



CODE OF ETHICS AND RULES OF CONDUCT

**regarding the activities performed by ARACIS for quality assurance in the field
of higher education in Romania and regarding the periodic evaluation and
accreditation**

**ARACIS
2013**

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I. INTRODUCTION

The relevance and the effectiveness of the evaluation process with regard to the quality assurance in higher education in view of authorization or accreditation largely depend on the consideration of the correspondences between the academic meanings of quality, dynamics of the education system and beneficiaries' expectations. Quality assurance involves the undertaking of responsibility by all those involved in its coming to fruition. Their adherence to a minimum set of ethical values represents a key criterion for accomplishing the quality assurance activities and accreditation in the field of higher education.

Therefore, ARACIS Council **adopts**

the Code of ethics and rules of conduct regarding the activities carried out by ARACIS for the quality assurance in the field of higher education in Romania, for evaluation and accreditation

The Code of ethics and rules of conduct (for the sake of simplicity, further reference will be made to **the Code / Code**) include a minimum set of principles, values and rules of conduct to be taken as reference in the performance of the activities pertaining to the external quality assessment and accreditation in higher education.

Code addresses:

- a. Members of the ARACIS Council and of the Advisory Board attached to ARACIS;
- b. Members of ARACIS specialty permanent standing committees;
- c. assessors and other external collaborators involved in the ARACIS activities;
- d. student members of ARACIS external evaluation committees;
- e. ARACIS employed staff.

The Code's starting point is represented by the principles creating the reference frame of ARACIS activity:

- a. European Reference - according to European Standards and Guidelines for Quality Assurance in the field of Higher Education;
- b. Institutional responsibility with respect to quality assurance and improvement;
- c. Cooperation with all components of the educational system;
- d. Institutional identity;
- e. External evaluation;





This **Code** is fully aligned to the principles and provisions of the Code of Conduct of the evaluation experts of the European Association for Quality Assurance in Higher Education (European Association for Quality Assurance in Higher Education - **ENQA** Code of Conduct for review experts – www.enqa.eu/reviews_principles.lasso), which it assimilates entirely.

The objectives of the **Code** are as follows:

- a. To provide ethical reference to all those involved in the process of external evaluation of quality assurance in the field of higher education;
- b. To ensure transparency in relations between assessors and assessed, between assessed and beneficiaries of higher education as well as for the general public;
- c. To serve as support for self-evaluation policies development and implementation in higher education institutions;
- d. To ensure compliance with ethical rules throughout the external quality assessment process;
- e. To ensure compliance with the confidentiality norms regarding the activity of the ARACIS Council, the Permanent Commissions as well as of the ARACIS assessors, the employed staff and any other ARACIS collaborator;
- f. To promote confidence in applying the external quality assessment criteria and procedures in higher education institutions;
- g. To prevent any deviation from quality assurance and evaluation procedures in favor of normative discourses and/or irrelevant rankings to the main objective of the endeavor, which represents the continual improvement of higher education in Romania and its adherence to the European quality standards.

The Code combines the affirmation of various values and principles applicable to the quality assurance and evaluation field by giving legal effect to certain procedural provisions designed to create a favorable environment for the development of activities and provide an assessment, correction, contestation and sanction system for cases of deviation from the stipulated values and principles. The enforcing of the **Code** does neither exclude nor replace the legal rights and obligations comprised in other documents relating to quality assurance and evaluation of its activities and does not substitute for other codes developed by higher education institutions or the Ministry of National Education.

The code will be reviewed periodically so as to be improved according to the suggestions received from the beneficiaries and to the national and international context regarding the management and quality assurance in higher education.





II. CODE OF ETHICS AND RULES OF CONDUCT

A. Values and Principles

Throughout their work, those targeted by this **Code**, shall meet the following general values and principles:

- Legality
- Independence
- Objectivity
- Impartiality
- Transparency
- Personal Responsibility
- Professionalism
- Openness to new occurrences
- Dialogue and consensus
- Confidentiality

Commitment to this set of values implies that each person involved in the external assessment of quality assurance in the field of higher education, for authorization or accreditation:

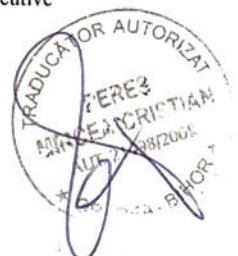
1. Knows, understands and fully complies with all laws, regulations and rules applicable in the field quality assurance and evaluation in higher education. One uses consistently the criteria, standards and performance indicators defined by official documents regarding: institutional capacity, educational effectiveness and quality management.

2. Demonstrates independence and professionalism throughout one's activity, does not concede to political, religious, economic or other kind of pressure, accepting only legal, scientific and ethical constraints.

3. Clearly dissociates from any personal relationship and draws conclusions independent of any personal institutional commitment.

4. Maintains an objective attitude in respect to the assurance and quality assessment activities. Gives accurate information, makes statements and expresses opinions only when in possession of the adequate data and information, beyond any individual emotional assessment based on prejudices and emotional impressions. Makes recommendations and takes decisions based solely on factual data and precise, thoroughly checked information.

5. Makes statements and/or expresses opinions honestly, neutrally and impartially. Does not resort to double standards in the evaluation process and **is not biased** towards or against any institution of higher education, organization or person involved. During the quality assessment process he/she does not discriminate on grounds of gender, nationality, ethnicity, age, religion etc.





6. Ensures maximum of **transparency** regarding rules, procedures, professional requirements, evaluation principles etc. Can provide incentives based on consistent and correct information at any time and for the opinions and decisions made. Does not hide or distort the findings.
7. Assumes **personal responsibility** for the statements and opinions expressed and may at any time prove the concordance between them and the applicable legal provisions, internal rules of the organization/institution, the required standards and factual data. Accepts the obligation to respond for the activities undertaken, opinions and conclusions stated and to take consequences for possible failures.
8. Maintains a high level of **professional competence**. Gives advice based on well-defined and recognized standards in the field, only within the limits of the legal provisions in force and in accordance with the rules and procedures accepted by the Agency. Acts according to high demands and professional solidarity; manifests moral obligation to work for quality improvement. Affiliation to the ARACIS Council, to international quality assessment bodies, to specialized ARACIS commissions or the inclusion in the ARACIS Evaluators Registry confers their members professional prestige they should not use for power purposes. Professional competence also involves **responsible professional care**. As such, those involved in quality assessment activities will prove fine listeners and observers, will treat others with respect, and will consider the needs and expectations of both the evaluators and the evaluated, such as those related to time, communication, work complexity or costs involved.
9. It is open to **new initiatives**, responding to local or regional social changes, to the needs of the beneficiaries of its services. If possible, will facilitate professional competition, management, ethics among institutions and programs targeted by the internal or external evaluation. All activity is based on openness and participation.
10. Promotes dialogue, adequately assesses the different views of the parties involved and attempts to **harmonize** them by promoting personal dedication and team spirit.
11. Is true to the principle of **confidentiality** in providing, augmenting, using and ensuring access to information, in accordance with the accepted rules and procedures. Proceeds with discretion and protects personal data and data relating intellectual property to external evaluation activities. In the external evaluation process, the display, distribution and publication of information on the outcome of the evaluation shall be made only subsequent to specification and approval by the ARACIS Council of a position or official statements, following a clear definition of the space of information of public interest and only subject to the conditions of privacy previously established and undertaken together with the acceptance of this **Code** by entering the **Commitment** to adhere to the principles and rules of ethics and confidentiality.

b. Rules of Conduct

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In the spirit of these principles and values, those targeted by this **Code** shall take consider, in their activities, the following rules of conduct related to:

1. Conflicts of interest

The cases of conflict of interest result from incompatibility among members of the ARACIS Council, the Advisory Committee, the permanent Committee of Ethics, specialized ARACIS commissions, evaluators, ARACIS permanent employees and, students participating in the assessment. It is considered an incompatibility when any person part of one of the above mentioned categories:

- is a signatory or co-signatory of documents, programs and other academic products or products pertaining to the management of the institution evaluated;
- took part directly or indirectly in decisions with respect to the mooted academic and managerial performance evaluation;
- is part of the institution to be evaluated or is involved directly or indirectly in the assessed activity;
- has or has had in the past three (3) years contractual relationships with the assessed institution, except participation in joint research projects, participation in doctoral committees, graduation committees and contest commissions for filling vacant positions;
- is affined to people in the assessed institution or directly involved in programs / activities under evaluation;
- is part of a personal acknowledged conflict with one or more members of the academic community of the assessed institution;
- was involved in a dispute with the assessed (tenure teacher or someone in the management of the institution) or demonstrated on other occasions, biased attitude, double standards and prejudice in evaluating their activities;
- collaborated under contract during the past three years with the assessed study program or with the assessed higher education institution;
- is aware of a future collaboration, based on contract, during the following year, with the assessed study program or higher education institution.

Considering the abovementioned specifications, those who may find themselves in the above instances, will notify, in writing, directly the ARACIS Executive Council before starting the assignment or where appropriate, through the expert inspector within ARACIS, the existence of any conflict of interest. Also, they will refuse to

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assume any responsibility for the external evaluation process, will refrain from expressing any personal opinion and by no means will participate in these external assessment procedures.

2. Compromise

In the quality assurance and evaluation activities ARACIS representatives will not accept and will not yield to any external pressures, whoever may exercise them in favor of evaluated structures, either directly (by institution's staff) or indirectly (by third parties who are not employed by the institution but could hold an important position within public or private bodies or institutions). The ARACIS representatives, by their conduct, will reject any **compromise**, imposing a climate of moral equity during the quality assessment activities.

By no means and under no circumstances the ARACIS representatives involved in external evaluation, will use their position or function to obtain any **financial gain** and/or personal or institutional **advantages** (material or of any other kind) clearly rejecting such offers.

3. Team spirit and intellectual freedom

Those involved in quality assurance and evaluation activities will respect and encourage freedom of thought and expression and will not influence the opinion of other members included in the external evaluation process other than through rational arguments, legally and professionally justified. Their decision should be objective and be the result of a critical, professional and democratic analysis within a wide participatory framework. Higher education institutions in the process of quality assessment will be encouraged to openly express their opinions on the quality standards used, decisions and recommendations made throughout the assessment. The suggestions made by the evaluators in the assessment reports will be considered by the respective higher education institutions and the ARACIS Council in order to improve the future practice.

4. Intellectual property

Throughout the external evaluation process, the intellectual property of those providing information and documents should be permanently observed. Self-evaluation reports, documents consulted, requests or applications submitted are entirely or partially the exclusive intellectual property of the assessed (individual or institution). The permanent ARACIS employees, the external evaluators, members of expert commissions or of the Board shall avoid the transmission of information and/or documents to any third parties in any form.

5. Continuing professional development

Those involved in the quality assurance must continuously improve their



professional and managerial skills and strengthen their ethical and moral values related to the responsibilities ensuing from quality assessment activities. They must be aware of the international and national developments in the field, must share their knowledge and experience to other interested colleagues, increase awareness and acceptance of quality standards in society and support all activities and events that promote a culture of quality and ethics in the field of higher education.

6. Work quality

Those involved in the quality assurance and evaluation process will tend toward excellence in their work and ensure:

- a. the covering of all aspects regarding the quality pursued during the assessment;
- b. intellectual honesty and fairness;
- c. reliable and unbiased assessments;
- d. efficiency and respect concerning the work of the Agency, Council, commission or evaluation team they are part of or which assesses them;
- e. well founded nature of assertions and explanations;
- f. observance of specific terms stipulated by regulations and procedures.

7. Quality of communication

Those involved in quality assurance and evaluation activities will co-operate in order to ensure a continuous fair and effective communication between them as well as with third party institutions or individuals (private companies, media) according to the regulations of the Agency. Success in achieving this goal is represented by the quality of communication, by a smooth-functioning of the communication circuits, the adequate, concise, constructive, full use of clear messages, understood and accepted by the parties, send in time and observed by all participants. Communication aims to overcome subjective barriers and to establish trust, to grant credibility and mutual respect. The conclusions of the evaluation will have an objective and constructional character, suggesting directions to follow for future quality improvement programs. The discussions between parties will be based on mutual understanding, on attempts to seek a convergence of views, harmony and consensus, the ultimate goal being the improvement of the quality of education for the benefit of everyone.

8. Trust / mutual respect

The entire external evaluation process must be built on trust and mutual respect systematically developed. Compliance with the values, principles and rules of conduct set out in **the Code** can help the building and the strengthening of this trust



C. Ethic's violation

The following acts and attitudes are considered violations of the principles of the Code:

1. Failure to comply with laws and regulations in the field of internal quality assessment;
2. Violation of the rules of procedure, of professional principles and guidelines for evaluation;
3. Failure to report a conflict of interest, as well as any involvement or participation in the assessment procedures, under the circumstances of an existing conflict of interest;
4. The distortion of truth regarding ARACIS activity;
5. Affiliation to a competing ARACIS agency or provision of competitive activities to the detriment of the interests of ARACIS;
6. Use of affiliation to a particular institution, ARACIS or third party or the use of a particular function held with the purpose of acquiring personal or institutional gain of financial nature or other benefits that may be prejudicial to ARACIS;
7. Disclosure of information about a particular quality assessment case or about the awarded score before an official position of the Agency or of the institution in cause is published as well as the disclosure at any time of confidential aspects mentioned in the discussions of the commissions, of the external evaluation of study programs, of the ARACIS permanent committees, in the ARACIS Council or within the content of evaluation reports;
8. Violation of intellectual property rights;
9. Refusal to cooperate with other members, obstruction of cooperation between members involved in the external evaluation process;
10. Intimidation, creating of any kind of pressure on the assessors, on the members of the permanent committees and members of the ARACIS Council with the purpose to influence the external evaluation;
11. Improper performance of the assessment mission, by failure to comply to ARACIS procedures, by using subjective criteria that are not part of the published ARACIS methodologies and procedures etc.;
12. Failure to comply with the ARACIS Internal Regulations for permanent employees.





III. ENFORCEMENT STRUCTURES AND MECHANISMS OF THE CODE

Accepting to participate in the evaluation and quality assurance activity involves **knowledge and observance** of the principles and provisions of this **Code** by all those involved. Nevertheless, in order to ensure the monitoring of the proper application of the **Code** specific and transparent structures and mechanisms are established.

A. Structures

In order to ensure compliance with the Code, beside the Council of ARACIS, the Permanent Ethics Commission (CEIM) is created and in order to operate. Its responsibilities are as follows:

- a. To monitor the consistent implementation of the **Code**;
- b. To accept, investigate and resolve cases of deviation from the principles of ethics and rules of conduct as well as cases of incompatibility;
- c. To suggest solutions for resolving complaints and to act in response to information concerning the noncompliance with the provisions of the Code;
- d. To draft annual activity reports on the state of the ethical conduct of ARACIS members and experts and make recommendations as appropriate;
- e. To efficiently and consistently collaborate with the ethical commissions within the higher education institutions and with the Academic Ethics Board created by the Ministry of National Education for specific issues of ethical conduct regarding the quality assurance activities and accreditation in the field of higher education in Romania.

The Permanent Ethics Commission consists of three members, including a **chairman and two members**. The keeping of records, correspondence shall be ensured the secretariat of the Commission, which also drafts the minutes of meetings. The CEIM mandate lasts 4 years.

The ARACIS Council denominates by open voting, the CEIM chairman and a member from among its members. The third member of CEIM should be approved by the ARACIS Council upon proposal of the Executive Office of the ARACIS specialty experts and inspectors service. In the CEIM investigation activities of a particular case of deviations from ethics or of incompatibility, the CEIM co-opts as observer also a student, appointed by the student representatives in the ARACIS Council. In situations of incompatibility (conflicts of interest, rejection) of a CEIM member, the CEIM President suggests the Executive Office of ARACIS Council the temporary replacement of that member.





If, in a particular case, the CEIM President is the subject of a conflict of interest, the ARACIS Council decides the nomination of another president only for that single case.

The CEIM secretariat is permanent, elected for a 4 year mandate and consists of two members from among the ARACIS permanent employees, who are appointed by the ARACIS President.

The following cannot be part of the CEIM and of CEIM Secretariat:

- 1) Persons directly involved and against whom the case incompatibility in question was reopened;
- 2) Persons subject to conflict of interest in that case.

B. Analysis and decision-making mechanisms

Analysis and decision-making mechanisms are initiated and apply to the following situations:

- a. Complaints concerning deviations from the principles of this Code;
- b. legal action taken ex officio.

The CEIM analysis and decision-making mechanisms are initiated only as consequence of the abovementioned circumstances, ensuing from parties directly involved in the evaluation process. ARACIS reserves the right to disregard any anonymous or fictitiously signed complaints.

Any complaints regarding the deviation from the principles of this Code shall be confidential until the ARACIS Council takes a decision regarding the adopted resolution.

The analysis and decision-making mechanisms involve the following steps:

- a. referral receipt;
- b. notifying the party;
- c. case analysis;
- d. adopting the resolution;
- e. proposal and application of penalties.

a. Referral receipt

Upon the occurrence of a suspected ethics violation a referral may be initiated by any member of the ARACIS Council or the Advisory Committee, by an ARACIS evaluator or a representative of a higher education institution. Notification shall be made in writing and shall be addressed to the ARACIS President who, in turn submits

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it to CEIM in order to begin the analysis procedure regarding the violation of the Code and will resolve any contingent cases of CEIM incompatibility. CEIM will submit to ARACIS Executive Office the resolution to solve the matter within a period not exceeding **30 working days following the denomination of CEIM members**. Complaints concerning ethics violations, stemming from a third party, other than those listed above (e.g.: press, people unrelated to the Agency etc.) and **that will not be related only to the evaluation process**, will be analyzed in the first phase by the Executive Office of the ARACIS Council, and if deemed that ground may exist, the President of ARACIS solicits CEIM to begin the investigation procedures.

b. Notifying the party

The Ethics Permanent Commission shall send a written notification to the party whom the referral was addressed to, within 5 working days of its reception for analysis from the Executive Office of ARACIS. The notification shall include the referral content, the supporting documents, the members of the CEIM as well as the date, place and time of the hearing in order for the party to present its point of view on the matter. The person concerned has the right to request a single time, in writing, within 5 working days since the receipt of the notification, based on justified arguments, the revocation of one of the commission members.

Provided the approval of the Executive Office of the Council ARACIS, within 5 working days, another member is appointed within CEIM in order to analyze that case, the party who filed the complaint being informed, in writing about this. If the person concerned solicits the postponement of the hearing 3 working days before the initial date, a new date is established, but no later than 7 working days. The adjournment of the hearing may be requested one time only, the person concerned being notified in writing of the new established date and of the consequences of absence from scheduled hearings. If the party, subject to notification, fails to appear at the scheduled hearings notified by CEIM, this, subsequent to analysis, will suggest the Executive Office of ARACIS Council the adopted resolution without the hearing of the party.

c. Case analysis

The case analysis procedure is conducted by the President of CEIM. CEIM shall convene at least once or as many times as deemed necessary, within ARACIS headquarters, in order to analyze the reported case. Meetings are initiated by the President of CEIM, the presence of all CEIM members being required. Following the solicitation and the approval of ARACIS Council, during the analysis, CEIM may, on a case-by-case basis, suspend the activity of persons involved in the currently analyzed case. CEIM may examine any person holding information needed to clarify the case and may request additional information. Discussions during the hearings are confidential and collegial. The discussions are recorded in writing, the minutes of the





hearings being countersigned by the President of CEIM. CEIM proposals are formulated based on available documents and on opinions expressed by members of the commission. The motion for resolution must count the majority of the CEIM votes.

d. Adopting the resolution

The draft resolution compiled by CEIM is submitted to the Executive Office, which submits it for approval to the ARACIS Council. The Council analyzes it and decides by open vote. If those involved are members of the ARACIS Council they will not participate in the review and decision-making process regarding the resolution.

Upon the CEIM proposal, the ARACIS Council may decide to:

- a. Establish an ethics violation related penalty;
- b. Terminate the case analysis process initiated by CEIM upon the discovery that there has not been any violation of the principles and provisions of the **Code**.

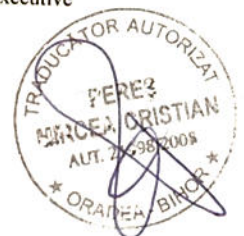
Motion and application of penalties

The sanctions the ARACIS Council may establish, as a result of the violation of the principles and provisions of the Code are:

- a. written warning;
- b. exclusion from the ARACIS Evaluators Registry of the person responsible for the violations of the principles and provisions of the **Code**;
- c. revocation of the ARACIS Council membership in case of any violation of the principles and provisions of the **Code**;
- d. application of penalties stipulated in the ARACIS Internal Regulations in conjunction with the Labor Code for the ARACIS permanent employees, in the event of non-compliance with the principles of this Code.

The final resolution is final and shall be communicated in writing to the party concerned, by CEIM, within 3 business days subsequent to the approval of the decision of the ARACIS Council. All resolutions shall be published on the ARACIS website.

Provided the analysis of an alleged case of deviation from the principles of the Code, notified by a third party (e.g. the press), led to its invalidation, CEIM will propose the moral rehabilitation of the part to the ARACIS Council.





IV. DISPOZIȚII FINALE / FINAL PROVISIONS

In order to avoid any instances of violation of the provisions of this Code, all those to whom it is addressed, will sign an adherence "**Commitment**" (*Addendum_1*) to the principles and rules of ethics and confidentiality, a "**Statement**" of impartiality, confidentiality and competence (*Addendum_2*) and a "**Statement**" with respect to the avoidance of the conflict of interest (*Addendum_3*).

Penalties for violations of the principles and provisions of this Code do not exclude, where deemed applicable, the enforcement and other measures complying with the valid legislation.





Addendum _1

COMMITMENT

regarding the adherence to the principles and rules of ethics and confidentiality as stipulated in "Code of ethics and rules of conduct regarding the activities performed by ARACIS for quality assurance in the field of higher education in Romania and regarding the periodic evaluation and accreditation"

I, the undersigned:

.....

Institution:.....

Position:.....

Address:

Telephone.....

E-mail.....

As (state the relation with ARACIS).....

I hereby declare that during all the activities performed for and on behalf of ARACIS, in which I am directly or indirectly involved, I will fully observe the provisions stipulated in the "Code of ethics and rules of conduct regarding the activities performed by ARACIS for quality assurance in the field of higher education in Romania and regarding the periodic evaluation and accreditation". I agree that if proven to perform any activities for competing agencies to be deprived of the position I hold within ARACIS.

Signature:

Date:





Addendum _2

STATEMENT

I, the undersigned:
of impartiality, confidentiality and competence

Institution:.....

Position:.....

Address:

Telephone.....

E-mail.....

As (state the relation with ARACIS).....

hereby declare, on my own risk that the activities I will perform as assessor will demonstrate **impartiality, confidentiality** and a **high level of competence** in the field of evaluation of quality assurance:

- institutional within the university.....
- of the study program.....

Signature:

Date:





STATEMENT
to avoid conflicts of interest

Addendum_3

I, the undersigned Prof. dr. / (Assoc. prof. dr.)
.....
holding primary position (accredited higher education institution)
....., hereby declare:

- during the last three (3) academic years (including the current academic year) I have acted as associated teaching staff with the following institutions of higher education:.....
.....
- for the following academic year I have agreed / expressed my availability (please indicate number and date of the document pledging the collaboration) to act as teacher..... (specify whether it is the tenure teacher or the associated professor) within the following higher education institutions:
.....
.....

I undertake it to fully and precisely respect and implement the provisions stipulated in the "ARACIS external evaluation methodology, standards, benchmarks and performance indicators list", as well as in all the other documents (guidelines, procedures, etc.) used in the process of evaluation and quality assurance in the field of higher education.

I, hereby undertake it to respect and exactly apply the provisions of the **Code of ethics and rules of conduct regarding the activities performed by ARACIS for quality assurance in the field of higher education in Romania and regarding the periodic evaluation and accreditation** in all the activities I will perform as expert evaluator within the external evaluation commission within which I was denominated.

By signing this statement I undertake it not to participate in any evaluations carried out in the higher education institutions where I used to be a professor for the last three (3) academic years or where I was hired to conduct such activities during the following academic year, or in the decision-making by the Commissions or Council relating thereto.

I hereby declare that I agree that in case of failure to comply with this commitment to be considered incompatible with the quality assessment procedures promoted by ARACIS and thus with the implementations of the " **Code of ethics and rules of conduct regarding the activities performed by ARACIS for quality**





**assurance in the field of higher education in Romania and regarding the
periodic evaluation and accreditation".**

Date

.....

Signature

.....

Subsemnatul **PEREȘ Mircea Cristian**, interpret și traducător autorizat pentru limbile engleză și franceză, în temeiul autorizației nr. **21998/2008**, eliberată de Ministerul Justiției din România, certific exactitatea traducerii efectuate din limba engleză în limba română, că textul prezentat a fost tradus complet, fără omisiuni, și că, prin traducere, înscrisului nu i-au fost denaturate conținutul și sensul.

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