

TUTORIAL COURSE FORM – 2018-2019 ACADEMIC YEAR

Name of the tutorial course (Erasmus/exchange students)	Anticorruption and antifraud law in the European Union
Professor	Name: Sandra Gradinaru Office _____ Email: sandra.gradinaru@yahoo.com
Semester in which the tutorial course is available	II (second)
No. of ECTS credits	5
Level of study	Bachelor
Short description/Contents	<p>This tutorial course brings to the attention of exchange students coming to the “Al. I. Cuza” University of Iasi, comparative law aspect about anticorruption and antifraud legislation, both from EU law and from the legislation of different EU member states, based on the students origins. This also includes the analysis of the legislation at an international level if student from non-EU states will participate.</p> <p>From this tutorial course, the exchange students will gain significant insight from the research results and practical experience of the proffesors research on anticorruption and antifraud criminal case files in the EU member states jurisprudence and from the CJEU and CEDO jurisprudence.</p> <p>Also, the exchange students have the opportunity to benefit from the proffesors experience as elected expert of The Superior Council of Magistrates.</p> <p>At the same time, it is a great oportunity to bring new ideas into the attention of the students from the sending university, based on their points of view and on their interest on specific issues regading the european and international legal framework about corruption and fraud.</p> <p>Content of the teaching programme: Given the total lenght of a semester (14 weeks), the teaching programme will include presentations and discussions on following</p>

	<p>topics:</p> <ul style="list-style-type: none"> I. Special behavior rules regarding certain categories of persons, in order to prevent corruption (week 1) II. Authorities or persons specialized in the fight against corruption (week 2) III. Procedural aspects regarding corruption crimes (weeks 3-4) IV. International cooperation in investigations and proceedings on corruption offenses. (Weeks 5-6) <p>Week 7 will be reserved for a short evaluation of the gathered knowledge from course I-IV.</p> <ul style="list-style-type: none"> V. Corruption offenses (week 8) VI. Offenses assimilated to corruption offenses (week 9) VII. Crimes directly related to corruption offenses (week 10) VIII. The competence of OLAF in investigations of fraud involving EU funds (week 11) IX. Investigation Procedures for OLAF Staff and its structures within EU member states(week 12) X. Crimes against the financial interests of the European Union (week 13) <p>The last week will include the final exam in order for the student to obtain the ECTS.</p>
<p>Assessment</p>	<p>Taking into account the european anti-fraud strategy and the activity of OLAF identifying the irregularities, frauds or other illegal activities of european civil servants, the present tutorial gives to the exchange students, future european public servants, some preliminary aspects related to facts regarding irregularities or frauds on the basis of OLAF investigations that can be considered corruption or fraud crimes.</p> <p>Also, it aims the establishment of a mechanism for preventing the conflict of interests in the procedure of awarding public procurement contracts, on integrity in the exercise of public functions and dignities, as well as on the organization and functioning of the EU Anti-Fraud Organization – OLAF and its structures within EU member states.</p> <p>The importance of this tutorial is given by the fact that will not be focused on the analysis of the constitutive elements of some crimes but on the idea of prevention.</p>

	<p>The present tutorial course has the purpose to implement anti-corruption and anti-fraud measures in the mentality of future european public servants and will target specific behavioral rules regarding certain categories of persons in order to prevent corruption and fraud.</p> <p>They will also get practical knowlege on the subjects based on the former experience of the proffesor in practicing this activity in several known corruption cases prosecuted by the Anticorruption Department in Romania.</p> <p>On the other hand, this tutorial will give the proffesor the opportunity to find out which is the point of view of the foreign students on the topics regarding the anticorruption and anti fraud fight in their states of origin, to understand their main points of interest and to compare them with the ones of the students studying at our university.</p>
<p>Bibliography</p>	<ol style="list-style-type: none"> 1. Mihail Udroi, Criminal Procedure. General part, C.H. Beck Publishing House, Bucharest, 2014. 2. Gheorghita Mateut, Criminal Procedure treaty. General part, vol. II, C.H. Beck Publishing House, Bucharest, 2012. 3. Norel Neagu, International judicial cooperation in criminal matters, Universul juridic Publishing House, Bucharest, 2012. 4. Horia Diaconescu, Ruxandra Răducanu, Crimes of corruption and service, C.H. Beck Publishing House, Bucharest, 2018. 5. Tranca Anamaria, Corruption offenses provided in Law no. 78/2000, C.H. Beck Publishing House, Bucharest, 2011. 6. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law 7. United Nations Convention against Corruption adopted at New York on 31st october 2003 8. Consolidated version of Regulation No 883/2013 concerning investigations conducted by OLAF following its revision by Regulation (EU, EURATOM) 2016/2030 9. The European Anti-Fraud Office (OLAF) official internet site: https://ec.europa.eu/anti-fraud/home_en 10. List of rulings of the Court of Justice of

	<p>the EU concerning OLAF found on https://ec.europa.eu/anti-fraud/about-us/legal-framework/court-rulings-relevant-to-olaf_en</p>
<p>Observations</p>	<p>The special framework of the tutorial is represented by the anti-corruption and anti-fraud fight at European and international level, which at this moment focuses more on the idea of prevention than on sanctioning.</p> <p>It is not enough for exchange students, future european public officials, to know the elements of some crimes, but to develop a mentality based on law observance and the avoidance of antisocial deeds from their tutorial courses.</p> <p>This desideratum of future european public servants who observe the legal provisions in the exercise of their job duties can be achieved only if the students learn and understand the illegal activities sanctioned by the European legislation.</p> <p>Without this tutorial course future european civil servants will only learn at a later stage, which are the illegal activities, from anticorruption authorities and courts, instead of learning from the University.</p>