

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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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.