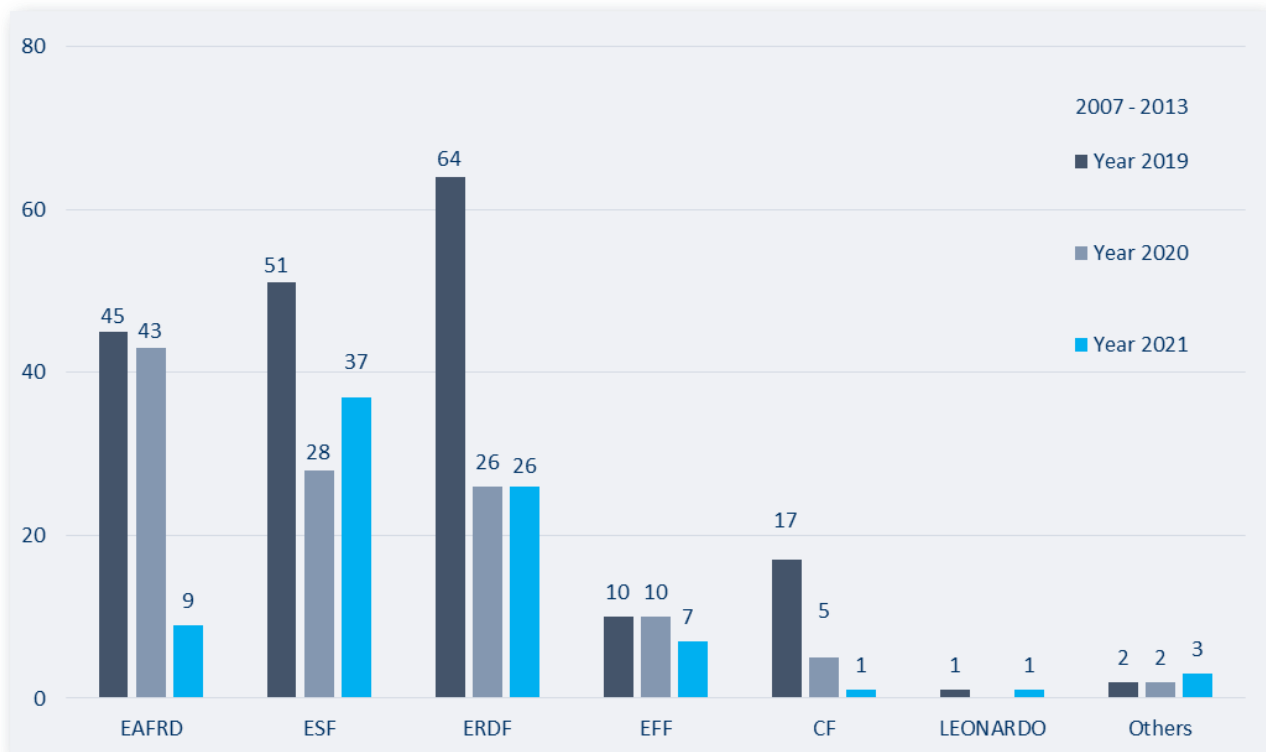


Chart 37

Financial tools of programming period 2014 - 2020 involved in 48 cases finalized in 2021

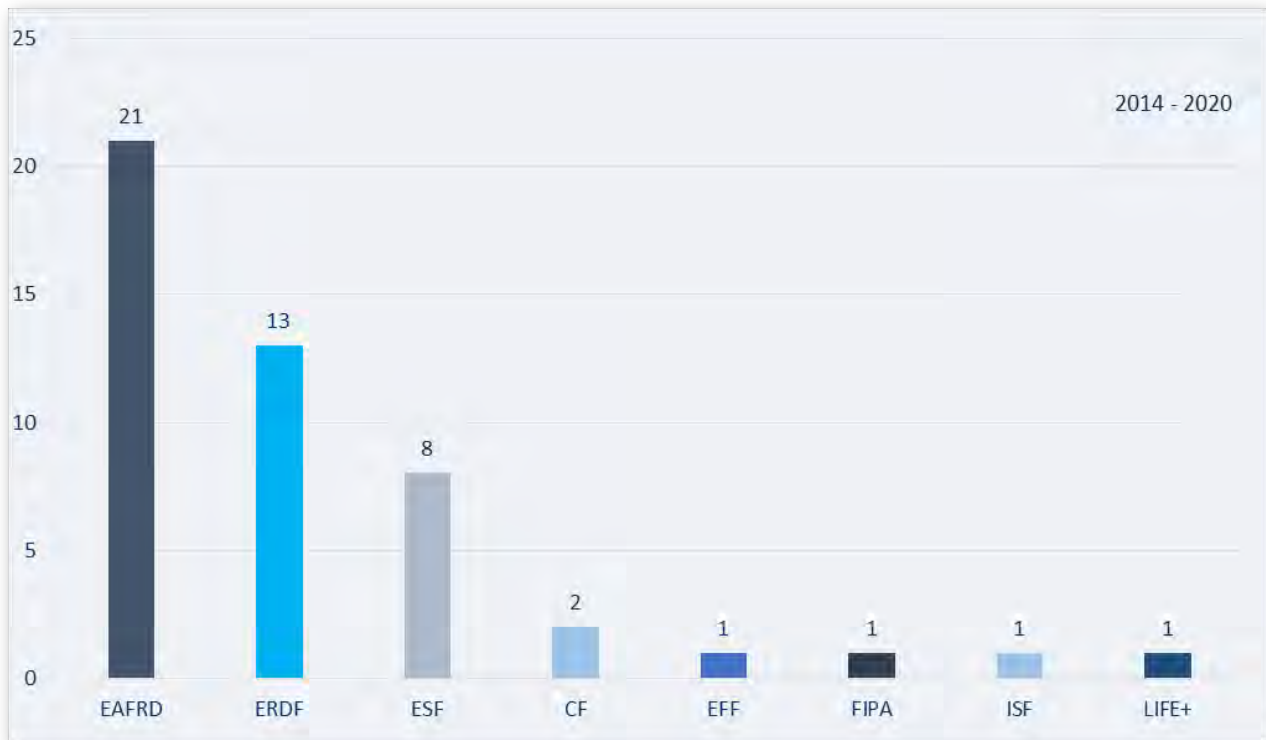
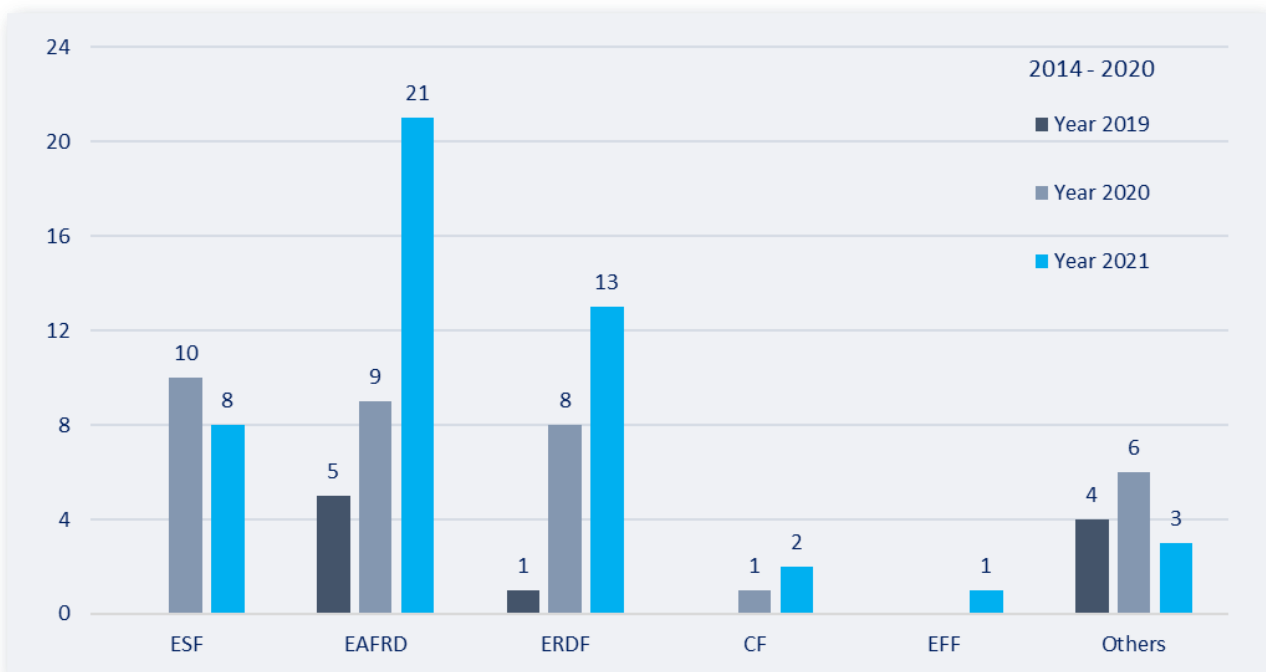


Chart 38

Financial tools of programming period 2014 - 2020 of cases finalized
 - compared to 2019, 2020 and 2021 -



❖ Considering the **2007 - 2013 financial programming**, the breakdown of **84 cases finalized in 2021** is presented below:

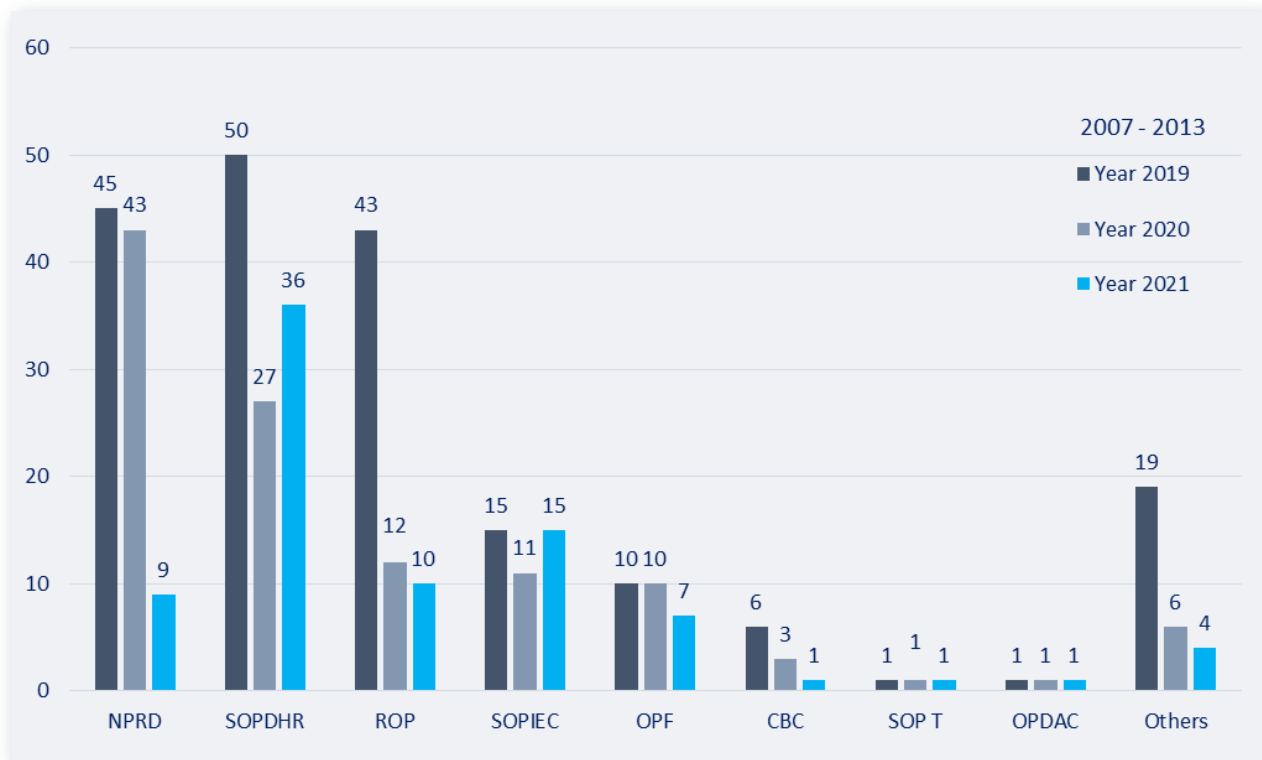
- National Programme for Rural Development: 9
- Sectoral Operational Programme Development of Human Resources: 36
- Regional Operational Programme: 10
- Sectoral Operational Programme Increase of Economic Competitiveness: 15
- Operational Programme for Fisheries: 7
- Cross-border Cooperation: 1
- Transport Sectoral Operational Programme: 1
- Operational Programme for Development of Administrative Capacity: 1
- Others: 4 (Youth in Action: 1; Employment, Social Affairs and Inclusion: 1; LdV: 1; CIPS/ISEC: 1)

Chart 39

Breakdown of 2007 - 2013 financial programmes involved in 84 cases finalized in 2021



Chart 40
Operational programmes of programming period 2007 - 2013
- compared to 2019, 2020 and 2021 -



❖ Considering the **operational programmes of programming period 2014 - 2020**, DLAF's **48 cases finalized in 2021** are divided as follows:

- National Programme for Rural Development:21
- Operational Programme Human Capital: 6
- Cross-border Cooperation: 7
- Operational Programme Competitiveness: 4
- Regional Operational Programme: 3
- Large Infrastructure Operational Programme: 1
- Operational Programme Administrative Capacity: 1
- Others: 4 (OPEMF: 1; Life+: 1; Borders Component:1)

Chart 41

Operational programmes of programming period 2014 - 2020 involved in cases concluded by DLAF



Chart 42

Operational programmes of programming period 2014 - 2020
- compared to 2019, 2020 and 2021 -

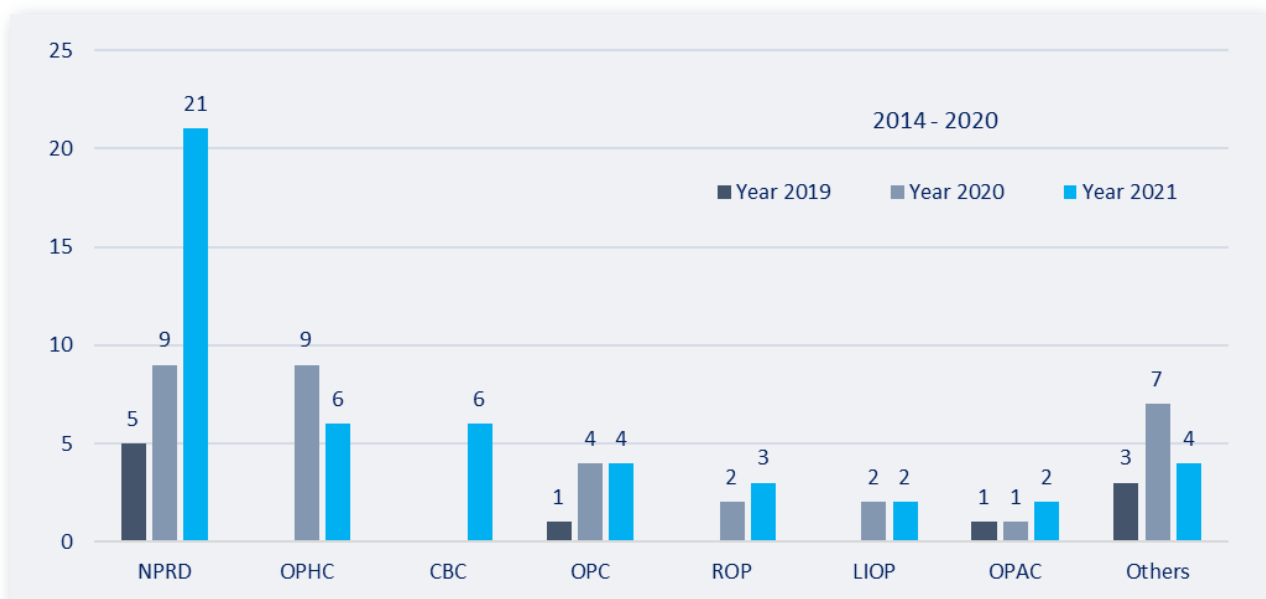
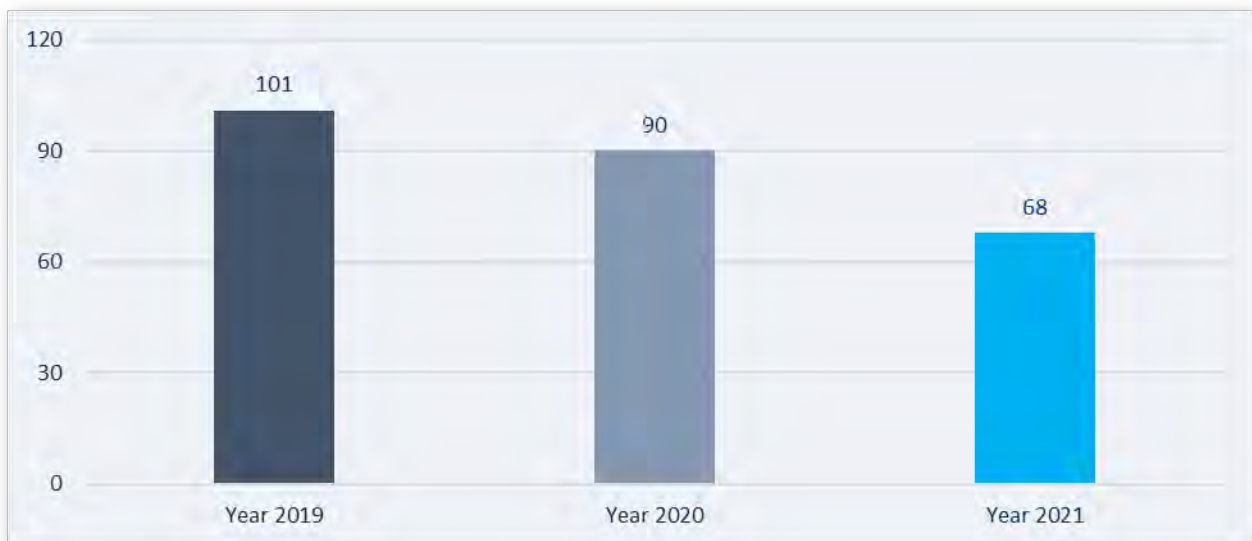


Chart 43
The single area payment scheme
- compared to 2019, 2020 and 2021 -



❖ Out of **200 cases concluded in 2021**, DLAF identified **fraud against EU financial interests in a number of 82 cases**, **102** proved no infringement, while **16** investigations were closed as no additional verifications were necessary, given the judicial measures already taken by the competent authorities (EPPO - 4; NAD - 12).

Chart 44
Results of DLAF's investigations in 2021

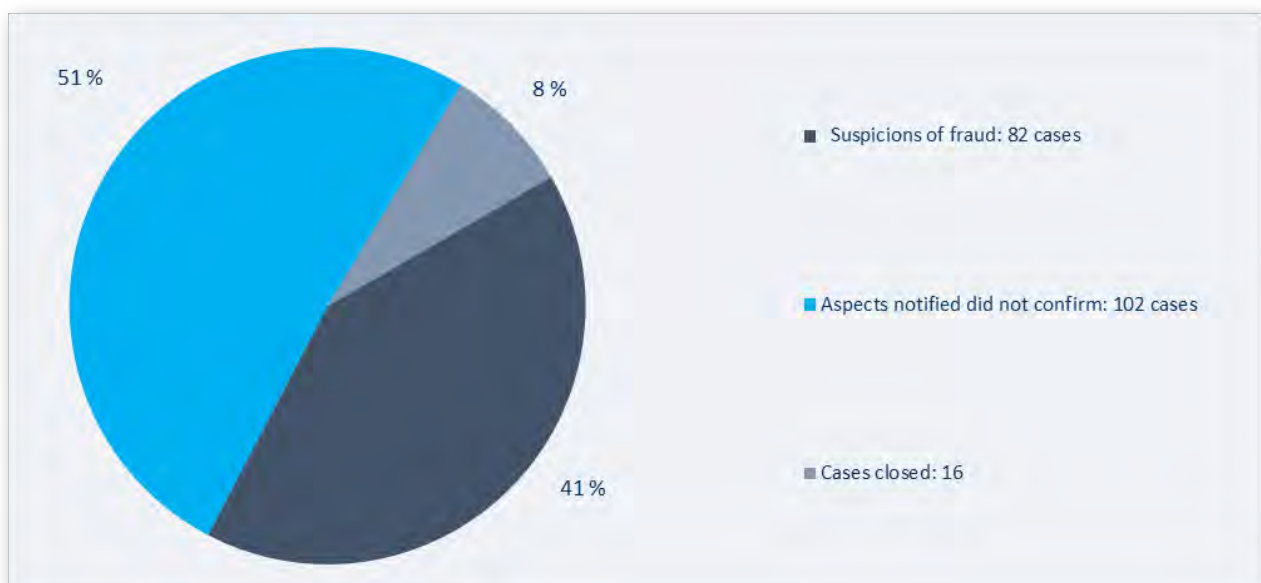
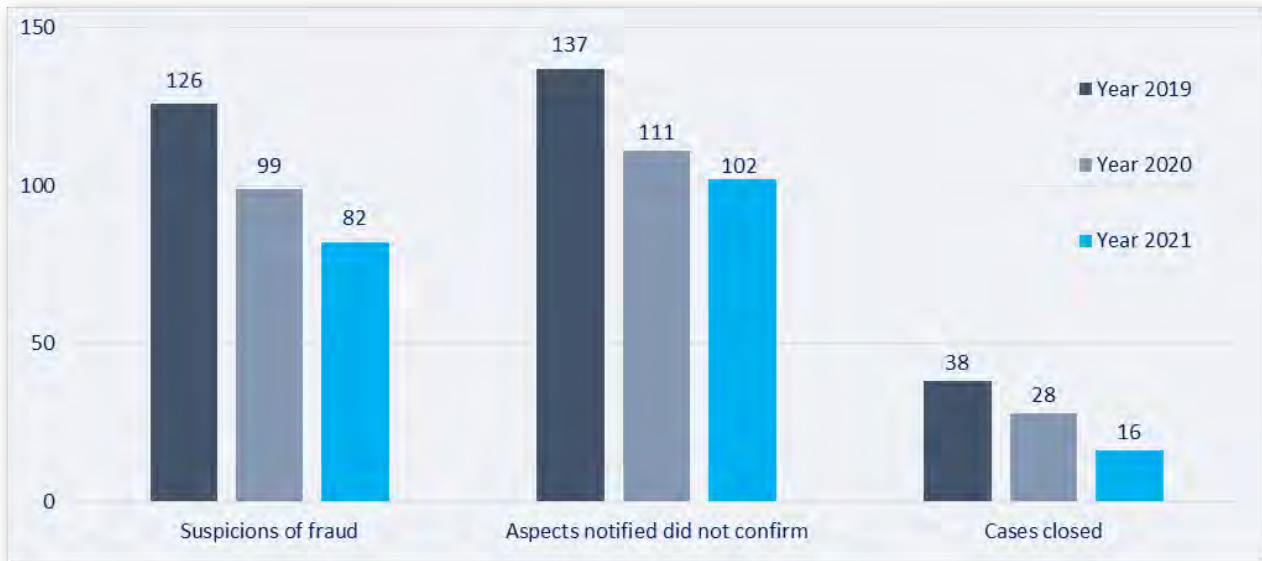


Chart 45
DLAF's results compared to 2019, 2020 and 2021



❖ As regards the **82 cases** concluded in **2021** by DLAF indicating fraud against EU funds, the **incoming information by source** is detailed below:

- Managing authorities: 42
- National Anticorruption Directorate: 23
- Natural persons: 6
- Ex - officio: 5
- European Antifraud Office: 1
- Others: 5 (PI Teleorman; SIC: 3; GBPI:1)

Chart 46
Incoming information by source for 82 cases indicating fraud in 2021



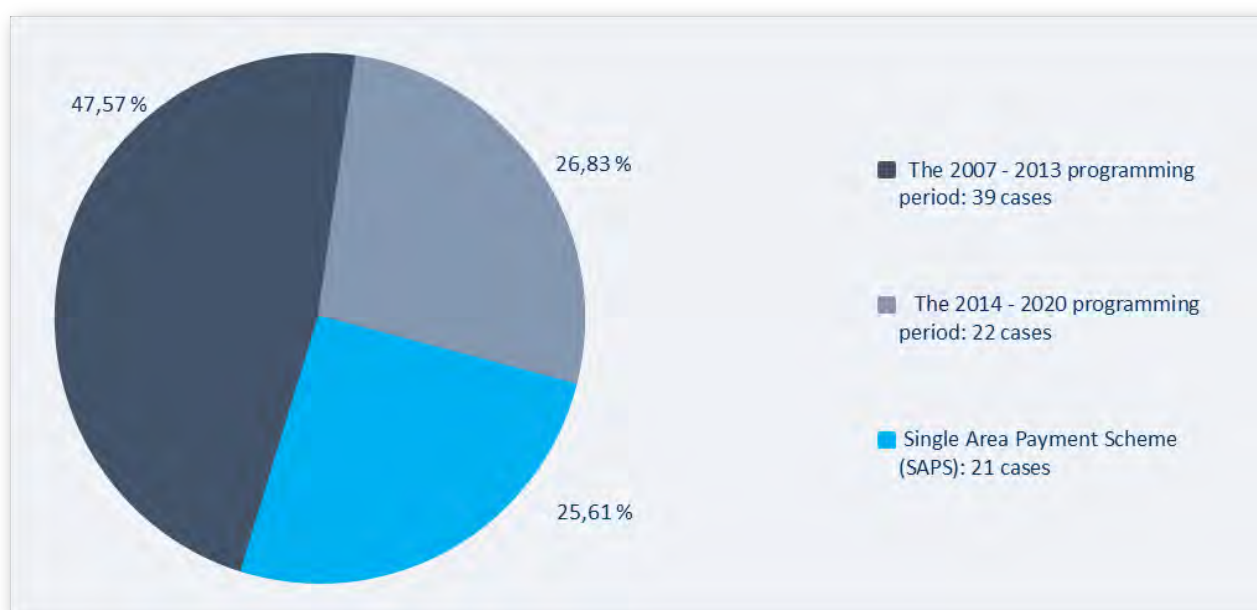
❖ The **82 DLAF's cases concluded** indicating fraud involved investigations over use of European funds by sector, namely Structural Funds, Cohesion Fund, Agricultural Fund and subsidies, as follows:

- Programming period 2007 - 2013: **39** cases
 - ✓ ESF: 19
 - ✓ ERDF: 9
 - ✓ EARDF: 5
 - ✓ EFF: 5
 - ✓ EACEA: 1

- Programming period 2014 - 2020: **22** cases
 - ✓ EARDF: 10
 - ✓ ESF: 4
 - ✓ ERDF: 4
 - ✓ CF: 2
 - ✓ EFF: 1
 - ✓ SIF: 1

- Single Area Payment Scheme: **21** cases

Chart 47
Breakdown of DLAF's fraud cases closed in 2021 by programming period



❖ The number of DLAF's investigations indicating fraud concluded in **2021** involving finances under 2007 - 2013, respectively 2014 - 2020 programming period faced almost the same trend as in 2020, while fraud cases finalized in 2019 involved fewer projects financed under 2007 - 2013 programming period, but an increase with those under 2014 - 2020 programming period.

Chart 48

Breakdown of DLAF's fraud cases closed in 2021 by programming period compared to previous 2019, 2020 and 2021

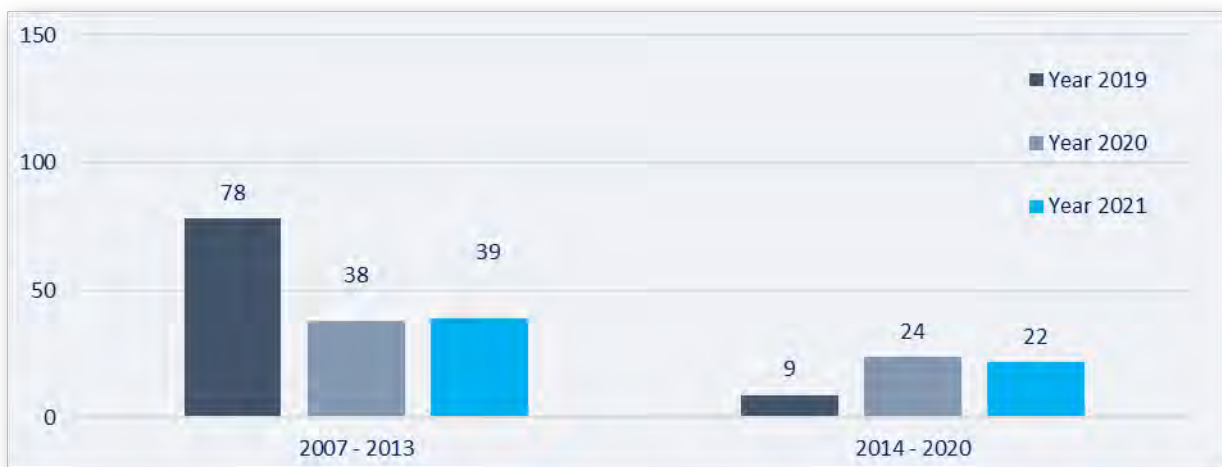


Chart 49

The 39 DLAF's fraud cases by financial tools within programming period 2007 - 2013



Chart 50

Investigations by financial tools within programming period 2007 - 2013 compared to 2019, 2020 and 2021

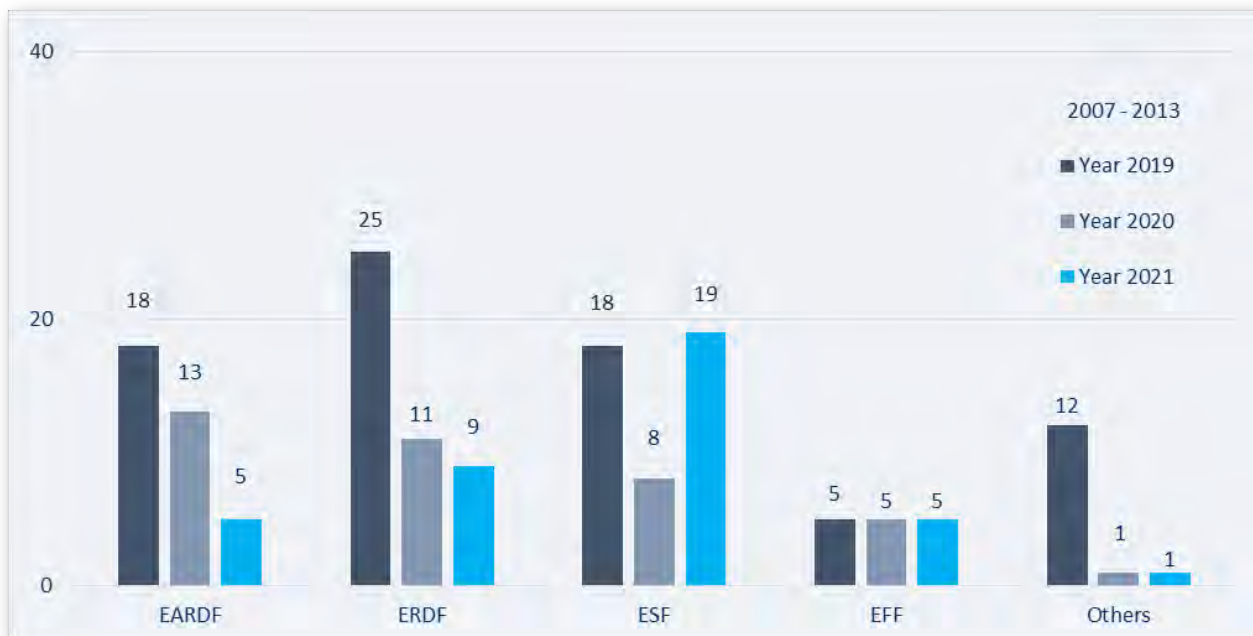


Chart 51

The 22 DLAF's fraud cases by financial tools within programming period 2014 - 2020

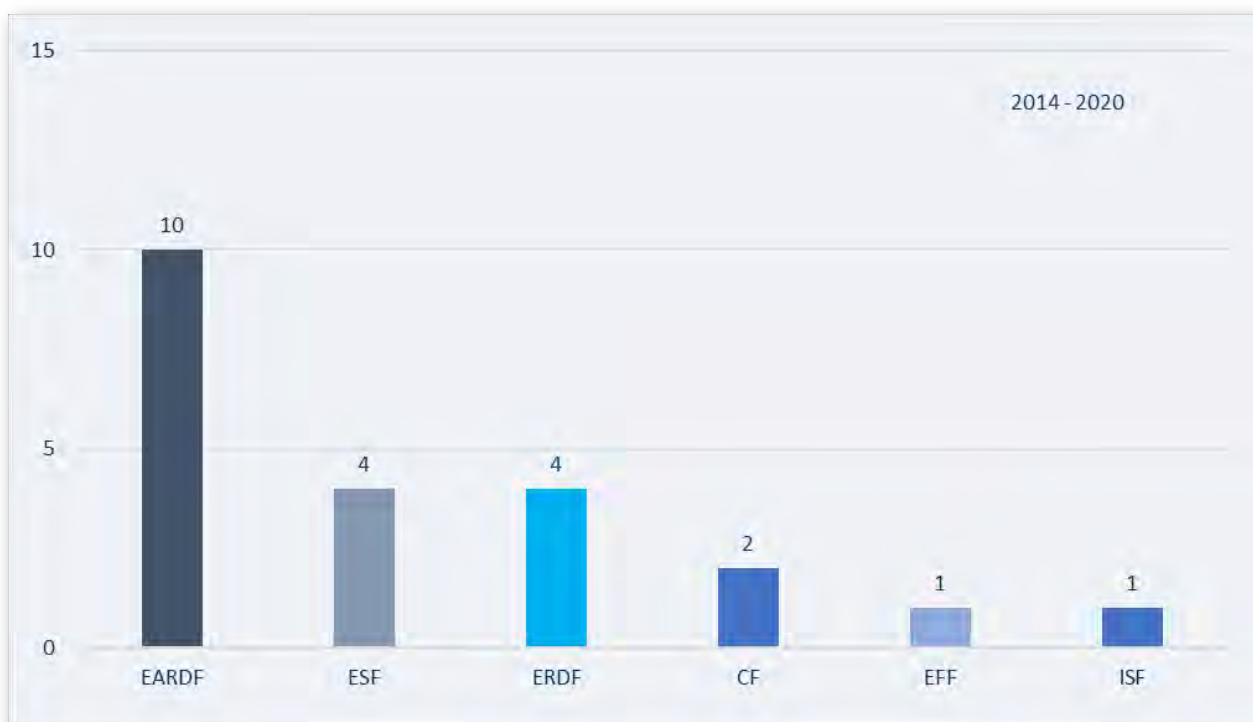


Chart 52

Breakdown of financial tools within programming period 2014 - 2020 compared to 2019, 2020 and 2021

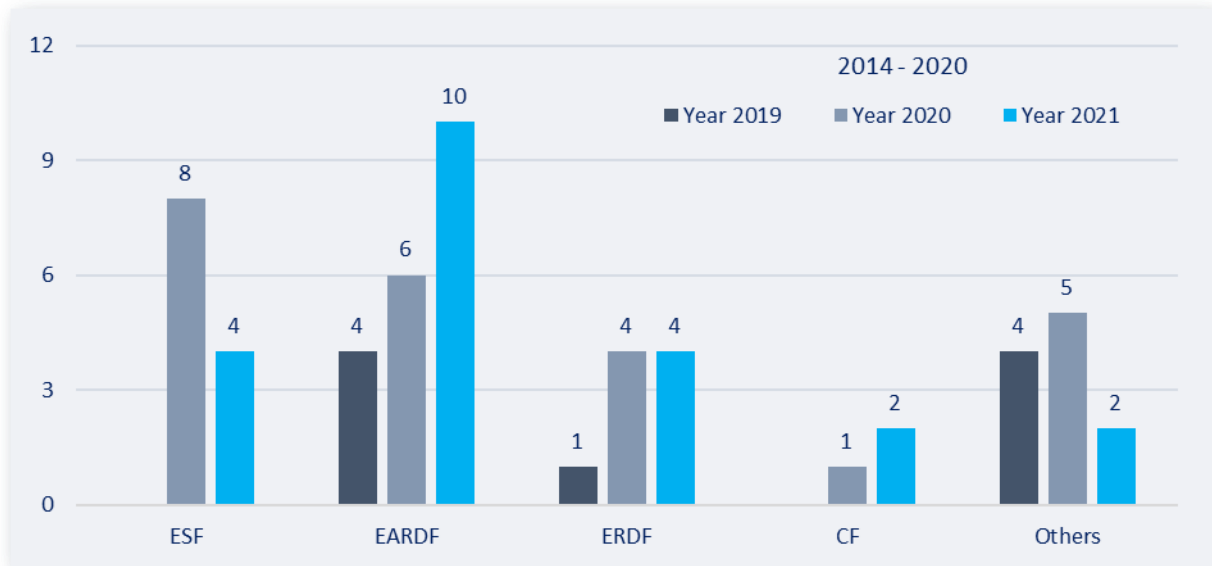


Chart 53

The 39 DLAF's fraud cases by financial programmes within programming period 2007 - 2013



Chart 54

Breakdown of financial programmes within programming period 2007 - 2013 compared to 2019, 2020 and 2021

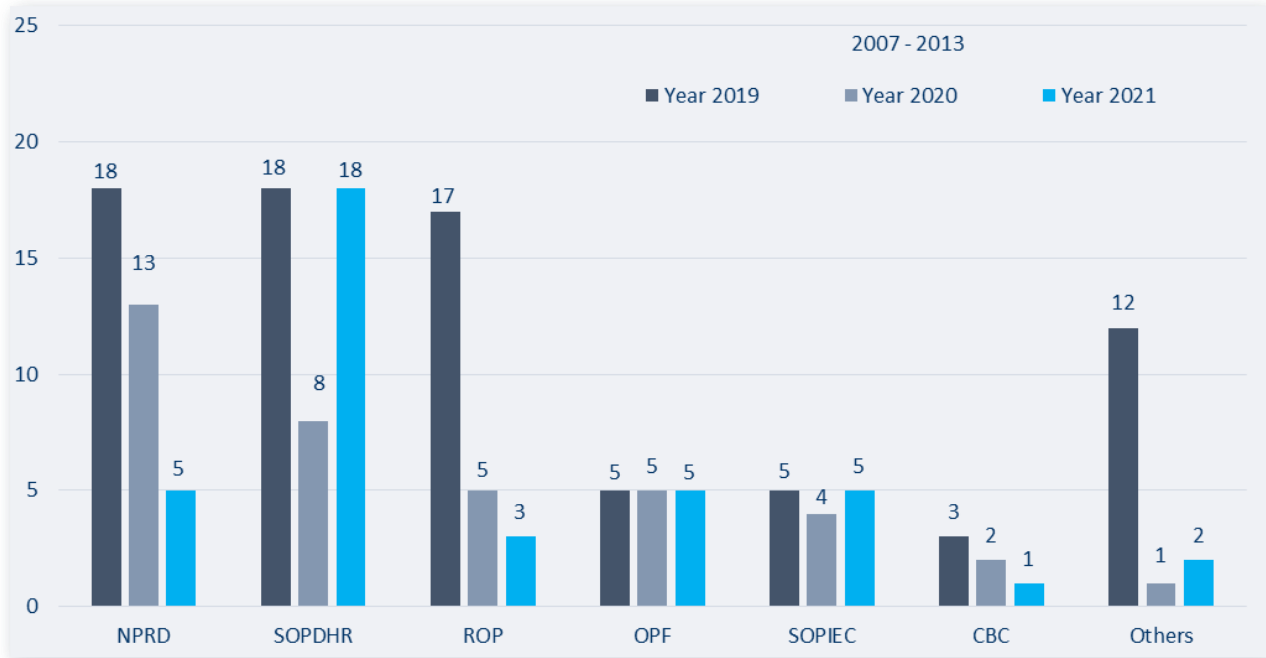


Chart 55

The 22 DLAF's fraud cases by financial programmes within programming period 2014 - 2020

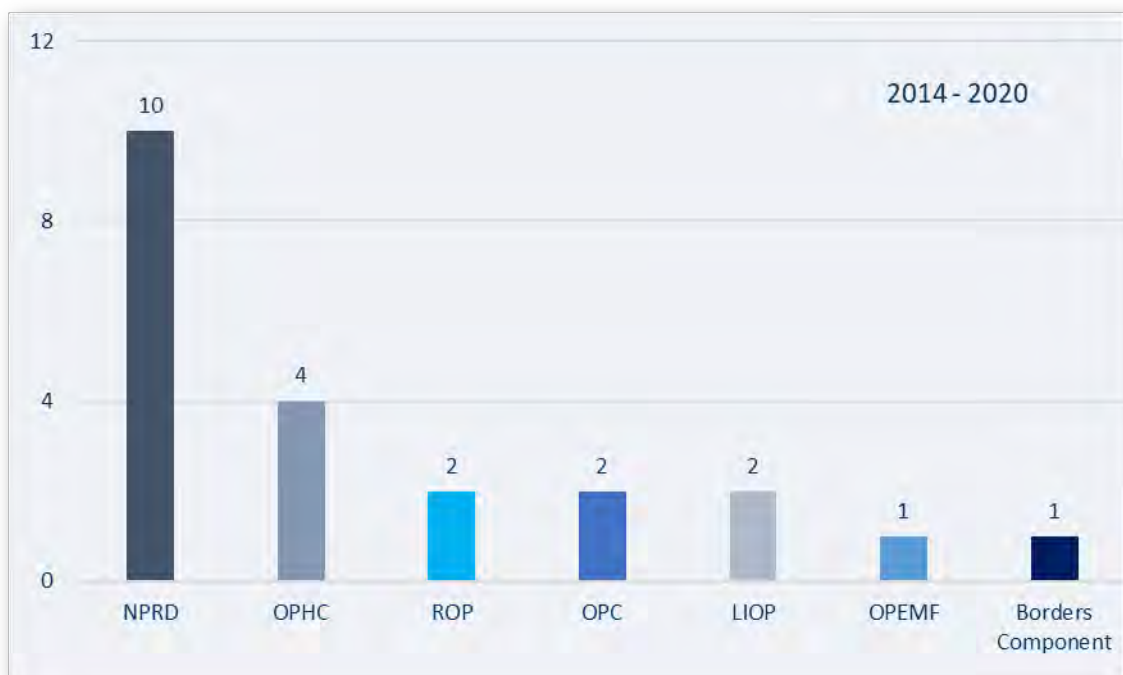


Chart 56
Breakdown of financial programmes within programming period 2014 - 2020
compared to 2019, 2020 and 2021

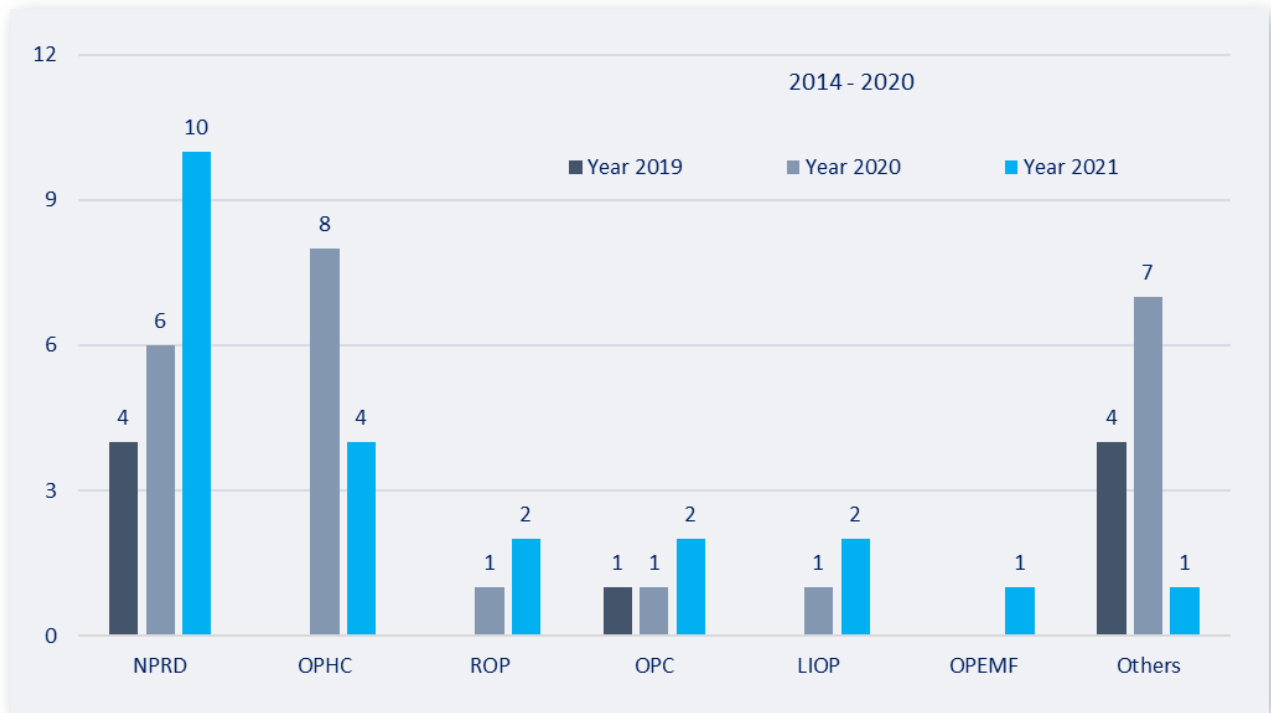
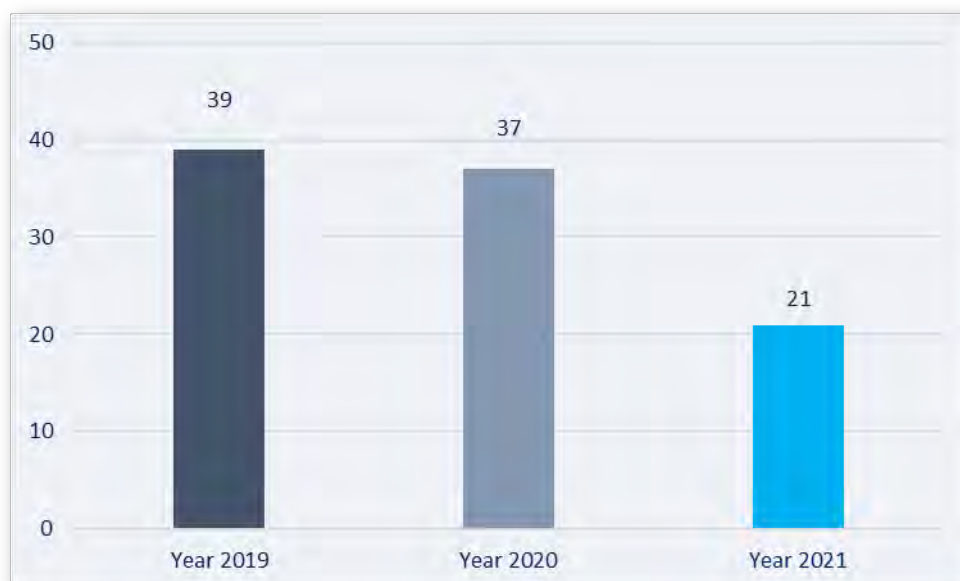


Chart 57
Investigations over single area payment scheme compared to
2019, 2020 and 2021



**IV) DLAF'S ADMINISTRATIVE /JUDICIAL FOLLOW-UP ON CASES
CONCLUDED IN 2021**

❖ **In 2021**, the Fight against Fraud Department forwarded to the management authorities or other national bodies, and OLAF as well, a number of **228 reports** and **95 briefing papers**, such as:

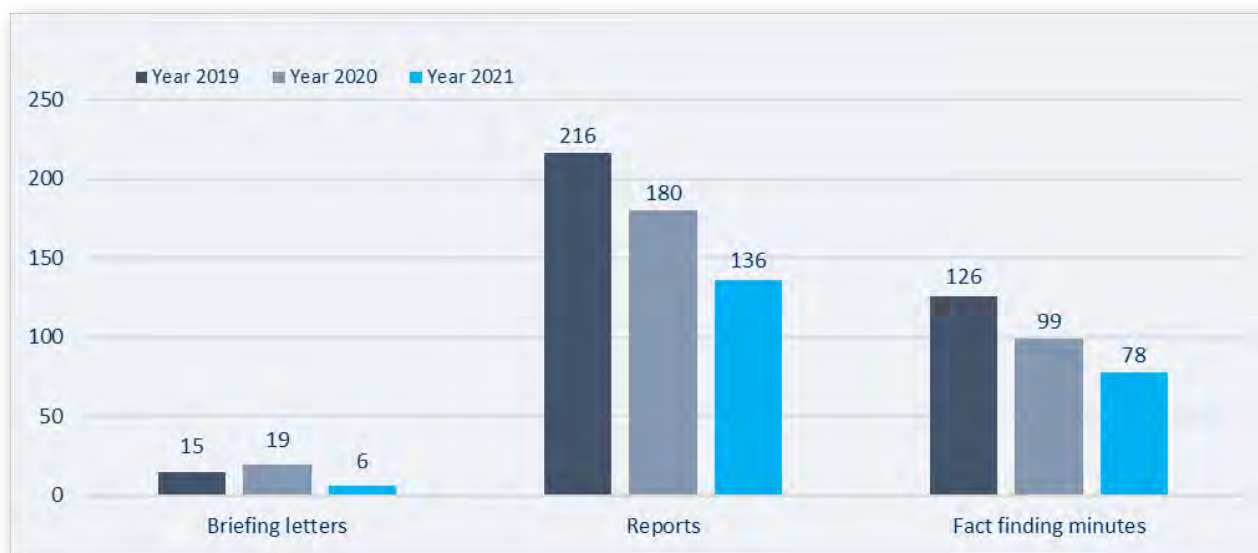
- The Agency for Payments and Intervention in Agriculture: 67
- Romania's Agency for Rural Investment Financing: 30
- General Directorate of Programme Human Capital: 30
- Complainants: 20
- General Directorate of Programme Competitiveness: 14
- OIR POSDRU: 13
- Audit Authority attached to Court of Accounts: 11
- Regional Operational General Directorate: 10
- General Directorate Control Antifraud and Inspections: 10
- General Directorate of European Cooperation: 8
- General Directorate of Fisheries - Management Authority for Operational Programme for European Maritime and Fisheries: 7
- Regional Development Agency: 4
- General Directorate for Operational Programme Administrative Capacity: 3
- Ministries: 3
- General Directorate Intermediate Research Body: 3
- State Inspectorate of Construction: 3
- General Directorate for Large Infrastructure Operational Programme: 3
- General Inspectorate of Border Police: 2
- The National Agency for Community Programmes in the Field of Education and Vocational Training: 1

- Intermediate Body for Promoting the Informational Society: 1
- National Integrity Agency: 1
- General Secretariat of the Government: 1
- Bucharest Public Finance Regional General Directorate: 1
- European Anti-fraud Office: 77

❖ According to legal provisions in force, in case allegations of fraud or irregularity are spotted, DLAF forwards its report to the competent authorities which are responsible for subsequent actions in order to recover the funds inappropriately spent.

❖ In 2021, DLAF addressed to DNA/other competent authorities a number of **137 Reports**, **82 fact finding minutes** and **6** briefing letters.

Chart 58
DLAF's judicial follow-up
- compared to 2019, 2020 and 2021 -



❖ EPPO

According to the national legal provisions, DLAF **shall report EPPO** about suspicions of crimes affecting the financial interests of the EU, following the specific administrative investigations, related to facts on which the *EPPO* could exercise competence. Moreover, DLAF **shall inform EPPO** about opening investigations regarding any crimes falling under EPPO competence.

❖ Starting June 1st 2021, DLAF has sent to the European Prosecutor's Office a number of **18 Crime Reports**.

❖ At the same time, **EPPO** has reported DLAF about **9 cases with suspicion of fraud**. DLAF's investigations related to these cases **are in progress at present**.

Chart 59
DLAF - EPPO / EPPO - DLAF

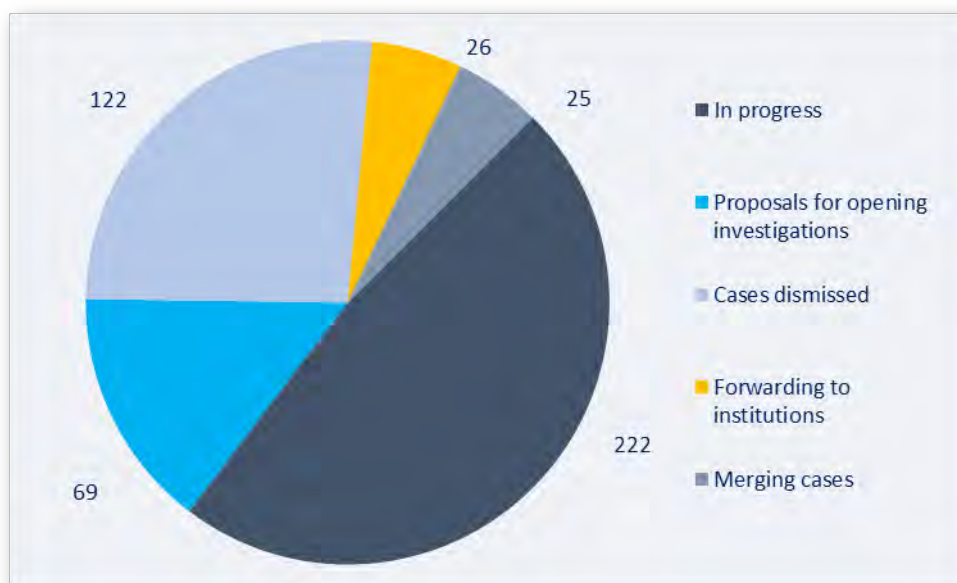


II) The Information Management Directorate of the DLAF, in accordance with the provisions of Article 21 of the DLAF's Regulation of organization and functioning, approved by GD no. 738/2011, has the following attributions: receives referrals about possible irregularities, frauds or other illegal activities which are affecting the EU's financial interests, solves the requests of administrative assistance, carries out preliminary checks in relation to the referrals received, provides operational support during the conduct of the controls, ensures the reporting of irregularities to OLAF, collects, analyses and processes the data for the purpose of carrying out relevant analyses in the field of the protection of the EU's financial interests.

In 2021, the Information Management Directorate carried out specific activities resulting in a number of **810 reports**, representing preliminary checks, petitions, requests solved under the right of access to documents, in accordance with the provisions of Law No. 544/2001 regarding the free access to information of public interest and other work received for solutioning, as follows:

✓ **Preliminary checks:** During the reference period, within the Information Management Directorate, preliminary checks activities were carried out in **464 items of incoming information, out of which 242 were solved**, through the following modalities:

- proposals for opening investigations: 69;
- cases dismissed: **122**;
- merging cases: **25**;
- forwarding to institutions:**26**



Out of the preliminary investigations conducted by DLAF in 2021, a number of **4 cases were reported by EPPO**, once becoming operational, while for **2 of them administrative investigations** were opened.

- ✓ **Petitions** received for solutioning: **103**, all completed;
- ✓ **Requests pursuant to the provisions of Law No. 544/2001** regarding the free access to information of public interest, except for those formulated by mass-media: **14**, all completed;

- ✓ **Requests for information and statistical statements: 136, all completed.**

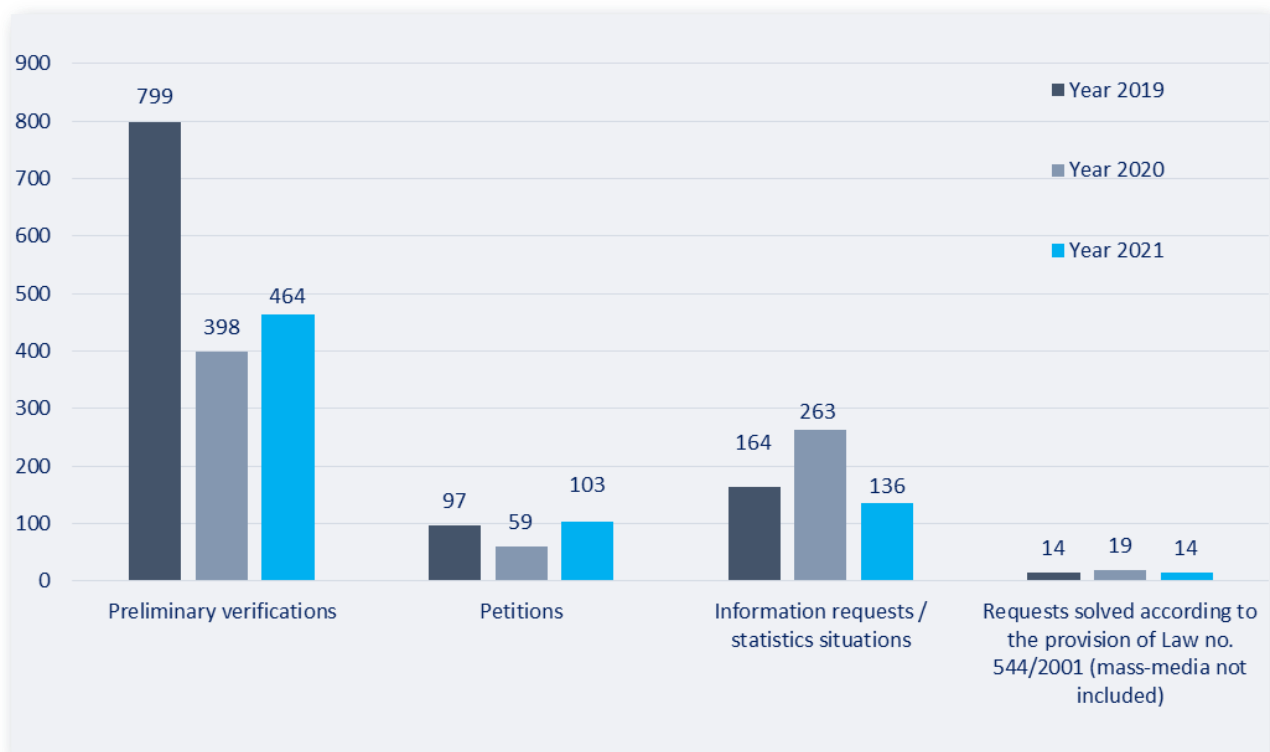
Chart 60

**Number of works registered with the Information Management Directorate
- compared to 2019, 2020 and 2021 -**



Chart 61

Categories of works registered at the Information Management Directorate



The cooperation with the European Anti-Fraud Office

Romania has set up, at legislative level, the modality of working with the European institution, thus giving greater effectiveness to the provisions of Regulation (EU, Euratom) No. 883/2013 of the European Parliament and of the Council from 11 September 2013 concerning the investigations conducted by the European Anti-Fraud Office (OLAF) and regarding the abrogation of the Regulation (EC) No 1073/1999 of the European Parliament and of the Council and of Regulation (Euratom) No. 1074/1999 of the Council.

In accordance with the provisions of Article 23 - 31 of the Regulation of organization and functioning of the Fight Against Fraud Department, approved by Government Decision no. 738/2011, DLAF co-operates with OLAF as a National Contact institution and National Anti-fraud coordinator (AFCOS ROMANIA).

1. Cooperation through administrative actions

1.1. DLAF participates in meetings organised by OLAF: Annual reunion of the heads of Anti-Fraud Coordination Services of the Member States of the European Union, OLAF Anti-Fraud Communicators Network, Consultative Committee for the Coordination of Anti-Fraud - COCOLAF and sub-working groups or other such working meetings.

1.2. The DLAF shall carry out, in cooperation with OLAF, training programmes and specific modules on the protection of the financial interests of the European Union.

2. Cooperation through operational measures

2.1. On the territory of Romania, the representatives of DLAF and OLAF shall carry out joint control actions or are providing one to the other, operational support/technical assistance in investigations.

2.2. Outside Romania, DLAF may assist at OLAF investigations.

2.3. If OLAF submits to DLAF the information obtained during external investigations which have not been completed by the final control report, the Department shall, where appropriate, initiate its own control action.

2.4. If OLAF submits to the DLAF the final control report, which contains indications of fraud, the Department shall refer the matter to the competent prosecutor's office on the basis of the OLAF report.

3. Cooperation through technical assistance

3.1. OLAF notifies DLAF regarding any possible irregularities, frauds or other activities affecting the financial interests of the European Union.

3.2. DLAF shall make available to OLAF all relevant information and documents relating to: the existence of suspicions of irregularities, fraud and other illicit activities affecting the financial interests of the European Union, the economic operators or natural persons connected with the obtaining, conducting and using of European funds, the financing projects or programmes, the development of cases controlled by the Department or any other information requested, according to the law.

3.3. DLAF shall transmit information, at OLAF's request, regarding the status of the investigations in criminal cases in which have been identified suspicions of offences against the financial interests of the European Union and shall provide copies of the indictments of the Public Prosecutor's Offices and of the judgments of the courts in those cases.

3.4. DLAF shall facilitate the requests for technical assistance addressed to OLAF by national institutions or authorities.

3.5. DLAF provides OLAF with the necessary information and clarifications on the applicable national legislation in the field of the protection of the European Union's financial interests in Romania.

4. Cooperation in reporting irregularities

DLAF ensures, coordinates and monitors the reporting of irregularities between national institutions and OLAF, providing the necessary information and clarifications in this regard and ensuring that information received from OLAF is transmitted to the entities involved in reporting irregularities.

All these provisions are the Member State's legislative response to OLAF's quality of ensuring the co-operation between the Member States and the European Commission in order to protect the EU's financial interests, as provided for in Article 325 TFEU, and to conduct external administrative investigations in order to combat fraud, corruption and other illegal activities that harms the European budget. Romania also has considered how to make use of the information or control reports submitted by OLAF in accordance with Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 regarding the investigations carried out by the European Anti-Fraud Office (OLAF) and repealing the Regulation (EC) No 1073/1999 of the European Parliament and of the Council, in order to ensure that the final control documents of the European institution are to be taken advantage of the same regime and legal value as those drawn up by the national institution.

In the majority of the cases, **the operational cooperation between DLAF - OLAF** concerned the provision of mutual technical assistance, which consisted in the exchange of information and data on suspicions of irregularities or fraud affecting the EU's financial interests in Romania, as well as on the evolution of cases controlled by DLAF or the state of criminal investigations, in compliance with the law.

In 2021, **OLAF** requested **Technical Assistance from DLAF in 59 cases**.

❖ Reporting irregularities to the European Commission - OLAF

In 2021, as a Contact institution in Romania, DLAF has centralised and transmitted to OLAF a number of **2890 reports related to irregularities** (683 initial reports and 1733 updating reports, 388 cases closed and 7 cases reopened), as follows:

✓ **1915 reports for irregularities** identified in the **financing instruments of the Common Agricultural Policy**, in accordance with the provisions of *Commission Delegated Regulation (EU) 2015/1971 from 8 July 2015 completing the Regulation (EU) No 1306/2003 of the European Parliament and of the Council with specific provisions on the reporting of irregularities related to the European Agricultural Guarantee Fund, and the European Agricultural Fund for Rural Development and the abrogation of the Regulation (EC) No 1848/2006 of the Commission and of the Regulation (EC) No 1848/2006 of the Commission regarding the irregularities and the recovery of amounts wrongly granted under the financing of the common agricultural policy and the organisation of an information system in this domain and for the abrogation of the Regulation (EEC) No. 595/91 of the Council*, of which:

- 438 initial reports,
- 1329 updating reports,
- 29 cancelling reports of the irregularities cases submitted in previous years;
- 122 closing cases reports.

✓ **846 reports set up for irregularities** detected within **Structural instruments of Cohesion Policy**, in compliance with the provisions laid down by *Commission Delegated Regulation (EU) 2015/1970 of 8 July 2015 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the European Regional Development Fund, the European Social Fund, the Cohesion Fund, and the European Maritime and Fisheries Fund and by Commission Regulation (EC) No 1828/2006 of 8 December 2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and of Regulation (EC) No 1080/2006 of the European Parliament and of the Council on the European Regional Development Fund*, of which:

- 237 initial reports,
- 370 updating reports,
- 38 cancelling reports of the irregularities cases submitted in previous years,
- 194 closing cases reports,
- 7 reopening cases reports of the irregularities cases submitted in previous years.

✓ **70 reports for irregularities** identified under the **Common Fisheries Policy financing instrument**, in accordance with the provisions of *Commission Delegated Regulation (EU) 2015/1970 from 8 July 2015 for completing the Regulation (EU) No 1303/ 2013 of the European*

Parliament and of the Council with specific provisions on the reporting of irregularities related to the European Regional Development Fund, the European Social Fund, Cohesion Fund and the European Fund for Fisheries and Maritime Affairs and of the Regulation (CE) no. 498/2007 of the Commission for establishing some detailed norms regarding the implementation of the Regulation (EC) no. 1198/2006 of the Council regarding the European Fishing Fund, as it was modified by the Regulation (EU) No. 1249/2010 of the Commission, with the ulterior modification and completion, of which:

- 2 initial reports,
- 20 updating reports,
- 10 cancelling reports of the irregularities cases submitted in previous years,
- 38 closing cases reports.

✓ **42 reports for irregularities** identified in the **PHARE pre-accession programme**, in accordance with the provisions of the *PHARE Financing Memoranda*, of which:

- 9 updating reports,
- 33 closing cases reports.

✓ **1 update report** for irregularities identified in **ISPA pre-accession programme**, in accordance with the provisions of the *ISPA Financing Memorandums*.

✓ **12 report** for irregularities identified in **IPA**, according with the provisions of the *Regulation No. 718/2007 of the Council from 12 June 2007 for implementing the Regulation no. 1085/2006 of the Council for training for a pre-accession assistance instrument (IPA)*, with the ulterior modifications and completions, of which:

- 5 initial reports,
- 2 updating reports,
- 5 cancelling reports of the irregularities cases submitted in previous years.

✓ **3 reports for irregularities** identified within **CBC-ENI “European Neighborhood Instrument”**, of which:

- 1 initial report,
- 2 updating reports.

✓ **1 closing case report** for irregularities identified in **Asylum, Migration and Integration Fund**.

Also in its double quality, that of AFCOS and of national administrator of the Irregularities Management System – IMS, in order to ensure the optimum operational framework for developing the reporting activity, DLAF has solved a number of 200 requests of the national authorities and OLAF, regarding the transmission of information and necessary clarifications for the cases of irregularities reported in IMS, granting assistance for the correct and complying recording of data, as well as for granting and revoking the access rights in IMS.

Public communication and media relations

In compliance with the provisions of art. 7 from the *Regulation for the organization and functioning of the Fight against Fraud Department – DLAF*, approved by GD no. 738/2011 regarding the organization and functioning of the Fight against Fraud Department, **the Service Relations with Media, Protocol and Registry** is a structure directly subordinated to the Head of DLAF, which ensures the efficient DLAF communication process with the national and international entities with attributions in the field of the protection of European Union's financial interests in Romania and the representatives of the media.

During 2021, Fight Against Fraud Department – DLAF ensures by the Service Relations with Media, Protocol and Registry the protection of the financial interests of the European Union in Romania, by increasing the degree of transparency and communication in the field, acting at the following levels: **cooperation, representation, transparency, access to information of public interest, training and information sessions.**

❖ Representation

DLAF is a permanent member within the OLAF Anti-Fraud Communication Network – OAFCN. The network is a group created at the initiative of the European Anti-Fraud Office and it consists of members of the communication Directorates, press officers, public relations officers, representatives of the Public Prosecutor's Offices and the Economic Police Departments from all national investigation services of the EU Member States. The network representatives meets annually. SRMMPR exercised its **representative role** in the field of the protection of the European Union's financial interests by participating in the **30th annual meeting of the OLAF - OAFCN Anti-Fraud Communicators Network.**

❖ Cooperation

During the reporting period, SRMMPR **intensified** its collaboration with the representatives of the **European Anti-Fraud Office (OLAF)** and the partners of the **OLAF Anti-Fraud Communicators Network (OAFCN)** and **published** on its website 30 press releases of the Office and **OAFCN** partners. At European level, through OLAF and OAFCN, SRMMPR **disseminated and promoted** the results of the Department's activity in the fight against fraud with European funds and informed OLAF concerning the way in which the Office and its partners' work was reflected in the Romanian media.

❖ Transparency

In the context of a new year affected by the SARS-CoV-2 pandemic, for the correct and complete information of the public opinion and respecting the principle of transparency, **SRMMPR**

continued to represent the image of the institution, through technical and content means that it has at its disposal.

In compliance with the legislation in force on **increasing transparency and standardizing the display of public interest information**, SRMMPR informed the public about all areas of DLAF activity.

The Fight Against Fraud Department - DLAF **actively supported the public information campaign** on the infection risk control with the SARS-CoV-2 virus and it has constantly informed the public opinion both the general measures to prevent and combat the spread of the SARS-CoV-2 virus, as well as those established at the level of the institution for carrying out the activity in safe conditions.

The institution's new website (www.antifrauda.gov.ro) launched at the beginning of 2021, recorded a number of **60.000** hits, during the reference period. In 2021, the approximate number of visitors registered by DLAF Website was **10.000**. Most of the users were from Romania (**92%**) and the most hits were recorded on the landing page (**25.70%**), the first page of the site, page <http://www.antifrauda.gov.ro/w/informatii-de-interes-public/cariera/> (**12.783%**), followed by the sections <http://www.antifrauda.gov.ro/w/declaratii-de-avere-si-de-interese-dlaf/> (**4.45%**) and <http://www.antifrauda.gov.ro/w/contact/> (**4.20%**). The number of average sessions/visitor was **1,63**, being visited **2,85** pages/session.

	Country	Users	%Users
1	Romania	7480	92,16%
2	Germany	122	1,50%
3	China	63	0,78%
4	United States	48	0,59%
5	Belgium	46	0,57%
6	Italy	42	0,52%
7	United Kingdom	36	0,44%
8	Netherlands	35	0,43%
9	Spain	24	0,30%
10	France	21	0,26%

Chart 1: DLAF Website visitors by country

	Page	Page views	% Page views
1	/w/	9.645	25,70%
2	/w/informatii-de-interes-public/cariera/	4.797	12,78%
3	/w/declaratii-de-avere-si-de-interese-dlaf/	1.670	4,45%
4	/w/concurs-de-recrutare-pentru-ocuparea-unei-functii-publice-de-executie-vacante-de-consilier-clasal-gradul-profesional-principal-din-cadrul-dlaf-directia-control-10-septembrie-2021/	1.598	4,26%
5	/w/contact/	1.578	4,20%
6	/w/seful-institutiei/	1.082	2,88%
7	/w/rapoarte-de-activitate/	913	2,43%
8	/w/concurs-de-recrutare-pentru-ocuparea-unei-functii-publice-de-executie-vacante-de-consilier-clasal-gradul-profesional-superior-din-cadrul-dlaf-directia-control-2-august-2021/	904	2,41%
9	/w/sesizeaza-un-caz-de-frauda-cu-fonduri-europene/	722	1,92%
10	/w/petiti/	630	1,68%

Chart 2: DLAF website visits depending on the page of interest

DLAF's Website was created to enable the public information for disabled people, as the law provides (No. 448/2006 Law on free access to information of public interest with subsequent amendments and additions). In order to facilitate the communication, the new platform offers an **intelligent template and Really Simple Syndication – RSS**.

SRMMPR has increased the transparency and the display standards concerning information for the public interest, publishing and updating a higher number of open data documents, on the DLAF's Website as well on the data.gov.ro platform.

Fight Against Fraud Department has published and updated, on its Website (<https://data.gov.ro/dataset?q=departamentul+pentru+lupta&organization=departamentul-pentru-lupta-antifrauda>) and on the data.gov.ro platform, **10 data sets containing information for the public interest**.

During 2021, **SRMMPR** updated and checked the correctness of the information about DLAF, published on the **Wikipedia** page designed for the institution (https://ro.wikipedia.org/wiki/Departamentul_pentru_lupta_antifraud%C4%83_-_DLAF).

SRMMPR took the necessary steps in order to create the internal network for implementation of the provision within no.109/2007 Law on reuse of information in the public institutions.

In order to fulfill the transparency criteria on the decision-making process, SRMMPR has provided for the RUTI Web account (Unique Registry of the Transparency of Interests - <http://ruti.gov.ro/>) the information about DLAF's activity.

❖ **Acces to public interest information**

In carrying out the tasks provided by the law¹, for an accurate and complete information of the public opinion, **SRMMPR**:

- issued **70 press releases** (regarding: the Department activity, national and international meetings, working meetings, protection measures taken by the institution on combating the spread of infection with the SARS-CoV-2 virus, etc.);

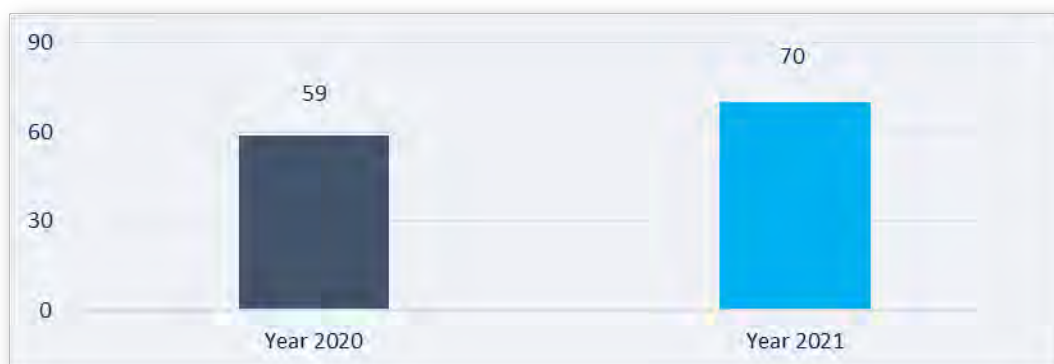


Chart 3: Press releases on the work of DLAF, issued between 2020 and 2021

¹ Law no. 544/2001 on free access to information of public interest with subsequent amendments and additions and the Methodological norms on law enforcement of Law no. 544/2001 approved by Government Decision no.123/2002

- responded to a number of **23 media requests**, in compliance with Law no. 544/2001 *on free access to information of public interest with subsequent amendments and additions*. During 2021, the response time for the media requests has been between 5 minutes to 10 days.

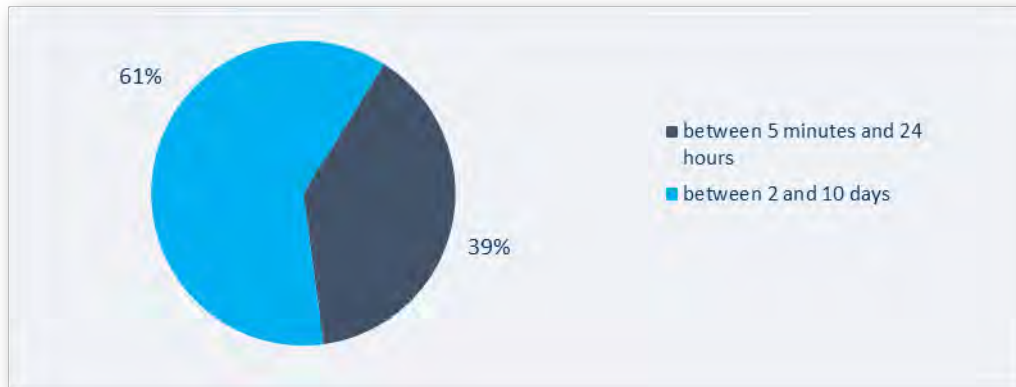


Chart 4: Response time to requests from media representatives, based on Law no. 544/2011

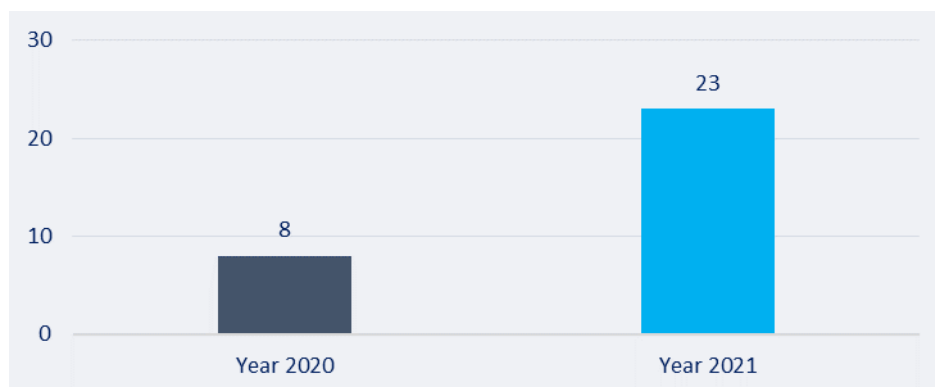


Chart 5: Press requests registered in the period 2020 - 2021

- has solved in a **positive and promptly manner the accreditation requests**,
- elaborated **250 daily media monitoring reports**, which included more than **150** news stories related to DLAF's activity. Monitoring activity was carried out by accessing news feeds, media on-line information and social networks. Following **the monitoring of published information in the media** and **content analyses** carried out by SRMMPR, the management of the Department decided **to launch ex officio** in **3 cases** the preliminary checks on possible irregularities or frauds;

- **has drawn up content analyses** of the on-line published information and **disseminated the information of interest** to the Department;

- **has drawn up reports about the institutional transparency and communication activity** and has offered successful solutions to a variety of problems that concerns DLAF's public image.

- **published and updated, on the institution website, data and information of public interests** (newsletter, budget information, balance sheet, budget implementation, the annual procurement plan, declarations of assets, declarations of interests etc.)

❖ **Training and information sessions**

SRMMPR members were actively involved in the **training and information events** held with national and international participation for areas like governmental communication and the new strategical direction and public politics within the context of the social transformation that took place during the pandemic period. For this purpose, the public events created by the General Secretary of the Government within the European project *The stage of institutional capacity performance on communication in Romanian central public administration*, the debate titled *The draft law on open data*, the on-line meeting *The opening and the reuse of data on COVID 19 pandemic*, *On-line information session dedicated particularly to recently nominated responsible for open data publication* and the Webinar *The impact assessment on Romanian data.gov.ro platform and open data resources* - **all these had brought in the foreground the need for remeasurement and for upskilling..**

DLAF’S ADMINISTRATIVE CAPACITY

DLAF functions as an institution with legal personality, with own internal structures and as tertiary authorizing officer, being financed from the state budget, by General Secretariat of Government.

❖ **ECONOMIC – FINANCIAL RESOURCES**

According to the financial data at end of 2021, DLAF was financed by national funds - the total amount attaining RON 17,579,000.00.

Figure 1
DLAF’s budget in 2020

- RON -

	PERSONNEL EXPENSES	GOODS AND SERVICES EXPENSES	OTHER EXPENSES	CAPITAL EXPENSES	TOTAL
INITIAL BUDGET	16.241.000,00	1.201.000,00	128.000,00	130.000,00	17.700.000,00
FINAL BUDGET	15.424.000,00	1.924.000,00	123.000,00	108.000,00	17.579.000,00

In 2021, DLAF was *credited* by the state budget as follows:

Figure 2

- RON -

ITEM	CREDITS	PAYMENTS	SOLD AT 31.12.2019
STAFF	15.376.824,00	15.236.244,05	140.579,95
GOODS AND SERVICES	1.895.726,00	1.893.426,77	2.299,23
OTHER EXPENSES - BUDGETED POSTS FOR PERSONS WITH DISABILITIES	116.900,00	115.848,00	1.052,00
CAPITAL EXPENSES	107.058,00	107.055,90	2,10
INCURRED AMOUNTS IN PREVIOUS YEARS AND RECOVERED IN 2020	0	-46.811,00	-46.811,00

In 2021, DLAF's *budget implementation* can be indicated as follows:

Figure 3

DLAF's budget implementation in 2020

- RON -

ITEM	CODIFICATION	AMOUNT
TOTAL EXPENSES	50.00	17.258.952,72
CURRENT EXPENSES	1	17.305.763,72
STAFF	10	15.236.244,05
SALARIES	10.01	14.759.442,96
Base salary	10.01.01	13.061.094,00
Other benefits	10.01.06	1.186.898,00
External staff	10.01.12	0,00
Work-related travel expenses	10.01.13	25.124,07
Food benefits	10.01.15	1.779,89
Other benefits	10.01.17	299.679,00
Other benefits	10.01.30	184.868,00
EXTRA BENEFITS	10.02	53.774,09
Official accomodation for staff member	10.02.04	53.774,09
Vacation vouchers	10.02.06	0,00
INCOME TAXES	10.03	423.027,00
Social insurance	10.03.01	72.578,00
Unemployment	10.03.02	2.043,00
Health care	10.03.03	25.965,00
Labour security	10.03.04	616,00
Leaves and allowances	10.03.06	3.518,00

Labour insurances	10.03.07	318.307,00
GOODS AND SERVICES	20	1.893.426,77
GOODS AND SERVICES	20.01	1.870.479,69
Office supplies	20.01.01	25.730,86
Postal, Telecoms, Radio, Tv, Internet services	20.01.08	27.656,51
Functional materials and services	20.01.09	1.817.092,32
Other maintainance and functioning supplies	20.01.30	0,00
INVENTORY ITEMS	20.05	3.095,19
Other inventory items	20.05.30	3.095,19
WORK TRAVEL AND TRANSFERRING	20.06	451,49
National travel and transferring	20.06.01	0,00
Travel abroad	20.06.02	451,49
BOOKS, PUBLICATIONS AND DOCUMENTARY MATERIALS	20.11	0,00
TRAINING	20.13	12.900,00
LABOUR PROTECTION	20.14	4.898,00
OTHER EXPENSES	20.30	1.602,40
Protocol and representation	20.30.02	894,67
Other expenses	20.30.30	707,73
Other expenses	59	115.848,00
Damages awarding	59.17	14.473,00
Budgeted posts for persons with disabilities	59.40	101.375,00
CAPITAL EXPENSES	70	107.055,90
NON-FINANCIAL ASSETS	71	107.055,90
Fixed assets	71.01	107.055,90
Cars and means of transportation	71.01.02	67.671,66
Other fixed assets	71.01.30	39.384,24
AMOUNTS INCURRED IN PREVIOUS YEARS AND RECOVERED IN CURRENT YEAR	85	- 46.811,00

In 2021, DLAF was involved in 130 public tenders, of which 128 were developed through Electronic Public Procurement System – SEAP, and 2 offline purchases (training professional courses).

The procedures organised through SEAP can be found on website www.e-licitatie.ro, according the national law in force regarding public procurement procedures.

Expenditure on goods and services was made as a result of the budgetary provisions approved by the state budget law for 2021, consisting of office supplies, goods and services used in direct response to Covid-19 pandemic, phone and internet services, national and international travel services, as well as other expenses.

In 2021, DLAF incurred specific expenses for the purpose of assuring proper security and telecom infrastructure by updating antivirus software.

❖ HUMAN RESOURCES

DLAF holds a total of **131** staff members, of which **123 are public servants**, **7** contract – based positions and **a high official** position of dignitary with the rank of a Secretary of State.

In 2021, the number of DLAF budgeted positions remained stable, respectively 103 out of a number of 131 as regulated by Government Decision no. 738/2011.

Of these, at the end of 2021, **97** members are civil servants with long – term high education degree. In terms of gender, **57** are women (aprox. **59%**), while **40** are men (aprox. **41%**).

Generally, public servants represent **99%** of personnel, the individual labour contracts attain **1%**.

In order to strengthen professional development, in 2021 a number of 58 DLAF members (60% of staff) participated to a wide range of specialised training in specific areas.

Moreover, one member joined DLAF staff by transfer, while another member left the department.

The gross average monthly wages including benefit for harmful labour conditions reached RON 12,823/member.

DLAF's Directorate Human Resources organised a session for personnel to be promoted to higher professional position, and it also dealt with recruiting staff for vacant positions.

The Directorate ensured proper acknowledgment and observance of Code of Conduct for Civil Servants by DLAF personnel and permanently informed about ethics advisory and monitoring the compliance with the rules of conduct.

In 2021, in compliance with the provisions of Government Decision no. 931/01.09.2021, the Directorate Human Resources conducted the specific procedure to designate a public servant in charge with ethical conduct integrity within DLAF.

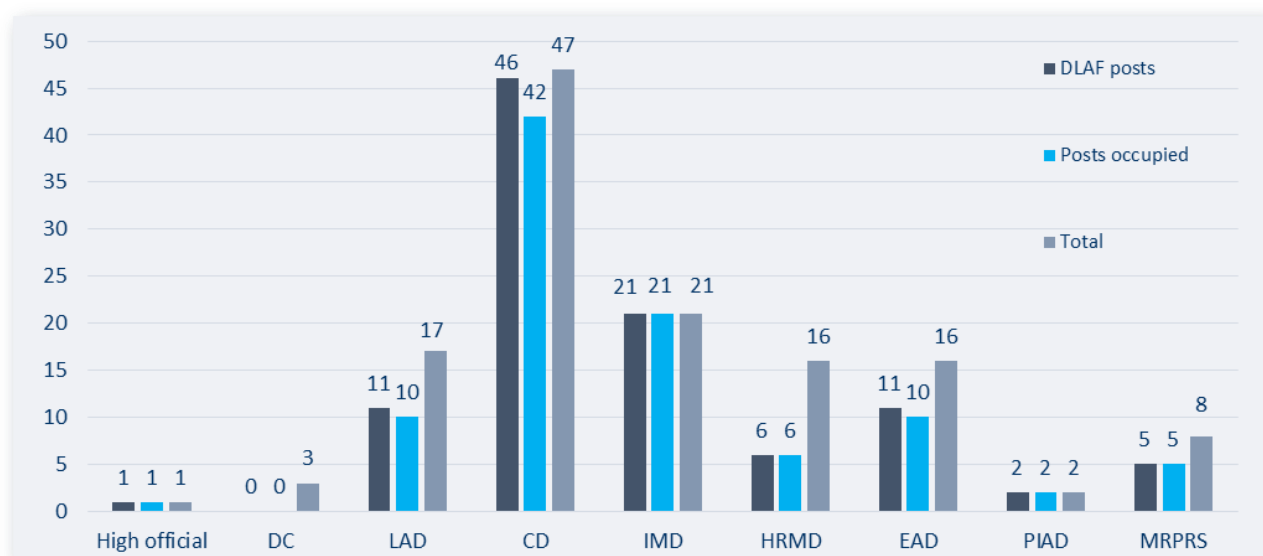
For the exercise of the managerial positions, the number of management positions who have performed temporarily varied throughout the year between 0 and 1.

Number and breakdown of DLAF staff at the end of 2021:

DLAF posts occupied, of which:	97	MEN 40	WOMEN 57	Long – term high education	Short – term high education	Highschool education
High official	1	1	0	1	0	0
Top management	10	3	7	10	0	0
Executive public servants	85	36	49	85	0	0
Contract – based positions	1	0	1	1	0	0

	DLAF posts	Posts occupied	Total
High official	1	1	1
DC	0	0	3
LAD	11	10	17
CD	46	42	47
IMD	21	21	21
HRMD	6	6	16
EAD	11	10	16
PIAD	2	2	2
MRPRS	5	5	8

Chart 61
DLAF posts/occupied in 2021



DLAF top management in 2021

Top management	January	February	March	April	May	June	July	August	September	October	November	December
TOTAL	11	11	11	11	11	11	11	11	11	11	11	11
TOP POSITIONS	11	11	11	11	11	11	11	11	11	11	11	11
TOP POSITIONS	10	10	10	10	10	10	10	10	10	10	10	10
	1	1	1	1	1	1	1	1	1	1	1	1
	0	0	0	0	1	1	1	1	1	1	1	0
	1	1	1	1	1	1	1	1	1	1	1	1
	0	0	0	0	0	0	0	0	0	0	0	0

PUBLIC INTERNAL AUDIT

❖ The Public Internal Audit Directorate has carried out internal public audit missions regarding the institution's activity and consulting procedures carried out in order to attain better understanding and additional information to those in need.

❖ Internal auditing for year 2021 aimed at 4 assurance missions, finalized by written reports approved by Head of the Department. The areas approached by the Public Internal Audit Directorate included legal affairs, human resources (the national anticorruption strategy), financial-accounting procedures and other specific positions. During the 4 audit missions conducted, the aim was to ensure sound internal control management system in the department.

ABREVIATIONS

AFCOS	Anti-fraud Coordination Service
MA	Management Authority
MA FOP	Management Authority for Fisheries Operational Programme
MA SOP Transport	Management Authority for Sectoral Operational Programme for Transport
NAFA	National Agency for Fiscal Administration
NACPVET	National Agency for Community Programmes in the field of Vocational Education and Training
PIAD	Public Internal Audit Compartment
DC	Dignitary Cabinet
EC	European Commission
CJEU	Court of Justice of the European Union
COCOLAF	Advisory Committee for the Coordination of Fraud Prevention
LAD	Legal Affairs Directorate
EAD	Economic and Administrative Directorate
CD	Control Directorate
IMD	Information Management Directorate
HRMD	Human Resources Management Directorate
CF	Cohesion Fund
EAFRD	European Agricultural Fund for Rural Development
ERDF	European Regional Development Fund
EAGF	European Agricultural Guarantee Fund
ESF	European Social Fund
IMS	Information Management System
IPA	Instrument for Pre-Accession Assistance
ISPA	Instrument for Structural Policies for Pre-Accession
FEAD	Fund for European Aid to the Most Deprived
PHARE	Pre-Accession Instrument Financed by the European Union
NRDP	National Rural Development Programme
OPDAC	Operational Programme for the Development of Administrative Capacity
ROP	Regional Operational Programme (REGIO)
SOPDHR	Sectoral Operational Programme Development of Human Resources
SOPIEC	Sectoral Operational Programme Increase of Economic Competitiveness
SOP E	Sectoral Operational Programme for Environment
SAPARD	Special Pre-Accession Programme for Agriculture and Rural Development
SAPS	Single Area Payment Scheme
MRPRS	Media Relations, Protocol and Registry Service

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