Model Ethics Office Regulation

Bryane Michael
Model Operational Instruction Related to the Romanian Government Ethics Officers

This Operating Instruction provides operational guidance related to implementing legislation related to public officials’ ethics – and in particular Law 7/2004 (the Code of Conduct Law), Law 541/2007 (the Whistleblower’s Law) and Order 4500/2008 (the Ethics Reporting Order).

The present Operating Instruction establishes an Ethics Counsellor in each Romanian Agency who is able to save the Agency money and decrease risks by providing competent advice. The Operating Instruction arises as a result of training of future Ethics Counsellors conducted in the autumn 2008. The trainers, and their NACS counterparts, decided that the three Romanian laws cited above would not be successfully implemented without rule-making initiative from individual Agencies. The present Instruction provides – in the author’s opinion – the minimum provisions required to implement the goals enshrined in the three pieces of ethics-related legislation.

SUMMARY OF THE OPERATIONAL INSTRUCTION ON ETHICS OFFICERS

Overview and Background
Regulatory Impact
Risk assessment

ANTECEDENTS

Chapter 1: Antecedents

APPOINTMENT AND CAREER ISSUES FOR ETHICS COUNSELLORS

Chapter 2: Assignment and Qualifications of Ethics Counsellors
Chapter 3: Incentive Structure for Ethics Counsellors
Chapter 4: Publicity of Ethics Counsellor

AGENCY-LEVEL TESTS FOR GENERAL ETHICAL PRINCIPLES AND BROAD LEGAL PRINCIPLES

Chapter 5: Interpreting Whistleblower Protection Principles
Chapter 6: Interpreting Legal Principles

POWERS OF DELEGATED AUTHORITY

Chapter 7: Authority to Act as Mediator
Chapter 8: Injunctions and Certiorari Relief (Suspension Orders and Orders Related to Witness Protection)
Chapter 9: Internal Whistleblowers and Ombudsman’s Functions

CASE MANAGEMENT

Chapter 10: Introductory Procedure for Consultations
Chapter 11: Procedure for Dealing with Unrecorded Consultations
Chapter 12: Procedures in Recorded and Anonymous Consultations
Chapter 13: Dealing with Ethics Counsellor Liability

INSTITUTIONAL ARRANGEMENTS

Chapter 14: Relations Between Ethics Councillors And Disciplinary Committees
Chapter 15: Relations Between Ethics Councillors and the NASC
Chapter 16: Establishment of the College of Ethics Councillors
Chapter 17: Disciplinary Sub-Committee of the College of Ethics Councillors
Chapter 18: Ensuring Quality of Ethics Counsellor’s Reports

FINAL DISPOSITIONS

Chapter 19: Obligation to Consult on Present Instruction
Chapter 20. Changes in the Legal Framework
Chapter 21. Execution
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THIS REGULATION IS ONLY AVAILABLE TO ACADEMIC RESEARCHERS (PARTICULARLY IN NEW INSTITUTIONAL ECONOMICS), GOVERNMENT OFFICIALS OR MEMBERS OF INTERNATIONAL ORGANISATIONS WORKING ON ESTABLISHING ETHICS OR INTERNAL OMBUDSMAN OFFICES ON A PRO-BONO BASIS.

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If you fall into the former category, please contact me (bryane.michael@linacre.ox.ac.uk) for a copy of the model regulation.