

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY ROMANIA**

ARTICLE 10 UNCAC

PUBLIC REPORTING

ROMANIA (THIRTEENTH MEETING)

In Annex No 7 to the order of the Minister for Public finances no. 517/2016 for the approval of procedures relating to modules forming part of the procedure for the operation of the national reporting System - Forexebug, the procedure for the preservation and archiving of electronic documents generated by the system National reporting - Forexebug, where it is stipulated that:

“(1). Public institutions shall have the obligation to preserve and archive electronically or paper forms of qualified electronic signature submitted in the national reporting System-Forexebug, their related repayments, and all System-generated reports during the duration stipulated by the legislation in force.

(2). The retention of documents on electronic support, during the time limits provided for in the legislation in force, shall allow listing at any time, depending on the needs of the public institution or at the request of the control bodies.

(3) Liability for the retention and archiving of electronic documents generated by the national reporting System-Forexebug rests with the authorizing officer.

(4). The authorizing officer shall establish by way of their own procedures how to download and archive qualified electronic signature forms transmitted in the national reporting System-Forexebug, their related repayments, as well as all System-generated reports”.

Every year, Ministry of Public Finance carries out a follow-up mission and for each ensuring mission, the internal auditors keep an evidence of measures meant to implement the recommendations.

Examples of implementation of the measures regarding of Order of the Secretary General of the Government No. 600/2018, at the headquarter of MoPF:

- Elaboration of the annual report on the internal managerial control system;
- Elaboration of the annual Programme of development of the internal managerial control system.

Sets of data referring to the above-mentioned reports are made available to the public through online sources.

In order to facilitate public access to information, Law no. 544/2001 on free access to information of public interest is in place. Art. 5 provides the following:

(1) Each public authority or institution has the obligation to communicate ex officio the following information of public interest:

- a) the normative acts that regulate the organization and functioning of the public authority or institution;

- b) the organizational structure, the attributions of the departments, the functioning program, the audience program of the public authority or institution;
- c) the name and surname of the persons in charge of the authority of the public authority or institution and of the official responsible for the dissemination of public information;
- d) the contact details of the public authority or institution, respectively: the name, the headquarters, the telephone numbers, the fax, the e-mail address and the address of the Internet page;
- e) financial sources, budget and balance sheet;
- f) own programs and strategies;
- g) the list containing the documents of public interest;
- h) the list containing the categories of documents produced and / or managed, according to the law;
- i) the modalities of contesting the decision of the public authority or institution in the situation when the person considers himself / herself injured regarding the right of access to the requested information of public interest.

These sets of data are published online also, using the MoJ website.

According to art. 7 (1) of Law no. 52/2003, the institution from public administration has the obligation to announce on its website, at its headquarter or in a publicly accessible place, the information regarding the process of drafting normative acts. Also, has the obligation to send the draft to central or local media, as case may be. The institution from the public administration will send the draft of the normative acts to all the interested persons which have sent a request for receiving this information.

During the implementation period, institutions from central and local public administration, independent authorities and anticorruption institutions have to collect yearly, information on:

- number of adopted draft laws;
- number of public notes concerning draft laws;
- number of recommendations submitted by the civil society within the process of transparency in relation with the decision making process for the initiation, amendment or supplementation of some legislative acts;
- degree of acceptance and assumption of recommendations received from the civil society concerning draft laws subject to public consultation (as a percentage between the total number of recommendations submitted and the number of proposals assumed);
- number of draft laws amended following the consultation process;
- number of proposals, suggestions or opinions assumed in the final version of the legislative act;
- number of responses to the proposals, suggestions or opinions not assumed;
- number of public sessions organized upon initiative of the institution;
- number of participants to the public sessions;
- number of citizens / nongovernmental organizations stored in the data base of the institution which are supposed to be informed about the draft laws;
- number of public sessions organized upon request of the civil society;
- number of public sessions minutes published;
- number of court complaints concerning non-compliance with the legal provisions by the institution;

- number and type of sanctions ordered because of non-compliance with the legal obligations;
- number of professional training activities for the public administration staff
- number of persons trained through professional training activities;
- number of annual reports concerning transparency within the decision making process available on the website of the institution;
- number of interested parties registered in the Sole Register of Interest Transparency at the level of the Romanian Government;
- number of fields in which interested parties registered in the Sole Register of Interest Transparency;
- number of users of the platform consultare.gov.ro;
- number of meetings reported in the Sole Register of Interest Transparency by the decision makers to which the Register refers to, from the public administrations.

These sets of data are published online also, using the MoJ website.

Regarding the access of the information with regard of the prevention of corruption, the Ministry of Justice created a website dedicated to this kind of data (www.sna.just.ro <<http://www.sna.just.ro>>). This website contains a multitude of public information, including evaluation reports regarding the implementation of the NAS, open data regarding the evaluation indicators from the NAS provided by the central and local authorities and audit reports regarding the implementation of the strategy. Moreover, the Ministry of Justice has almost finalized a project that implies creating an interactive map containing the evaluation indicators that can be consulted by anyone in order to understand the anticorruption phenomenon, through consultation of the open data published in this matter (<<https://sna.just.ro/vizualizare-date/>>).

The procedure provided by the law in order to request public information is the following:

Art. 7. –

(1) The public authorities and institutions have the obligation to respond in writing to the request for information of public interest within 10 days or, as the case may be, no later than 30 days from the registration of the request, depending on the difficulty, complexity, volume of the documentary works. and the urgency of the request. If the time required to identify and disseminate the requested information exceeds 10 days, the response will be communicated to the applicant within a maximum of 30 days, provided that the applicant is notified in writing of this fact within 10 days.

(2) The refusal to communicate the requested information shall be motivated and communicated within 5 days from the receipt of the petitions.

(3) The request and the obtaining of the information of public interest can be realized, if the necessary technical conditions are met, also in electronic format

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY ROMANIA

ARTICLE 10 UNCAC

PUBLIC REPORTING

ROMANIA (SEVENTH MEETING)

In relation to public reporting (article 10), Romania adopted the following measures:

A. In the **Open Government Partnership** national action plans, the Romanian Government included some commitments in regards to the implementation of articles 10 and 13 of UNCAC.

Thus, a mechanism for uploading and updating quality datasets on the **data.gov.ro** platform aims for a more standardized structure of government data in machine-readable formats. The gateway support system was put in place in 2014 and more than 430 datasets were published on the portal, more than envisioned in the milestones. Measures were taken to improve the interoperability of datasets with various types of software and European Union-wide portals. Department for Online Services and Design, from the Chancellery of the Prime- Minister, is still working on adapting the widgets which would allow exporting data from different websites to the portal. The platform, which has become the central access point for government open data, is frequently used by CSOs and citizens.

Training in open data: To address the lack of understanding on open data amongst civil servants, this commitment aims to provide training on open data issues both at central and local public administration.

Open contracting: This commitment aims to endorse the open contracting principles as a means to enhancing the transparency of public contracting processes in Romania. To kick-start the process, the government consulted with the World Bank and held several broad consultations with public institutions and civil society to identify the required resources for the implementation of open contracting. The Digital Agenda Agency of Romania (AADR), the government agency in charge of the public acquisitions online portal has pledged to adopt Open Contracting Data Standards (OCDS) for publishing its information. The government has not yet carried out the pilot project as envisaged in the milestones. While the draft law on public acquisitions has been prepared, the latest version presented to the Parliament contains references to open contracting.

B. In addition, the measures implemented by the **Ministry for Public Consultation and Civil Dialogue** aimed at increasing transparency and standardize the publishing of information of public interest using information and communication technologies.

The compliance level with FOIA in the public institutions increased as following:

- for the ministries, the level increased from 62% in December 2015 to 95% in February 2016;

- for the Prefectures, the level increased from 66% in December 2015 to 97% in February 2016;
- for the County Councils, the level increased from 72% in January 2016 to 93% in March 2016;
- for the Municipalities, the level increased from 58% in December 2015 to 83% in March 2016;

The memorandum adopted by the Government on the 2nd of March, *Increasing transparency and standardizing the publishing of information of public interest*, brings a standard both in the structure of a public institution's website and the content and the quality of the information published.

The Memorandum brought a new set of documents to be published by default by the public authorities, such as:

- o monthly reports about the public procurement contracts;
- o the public procurement contracts with a value greater than 5000 euro;
- o the level of income and benefits for the employees from the public sector;
- o the payments made by the public authorities;
- o the agenda of the leadership;

Another important point is that the memorandum included several templates focusing on the use of online tools (forms, platforms and online procedures) for the interaction between the civil society and the public sector.

In the next months, the Ministry for Public Consultation and Civil Dialogue and the Chancellery of the Prime Minister will develop the platform called *transparency.gov.ro* which will centralize all the important data from the public authorities, sets of data to be published by default, such as the budget or the payments made by the public authorities.

A second area of action was the increase the transparency level and the predictability of the Government's meetings.

- At the end of January 2016, the Memorandums adopted by the Government started to be published for the first time in the last 25 years, after the efforts made by our ministry;
- Also, the agenda of the Government's meeting started to be published 24 hours before the meeting, together with all the links related to the projects of Government's decisions or law projects. In the past, none of these pieces of information were available and the memorandums were not published neither in the Official Gazette, nor on the Government's website, before the decision was taken;
- The third measure was to publish a summary of each Government meeting, measure that was implemented starting with 27th of April, in order to allow the civil society to better understand the decisional process.

In the same context, the Ministry for Public Consultation and Civil Dialogue intends to develop the platform called *consultation.gov.ro* that will allow every citizen to easily follow all the steps made by the Government authorities in adopting a normative act.

Finally, after demanding all the public authorities (in the Memorandum) to publish their officials' daily agenda, the Ministry for Public Consultation and Civil Dialogue launched the concept of a **Unique Transparency Register at the Governmental level**. This idea will be developed together with the Ministry of Justice and the Chancellery of the Prime Minister in the next few months and will consist of an online platform that will disclose **the groups of interests on various domains and their interaction with the public sector**.

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PUBLIC REPORTING

ROMANIA (SECOND MEETING)

The public procurement and political party financing systems contain further transparency provisions themselves. The legal framework on acquisitions, for instance, provides for the obligation of the contracting authorities to ensure the access of every interested physical or moral person to their respective procurement contracts. As for the political funding, there are reporting requirements that have to be met by political parties both on a regular basis (situation of received donations, half-yearly situation of income resulting from membership fees, Monthly situation of the subsidy and expenses incurred) and in election campaigns, as well as publishing requirements in the Official Journal and on the website of the institution responsible with control of political and elections financing (total amount of income from membership fees and the list of members who paid in one year fees whose total value exceeds 10 MGS, list of natural and legal persons who made within one year donations whose total value exceeds 10 MGS, as well as the total amount of confidential donations, donations from abroad, total amount of income from other sources and total amounts of financial contributions deriving from associations with non-political formations).

The Romanian legal framework with regard to public reporting was defined and refined in 2001 and 2003 respectively. The Act on Free Access to Information of Public Interest (2001) allows for all persons to have access to information of public interest - meaning information in the possession of, regarding or generated by public institutions (entities using public money and being active in Romania). The law states the obligations of the public authorities and institutions concerning the release – ex officio or by request - of the information, as well as the procedures and the deadlines for releasing the information. The public authorities and institutions are required to create special departments for public information. An information request can be submitted in writing, orally or in electronic format. Those who consider that their rights to freely access the information have been breached - either by denial of the information or by failure of meeting the deadlines - can appeal the decision, first by administrative way (to the superior of the employee who has denied the information), then to the court. The court can rule in favor of the disclosure of the information and can also sentence the public authority. The Act lists the exceptions from the free access and it states that no information regarding a wrongdoing of a public authority or institution can be classified as "secret".

The Act on Transparency of decision-making in the Public Administration (2003) introduced the legal framework regarding the minimal procedural rules applicable to ensure decisional transparency within central and local public administration authorities

and institutions. This law first sets the obligation of the authorities to provide beforehand and ex-officio information on the matters of public interest to be debated by central and local public administration and the draft legislative acts.

Second, the Act guarantees the entitlement of the citizens and of the legally established associations to be consulted, at the initiative of public authorities, in the process of elaborating draft legislative acts. Third, the Law promotes the active participation of citizens in administrative decision-making and in the elaboration process of draft legislative acts by providing for the following prerequisites: the public character of the meetings of the authorities and public institutions that are subject to this law; the recording and publishing of the debates, as well as the minutes thereof, which are to be archived. Those who consider themselves harmed in the rights set forth by this Act may lodge a complaint within the terms established by the Administrative Contentious Law. The complaint and the appeal shall be judged following the emergency procedure and shall be exempt from stamp duty.

Considering the simplification of administrative procedures, this aspect was conceived as a matter of interest in the prevention cluster of all the past anticorruption strategies. Cutting bureaucracy was among the objectives established in the National Action Plan for implementing the PNPC 2001-2004. This supposed streamlining the flow of documents, simplifying the procedures of issuing permits, authorizations or licenses by the public authorities and establishing a single office for receiving citizens' requests in every institution. The National Action Plan for the SNA 2005-2007 aimed at increasing transparency and integrity in the public administration through measures like revising the legislation on public funding, public contracting and politic parties funding, but also implementing the practice of the single office in the public administration (whose legal framework was determined in 2001). The latter aspect was the subject of a subsequent strategy that had to be put into practice in the same period by the Central Unit for the Public Administration Reform (the specialized structure of the Ministry of Administration and Interior which is responsible for the reform of the public administration). In the SNA 2008-2010, the aspect of simplifying the administrative procedures was given further attention, being turned into a separate domain for action. Two objectives were assigned to it: removing administrative barriers (through reviewing internal procedures in order to eliminate overlaps and through introducing instruments and standards for improving the public administration activity) and using information technology in the public services. It is in this context that the Government approved the Better Regulation Strategy at the central level of the Public Administration 2008-2013. The top directions for action are the reduction of the administrative burden for companies, citizens and associations, the simplification of the relevant national legislation and of the administrative procedures, and the improvement of the institutional framework and activities of the regulation and control agencies and authorities.