



Whistleblower Protection Assessment Report
Transparency International Romania

Blowing the Whistle Harder: Enhancing Whistleblower Protection in the European Union



Prevention of and Fight Against Crime 2009

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Introduction

The current report is carried out within the “Blowing the Whistle Harder: Enhancing Whistleblower Protection in the European Union” Project, funded by the European Commission – Directorate General Justice Freedom and Securities, coordinated by Transparency International Secretariat and implemented by TI National Chapters in eight EU countries.

The project aims to enhance whistleblower protection through the development of best practices and to promote the implementation of those practices in eight EU Member States. To this end, the project will provide stakeholders with an overview of the current mechanisms to protect whistleblowers, including what is working in practice and what is not, which will allow for an accurate diagnosis of what needs to be done to improve conditions for whistleblowers both in the public and the private sector. Further, on, the project will promote best practices to relevant stakeholders.

The present report endeavours to present a concise analysis of Romania’s existing laws and current practices regarding the protection of the whistleblowers. The report is structured in two sections.

The first section aims to provide an overview of the whistleblowing national legislation. As of 2004, Romania has a specific law on the protection of whistleblowers in the public sector, in the adoption which TI Romania played a key role, as the *Law no. 571/2004 concerning the protection of personnel within public authorities, public institutions and other institutions reporting infringement of the law* was part of a six-law package proposed by Transparency International Romania to the Romanian Government as part of memorandum regarding a common platform for the fight against corruption, which allowed for significant improvements to the Romanian anticorruption legal framework.. In addition to the Whistleblower Protection Act, provisions from the *Law no. 682/2002 regarding the protection of witnesses* have been considered, as they automatically apply to the whistleblowers in public interest. Nevertheless, there are no specific legal provisions applying to the private sector.

As part of the research, with regards to the enforcement of the legal provisions in the public sector, a number of 5 ministries have been sent requests for information under the Romanian Free Access to Information Act (Law no. 544/2001). Thus, the Ministries of Public Finances, Health Care, Administration and Internal Affairs, Justice and Citizen Freedoms, and Defence received requests for information on the following: positive information regarding whistleblowing, the existence of an institutional code of conduct, the existence of a disciplinary commission and, if the case, its caseload, the ethics counsellor within the institution; additionally, copies from relevant documents were requested. Furthermore, a number of 35 major¹ companies, listed in Appendix 1, received calls for information and interviews, however the response rate proved to be extremely low, as the private sector is under no legal obligation to reply under the Free Access to Information Act.

Moreover, the institution websites have been examined, and a media monitoring has been conducted with regard to cases of whistleblowing having appeared in the media². Also, the report employs data from the 2008 study³ on the enforcement of whistleblower protection legislation,

¹ See Appendix 2

² The media monitoring was conducted for the period between September 2008 and May 2009. A very limited number of whistleblowing cases were found to be covered in the media.

³ The study was conducted in 2008 within the “Raising the local civil society’s ability to promote public integrity at the level of the public local administration” Phare project, which was developed between December 2007 – September 2008, in partnership with the Concept Foundation and eight local NGOs, in eight urban areas, one representing each development regions. The monitoring of the implementation of the *Law no. 571/2004 on*

conducted within the Phare project “Raising the local civil society’s ability to promote public integrity at the level of the public local administration” coordinated by Transparency International Romania.

The second section of the report pursues a detailed assessment of the existing legal provisions and current practice in the field of whistleblower protection in Romania.

Section A. Overview of Whistleblowing Legislation & Practice

1. WB Legal Provisions: What are the existing legal provisions covering whistleblowing in the public and in the private sector?

Subsequent to, among others, the need to break with a tradition of silence and complicity in the Romanian public sector, Romania has a free standing law on the protection of whistleblowers in the public sector, passed by the Romanian Parliament half a decade ago.

The Whistleblower Protection Act (*Law no. 571/2004 concerning the protection of personnel within public authorities, public institutions and other institutions reporting infringements of the law*) provides for an efficient mechanism of whistleblowing protection, defending whistleblowers in cases of direct or indirect reprisal in connection to their complaints or reports with regard to law infringements, through the application of inequitable sanctions or more severe sanctions for other disciplinary infractions, as provided by the principle of non abusive sanctioning⁴. The law on whistleblower protection provides legal definitions for the person of the whistleblower, the act of whistleblowing in the public interest and disciplinary commissions, as well as the principles, which govern the protection of whistleblowers, setting a much needed groundwork in this field.

Thus, according to the principle of legality and the principle of the supremacy of the public interest, the authorities, public institutions and the other public sector organisations have an obligation to observe the rights and liberties of citizens, normative procedures, free competition, and the principle of equal treatment granted to the beneficiaries of public services, while the rule of law; the integrity, the impartiality and the efficiency of the public authorities and public institutions are protected and promoted by the law.

Furthermore, any person who reports or informs with regard to infringements of the law must substantiate the specific complaint with information or evidence on the act committed (the principle of responsibility), and must have reported or informed on the infringement of the law holding the conviction that such infringement is a reality (the principle of good faith), while no person may prevail upon the provisions of the present law in order to diminish the administrative or disciplinary sanctions for an act of a more serious character (principle of balance). The law also provides that the act of whistleblowing in the public interest is *encouraged* with regard to the aspects of public integrity and good administration, with the scope of improving the administrative capacity and the prestige of the public authorities, public institutions, and other public organisations, as provided by the law.

The law on whistleblower protection further provides with regards to the scope of the law infringements the whistleblowing in the public interest may be done (the subject matter of the whistleblowing), as well as with regards to the persons or institutions the whistleblowing may be

whistleblower protection was undertaken as part of the project, and a monitoring report was published. See Iulia Coșpănar, Andreea Năstase, Lucian Mircescu, *Public Interest Whistleblowing – Monitoring Report on Whistleblower Protection Legislation Enforcement*, Transparency International Romania, 2008. The material is available in Romanian at http://www.transparency.org.ro/proiecte/proiecte_incheiate/2008/proiect_2/Raport.pdf

⁴ See Article 4 of the *Law no. 571/2004 on whistleblower protection*, providing the principles the whistleblower protection is based upon. *Law 571/2004 on whistleblower protection* is provided in Appendix 12.

addressed to, and also covers the scope of personnel that benefits from protection. The law also has provisions concerning the range of reprisals the whistleblower is protected against, as well as on the subject of remedies in case of such reprisals.

The Whistleblower Protection Act is supplemented by the Article 12 paragraph 2 of the *Law 682/2002 regarding the protection of witnesses*, which provides the assistance measures in the support scheme for witnesses⁵: social reinsertion, professional re-qualifying, changing or ensuring a workplace, ensuring income until securing a workplace.

The Whistleblower Protection Act is also completed with the provisions of the *Labour Code*, as well as the provisions of the *Law nr. 188/1999 concerning the Statute of civil servants* subsequently republished with modifications, also come to supplement the specific provisions in the law on whistleblower protection.

However sufficient and adequate the legal framework on whistleblower protection in the public sector may be, the private sector lacks any specific provisions applicable in such cases.

Even though a similar law to that regarding the public sector does not exist, within the framework of some major normative acts some provisions could provide the basic legal principles for the protection of the whistleblowers from the private sector.

As in many other European states, a *Witness Protection Law (Law No. 682/2002)* exists and completes the provisions of the Criminal Code. The law states the main categories of criminal offences for which their reporting can include the persons in the National programme for the witnesses' protection. Amongst these offences, the Article 2 h) of the law stipulates money laundering and the corruption crimes, the witness being the person that "contributes with information and specific data to finding out the truth in cases regarding severe offences or to the prevention of this type of offences". By extension, we could assume that these provisions, along with the regulations of the Criminal Code regarding the duty not to conceal the use of the goods resulted from criminal offences (Article 267 (1) of the Romanian Criminal Code in force) at the price of a penalty from 2 to 5 years of imprisonment, could become part of the general normative principles for extending the whistleblower's protection to the private sector, too.

From another standing point, the Romanian Labour Code expressly states the non-discrimination principle as being fundamental for the working conditions, among the possible acts of discrimination being stated the "acts or facts of excluding, separating, restricting" (Article 5 (3)), a regulation that, added to the specifications of the Article 6 of the Labour Code regarding "the right to the protection of personal data as well as of the protection against abusive dismissing" complete a normative framework favourable to the introduction of more specific provisions for the protection of the whistleblowers within the private sector.

Also, the constitutional right to complaint or petition can be further extended in this regard, even though for the labour relationships this right is more focused on the collective actions, rather than for the individual causes.

As for the business sector itself, this has paid less attention to applying the corporation governance, except multinational companies, large joint stock companies, public services providers (*regii autonome*) and listed companies. The Law no.441/2006 amending Company Law no.31/1990 introduced provisions of corporate governance matter, but still the carrying out of

⁵ In the cases provided by the *Law no. 571/2004 on whistleblower protection*, this applies, according to the Article 8, to whistleblowing which regards corruption crimes, infractions assimilated to corruption crimes, crimes directly connected with corruption crimes, forgery, and infractions on duty or in connection with the duty, as well as offences against the financial interests of the European Union (as per Article 5, paragraphs a and b of the *Law no. 571/2004 on whistleblower protection*).

codes of conduct is not mandatory by law. A set of rules serving as a national code of corporate governance does not exist, but there are several good examples of individual codes of conduct in which the protection of the whistleblowers is stipulated.

Therefore, in order to have a comprehensive view upon the state of the whistleblowers protection in the private sector, an integrating vision comprising this type of general provisions and concrete cases of auto-regulation in the case of individual companies is mandatory for identifying key recommendations on the ways to improve whistleblower legislation and practice.

2. WB Practice: How common is the practice of whistleblowing in the country (i.e. incidence of disclosure)?

At national level, no thoroughly complete statistics regarding whistleblowing are available in either the public or the private sector. However, a recent study conducted by Transparency International Romania⁶ within the eight national development regions, points out to an extremely low number of whistleblowing cases reported by institutions.

It appears there are certain provisions regarding whistleblowing, as per the Whistleblower Protection Act, introduced in the codes of conduct of public institutions, but there has been but a slight harmonisation of these provisions in the different national development regions of Romania, 4 years after the Whistleblower Protection Act entered into force. At the same time, it can be noted that the incidence of whistleblowing is extremely low, at times inexistent within the local public administration⁷.

The same situation is revealed by the responses received to the information requests addressed to five Romanian ministries. Out of five sent requests, only three answers were received so far. Of these, the Ministry of Finances indicates that there have been no whistleblowing cases reported (from January 2007), yet that the institution does employ an ethics counsellor as required by the law⁸.

The Ministry of Defence reported that in 2008, a disciplinary commission was established, and that in the same year no notifications were registered by this Commission. However, the number of whistleblowing cases registered within the 2007 - May 2009 timeframe is of 12 (twelve), out of which the most frequent case reported being that of a non-objective evaluation of the personnel within the selection, promotion, or dismissing processes (five cases). Other whistleblowing cases concerned the abusive use of the financial resources (one case), the mismanagement of the public patrimony (three cases), internal procedures that contravened the law (one case), infringements of the administrative procedures (one case), and appropriations from the public resources (one case).

⁶ The study was conducted in 2008 within the “Raising the local civil society’s ability to promote public integrity at the level of the public local administration” Phare project, which was developed between December 2007 – September 2008, in partnership with the Concept Foundation and eight local NGOs, in eight urban areas, one representing each development regions. The monitoring of the implementation of the *Law no. 571/2004 on whistleblower protection* was undertaken as part of the project, and a monitoring report was published. See Iulia Coșpănar, Andreea Năstase, Lucian Mircescu, *Public Interest Whistleblowing – Monitoring Report on Whistleblower Protection Legislation Enforcement*, Transparency International Romania, 2008. The material is available in Romanian at http://www.transparency.org.ro/proiecte/proiecte_incheiate/2008/proiect_2/Raport.pdf

⁷ Conclusion based on the results of the monitoring Report published by Transparency International Romania in October 2008 and the responses received from Ministries which were addressed questionnaires – acknowledging a small case of whistleblowing or none within their institutions.

⁸ It is to be noted that the response came from a local administration unit of the Ministry of Finances – The General Direction for Public Finances Galati. The central authority also communicated that the required information shall be gathered subsequently and further transmitted to TI Ro.

The other ministry that responded, namely the Ministry of Justice, indicated that they did not have the information requested, which they would provide as soon as it becomes available.

On the same note, the media monitoring conducted shows that the number of cases brought to the public eye is low⁹, even more so if the fact that the media is one of the disclosure channels provided by the Whistleblower Protection Act.

Nevertheless only within the Advocacy and Legal Assistance Centre of Transparency International Romania, 81 whistleblowing cases were registered from the beginning of 2008 until May 2009, out of which the large majority also went to instance.

3. Cultural context: What is the public attitude towards the act of whistleblowing?

The cultural context that largely determines the public attitude toward whistleblowing is intimately linked with the historical context of the country. In Romania, as in many other post-communist societies, a certain resistance to whistleblowers can be identified, a resistance with roots in the confusion of whistleblowers with informants, going back to regimes such as Soviet Union bloc or World War II occupied countries.

Also, the transition to democratic rule characterised by widespread corruption, as well as the existence of a public sector composed, by tradition and convention, from civil servants which are anonymous and silent, transform the act of whistleblowing into a high personal cost step (in terms of either formal sanctions – abusive punishment or other, or informal ones – social exclusion).

Within this context, the corruption surveys undertaken in Romania have shown a constant lack of improvement in the citizens' perception regarding corruption. For example, the Global Corruption Barometer 2009 positions Romania on the last place among the EU+ states at the percentage of persons admitting to have paid a bribe in the last 12 months, with 33% of the interviewed, out of which 77% have not presented a complaint (the most recurrent reason being the fact that a complaint would not have helped at all). By comparing these results with the experts opinion as revealed by the Corruption Perception Index, as well as with other more focused studies, as Transparency International Romania's Monitoring Report resulted from the Raising the local civil society's ability to promote public integrity at the level of the public local administration project, it can be concluded that the level of awareness in the society upon the whistleblowers protection act is rather low.

The public institutions themselves are not really accustomed with the provisions of the law since the above mentioned project outcomes showed that the majority of the assessed regional public institutions did not harmonized their Internal Regulations with the Whistleblowers Protection Act, within a three-year period since the promulgation of the law. Thus, even if the law provisions are comprehensive and offer the mechanisms for the proper protection of this kind of reporting, the implementation at local level is quite problematic. The Monitoring Reports have shown that not even for the enforcing bodies the whistleblowing act principles have entered completely into the organizational culture and thus, it cannot further become a standard complaints mechanism for the more complex cultural context of the society.

As for the private sector, the historical trends in organisational governance lead to the rising popularity of confidentiality agreements, which threatens to limit the advances afforded by an

⁹ In example, a very important case of two whistleblowers disclosing serious problems within the National Integrity Agency was presented only in two newspapers and even though the Court decision was in favour of one of this whistleblowers, the media did not reported nothing in this matter.

eventual legislative reform. Poorer subject matter coverage can be found in the private sector, the research showing that only a few companies have whistleblowing policies, and it is highly probable that even fewer have functioning procedures to handle it. This suggests that the attitude towards the subject has yet to prove its openness, since whistleblowing seems to be perceived as being rather a violation of confidentiality agreements than a matter of ethical behaviour. For many of the employers, whistleblowing is a new notion not even included within the assembly of measures or general business principles meant at ensuring a more ethical corporate governance culture.

Media must play a key role in the whole process of whistleblowing: for example, whistleblowing concerning violations of laws or professional or ethical norms may be alternatively or cumulatively directed also to the media; nevertheless the media only rarely reports on whistleblowing cases. Because the whistleblowers are both celebrated (as moral examples) and denigrated (due to the resemblance of their gesture with the communist figure of the informant), there is a need for a culture of openness and accountability as a solution to encourage employees to refuse to remain silent witnesses of abusive authority or unethical conduct.

The Whistleblowers Protection Act in Romania was directed precisely into the track of the need to break with a tradition of silence and complicity in the public sector and to match the internal channels of complaint (disciplinary committees, hierarchical superior and ultimately the prosecutor's office) with more responsive exterior ones (civil society organisations, mass media etc.).

Thus, in order to create a culture that will smooth the progress of the disclosure of information by employees relating to the criminal and other irregular conduct in the workplace responsibly the provisions of law cannot ignore the specific cultural context, neither for the public, nor for the private sector.

4. Organisational culture: To what extent is the positive awareness of whistleblowing provisions promoted by the government ministries & companies?

In which the public sector is concerned, there have been a number of awareness campaigns on anticorruption, at national and local level, however none has targeted whistleblowing specifically, although the subject has been touched in some cases.

Considering the extremely low number of whistleblowing cases reported by public institutions, it is clear that the awareness level with regards to the Whistleblower Protection Act is just as low, a possible reason for this being the very fact that the harmonisation of the public institutions' internal regulations with the legal provisions on whistleblower protection is still, in many cases, a future action. Few, if any, are the institutions confirming real efforts to implement the law.

As shown before, out of the five ministries that received requests for information for the purposes of this assessment, only three have responded as of yet, and the responses received point to either the inexistence of whistleblowing cases, or the lack of information. The Ministry of Finances responded that they have had no cases of whistleblowing, the Ministry of Defence reported only 12 cases in a two-years period, while the Ministry of Justice only responded that they have not been able to identify the information and that, as soon as it is available, it would be sent back.

Regrettably confirming the findings of the study conducted in 2008, such results point to the fact that awareness on whistleblowing is not, by any means, a real topic on the agenda, and the concrete awareness level on the issue is rather low.

In which the private sector is concerned, it can be noted that of the five biggest companies only two have their Codes of Ethics available on their website. One of these two is a multinational company and its policies apply to the whole group, hence for the Romanian Branch as well, a common practice for the Romanian branches¹⁰.

Besides the codes of conduct, the same major company has its own whistleblowing policy, stating that the purpose of the whistleblowing process within the company is to report concerns “with regard to possible irregularities in accounting, auditing or banking matters or bribery within the business of the company and its subsidiaries”,¹¹ giving the employees the possibility to leave a confidential report on wrongdoings and unethical behaviour which will be investigated by the Audit Committee.¹² The whistleblowing tool is user-friendly, and the report is directly sent to the aforementioned Audit Committee.¹³ However, it was not possible to find out whether this tool were used by employees in the Romanian branch of the company (if complaints were already made), if there were additional possibilities of whistleblowing on the scale of the Romanian branch, whether there were enough knowledge among the employees, and whether the leadership appreciated those acts of whistleblowing.

The second company (Petro) mentions briefly the notion whistleblowing within its Codes of Conduct, stating that employees are given the means to obtain advice and assistance when standards of Ethics are violated.¹⁴ There is neither a tool to report, nor something factual about how this assistance would be guaranteed. Again, other than stating these general notions on whistleblowing in the Codes of Conduct, it was not possible to get additional information.

In the process of this research inquiries were sent to 35 companies (among which all Romanian PACI covenanters.)¹⁵ The fact that only one company answered in time, points in the direction that such issues as Codes of Conduct and especially whistleblowing are seen as confidential or of minor importance. Generally speaking, collective labour conventions are in place especially in MNCs with a strong corporate culture. They are more prone to have also some notions on whistleblowing within their conventions.¹⁶

Other categories of big, especially domestic, economic operators that have codes of conduct developed this type of instrument within the context of their affiliation to professional associations, chambers of commerce and employers’ associations. The main provisions of these codes are focusing on the fair, anti-corruption behaviour, prevention and combating the monopolist practices. The associations tried to aware the members on the necessity of adopting and implementing the codes of conduct within their companies but they did not monitor the feed-back process. For instance the Business Conduct Code of the Romanian Business Associations stressed on business ethics in developing personal and professional relationship (business based on trust, moral principles, integrity, respect of partners, non-corruption), but no specific regulation regarding the whistleblowing exists.

Corporate governance is observed according to provisions in the Securities Law and National Security Commission’s and Bucharest Stock Exchange’s (BSE) regulations and procedures. The

¹⁰ It is the case of other major companies which have Romanian branches such as Electrolux, Ericsson, Hewlett-Packard etc.

¹¹ <http://www.arcelormittal.com/rls/data/pages/566//WhistleblowerPolicy-English-2009.01.09.pdf>, p. 1, accessed June 04, 2009.

¹² See: <http://www.arcelormittal.com/index.php?lang=en&page=700>, accessed June 04, 2009.

¹³ See: <http://www.arcelormittal.com/index.php?lang=en&page=566>, accessed June 04, 2009.

¹⁴ See:

http://www.petro.com/SecurityServlet/secure?cid=1237537900735&lang=en&swa_id=113113324922.90895&swa_site=wps.vp.petro.com, p. 33, accessed June 04, 2009.

¹⁵ See Appendix No. 2 for a list of the companies.

¹⁶ This general information is due to interviews conducted in the framework of the NIS.

companies admitted to trading on the regulated market of the BSE must adopt and comply with the provisions of the Corporate Governance Code. The issuers adopting wholly or partially the Code, shall yearly disclose to BSE a Corporate Governance Compliance Statement, specifying which recommendations of the Code have actually been implemented by the relative companies and how. The BSE Corporate Governance Code contains provisions regarding the issuers, their directors, auditors, shareholders or other company's bodies, appointment and remuneration of directors, transparency, financial reporting, internal control and risk management, conflicts of interests, corporate social responsibility, management and control systems; no provisions referring directly to anti-corruption or to the protection of the whistleblowers are present though¹⁷.

Section B. Detailed Assessment of Whistleblowing Legislation & Practice

1. Scope of personnel coverage: How wide is the scope of personnel who is protected by the WB legislation?

With regard to the public sector, the Whistleblower Protection Act addresses the protection of personnel that forwarded a complaint against or informed with regard to the infringement of the law within public authorities, public institutions, and other institutions, whether the aforementioned personnel is permanently or temporarily exerting (regardless of how he/she was invested) any kind of duty (paid or not) for a public institution or entity.

The Witness Protection Act also regulates the protection of persons who provide information and data concerning a series of serious criminal offences (among which corruption crimes). The scope of the act is limited though to the public sector.

2. Subject matter (definition of wrongdoing): How widely defined are the subject matters covered by WB legislation?

The law no. 571/2004 regulates measures concerning the protection of persons who have complained against or reported with regard to law infringement in the framework of the public¹⁸ authorities, public institutions, and other public establishments, committed by persons holding management or executive positions within authorities, public institutions, and in the other state institutions.

As provided by Article 5 of the Whistleblower Protection Act, whistleblowing in the public interest concerns:

- a) corruption infractions, infractions assimilated from corruption infractions, infractions in direct connection with infractions of corruption, infractions of falsification, and infractions on duty or in connection with duty;
- b) infractions against the financial interests of the European Community;
- c) preferential practices or treatment or discrimination in the exercise of the attributes of the public authorities, public institutions, and other establishments.
- d) violation of the provisions concerning incompatibilities and conflicts of interest;
- e) abusive use of material or human resources;

¹⁷ <http://www.bvb.ro/Regulations/Consulting.aspx>

¹⁸ The term "public" refers, according to Article 145 of the Romanian Criminal Code, to everything regarding public authorities, public institutions, institutions or legal entities of public interest, the management, use or exploitation of the goods in public ownership, the services of public interest, as well as any other assets considered of public interest by law.

- f) partisan political activity in the exercise of the prerogatives of one's office, with the exception of persons chosen or named politically;
- g) violations of laws in the area of access to information and transparency of decision-making;
- h) violation of the legal provisions concerning public acquisitions and non-reimbursable financing;
- i) incompetence or negligence in duty;
- j) subjective evaluations of personnel in the process of recruitment, selection, promotion, demotion and dismissal from position;
- k) violations of administrative procedures or the establishment of internal procedures without respect to the law;
- l) emission of administrative acts or acts of other natures, which serve the interests of a particular group or clientele;
- m) defective or fraudulent administration of the public or private patrimony of the public authorities, of the public institutions, or of the other establishments.
- n) violation of other legal provisions, which impose on respect for the principle of good administration and that of the defence of the public interest.

3. Internal disclosure channels: To what extent is there an adequate internal disclosure mechanism available?

Article 6 of the Whistleblower Protection Act provides a range of internal, external or additional disclosure channels which can be used either alternatively or cumulatively.

Thus, in which the internal disclosure channels are concerned, the whistleblower can address

- the hierarchical supervisor of the person who has violated the legal provisions
- the director of the public authority, of the public institution, or of the budgetary unit in which the person who infringed the legal provisions works, or in which the illegal practice is reported, even if it is not possible to identify the actual culprit;
- the disciplinary commissions or other similar organisations within the framework of the public authorities, the public institutions in which the person who violated the law.

4. External disclosure channels: To what extent is there an adequate external disclosure mechanism to independent regulators?

The Whistleblower Protection Act provides also that, in addition or as an alternative to the internal channels, the whistleblower may address

- the judicial bodies;
- the bodies charged with ascertaining and investigating conflicts of interest or incompatibilities;
- professional organisations, unions, or industry organisations

5. Additional disclosure channel: To what extent does the external disclosure mechanism include a disclosure to the media, MP or civil society organisations?

According to the same Article 6 of the Whistleblower Protection Act, the whistleblower may also address:

- parliamentary commissions;
- mass-media;
- nongovernmental organisations.

The Romanian legislation does not distinguish between internal and external disclosure, a measure intended to provide an answer to the peculiarity of social context which usually lead to no result after internal reporting.

6. Confidentiality: Does the WB legislation include provisions ensuring confidentiality? If so, how stringent and effectively applied are confidentiality rules?

With regard to confidentiality, Article 7 paragraph 2 of the Whistleblower Protection Act provides that in the cases when the person reported through whistleblowing in the public interest is hierarchically, directly or indirectly, the superior of the person making the complaint, or if position the complaint refers to has attributes of control, inspection, or evaluation of the whistleblower, the disciplinary commission or other similar organ will ensure the protection of the whistleblower by hiding this person's identity.

Disciplinary commissions or other similar bodies constituted within the public institutions have the obligation to invite the press and a representative of the union or professional association, if such requested by the whistleblower. The announcement will be published within an official communication published on the website of the public authority, public institution, or budgetary unit with at least three working days before the meeting. If these conditions are not met, the report and disciplinary sanctions applied are void.

In addition, the Law no. 682/2002 concerning the protection of witnesses is applying to the request of the whistleblower such that he/she can benefit of the assistance and support of the National Witness Protection Office (NWPO), constituted within the framework of the Ministry of Interior and Administration Reform and under the subordination of the General Inspectorate of the Romanian Police. As for the private sector, as above stated, the Law no. 682/2002 can also be applied for the witnesses of corruption facts, amongst others major criminal offences.

As for the private sector, the answers received from Petrom showed that the company has developed "an important tool to achieve high ethical standards", the employees having the possibility to anonymously express their suspicions on ethical principles violation and to benefit on specific assistance and advice by a free of taxes telephonic help line and by a dedicated e-mail address. However, this kind of provisions is not implemented at a large scale (or at least the existence of such tools is not made public through the websites of the companies).

7. Time scale. What are the limits on a time scale for whistleblowing?

The Law no. 571/2004 does not specify the limits on a time-scale when the whistleblowing has to take place, but in order for it to be effective, the complaint must respect the statute of limitations provided for the infringement of the law concerned in its action. Depending on the level on which the offence is situated (criminal, administrative or civil), the prescription terms may vary and thus the whistleblower has to subject to this specific time constraints.

8. Protection against reprisal / retaliation: What is the scope of reprisals, which the WB is protected against?

In accordance to the principles governing the Law regarding the protection of the whistleblowers per se:

- public authorities and public institutions have the obligation to respect the rights and liberties of citizens, normative procedures, free competition, and the principle of equal treatment granted to the beneficiaries of public services, according to the law (*the principle of legality*);
- persons who complain or report violations of the law may not be directly or indirectly sanctioned, through the application of inequitable sanctions or more severe sanctions for other disciplinary infractions. In the case of whistleblowers for the public interest, the ethical or professional standards of such a nature as to impede whistleblowing in the public interest are not applicable (*the principle of non-abusive sanctioning*);
- the act of whistleblowing in the public interest is encouraged with regard to the aspects of public integrity and good administration, with the aim of improving the administrative capacity and the prestige of the public authorities, public institutions, and other establishments foreseen in Art.2 (*the principle of good conduct*);
- a person working in a public authority, a public institution or one of the other budgetary establishments foreseen in Art. 2 who has reported or informed with regard to the infringement of the law, convinced of its reality de facto or that the act constitutes a violation of the law, is protected (the principle of good faith).

Moreover, the Law no. 571/2004 regarding the protection of whistleblowers in the public interest is completed by the more general regulations of the Labour Code, as well as by the provisions of Law nr. 188/1999, concerning the statute of the civil servants (subsequently republished with modifications).

For the private sector, some general protection principles are also stated in the Labour Code¹⁹, in the National Collective Employment Contract²⁰ and some other complementary conditions may appear in the individual employment contract. However, no specific protection against reprisals, similar with the provision regarding whistleblowing in the public sector, is regulated, the decision upon labour conflicts being left to the court discretion.

9. Right to refuse: To what extent does the WB legislation cover the right to refuse participation in illegal activities?

Reporting of violations of the law concerns, among other situations, also the refuse to sign a document or the refuse to participate in an illegal activity. Article 5 provides a number of these situations, without being exhaustive:

¹⁹ Art. 63 (1): “The dismissal caused by serious or repeated disciplinary offence against the labour discipline rules may only be decided after the employer carries out the preliminary disciplinary hearing“ and (2) “The dismissal of the employee...may only be decided after a prior assessment of the employee, according to the assessment procedure established in the applicable collective labour agreement, concluded at national level, branch level or group of employers level, and in the rules of procedure.”, *Romanian Labour Code*, available at: <http://www.codulmuncii.ro/en/>

²⁰ See *The National Collective Employment Contract 2007-2010*, which states in the Article 75 (1) that “no penalization can be undertaken without a previous disciplinary investigation”; The NCEC available at: <http://www.ugir1903.ro/download/CCMUN2007-2010.pdf>

- a) Corruption infractions, infractions assimilated from corruption infractions, infractions in direct connection with infractions of corruption, infractions of falsification, and infractions on duty or in connection with duty;
- b) Infractions against the financial interests of the European Community;
- c) Preferential practices or treatment or discrimination in the exercise of the attributes of the public establishments
- d) Violation of the provisions concerning incompatibilities and conflicts of interest;
- e) Abusive use of material or human resources;
- f) Partisan political activity in the exercise of the prerogatives of one's post, with the exception of persons chosen or named politically;
- g) Violations of laws in the area of access to information and transparency of decision-making;
- h) Violation of the legal provisions concerning public acquisitions and non-reimbursable financing;
- i) Incompetence or negligence in duty;
- j) Subjective evaluations of personnel in the process of recruitment, selection, promotion, demotion and dismissal from position;
- k) Violations of administrative procedures or the establishment of internal procedures without respect to the law;
- l) Issuing of administrative acts or acts of other natures that serve the interests of a particular group or clientele;
- m) Defective or fraudulent administration of the public or private patrimony of the public authorities, of the public institutions, or of the other public establishments;
- n) The violation of other legal provisions, which impose on respect for the principle of good administration and that of the defence of the public interest.

10. Legal liability: To what extent does the law impose legal liability for false or malicious reporting?

In the second chapter of the Whistleblower Protection Act, the Article 4 provides the principles governing the whistleblower protection, among which good faith, according to which the whistleblower, convinced of its reality de facto or that the act constitutes a violation of the law, is protected. If such presumption is overturned, and the court finds that the whistleblowing was done in bad faith, the person who reported is legally liable.

In addition, the Romanian Criminal Code provides for false reports or disclosures, according to the provisions of Article 474 which states that "the false declaration of the truth provided to a public authority or public institution, in order to produce judicial consequences" is punished with imprisonment from one to three years or a fine.

11. Whistleblower participation: To what extent is the WB able to participate in follow-up process?

In the Romanian domestic law there is a free standing Government Decision– no. 1344/2007 regulating the disciplinary commissions and the whole procedure in the follow-up process of whistleblowing.

The disciplinary commissions are deliberative commissions, which have the competence to analyse the acts/facts of the civil servants as the potential disciplinary irregularity and to design a solution of the case, such as to inflict a punishment on or to classify the case.

The GD no. 1344/2007 designs all the procedural aspects supposed to take place within the commission: the general norms applied, the conditions of ordaining the commissions, as well as the mandate of the members of the commissions.

The whistleblower participates in all processes during the activity of the disciplinary commissions: from the beginning to the follow-up activities. The person is assisted, he/she has the opportunity to submit documents and other relevant proofs, and the whistleblower may also appeal to court in order to argue against the solution given by the commission²¹.

12. Independent review: How comprehensive is the independent review system?

Within a term of 30 days following the commission resolution, according to article 9 of the Whistleblower Protection Act, all the provisions of the Civil Procedure Code apply for a court action. The litigation might be either labour litigation or civil litigation (for the assets of salary or other financial damages), but no specific independent review system exists for the whistleblowing cases.

13. Offered remedies: How wide is the scope of offered remedies available to WB?

The offered remedies available to the whistleblowers in case of reprisal vary with the manner the retaliation they were subjected to. Thus, the Article 9 of the Whistleblower Protection Act provides that in labour litigation or duty reports related litigation, the court may order the disciplinary or administrative sanctions applied to a whistleblower to be annulled, if they were applied as a result of an act of whistleblowing in the public interest, carried out in good faith.

The law also provides that the court will verify the proportionality of the sanctions applied to the whistleblower for a disciplinary offence in case such occurred, compared to the practice or with similar cases within the framework of the same public institution, in order to remove the possibility of subsequent indirect sanctions in retaliation for the act of whistleblowing.

C. Key Results and Recommendations

In the case of the public sector, the positive aspects regard a comprehensive law which, in case of conflict with other legal provisions, has priority. Despite this, the number of whistleblowing cases in Romania is still low. The socio-cultural context seems to be the main impediment in this regard, showing that whistleblowing is either not well known by the public or not appreciated enough. The civil society pursued several actions in this regard, the Whistleblowers Protection Act itself being the outcome of Transparency International Romania's advocacy efforts. Also, awareness campaigns and trainings in this direction for the public servants were developed within the attempts to break with the tradition of silence and complicity specific to the post-communist countries.

However, the findings show that the promotion of the whistleblowing mechanism still requires concentrated efforts, since several vulnerabilities are still being present at the level of the internal regulations of the institutions (which still do not comply with all the requirements of the law) or

²¹ Article 30 (4) of the Government Decision regulates the conditions in which the whistleblower (as well as the accused civil servant) can participate at the hearings and also the fact that the meetings can be public, upon its request.

at the level of coverage/awareness of the whistleblowing (the lack of trust in the follow-up process and other sort of cultural obstacles are not directly addressed through a wider media coverage of the subject).

Therefore, even if the legal shield for the employees refusing to execute illegal orders or to remain silent with regards to irregular conduct in state bodies is provided, the findings of the research point out several recommendations for the improvement of the whistleblowing mechanism in Romania.

Firstly, since the Whistleblower Protection Act provides, for all public authorities and institutions covered by it, the obligation of adapting their interior regulations with the legal provisions currently in force, *a set of clear criteria* on the basis of which the compliance of the internal regulations of the public institutions with the legal provisions can be assured in a unitary fashion throughout the country, seems highly needed. At the same time, it is necessary that *control and enforcement bodies* are required to follow up on the harmonisation process, while given the low level of awareness on the subject matter due to the historical and cultural context, *awareness campaigns and training and promotion sessions* for the public employees and control bodies are further necessary, stressing the social values the whistleblowing is based upon.

In terms of legislation, it is highly recommended that the *scope of the personnel* protected by the Whistleblower Protection Act is *extended* so as to cover all public sector employees, as well as public utilities, and court system employees. It is also necessary that the Whistleblower Protection Act provides the *legal liability and a series of sanctions for the persons* responsible with the enforcement of the law; and also for the cases when minor mistakes are disciplinarily sanctioned, while the practice shows a different regular approach.

For the private sector, the research shows that it cannot keep the pace with the public sector in regard to provisions regulating anti-corruption issues in general and whistleblowing in particular. Also, whistleblowing is an important part of much wider integrity programmes of corporate governance, a whole package that in Romania is not widely spread. Moreover, main actors, especially economic operators, are not very eager to introduce whistleblowing policies, since they are perceived to be a violation of confidentiality and of business secrets.

Nonetheless, even if specific regulations regarding the private sector do not exist, several legislative measures can be used as a starting point for measures similar to the public ones. The witness protection law contains notions on whistleblowing (persons reporting on criminal offences – including corruption and fraud – are protected) and the Labour Code contains provisions in regard to abusive dismissal.

Even so, whistleblowing is not a common practice in Romania's private sector. Statistically speaking, companies having Codes of Conduct/Ethics are, with a high probability, part of multinational corporations, applying their group's policies also to the Romanian branches. Of the five biggest companies in Romania (in terms of cash flow in 2008), only one has a whistleblowing policy made public and a whistleblowing tool available (hotline). Generally, if Whistleblowing is included in the Codes of Ethics, it is normally very briefly. The Romanian Business Association developed a Code of Conduct, mandatory for companies on the Romanian stock market, but no paragraphs specifically dedicated to anti-corruption measures and whistleblowing are included. The absence itself of the "whistleblower" specific term from the corporate vocabulary shows a lack of compliance with the current international stage of the debate in the field.

Therefore, a detailed diagnosis of the corporate ethical relations and practices comprising an assessment of the most vulnerable sectors/departments/operations with regards to their risks to

corruption or lack of integrity would lead to the identification of the opportunity to stand for a similar mechanism for the protection of the whistleblowers as for the public sector.

Also, an extensive legal review for identifying the key points in the labour relations that present higher threats to the integrity (inappropriate working conditions, the lack of transparency regarding the labour risks, the lack of codes of conduct establishing precise rules for an ethical conduct) and a list of the most frequent labour conflicts (to identify the weaknesses in the legislation that could lead to a larger extent of this type of cases - as the seasonal work activities that often encourage labour relations lacked of integrity) should be the starting point in determining the necessary legal provisions for improving the labour relations framework in this direction.

The assessed vulnerabilities (practical and normative) should complete the legislative analysis in order to address a possible manner in which the actual regulations (that do present the premises for introducing the whistleblowing practice in the private sector) can stand at the basis of more extensive and specific provisions regarding the whistleblowers protection.

Appendix 1

Whistleblowers Protection Act

(Law concerning the protection of the personnel within public authorities, public institutions and other institutions reporting infringements of the law)

The Romanian Parliament adopts the present law.

Chapter I

General Provisions

Article 1: Purpose of law

This law regulates certain actions regarding the protection of persons who claimed or notified violations of the law within the public authorities, public institutions and other units, committed by persons holding management or executive positions within the public authorities and institutions and within other budgetary units set forth at art. 2.

Article 2: Field of application

(1) The provisions of this law are enforceable to the public authorities and institutions within the central public administration, local public administration, to the apparatus of the Parliament, work apparatus of the Presidential Administration, work apparatus of the Government, autonomous administrative authorities, cultural public institutions, education, health and social assistance fields, national companies, national and local interest public corporations, as well as to national state capital companies.

(2) The present law is enforceable to persons appointed to scientific and consultative councils, special committees, and other collegial organisations within the structure of or attached to public authorities and institutions.

Article 3: Definitions

For the interest of this law, the following terms and expressions are defined as follows:

- a) *public interest warning* regards the notification made in good faith concerning any fact involving a violation of law, of professional deontology or of principles of a good administration, of efficiency, effectiveness, economic efficiency and transparency;
- b) *whistleblower* regards the person making a notice according to letter a) and which is classified in one of the public authorities, public institutions or other units set forth at art.2;
- c) *discipline committee* regards any body in charge with disciplinary research tasks, set forth by law or by the organisation and operation regulations of the public authorities, public institutions or of other units set forth at art.2.

CHAPTER II: General Principles

Art. 4: General principles

The principles governing the protection of public interest warning are as follows:

- a) the principle of legality, according to which the public authorities, public institutions and the other units set forth at art.2 are obliged to observe the citizens' rights and freedoms, the procedural norms, the free competition and the equal treatment granted to the beneficiaries of public services, according to law;
- b) the principle of public interest supremacy, according to which, for the purpose of this law, de jure order, the integrity, impartiality and efficiency of public authorities and institutions, as well as of the other units set forth at art.2 shall be protected and promoted by law;

- c) the principle of responsibility, according to which any person notifying violations of law shall be obliged to support the complaint by data or signs concerning the action committed;
- d) the principle of abusive non-punishment [proportionality], according to which the persons claiming or notifying the violations of law in a direct or indirect way, cannot be punished by applying an inequitable and more severe sanction for other misbehaviours. In case of public interest warning the deontological or professional norms which might prevent the public interest warning shall not be enforceable;
- e) the principle of good administration, according to which the public authorities, the public institutions and the other units set forth at art.2 shall be obliged to carry on their activity in the general interest, with a high degree of professionalism, in terms of efficiency, effectiveness and economic efficiency of using the resources;
- f) the principle of good behaviour, according to which the public interest warning shall be protected and encouraged in relation to the aspects of public integrity and good administration, for the purpose of increasing the administrative capacity and the high reputation of public authorities, public institutions and of the other units set forth at art.2;
- g) the principle of balance [mitigation], according to which no person can take advantage of the provisions of this law for diminishing the administrative or disciplinary sanctions for a more serious action committed;
- h) the principle of good faith, according to which the person employed within a public authority, public institution or other budgetary unit of those set forth at art.2 who made a notification is protected, being convinced of the reality of the state of order or that the respective action shall be a violation of law.

CHAPTER III: Warning regarding the actions of violation of law

Article 5: Definition of Offences Covered by the Law

The notification of certain actions of violation of law by the persons set forth at art.1 and art.2, provided by law as being misbehaviours, contraventions or offences, shall represent a public interest warning and includes:

- a) corruption offences, infringements assimilated to corruption offences, infringements directly connected to the corruption offences, offence of fraud and workplace offences or related to the workplace;
- b) offences against financial interests of the European Communities;
- c) practices of preferential or discriminating treatments in exercising the duties of the units set forth at art.2;
- d) violation of the provisions concerning the incompatibilities and conflicts of interest;
- e) abusive use of the material or human resources;
- f) the political bias in exercising the job prerogatives, except the persons elected or assigned on a political basis;
- g) violations of law concerning the access to information and of the decisional transparency;
- h) violation of the legal provisions concerning public procurements and the non-returnable financing;
- i) incompetence or on-the-job-negligence in duty;
- j) non-objective assessments of the staff in the process of recruitment, selection, promotion, demoting and dismissal from the position;
- k) violation of the administrative procedures or establishing certain internal procedures by non-observing the law;

- l) issuance of administrative or other type of documents serving to group interests or to clients;
- m) faulty or fraudulent administration of the public and private patrimony of the public authorities, public institutions and of the other units set forth at art.2;
- n) violation of other legal provisions, requiring the observance of the principle of a good administration and that of the protection of public interest.

Article 6: Contactable Authorities

The notification concerning the violation of law or of the deontological and professional norms, according to art.4 letter h), may be made alternatively or cumulatively:

- a) to the hierarchical superior of the person having breached the legal provisions, according to article 5;
- b) to the manager of the public authority, of the public institution or budgetary unit within which the person having breached the legal provisions according to article 5 is employed, or within which the illegal practice is notified, even if the author cannot be identified;
- c) to the discipline committees or to other similar bodies within the public authorities, public institution or unit set forth at art.2 within which the person having violated the law according to art.5 is employed;
- d) to the judicial bodies;
- e) to the bodies in charge with ascertaining and investigating conflicts of interest or incompatibilities;
- f) to the parliamentary commissions;
- g) to mass-media;
- h) to the professional, trade unions or employers' organisations;
- i) to non-governmental organisations.

CHAPTER IV: Protection of public servants, of contracting personnel and of the other categories of personnel

Article 7: Whistleblower's Protections

(1) Before the discipline committee or before other similar bodies, the warning persons shall benefit from protection as follows:

- a) whistleblowers in the public interest benefit from the presumption of good faith, under the terms of art.4 letter h), until evidence to the contrary;
- b) upon the request of the whistleblower investigated for disciplinary reasons as a result of a warning action, the discipline committees or other similar bodies within the public authorities, public institutions or other units set forth at art.2 shall be obliged to invite the press and one representative of the trade union or of the professional association. The announcement shall be made by a communication posted on the web site of the authority, public institution or of the budgetary unit at least 3 business days before the meeting, under the pains and penalties of the invalidity of the report and of the disciplinary sanction enforced.

(2) In case the person denounced by the warning in public interest is a hierarchical direct or indirect superior, or has duties of control, inspection and assessment of the warning person, the discipline committee or other similar body shall ensure the protection of the warning person, by keeping secret his/her identity.

Article 8: Right of Witness Protection

In case of whistleblowers set forth at art.5 letters a) and b), the provisions of art. 12 paragraph (2) letter a) of Law no.682/2002 regarding the witness protection shall be enforced ex officio.

Article 9: Appellate Protection of Whistleblowers

(1) In relation to the work disputes or those concerning the work relationships, the court may decide the annulment of the disciplinary or administrative sanction enforced to a warning person, if the sanction was enforced as a result of a public interest warning made in good faith.

(2) The court shall verify the proportionality of the sanction enforced to the whistleblower for misbehaviour, by comparing it to the sanctioning practice or to other similar cases within the same authority, public institution or budgetary unit, in order to eliminate the possibility of the subsequent and indirect sanctioning of the public interest warnings, protected by this law.

CHAPTER V: Transitional and final provisions

Article 10: Supremacy Clause

This law, in relation to the protection of whistleblowers is supplemented by the regulations of the labour code, as well as by the provisions of law nr. 188/1999²² concerning the statute on civil servant subsequently republished with modifications.

Article 11: Deadline of Regulatory Harmonisation

Within a term of 30 dates following the enactment of the present law, the public authorities and institutions and the other establishments foreseen in art.2 will approve and apply internal regulations in accordance with these provisions.

Appendix 2

List of the Companies to which the information requests were transmitted

COMPANY	DIRECTION	POSITION	PHONE
Alexander Hughes Romania	George Butunoiu	Managing Partner	021.231.07.20
Amgaz SA	Michael Einik	Chairman	026.980.68.64
ARCA East Invest SRL	Mircea Victor Mavrodineanu	General Manager	031.405.43.99
BDR Associates	Catalina Stan	President & CEO	021.231.13.19
Dealeanu Vasile - Lawyers	Vasile Deleanu	Partner Lawyer	021.312.45.36
Ensiht Management Consulting	Robert Maxim	Managing Partner	031.405.54.68
Forum Invest	Bogdan Popovici	CEO	021.311.56.10
Hewlett-Packard Romania SRL	Radu Enache	Managing Director	0725.86.30.00
Image Promotion	Alexandru Paius	General Manager	021.224.67.34,
Leadership Development Solution	Radu Furnica	President	021.224.71.24
Mocanu Consulting	Dan Mocanu	President	
Motorola Romania	Irina Ciobanu	Acting CEO	021 307 63 00
NCH Advisors Inc.	Siminel Andrei	General Director	
Salans	Obie L. Moore	Partner	021.312.49.50
Silveco Romania	Irina Socol	General Manager	021.302.33.00
Sopolec Srl.	Steven Borncamp	Managing Director	021.223.12.01

²² The law has been voted by the Romanian Parliament, in accordance with the provisions of Art. 75 and Art. 76.(2) of the republished Romanian Constitution.

Stanton Chase International Romania	Panos Manolopoulos	Managing Partner	0 21 233 03 38
Top Brands Distribution S.R.L.. Romania	Karim Bandack	Co-Owner	021.352.78.80
Total Business Solution	Daniela Necefor	Managing Partner	021/3206027
Urban si Asociatii	Iulian Urban	CEO	021 311.5331/35/3
Ford România S.A.	Dionisio Campos	Director General	0251-436.634
Petrom S.A.	Dan Pazara	Corporate Communication	021-406.00.00
Orange România SA	Thierry Millet	Director General - interimar	021-313.61.07
BRD GROUPE SOCIETE GENERALE SA	Petre Bunescu	Director General Adjunct	021-301.91.08
VODAFONE ROMANIA SA	Tom Hargreaves	Director Financiar	021-434.33.83
PETROM SA	Dan Pazara	Corporate Communication	021-406.00.00
ARCELOR MITTAL GALATI SA	Augustine Kochuparampil	Director General Executiv	0236-801.331
AUTOMABILE DACIA SA	François Fourmont	Director Executiv	0248-500.000
ROMPETROL RAFINARE SA	Dinu Patriciu	Director General	0241-619.841
LUKOIL ROMANIA SRL	Constantin Tampiza	Director General	021-232.28.06

Ad fn3:

The media monitoring and the inquiries of the five ministries revealed that only little information is available and that incidences of whistleblowing appear to be, subsequently, low.

Ad fn4:

In accordance with the results of the Media monitoring, conducted by TI Romania (few articles featuring whistleblowing and few notions on whistleblowing) one can assume, that only a few cases of whistleblowing happen, or that this issue is under represented in the Media. In any case, Whistleblowing remains an issue of low salience within the Media, and reporting on whistleblowing cases is seldom.

Ad fn 6:

No idea

Ad fn10:

No, makes no sense, to mix cultural context with organizational culture in companies, especially since we refer here on company policies made public; no relationship with cultural context.

Ad fn 11:

In which the private sector is concerned, it can be noted, that of the four biggest companies in Romania (according to their cash flow in 2008), only two have a Code of Conduct or a Code of Ethics., while one of these two is a multinational company and its policies apply to the whole group,

hence for the Romanian Branch as well. This appears to be a common practice, that the Romanian branches merely adopt the mother companies policies.²³

Ad fn 12:

...which did not take place, since it was not possible to schedule a meeting.

²³ It is the case of other major companies which have Romanian branches such as Electrolux, Ericsson, Hewlett-Packard etc.