Independent Reporting Mechanism (IRM): Romania Progress Report 2016–2017

IRM Staff, with contributions from Simona Adam

Table of Contents

Executive Summary:

Romania
Year 1 Report

Action plan: 2016–2018
Period under review: 2016–2017
IRM report publication year: 2018

> Romania's third action plan saw an inclusive co-creation process and addressed priority areas such as anti-corruption, open data, and service delivery. However, commitment activities lacked specificity and their overall completion remains limited. The next action plan would benefit from focusing on a smaller number of well-defined commitments that clearly identify expected outcomes.

HIGHLIGHTS

Commitment	Overview	Well-Designed?*
4. Improve citizenship application process	The commitment would address a government service delivery gap through modernizing the citizenship application process to reduce wait times and open new data about application statistics.	Yes
9. Subnational open government	This is the first government commitment to expand open government practices at the local level and could provide useful case studies and trial grounds for driving forward local open government.	No
10. Set up Transparency Register (RUTI)	This commitment established a new official system for reporting meetings between private sector advocates and government officials; such information was not previously available to the public.	No
17. Open contracting	Adopting the Open Contracting Data Standard (OCDS) is a continuation from the previous action plan and would increase contracting transparency, allowing a deeper analysis of procurement data by a wide range of users.	Yes

*Commitment is evaluated by the IRM as specific, relevant, and has a transformative potential impact

PROCESS

> Romania had a collaborative consultation process that engaged a diverse array of civil society stakeholders. The OGP Club forum is widely valued by CSOs. Moving forward, the role of the new OGP Steering Committee should be clarified, and the Club meetings continued at more regular intervals.

Who was involved?

Civil society	Beyond "governance" civil society			
	Mostly "governance" civil society			✔
	No/little civil society involvement			
		Narrow/little governmental consultations	Primarily agencies that serve other agencies	Significant involvement of line ministries and agencies
		Government		

Thirteen governmental bodies are responsible for the implementation of the 2016–2018 action plan, while another 25 are involved as partners. Additionally, one subnational body (Timisoara Municipality) is involved even though it is not a formal partner listed in the national action plan. All line ministries were asked to provide input on development of the action plan. Involvement from civil society was primarily from the technology and open data sectors as they relate to governance, but also included transparency and access to information CSOs.

Level of input by stakeholders

Level of Input	During Development
Collaborate: There was iterative dialogue AND the public helped set the agenda	✔
Involve: The public could give feedback on how commitments were considered	
Consult: The public could give input	
Inform: The government provided the public with information on the action plan.	
No Consultation	

OGP co-creation requirements

Timeline Process and Availability Timeline and process available online prior to consultation	✔
Advance notice Advance notice of consultation	✔
Awareness Raising Government carried out awareness-raising activities	✔

Multiple Channels Online and in-person consultations were carried out	✔
Documentation and Feedback A summary of comments by government was provided	✔
Regular Multi-stakeholder Forum Did a forum exist and did it meet regularly?	✔
Government Self-Assessment Report Was a self-assessment report published?	✔
Total	**7 of 7**

Acting contrary to OGP process A country is considered to have acted contrary to process if one or more of the following occurs: • The National Action Plan was developed with neither online or offline engagements with citizens and civil society • The government fails to engage with the IRM researchers in charge of the country's Year 1 and Year 2 reports • The IRM report establishes that there was no progress made on implementing any of the commitments in the country's action plan	No

COMMITMENT PERFORMANCE

Overall implementation for Romania's 18 commitments remains limited. Commitments could be better defined to clearly specify the problem they will address, the measurable activities that will be carried out, and the intended results.

Current Action Plan Implementation

2016–2018 Action Plan	
Completed Commitments (Year 1)	2 of 18 (11%)
OGP Average Completion Rate (Year 1)	18%

Previous Action Plan Implementation

2014–2016 Action Plan	
Completed Commitments (Year 1)	1 of 11 (9%)
Completed Commitments (Year 2)	2 of 11 (18%)
2012–2013 Action Plan	
Completed Commitments (Year 1)	1 of 18 (6%)
Completed Commitments (Year 2)	N/A

Potential Impact

2016–2018 Action Plan	
Transformative Commitments	2 of 18 (11%)

OGP Average for Transformative Commitments	16%
2014–2016 Transformative Commitments	1 of 11 (9%)
2012–2013 Transformative Commitments	7 of 18 (39%)

Starred commitments

2016–2018 Action Plan	
Starred Commitments (Year1)	1 of 18 (6%)
Highest Number of Starred Commitments (All OGP Action Plans)	5
2014–2016 Starred Commitments	1 of 11 (9%)
2012–2013 Starred Commitments	0 of 18 (0%)

IRM KEY RECOMMENDATIONS

1.	Regularize OGP Club meetings and clarify the role of the new Steering Committee
2.	Institutionalize OGP across government ministries and establish a budget line to improve implementation
3.	Increase transparency of public spending
4.	Improve FOI implementation, including at the Local Level
5.	Expand and protect civic space

COMMITMENTS OVERVIEW

Commitment Title	Well-designed (Year 1)*	Starred (Year 1)	Overview
1. Improve legal framework for public interest information disclosure	X	X	This commitment comprises several initiatives to enhance disclosure of public interest data and improve institutional capacity to implement FOI legislation. Digitalization of information and services should be continued with monitoring and evaluation to ensure full and proper implementation of the law.
2. Publish public interest information on a single gateway	X	X	The information that will be published on the web platform is not specified and it is not clear how it will integrate existing information from numerous government and non-government portals. These issues, along with insufficient funding, have delayed implementation.
3. Promote Open Parliament principles	X	X	Public debates on improving public participation in the legislative process have not yet been held. Future formulation of this commitment could include clearer objectives.
4. Improve citizenship application process	✔	✪	An online system was created to improve processing of citizenship applications, and integrating data from the Romanian Criminal Records Information System (ROCRIS). Prospective citizens are provided with a registration number and can track their application status. Citizenship application data will also be published, increasing transparency around application statistics.

5. Standardize transparency in the decision-making process	X	X	This commitment aims to improve implementation of Law no.52/2003, which mandates public disclosure and civic consultation activities in the government decision-making process. Two milestone activities were completed prior to the publication of the action plan and implementation has low levels of civil society input.
6. Publish legislative projects on a single gateway	X	X	Related to the previous commitment (5) on standardizing participation procedures in the law-making process, the online platform consultare.gov.ro began publishing legislative projects and draft laws of 47 national-level public institutions in a centralized location where citizens can track and monitor progress and provide feedback.
7. Citizens budgets	X	X	Initiating the use of a citizen's budget to engage the public in the budgeting process and increase knowledge on the management of public finances has not yet started. While budgetary commitments have been included in previous action plans, this is the first time a Citizens' Budget has been proposed.
8. Youth consultation and participation	X	X	The potential impact of holding consultations and increasing opportunities for youth participation at the local and regional levels is considered minor due to the lack of specificity around what kinds of legislation or decision-making youth will be able to influence.
9. Subnational open government	X	X	This commitment includes a host of milestones to advance open government principles and practices at the subnational level, but many of the activities will be funded through EU grants, and therefore are subject to procurement processes that have delayed implementation.
10. Set up Transparency Register (RUTI)	X	X	The RUTI register creates an official system for reporting meetings between the private sector and government, and such information was not previously available to the public. RUTI relies on private sector entities voluntarily registering meeting information, and therefore a more transformative commitment would mandate registration and publication of all meetings.
11. National Anti-Corruption Strategy indicators	X	X	A central data platform has been launched that publishes government institutions' progress implementing anti-corruption measures but the quality, completeness, and veracity of the self-reported information disclosed will not be verified through an auditing authority or external evaluator.
12. Transparency in seized asset management	X	X	The National Agency for the Management of Seized Assets (ANABI) has developed a website for the public to access information on the state's management of seized assets. Development of a national integrated system for the registration of proceeds of crime remains limited.
13. Annual integrity training for civil servants	X	X	The commitment's relevance to OGP values is unclear as it aims to increase the level of anti-corruption knowledge among civil servants through online trainings with no external, public-facing element.
14. Access to cultural heritage	X	X	This commitment aims to increase the amount of cultural resources that have been digitized for preservation and use by the public, but does not define

			what information will be made public, or if it will be in an open data format.
15. Open data and transparency in education	X	X	Two public consultations have taken place to identify essential data on the education system to be published on the national open data portal. For a more transformative impact, more comprehensive data should be published, as well as all data owned by the Ministry of Education and subordinate institutions.
16. Virtual School Library and open education resources	X	X	The commitment builds on a law that legalizes the use of open educational resources with the development of a "virtual school library" repository of education tools and resources, though implementation has been limited.
17. Open contracting	✔	X	Continued from the previous action plan, the aim is to adopt the Open Contracting Data Standard uniformly and comprehensively to publish public procurement information in a standardized, accessible open data format. Implementation has not yet started.
18. Open data quality and quantity	X	X	The commitment envisions releasing more data on topical areas while centralizing and improving access to high value datasets as determined through consultation with civil society. The specific types of information and data that will be improved are not specific nor is the amount of data.

*Commitment is evaluated by the IRM as specific, relevant, and has a transformative potential impact

ABOUT THE AUTHOR

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

Open
Government
Partnership

I. Introduction

The Open Government Partnership (OGP) is an international multi-stakeholder initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

Romania began its formal participation in 2011, when Teodor Baconschi, Minister of Foreign Affairs, declared Romania's intention to participate in the initiative.[1] In April 2012, Romania's participation and first action plan were approved through a memorandum. In August 2014, the government approved another memorandum for Romania's second action plan, and in August 2016 a memorandum was approved for the third action plan.

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public official's asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practice beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Romania developed its third national action plan from February to June 2016. The official implementation period for the action plan was August 2016 through 30 June 2018. This year one report covers the action plan development process and first year of implementation, from August 2016 to September 2017, with some additional reporting on developments through December 2017. Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation September 2017 will be assessed in the end-of-term report. The government published its self-assessment in September 2017.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Simona Adam, an independent researcher, who carried out this evaluation of the development and implementation of Romania's third action plan. To gather the voices of multiple stakeholders, the IRM researcher and IRM staff held interviews with government, civil society, academic and business sector leaders in Bucharest. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. Methods and sources are dealt with in Section VI of this report (Methodology and Sources).

---

[1] Open Government Partnership (2011), Romania Letter of Intent to Join OGP. Available: https://www.opengovpartnership.org/documents/romania-letter-of-intent-join-ogp

II. Context

The implementation of Romania's third action plan took place amid an unstable political environment and frequent government turnover. While Romania has made strong progress in recent years in consolidating democracy and judicial independence, recent proposed changes to the Justice Laws represent a major concern to the interviewed stakeholders and civil society members. Corruption scandals, increasing executive use of emergency orders to bypass traditional lawmaking, and proposals to restrict civic space hinder progress toward open government reform.

2.1 Background

A participant in OGP since 2011, Romania has demonstrated a continued interest in increasing accountability, transparency, and participation in governance. The country consistently has improved its scores across various international indices measuring transparency, anti-corruption, and effective governance. Romania scores 83 out of a possible 150 points for its right to information (RTI) legislation, higher than many neighboring countries and Western European countries.[1] Freedom House's Nations in Transit 2018 report evidences Romania's improvement in metrics related to open governance over the past 10 years: in three of seven categories measured (Civil Society, Judicial Framework and Independence, and Corruption), scores have improved.[2] Additionally, Romania provides the public with substantial budget information, scoring 75 out of 100 in transparency, ranking ninth overall of 115 countries evaluated.[3]

Romania joined OGP exceeding the minimum requirements for eligibility, receiving the highest scores across the four criteria assessed. The country's eligibility for participation has not changed since joining, maintaining the highest scores possible in each of the four areas.

Politically, Romania has undergone several major transitions during 2016 and 2017 with the composition of the government changing multiple times. Following the resignation of Victor Ponta as prime minister in October 2015, President Klaus Iohannis appointed Dacian Ciolos to the position. Ciolos led a technocratic, politically independent government that initiated major institutional changes.[4] The Ciolos government can be credited with several policy changes that include improving transparency and accountability, reducing bureaucratic regulations, and increasing environmental protection.[5]

Legislative elections in December 2016 saw the return of Ponta's Social Democratic Party (PSD), with close to 46 percent of the vote. A new coalition government between the PSD and the Alliance of Liberals and Democrats (ALDE), led by Sorin Grindeanu, replaced the technocratic Ciolos Cabinet. A proposed bill in January 2017 to decriminalize several corruption offenses (later withdrawn) sparked the largest mass protests in the country since 1989.[6] Citing failure to follow through on electoral promises in addition to the protests prompted a vote of no confidence by PSD and ALDE (with opposition parties abstaining) to remove Grindeanu from power in June 2017. Mihai Tudose, the economy minister in the Grindeanu Cabinet, was appointed as his successor less than two weeks after. Disagreement with PSD leader Liviu Dragnea forced the resignation of Tudose in January 2018.[7]

Romania remains under review by the European Commission Cooperation and Verification Mechanism (CVM). The European Commission Decision of 13 December 2006 established the mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption in anticipation of and to be continued after the country's accession to the European Union in January 2007.[8]

In their November 2017 report,[9] the EC found increasing tensions between the Government, the Parliament and the Judiciary, and the risk of democratic backsliding in issue areas such as control of corruption and judicial independence. Progress has been achieved on a number of recommendations, in particular recommendation 8, which has been satisfactorily implemented, and, subject to practical application, recommendations 2, 7 and 12,[10] and some are strongly connected with the 2016–2018 OGP action plan, especially commitments 10–13 under the Anti-Corruption theme.

Proposed legislation pertaining to the county's anti-corruption framework, NGO organization, and judicial independence was criticized by both internal and external stakeholders including Romanian CSOs, the Prosecutor General,[11] the US Department of State,[12] and the Secretary General of the Council of Europe. The reforms weakened the independence of the judiciary and the National Anti-Corruption Directorate (DNA). The changes included limiting the powers of the President to block parliament's nominees for prosecutor general,[13] curbing the powers of the DNA, and allowing the state to take action against a prosecutor or judge accused of committing "a judicial error emanating from bad faith or serious negligence."[14]

During the period under review, the executive branch increasingly passed legislation through the issuance of Emergency Ordinances, a trend highlighted by most stakeholders interviewed for this report. In 2017, the PSD-ALDE coalition issued 117 emergency ordinances,[15] compared to 99 in 2016 (by the Ciolos Cabinet),[16] and 66 in 2015.[17] Emergency ordinances are made without public consultation, which is required under normal legislative procedures, and undermines the system of checks and balances; an Emergency Ordinance will take effect immediately after publication in the Official Journal and registration with the relevant Chamber in parliament. This was highlighted in an OECD Public Governance review of Romania, which analyze governments' ability to deliver on stated objectives. The report identifies "the frequent use of executive ordinances" as a challenge to "the implementation of the core open government principles."[18]

Concerning trends have emerged in 2017 regarding threats to civic space and the expression of civil liberties. The mayor of Bucharest, Gabriela Firea, and the president of the senate, Calin Tariceanu, among others, have made public statements decrying civil society and civic protests as threats to constitutional order[19] and the security of the state.[20] There were cases of fast-tracked laws to limit financing of NGOs. For example, a PSD deputy and PSD senator introduced a law amending Government Ordinance no.26/2000 regarding associations and foundations in June 2017 and later passed by the Senate in November 2017. As the joint Venice Commission-OSCE Office for Democratic Institutions and Human Rights opinion on the draft law notes, "the stringent disclosure requirements" for all associations, foundations, and federations in the country and the sanctions applied for non-compliance "are likely to have a chilling effect on civil society and conflict with the freedom of association and the right to respect for private life."[21] The opinion goes further to question the added value of public disclosure to achieve the purported aims of the draft law given that substantive reporting obligations to a specialized body such as the Anti-Money Laundering Office already exist.[22] The Expert Council of the Conference of INGOs of the Council of Europe contextualizes the relevance of this draft law with "the need to provide an enabling environment in which associations and foundations can pursue their activities, to assure them equal treatment and to protect them from discrimination and for all decisions affecting them to be subject to control by an independent and impartial court." [23] Furthermore, it seems no meaningful consultation with the NGOs that would be affected by the law took place, as required by international law.[24] A protest letter drafted by leading NGOs in Romania expressed concern over the draft law that "[t]he only clear effects of this proposal are an increased state control over NGOs operating legally in Romania and a deterrence of citizens from associating in non-governmental organizations."[25] It is important to note that this bill was not an initiative of the government but of parliamentarians from the governing

PSD. The government's point of view regarding this was negative and "considered that no solid grounds have been laid down to introduce changes to provisions regarding the public utility status of associations and that the new reporting obligations may adversely affect the associative life in Romania since they may generate additional bureaucracy and make the activities of associations more difficult."[26] Furthermore, in December 2017, the Ministry for Public Consultation and Civic Dialogue (MCPDC)[27] drafted a proposal for NGO regulation following months of debate with civil society, opening the proposal to feedback from all willing NGOs in every county in Romania. The MCPDC also informed the Council of Europe on the content of the proposed law, with positive feedback.

Regardless, this substantiated civil society's fears that the governing PSD-ALDE was following through on what was viewed as concerning rhetoric on their part during the lead-up to the December 2016 legislative elections on shrinking the ability and space for civil society organizations to operate.

2.2 Scope of Action Plan in Relation to National Context

The OGP action plan for 2016–2018 addressed many relevant issues such as anticorruption, transparency and service delivery. At the time of writing, December 2017, less than half of the commitments are finalized or substantially completed in their implementation. Civil society organizations (CSOs) and other interviewed stakeholders from different sectors such as the media, business, and academia have expressed concern by measures the Government or Parliament have proposed or adopted that they view as anti-democratic. The measures, often taken without public consultation, are seen as possibly shrinking civic space and the ability of CSOs and small businesses to operate.

Some commitments have been undermined by ongoing changes and government decisions made throughout 2017. For example, Commitment 5 "Standardization of transparency practices in the decision-making procedures", aims "to identify deficiencies existing in the implementation of Romania's Law on Decisional Transparency in Public Administration (2003)." The commitment includes steps for standardizing practices in providing citizens with information on how government decisions were made, and increases the importance of civil society engagement in the decision-making process. However, the number of emergency ordinances issued by the government has increased considerably during the action plan implementation period. These ordinances have bypassed the standard procedures that requires transparent decision making and have been used to implement major reform in areas such as financial regulations and the justice sector. Mass protests have erupted in response to these changes which took place without public consultation or adherence to standard policy-making processes. The scope of future action plans should include commitments to monitor the process of consultation procedures within the legal framework of issuing emergency ordinances to promote transparency and accountability.

In addition to the expanded use of emergency ordinances, concerning trends have emerged regarding the threat to civic space and the expression of civil liberties. These problems should be tackled in the next action plan to ensure that civil liberties remain protected. While the scope of the current action plan addresses some of the major issues in opening government, it did not include any commitments to expand or protect civic space, such as laws to guarantee continued access to funding from donors (foreign and domestic), simplified tax registration for CSOs, or clarifying and simplifying the processes for registering protests and receiving permits for public assembly.

The subject of corruption more broadly is addressed in the national action plan through a series of measures on access to information (especially on Law 544/2001 on Access to Public Information), open data and open contracting. However, certain areas have not been

specifically addressed for increased transparency, such as the healthcare sector, state funding for religious institutions and beneficial ownership disclosure.

In Romania, perceived levels of corruption are highest in healthcare.[28] According to an EC report in 2017,[29] corruption is widespread and occurs in all risk areas, including public procurement decisions and illegal sponsorships. The National Agency for Public Procurement estimates that 25 to 30 percent of public procurement contracts are suspected of fraud or corruption, including the practice to split large contracts to stay below tender thresholds. While the National Anti-Corruption Directorate (DNA) has targeted corruption in the healthcare sector intensively since 2012, scandals have continued into 2017. Due to recent corruption cases in the health sector regarding access to vital pharmaceutical drugs for patients, open contracting and transparency in public expenditure in this sector remains a pressing issue. The current action plan does not include any commitments to address the weaknesses in health sector transparency and accountability, namely medical supply and drug procurement, bribery, and contracting.

Another area of poor accountability occurs in state funding for religious institutions, particularly at the local (county) level. The Romanian state recognizes 18 religious institutions and 30 associations, which are eligible to receive state funding and tax incentives under existing laws. Independent journalists have investigated the issue of corruption and fraud in public expenditure for religious organizations, which received more than 300 million euros between 2014 and 2017. An independent, crowdfunded project titled "Let There Be Light" seeks to develop a platform to publish findings from independent media organizations such as The Journalist's House and the Media Investigation Center. Journalists cite problems gaining access to information on how public money is used for religious organizations, and the amount spent in local counties. One journalist interviewed stated that information requested about public funding for religious organizations and churches in five counties took much longer than the permitted 30 days and was incomplete when returned. She noted that national-level records were much easier to obtain than those at the local level, and that this is an area that requires greater transparency given that religious and political institutions could be used to mutually reinforce one another.

Beneficial ownership transparency remains limited in Romania and fell outside the scope of the current action plan. According to OCCRP journalist Ana Poenariu, of Rise Project, laws on beneficial ownership for companies that receive publicly funded contracts are a priority area for increasing government accountability. In 2016, companies with secret shareholders (undisclosed beneficial owners) won public contracts totaling 106,570,043 euros in Romania. The 2016–2018 action plan contained commitments to improve open contracting data standards but did not include a stipulation to require disclosure of all shareholders in companies awarded public contracts or funds.

---

[1] http://www.rti-rating.org/country-data/scoring/?country_name=Romania
[2] https://freedomhouse.org/report/nations-transit/2018/romania
[3] https://www.internationalbudget.org/open-budget-survey/results-by-country/country-info/?country=ro#transparency
[4] Freedom House, Nations in Transit Report, Romania 2017, https://freedomhouse.org/report/nations-transit/2017/romania
[5] Ibid.
[6] The Guardian, 6 February 2017, https://www.theguardian.com/world/2017/feb/05/romanian-government-scraps-corruption-decree-as-opposition-continues
[7] The Guardian, November 2017, https://www.theguardian.com/world/2017/nov/27/romanians-protest-against-weakening-of-anti-corruption-powers
[8] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32006D0928
[9] European Commission report, https://ec.europa.eu/info/sites/info/files/comm-2017-751_ro.pdf
[10] Idem, p. 12.

[11] Romanian National News Agency, https://www1.agerpres.ro/english/2017/12/07/pg-lazar-amending-justice-laws-to-surely-disrupt-romanian-justice-11-10-41
[12] US Department of State, https://www.state.gov/r/pa/prs/ps/2017/11/275899.htm
[13] Judicial Reforms adopted, translated into English, http://www.cdep.ro/comisii/suasl_justitie/pdf/2017/rd_resume.pdf
[14] Euractiv 2018, https://www.euractiv.com/section/justice-home-affairs/news/governments-legal-reforms-are-unconstitutional-rules-romanias-top-court/
[15] Ordonante de Urgenta, http://www.cdep.ro/pls/legis/legis_pck.lista_anuala?an=2017&emi=3&tip=18&rep=0
[16] Ibid.
[17] Ibid.
[18] p. 17, http://www.oecd.org/countries/romania/public-governance-review-scan-romania.pdf
[19] Digi 24, https://m.digi24.ro/stiri/actualitate/politica/reactia-gabrielei-firea-primaria-muta-targul-de-la-piata-victoriei-838674
[20] Ziare.com, http://m.ziare.com/tariceanu/tariceanu-despre-proteste-corup-ia-poate-sa-ucida-chiar-pe-cei-care-striga-sloganurile-astea-1492653
[21] p. 4, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&ved=0ahUKEwiH8d_iydraAhVDp1kKHa-HBeMQFghqMAg&url=http%3A%2F%2Fwww.legislationline.org%2Fdocuments%2Fid%2F21933&usg=AOvVaw18M23c1czDykLWT7LTseG7).
[22] p. 4, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&ved=0ahUKEwiH8d_iydraAhVDp1kKHa-HBeMQFghqMAg&url=http%3A%2F%2Fwww.legislationline.org%2Fdocuments%2Fid%2F21933&usg=AOvVaw18M23c1czDykLWT7LTseG7).
[23] p. 6, https://rm.coe.int/expert-council-conf-exp-2017-3-opinion-on-the-romanian-draft-law-140-2/168076fc9d
[24] p. 7, https://rm.coe.int/expert-council-conf-exp-2017-3-opinion-on-the-romanian-draft-law-140-2/168076fc9d
[25] http://www.apador.org/en/psd-vrea-sa-transparentizeze-urgent-ong-urile-sau-sa-le-desfiinteze/
[26] p. 6, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&ved=0ahUKEwiH8d_iydraAhVDp1kKHa-HBeMQFghqMAg&url=http%3A%2F%2Fwww.legislationline.org%2Fdocuments%2Fid%2F21933&usg=AOvVaw18M23c1czDykLWT7LTseG7).
[27] Note that this Ministry was legally renamed in January 2017 and its current acronym is MCPDS. As the name appears as MCPDC in the action plan, this report will retain that convention throughout.
[28] https://ec.europa.eu/home-affairs/sites/homeaffairs/files/20170928_study_on_healthcare_corruption_en.pdf
[29] https://ec.europa.eu/home-affairs/sites/homeaffairs/files/20170928_study_on_healthcare_corruption_en.pdf page 92-93

III. Leadership and Multi-stakeholder Process

Romania had a collaborative consultation process that engaged a diverse array of civil society stakeholders in developing the action plan. The OGP Club multi-stakeholder forum is widely valued by CSOs as a meaningful platform for providing input on the action plan and commitments. Moving forward, the role of the new OGP Steering Committee should be clarified, and the Club meetings continued at more regular intervals.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Romania. Table 3.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

1. Structure	Yes	No
Is there a clearly designated Point of Contact for OGP (individual)?	✔	
	Shared	Single
Is there a single lead agency on OGP efforts?		✔
	Yes	No
Is the head of government leading the OGP initiative?		✗
2. Legal Mandate	Yes	No
Is the government's commitment to OGP established through an official, publicly released mandate?	✔	
Is the government's commitment to OGP established through a legally binding mandate?		✗
3. Continuity and Instability	Yes	No
Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle?	✔	
Was there a change in the executive leader during the duration of the OGP action plan cycle?	✔	

During the first year of action plan implementation, there was a change in the executive leadership, and the oversight for OGP no longer falls under the coordination of the Chancellery of the Prime Minister. As of December 2017, the General Secretariat of the Government (GSG) is the leading office responsible for Romania's OGP action plan, under a new State Secretary, Florin Vodita, who was appointed in November 2017 and charged with coordinating OGP efforts. The former state secretary, Radu Puchiu, coordinated the OGP implementation in Romania from 2013 to November 2017. Coordinators of the OGP process in Romania, however, reaffirmed the highest level of political commitment to the partnership as demonstrated by the government's participation in Steering Committee meetings, re-election to that committee, and continuity of the multi-stakeholder forum. Regardless, some non-governmental stakeholders interviewed for this report believed this change would slow down the implementation process, as the new state secretary would require time to learn and catch up on OGP responsibilities, such as coordinating

implementation, communicating with all relevant bodies and managing Romania's role on the OGP Steering Committee.[1]

Until June 2017, the office in charge was the Chancellery of the Prime Minister, through the Department for Online Services and Design (DSOD, now called the Department for Information Technology). As the Chancellery was already subordinate to the GSG though, effectively there has been no change in the responsible entity for OGP coordination. The GSG is subordinated to the executive branch of the government, though it has limited power to enforce policy changes in other agencies and ministries. Instead, it relies mostly on cooperation from the public institutions involved in carrying out the national action plan. This has resulted in the action plan being adopted through a government memorandum, which is non-binding, rather than an executive decision.

The Executive office has two staff members that have worked on the coordination, development, co-creation, implementation, monitoring, and reporting of the country's OGP process since 2013; however, there is no dedicated byline in the Executive's budget for OGP-related activities. There is no clear mention on its website that the General Secretariat of the Government is in charge of leading the OGP efforts in Romania though the OGP Romania website clearly lists that the General Secretariat of the Government ensures coordination and monitoring of OGP.[2,3] The IRM researcher interviewed Florin Vodita, State Secretary and OGP Point of Contact, in November 2017. Mr. Vodita indicated that he had not yet made decisions regarding staffing, such as carrying forward all staff from the former state secretary, or adding additional staff members.

As of November 2017, the OGP efforts in Romania are also supervised by a National Steering Committee for Open Government Partnership implementation. The Steering Committee has been created through a Memorandum of Understanding for national action plan 2016-2018 approval (non-binding). This Committee represents a formalized multi-stakeholder dialogue mechanism. It was modeled after the OGP International Steering Committee, which had equal representation from seven public institutions and seven civil society representatives.[4]

3.2 Intragovernmental Participation

This subsection describes which government institutions were involved at various stages in OGP. The next section will describe which nongovernmental organizations were involved in OGP.

Table 3.2 Participation in OGP by Government Institutions

How did institutions participate?	Ministries, Departments, and Agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other (including constitutional independent or autonomous bodies)	Subnational Governments
Consult: These institutions observed or were invited to observe the action plan but may not be responsible for commitments in the action plan.	28[5]	0	0	2[6]	Timisoara, Cluj
Propose: These institutions proposed commitments for	TBD	0	1	0	5

inclusion in the action plan.					
Implement: These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments.	13[7]	0	0	0	0

In Romania, 13 government bodies are responsible for the implementation of the 2016–2018 action plan, while another 25 are involved as partners. Moreover, two subnational bodies (Timisoara and Cluj Municipalities) were involved in the consultation process. Table 3.2 above details which institutions were involved in OGP.

Without assessing here the level of their involvement in implementation, it is important to mention that most agencies were open to participation and co-creation when developing the action plan, starting with debates held during the Open Government Week (5–11 March 2016),[8] an OGP Conference on 9 March, and assessing the commitment proposed by the CSOs during the two-month public debate period. Following consultations with the public institutions, the proposals drafted by civil society were accepted entirely or partially by the agencies as commitments to be implemented in partnership with the NGOs. There was no institutional commitment on proposals related to natural resources, state companies, and energy. The commitments are structured on the following eight topics:

1. Access to Information
2. Civic Participation
3. Subnational
4. Anti-corruption
5. Culture
6. Education
7. Open Contracting
8. Open Data

According to the government, these reflect the principles of the sustainable development goals of Peace, Justice, and Strong Institutions; Quality Education; Innovation and Infrastructure; Climate Action; No Poverty; Good Health and Well-Being; Sustainable Cities and Communities.

During implementation, some government officials participated in and led discussions through the OGP Club.[9] However, not all of the relevant stakeholders participated in meetings. The OGP Club allowed CSOs to speak directly and make recommendations to government officials responsible for each OGP commitment and OGP coordination during implementation. In addition, a permanent Steering Committee of 14 actors (half governmental and half non-governmental) was formed, although its role is still to be defined.

3.3 Civil Society Engagement
Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 3.3 summarizes the performance of Romania during the 2016–2018 action plan.

Table 3.3: National OGP Process

Key Steps Followed: 7 of 7

	1. Timeline Process & Availability			2. Advance Notice		
Before	Timeline and process available online prior to consultation	Yes	No	Advance notice of consultation	Yes	No
		✔			✔	
	3. Awareness Raising			**4. Multiple Channels**		
	Government carried out awareness-raising activities	Yes	No	4a. Online consultations:	Yes	No
		✔			✔	
				4b. In-person consultations:	Yes	No
					✔	
	5. Documentation & Feedback					
	Summary of comments provided				Yes	No
					✔	
During	**6. Regular Multi-stakeholder Forum**					
	6a. Did a forum exist?	Yes	No	6b. Did it meet regularly?	Yes	No
		✔			✔	
After	**7. Government Self-Assessment Report**					
	7a. Annual self-assessment report published?	Yes	No	7b. Report available in English and administrative language?	Yes	No
		✔			✔	
	7c. Two-week public comment period on report?	Yes	No	7d. Report responds to key IRM recommendations?	Yes	No
		✔			✔	

Table 3.4: Level of Public Influence
The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.[10] This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborative."

Level of public influence		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✔	
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.		✔
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

3.4 Consultation During Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation. This can be an existing entity or a new one. This section summarizes that information.

In Romania, an OGP Club was created during the implementation of the first action plan and at the beginning of the development of the second as an inclusive forum where stakeholders and implementing officials discuss all OGP matters. The OGP Club has been very active, though over time the frequency of meetings has decreased. In 2014, 10 OGP Club meetings took place, with seven in 2015, six in 2016, and only five in 2017. Of the five held in 2017, one was dedicated to consultation on the government self-assessment report; these meetings were held to gather feedback and strengthen collaboration among stakeholders. Feedback gathered on the self-assessment during the meeting, as well as during the online consultation, was recorded, published, and addressed accordingly. As of December 2017, one OGP Club meeting has been held outside the capital, Bucharest. On 4 November 2017, the Club met in Timisoara, and most of the participants were local stakeholders. The OGP Club forum is open and pluralistic, meetings are announced on the OGP Club website and Facebook page, and all interested stakeholders can participate. Meeting notes are recorded and made available online via the official government OGP Club webpage.[11] During the self-assessment public debate on 14 September 2017 stakeholders mentioned that the meetings should be broadcast live so that more stakeholders could be engaged. Radu Puchiu (the former state secretary and POC leading OGP implementation) mentioned that this had been done in the past, but efforts have not been made to continue the practice.[12]

While there is strong support for the inclusivity and cooperative format of the OGP Club, most interviewed OGP Club attendees have begun experiencing fatigue as they are losing faith that meaningful measures will be taken regarding open government, and one CSO representative told the researcher that the general feeling is one of "learned helplessness."[13] At a focus group discussion in December 2017, seven CSO members actively involved with OGP described frustration with the low level of completion for commitments in the current, and previous, action plans. Participants cited the fact that they have made recommendations repeatedly that have not been addressed by the government.

In November 2017, an additional permanent dialogue mechanism (PDM) was established in the form of an OGP Steering Committee, comprising seven representatives from different government institutions, and seven members from different civil society organizations. There has been some confusion around the creation of the new steering committee. During the

focus group discussion carried out by the IRM researcher and IRM staff, as well as during government interviews, it was apparent that all involved parties are unclear on the precise role of the new forum. Both government members and CSOs interviewed believe the interest in installing a PDM originated from a few civil society members, but the way it will add value to, and differ from, the OGP Club is not yet decided. All parties interviewed from civil society and government expressed strong support for continuing regular OGP Club meetings.[14]

Due to the confusion around the purpose and intent of the new PDM, the Government ultimately determined the composition of the steering committee, as discussed with the OGP Support Unit, to proceed with its establishment. The government selected the initial members from both government and civil society. Many of the usual civil society actors in OGP were contacted by the government and invited to apply for the new Steering Committee (PDM), but were unaware of the committee's purpose and did not apply. The civil society organizations selected for membership were chosen by the government from a poll of 27 interested candidates and appointed in November 2017. There are two CSO participants that represent a sub-national entity, one from the City of Timisoara and the other from the City of Cluj, which is a change from the typical practice of focusing on national-level organizations.[15] The OGP government coordinators interviewed expressed that they wanted CSOs to take ownership of selecting members for representation in the steering committee. Therefore, the seven current CSOs are serving for an interim period of four months (from November 2017 to March 2018), during which time they will devise a selection process and choose permanent representatives for the steering committee.[16] According to the government, a large number of CSOs expressed interest in the selection process of the PDM.

CSOs interviewed during the focus group were of the opinion that the most important stakeholder consultation mechanism remains the OGP Club, and are wary of changing the consultation process to a more formal steering committee given that the current OGP Club is open, diverse, broadly representative and provides a relaxed environment for CSOs to express genuine views openly regarding the OGP process and the action plan. The Romanian Government's opinion is that the multi-stakeholder forum's role extends beyond the functions of the OGP Club in that it is an institutionalized body that is entitled to take action, which increases the accountability of both sides on the co-creation and implementation process.

3.5 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

The government's draft Self-Assessment Report was published online on 5 September 2017 and the final version followed at the end of the month. The document reports on the progress of all commitments but does not offer any details on why most of the commitments are delayed or limited in completion. The evidence presented for the commitments that have some level of completion is sparse, providing a narrative without offering supporting documentation or evidence, such as relevant documents or meeting minutes. However, for public events, such as hackathons, there are press releases and other documents provided on the OGP website. Some stakeholders, such as the Centre for Public Innovation, requested during the public comment period that the government add proof of completion for commitments, or to provide updates on their status accordingly.[17] However, in most cases, this has not been implemented.

The timeline for the self-assessment report's draft and public comment process was published in January 2017. The steps for developing and publishing the mid-term self-assessment report were as follows:

- 1–10 September: development of the draft report in collaboration with institutions and NGOs responsible for the action plan commitments;
- 11–24 September: consultation period and public debate on the draft self-assessment report;
- 30 September: publication of the final version of the report

The timeline was followed, and a public debate was held on 14 September 2017, in the framework of the OGP Club, at the National Library in Bucharest. Several comments were made verbally during the meeting, and most general considerations were related to reassessing the timeline for action plan implementation, as most of the commitments had not started or were delayed. The idea was put forward for creating working groups within OGP in order to identify solutions for the delays, and for increasing the visibility of OGP.[18] Most specific comments were related to commitment 3 - Open Parliament.

Three stakeholders (Center for Public Innovation, Pro Democratia Association Timisoara, and the Ministry of Youth and Sports [MTS]) submitted their feedback in writing, as asked during the public debate. The relevant ministries answered most of the questions raised in those comments.[19]

3.6 Response to Previous IRM Recommendations

Table 3.5: Previous IRM Report Key Recommendations

	Recommendation	Addressed?	Integrated into Next Action Plan?
1	Adopt the next OGP national action plan as a governmental decision (Hotarare de Guvern) rather than a memorandum.	✗	✗
2	To make OGP activities more prominent and create institutional responsibility for their progress, advise that all public ministries assign one single individual/compartment/unit with the task to handle issues related to OGP, the National Anti-Corruption Strategy (SNA), and the Internal Management Control System (SCMI), which are all related and deal with transparency, openness, and integrity.	✔	✔
3	Expand the institutional capacity of the Department for Online Services and Design (DSOD) and help focus and intensify the leadership process of the DSOD/Chancellery of the Prime Minister (CPM) in the next action plan.	✔	✔
4	Create a government portal—or add a link to (transparenta.gov.ro)—where citizens can find all the legislation undergoing public consultations. A single portal should provide the ability to send comments directly to the relevant ministry or agency overseeing the public consultation.	✔	✔
5	The next national action plan could include requirements that all 42 prefectures in Romania publish open data on the government portal (data.gov.ro).	✔	✗

Of the five recommendations in the previous IRM Progress Report, the government addressed four and integrated them in this third action plan. The first recommendation was neither addressed nor integrated as a commitment. Regarding the first recommendation, the researcher interviewed both the government coordinators for OGP and civil society groups involved in developing the action plan, and found both sides were in agreement that a memorandum was sufficient. All interviewed stakeholders felt that carrying out OGP through a legal mandate would not improve implementation. They agreed that implementing officials' motivation and the availability of resources are the primary factors determining whether or not commitments are completed, and a law would still be insufficient to guarantee allocation of resources or better implementation.

The second recommendation aims to make the OGP/SNA actions more prominent and extend institutional responsibility by raising the number of responsible persons designated within institutions. This issue has been taken up by a team from the Ministry of Civic Participation and Social Dialogue (MCPDS), who are working with the SNA team from the Ministry of Regional Development, Public Administration, and European Funds to carry out a series of pilot projects to increase accountability in OGP by increasing the number of responsible OGP contact points across institutions.

The third recommendation was mainly addressed through Commitment 9 in the third action plan: Open Governance at local level. One OGP Club meeting was held in Timisoara, while the OGP Club meeting from 20 June 2017, was dedicated to this subject.[20] The self-assessment mentions that "these will be the starting point for increasing the number of local OGP contact points, as well as training of public servants and public awareness-raising."

The fourth recommendation was addressed as the Ministry for Public Consultation and Social Dialogue was assigned attributions in this field and has developed a guide on transparency and efficiency in the public consultation process, including the standardization of the public consultation procedure. A section of this guide to the public consultation process was dedicated to improving citizen access to the decision-making process. More importantly, a number of commitments in the third action plan were a direct response to this recommendation, for example Commitments 5 and 8.

Regarding the fifth recommendation, prescriptions for open data provision in all 42 prefectures in Romania was addressed in the subnational open government commitment (Commitment 9), as well as the open data quality and quantity commitment (Commitment 18). The former commitment seeks to expand open government practices at the local level, which includes opening access to locally held data, while the latter commitment aims to increase the amount and quality of data that is published on Romania's open data portal (data.gov.ro).

---

[1] Codru Vrabie of Funky Citizens, interview by IRM researcher, November 2017, Bucharest.
[2] General Secretariat, http://sgg.gov.ro/new/despre-institutie/organizare/
[3] https://ec.europa.eu/home-affairs/sites/homeaffairs/files/20170928_study_on_healthcare_corruption_en.pdf page 92-93
[4] The member institutions include: Government: Ministry of External Affairs, Ministry of Communications and Information Society, Ministry of Public Consultation and Social Dialogue (former Ministry of Public Consultation and Civic Dialogue), Ministry of Regional Development, Public Administration and European Funds (former Ministry of Regional Development and Public Administration), Ministry of Public Finances, Ministry of Justice and the General Secretariat of the Government. Civil Society: Association for Assistance and Program for Sustainable Development, Pro-Democracy Association, Smart City Timisoara Association, Association for Electronic Industry and Software – Transylvania Branch, Romanian Chamber of Commerce and Industry, Greenpeace Foundation, Institute for Public Policy.
[5] Chancellery of the Prime Minister, Secretariat General of the Government, Ministry of Regional Development, Public Administration and European Funds (MDRAPFE) - former Ministry of Regional Development and Public Administration, Ministry for Public Consultation and Social Dialogue (MCPDS), Department for Liaison with the Parliament, Ministry of Justice (MJ) – National Citizenship Agency (ANC) and National Agency for the

Management of Seized Assets (ANABI), Ministry of Internal Affairs (MAI) – Police General Inspectorate (IGPR) and Immigration General Inspectorate (IGI), Ministry for Foreign Affairs (MAE) – diplomatic missions, Ministry of Public Finance, Ministry of Youth and Sport (MTS), County Councils, National Agency for Fiscal Administration, The National Agency of Civil Servants, Al. I. Cuza Police Academy, Ministry of Culture, and Public cultural institutions subordinate to the Ministry of Culture, the National Archives, Ministry of National Education (MEN), Subordinate agencies of MEN (ARACIS, ARACIP, UEFISCDI, UTIE), Schools inspectorates, National Centre for Assessment and Examination, Education Sciences Institute, National Agency for Public Procurement (ANAP), Digital Agenda Agency (AADR).

[6] National Institute of Magistracy, University of Bucharest – Faculty of Philosophy

[7] Chancellery of the Prime Minister, Secretariat General of the Government, Ministry of Regional Development, Ministry for Public Consultation and Social Dialogue (MCPDS), Ministry of Justice (MJ) – National Citizenship Agency (ANC) and National Agency for the Management of Seized Assets (ANABI), Ministry of Public Finance, Ministry of Youth and Sport (MTS), Ministry of Culture, Ministry of National Education (MEN),, National Agency for Public Procurement (ANAP), Digital Agenda Agency (AADR)

[8] Open Government Week 2016, http://ogp.gov.ro/open-gov-week/

[9] Archive of all OGP Club meeting attendance and notes, http://ogp.gov.ro/club-ogp/arhiva/

[10] IAP2's Public Participation Spectrum, http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

[11] OGP Club official webpage, past meeting notes, http://ogp.gov.ro/club-ogp/arhiva/

[12] OGP Club Meeting Notes, http://ogp.gov.ro/wp-content/uploads/2015/01/Rezumat-Club-OGP-14-sept-2017.pdf

[13] Codru Vrabie of Funky Citizens, interview by IRM researcher, November 2017, Bucharest.

[14] Angela Benga and Larisa Panait of the Office of the General Secretariat, Directorate for Information Technology, interview by IRM staff, 5 December 2017, Bucharest, and focus group with civil society members held by IRM researcher and IRM staff, 7 December 2017, Bucharest.

[15] Romanian Government, http://ogp.gov.ro/comitetul-national-de-coordonare/

[16] Angela Benga and Larisa Panait of the Office of the General Secretariat, Directorate for Information Technology, interview by IRM staff, 5 December 2017, Bucharest. a

[17] Comentarii Centrul pentru Inovare Publica / Comments received during consultation from the Centre for Public Innovation (in Romanian), http://ogp.gov.ro/rapoarte/

[18] Self-assessment meeting, http://ogp.gov.ro/wp-content/uploads/2015/01/Rezumat-Club-OGP-14-sept-2017.pdf

[19] Romanian Government, http://ogp.gov.ro/rapoarte/

[20] Notes from the meeting, http://ogp.gov.ro/wp-content/uploads/2015/01/Rezumat-Club-OGP-20-iunie-2017.pdf

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.[1]

What Makes a Good Commitment?

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyzes the first year of their implementation.

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity:** This variable assesses the level of specificity and measurability of each commitment. The options are:
  - High: Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective.
  - Medium: Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective.
  - Low: Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be.
  - None: Commitment language contains no measurable activity, deliverables, or milestones.
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
  - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
  - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
  - Public Accountability: Will the government create or improve opportunities to hold officials answerable for their actions?
  - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?[2]
- **Potential impact:** This variable assesses the potential impact of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.

Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- Starred commitments will have "medium" or "high" specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.
- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a "transformative" potential impact if completely implemented.[3]
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Based on these criteria, Romania's action plan contained one starred commitment, namely:
- Commitment 4: Improve citizenship application process

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Romania and all OGP-participating countries, see the OGP Explorer.[4]

General Overview of the Commitments
Romania's action plan focused on key areas for reform such as open contracting, fighting corruption, improving FOI implementation and increasing public engagement. While the action plan addressed these pressing issues, many commitments did not go far enough to propose ambitious reforms and would have been improved by explaining in more specific terms how they would reach their goals and produce results.

Themes
The 2016–2018 action plan focused on eight key areas: Access to Information, Civic Participation, Subnational, Anti-Corruption Measures, Culture, Education, Open Contracting, Open Data.

---

[1] Open Government Partnership: Articles of Governance, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf
2 IRM Procedures Manual. Available at: https://www.opengovpartnership.org/sites/default/files/IRM-Procedures-Manual-v4_Sept2017.docx
3 The International Experts Panel changed this criterion in 2015. For more information visit: http://www.opengovpartnership.org/node/5919
4 OGP Explorer: bit.ly/1KE2WlI

1. Improving the legal framework and practices regarding access to public interest information

Commitment Text:
MCPDC will continue to develop the standards included in the Memorandum and will monitor their implementation. Concurrently, the Ministry will harmonize practices in the field of access to public information, for both the legal framework and its implementation. The standards will be developed following interaction with the public authorities and the nongovernmental sector, drawing from the experience gained in practice. Actions to improve the professionalism of those involved in managing public interest information will also be taken.

Main Objective:
-Increase transparency in the public sector by publishing extensive public interest information; Improve the institutional capacity to effectively implement the law on access to public interest information.
-Creation of a minimal standard, for both citizens and public authorities, regarding the way public information is displayed. Reduce the number of access to information requests for information that is already available on the websites of public institutions.
-Improve the process of informing citizens and ensure better information management in public institutions.

Editorial Note: The commitment text has been abridged. To see incremental milestones for this commitment, please see full text in the 2016-18 National Action Plan.

Milestones:
1.1. Monitor the implementation of the Memorandum's provisions in all institutions of the executive (over 1800 institutions)
1.2. Identify the conflicts existing in the current legal framework related to access to information and harmonize the legislation (changing of norms, regulations, decisions)
1.3. Develop standards regarding the quality of information provided to citizens and disseminate them, as well as the changes occurred in the legal framework, to central and local public authorities
1.4. Improve transparency in communication between citizens requesting information and public authorities by developing a platform on the model of AskTheEU
1.5 Training sessions for the staff in charge with implementing Law 544/2001 on access to public interest information
1.6 Create maps of good practices in displaying public interest information
1.7 Initiate a national competition for good practices, in order to advance progress in this field, with awards consisting in assistance in the implementation of the new measures.

Responsible Institution(s): Ministry for Public Consultation and Civic Dialogue (MCPDC)[1]

Supporting Institution(s): Chancellery of the Prime-Minister (CPM), Ministry of Regional Development and Public Administration (MDRAP)

Start date: August 2016   **End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
1. Improve legal framework for public interest information disclosure				✔	✔						✔		No		✔		

Context and Objectives

This commitment aims to improve the implementation of a 2001 law[2] that sets a requirement for the government to publish public interest data. It was developed after the Ministry of Public Consultation and Civic Dialog completed an analysis revealing the need to standardize the format and regular release of information. The Government approved a Memorandum titled "Improving Transparency Standardization of Public Interest Information," and consulted civil society stakeholders to determine priority areas to increase or improve automatic disclosure. Key issues addressed in the Memorandum include ensuring that public interest information required for disclosure by law is published in a standardized format, and that data collection processes are standardized across government institutions.

As written, this commitment would analyze where the current legal framework needs to be strengthened to guarantee proactive publishing, and would implement new regulations, training for officials, a platform for citizens to request information, and competitions to identify and reward good practices. It also aims to reduce the number of access to information (FOI) requests for information already available on public institutions' websites. If fully implemented as written, this commitment could have a moderate impact on improving access to information because it would develop the institutional capacity needed to more fully implement current FOIA laws, and improve the quality and accessibility of government data. A private sector representative has expressed the need for ensuring that data collected by various agencies follows the same rigorous quality control processes, and is in an interoperable format so that researchers and businesses analysts can conduct accurate studies using government data.[3]

It is important to mention that the first milestones were finalized before the action plan was adopted,[4] and the remaining activities were completed within a few months, by December 31, 2016. CSOs were not engaged in the process.

Completion

Overall, the beneficiaries that were interviewed agree that access to public information, at the national level, has improved in recent years, but at the local level much more work needs to be done, because local officials often lose requests, fail to answer FOIA (requests under Law 544/2001) or provide outdated information on their websites.

1.1. Monitor the implementation of the Memorandum's provisions in all institutions of the executive
The first milestone was almost complete in August 2016 before the action plan was finalized. Twenty public interest information items for each local and national public entity (budget, salaries, procurement plans, contracts and contract implementation, the agenda of the head of the institution etc.) were verified by the Ministry of Public Consultation and Civic

Dialogue's staff.[5] As of 2016, 94 percent, or 1,700 of the 1,800 institutions stipulated in the commitment text have been monitored. Monitoring will be done periodically, according to the General Secretariat of the Government (GSG) and the Ministry of Public Consultation and Social Dialogue. However, at the end of December 2017, the latest published data was from August 2016.[6]

1.2. Identify the conflicts existing in the current legal framework related to access to information and harmonize the legislation
The second activity was due in October 2016, and it was completed on time. Its aim was to identify conflicts in the current legal framework related to access to information and to harmonize the legislation (changing norms, regulations, decisions). Consultations and debates were held for six months, after which the rules for the application of Romania's law on access to information were amended on 6 July 2016 through Government Decision no.123/2006.[7] The changes brought some standardization and digitalization improvements to the FOI process.[8] However, even though consultations showed that most problems derive from weaknesses in the law itself and not its secondary legislation, the decision was to only harmonize the secondary legislation.[9]

1.3. Develop standards regarding the quality of information provided to citizens and disseminate them, as well as the changes occurred in the legal framework, to central and local public authorities
The third milestone was completed on time. As a result, a "Practical guide for sustainable measures to promote local governance based on transparency and integrity" was published and disseminated to 4,000 local public authorities, with the help of the Embassy of the Netherlands. The guide is available online on the Ministry of Public Consultation and Social Dialogue's website.[10]

1.5 Training sessions for the staff in charge with implementing Law 544/2001 on access to public interest information
The fifth milestone was delayed from August 2017 and as of December 2017, the milestone remains incomplete. The MCPDC organized the first training session in November 2017 as part of the EU-funded project SIPOCA 35—"Transparent and participative governance—standardization, harmonization, improved dialogue."[11] This meeting was specifically for representatives of all ministries charged with enforcing law no.544/2001. The meeting participants expressed intent for regular trimester trainings in 2018; questionnaires were administered with the intent to draw current statistical information (i.e. total number of requests, percentage of delayed answers, number of judicial actions for delayed actions, etc). This project has already secured full funding, and is expected to conclude in 2018.

Milestones 1.4, 1.6, and 1.7 are delayed and have not been started yet.

Early Results (if any)
The implementation of activities under this commitment have brought a few verifiable changes in the government practice. First, by changing the implementation rules to encourage digitalization, citizens are now able to receive government responses to their FOI request via email, and a standardized cost structure for copying requested documents was implemented, eliminating unregulated and sometimes prohibitive costs for receiving hard-copy information. The payment system was also digitized and updated, enabling point of sale (POS) electronic payment for FOI fees. In addition, the new regulations passed through this commitment have specified clear timeframes for answering information requests. Further, April was set as the deadline for each public institution to publish its annual FOIA report.[12]

Harmonization of the legal framework has increased visibility of FOI and resulted in public awareness campaigns whereby civil servants explain the access to information law

(544/2001) to citizens.[13] Additionally, a guide was developed for using public institutions' websites and submitting requests in Romania (second quarter of 2017).

However, in practice, both stakeholders and the IRM researcher note that the newly clarified timeframes for receiving responses are not equally observed across all ministries. The IRM researcher submitted such a request to the Ministry of Health, which redirected the request to one of its agencies, which did not respond. The practice of continually transferring the responsibilities of responding to a FOI request to subordinate agencies on or just before the deadline, or providing only generalized information in reply, is still a challenge for the full realization of the right to information. The MCPDC found, in the case of ministries, a constant evolution of conformity with the provisions of the Memorandum/increase of transparency results: as of 6 December 2017, the conformity degree determined overall was 87.8 percent. Such results, combined with the statistics drawn from the questionnaires (i.e., the number of judicial actions for delayed responses/non-responses is insignificant compared with the number of total requests), indicate that increasing the capacity of public authorities should be the focus in order to expand the training sessions at all levels, as the legal framework should also be amended to facilitate the uniformity of standards.

Next Steps
Law 544/2001 is the main freedom of information law ensuring the general public's access to government information, and its implementation remains vital for ensuring appropriate disclosure and transparency. Ensuring that the FOI law itself is improved, and not just its ancillary regulations, should be addressed in the next OGP action plan. For example, this could look like including a monitoring mechanism to ensure all Ministries, Departments and Agencies (MDAs) disclose information in accordance with the law, that would include penalties for noncompliance. Monitoring and evaluation must be carried forward, ensuring that Law 544/2001 is properly implemented at central and local level. Subordinate agencies, and local county governments, often lack the resources to respond in a timely way, or lack properly trained press or information officers able to answer requests. Therefore, the next action plan could focus on establishing an appeals mechanism to decrease the number of requests that remain unanswered. The researcher recommends requiring at least one press officer in all local level administrations in charge of responding to FOI requests, or offering training to existing information officials at the local level responsible for handling information requests. Moreover, to reduce the number of requests and meet automatic disclosure standards, all county councils' meetings and decisions from proceedings should be published online, with annual spending reports, budgets, and decisions.

---

[1] In 2017, this was renamed as the Ministry for Public Consultation and Social Dialogue (MCPDS).
[2] Law No. 544/2001.
[3] Dragos Anastasiu, President of AHK Romania (the German-Romanian Chamber of Industry and Commerce), interview by IRM researcher, 6 December 2017.
[4] As described in the self-assessment report, with public comments, http://ogp.gov.ro/rapoarte/
[5] The centralized data for 10 August 2016, https://goo.gl/MqEUj8
[6] Latest published data, http://data.gov.ro/dataset/acces-la-informatii-memorandum-crestere-transparenta
[7] The details of the process can be found at, https://goo.gl/3jQVB9
[8] The updated rules, http://legislatie.just.ro/Public/DetaliiDocumentAfis/179996
[9] Harmonizing the legislation, https://goo.gl/3jQVB9, part II, min 13:00
[10] The guide is online on the Ministry of Public Consultation and Social Dialogue's webpage, http://dialogsocial.gov.ro/wp-content/uploads/2016/12/V8-Ghid-practic.pdf
[11] Project timelines and details are on the Ministry of Public Consultation and Social Dialogue site, http://dialogsocial.gov.ro/proiect-sipoca-35/
[12] Details on how the legal framework was improved, http://dialogsocial.gov.ro/imbunatatirea-cadrului-legal/
[13] "Your right to know" campaign, http://dialogsocial.gov.ro/2016/08/echipa-mcpdc-lanseaza-campania-dreptul-tau-de-a-sti/

2. Centralized publishing of public interest information on the single gateway transparenta.gov.ro

Commitment Text:
To facilitate the access of citizens and assist public institutions, an online platform will be developed for the centralisation of information that is subject to Law no.544/2001 on the free access to public interest information.
Following the standardization process and the harmonization of legislation, the pre-requisites for centralized publishing will be achieved.
The MCPDC will provide methodological assistance based on its activity and experience, while the Chancellery of the Prime-Minister will develop the platform.
The commitment will result in the implementation of a tool to manage the flow and to improve communication of public interest information.

Main Objective:
Facilitate the public's access to information of public interest by collecting and publishing it on a single government gateway.

Editorial Note: The commitment text has been abridged. To see incremental milestones for this commitment, please see full text in the 2016–18 National Action Plan.

Milestones:
1.1. Establish the platform's functionalities
1.2. Development of the portal transparenta.gov.ro
1.3 Pilot testing on a representative sample of central and local public institutions and authorities
1.4 Drafting and publishing a Guide on the use of the portal
1.5 Attract a significant number of central and local authorities to publish on the platform

Responsible Institution: Secretariat General of the Government (SGG)/Chancellery of the Prime Minister[1]

Supporting Institution(s): Ministry for Public Consultation and Civic Dialogue (MCPDC)[2], Ministry for Regional Development and Public Administration (MDRAP)[3], NGOs with relevant experience and work in this field

Start date: August 2016   **End date:** June 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
2. Publish Public Interest Information on a single gateway		✔			✔					✔			No	✔			

Context and Objectives

This commitment aims to provide government information on a single web platform to improve transparency. However, the commitment is formulated with low specificity about what information will be included. For example, the first milestone activity is to determine what information should be disclosed on the platform. Though commitment was included in the previous national action plan, it was not completed and added to the current action plan before it had established a clear objective and parameters for the type and format of information to be disclosed.[4] In addition, concrete details such as how monitoring and evaluation would be carried out to assess the usability and value of the platform are lacking. For this reason, the commitment has only a minor potential impact because it is not clear how information access will be improved. A more central issue with this commitment is the fact that there are numerous government and non-government portals for publishing and providing access to information as required under Law 544/2001. These portals are not linked or connected, and the commitment should be explicit that the purpose of the portal is to aggregate and link information that is already available online and make it easier to use.

Although information subject to compulsory disclosure may be accessed on the websites of public institutions, there are major drawbacks. The latest Open Data Index shows that Romania has relatively high transparency around national government budgets, national laws and draft legislation, but that information around land ownership, government spending and company registers is largely opaque.[5] The format for providing information is not standardized across institutions, and there is a lack of clear internal procedures to identify which types of information qualify for "open by default" publishing. The ministries' different approaches to publishing these documents results in different information being displayed, in incompatible formats, that cannot be easily exported to the single gateway.

A similar commitment was first included in the 2014–2016 action plan, however, due to the lack of a clear legal framework and of uniform procedures within public institutions, it was not completed. In the current action plan, the development of the platform will be managed under the SIPOCA 35 project, funded by the EU, and a budget of 30,000 euros has been allocated for the platform's implementation.

Completion

The commitment is delayed and none of the five milestones have been started.

Early Results (if any)

The commitment has not been started, and governmental and non-governmental sources mentioned that funding allocated within the SIPOCA 35 project is insufficient for implementing the project.

Next Steps

Opinions from the focus group and stakeholder interviews indicate that CSOs are most interested in access to government data in a standardized, open format. It is suggested to apply a more clearly defined methodology for increasing the quality and quantity of open data than what is currently formulated in Commitment 18 to the public information once centralized. This would stipulate how public information is gathered as required under the law, and provide a standard form for information to be organized and shared across MDAs. Common standards should be established through the commitment for: how data is to be collected, what kind of information is required to be disclosed, and the format and procedure for making the information available to the public.

In the future, a better-defined commitment could propose steps to integrate and improve the quality of existing platforms and their data, such as *www.contact.gov.ro, www.consultare.gov.ro, www.transparenta-bugetara.gov.ro*, and others.

---

[1] During the implementation of the action plan, most of the Chancellery of the Prime Minister's responsibilities have been transferred to the General Secretariat of the Government, including OGP-related commitments.

[2] Later renamed as the Ministry for Public Consultation and Social Dialogue (MCPDS).

[3] Later renamed as the Ministry for Regional Development and European Funds.

[4] Codru Vrabie of Funky Citizens, interview by IRM researcher, November 2017.

[5] Global Open Data Index, https://index.okfn.org/place/ro/

3. Promoting Open Parliament principles

Commitment Text:
The government will encourage dialogue between citizens and representatives of the civil society and representatives of the Senate and Chamber of Deputies, in order to adopt policies that ensure the proactive dissemination of information related to the functioning and activity of the institution, including regulations on the format in which the information is made available.

Main Objective:
Increase the transparency of public information and citizens' trust in public institutions. The government will encourage dialogue between citizens and representatives of the civil society and representatives of the Senate and Chamber of Deputies, in order to adopt policies that ensure the proactive dissemination of information related to the functioning and activity of the institution, including regulations on the format in which the information is made available.

Milestones
3.1. Organisation of at least 3 public debates on the Open Parliament subject with all interested stakeholders
3.2. Drafting and proposal of an agreement between Government and Parliament, similar to the "Better Regulation Agenda", existing in the European Union between the European Commission and European Parliament, a document focusing on transparency in the decision-making process and public consultation.

Responsible institution: Chancellery of the Prime Minister/ Secretariat General of the Government (SGG)

Editorial Note: The first meetings were coordinated in 2016 by the Ministry for Public Consultation and Social Dialogue. In May 2017, following talks between the Secretariat General of the Government (SGG) and the Ministry for Public Consultation and Social Dialogue, it was jointly agreed that the lead agency for the implementation of this commitment would change to SGG.

Supporting institution(s): Department for Liaison with the Parliament, Ministry for Public Consultation and Social Dialogue (MCPDS),
Non-government: Fundatia Median Research Centre, National Democratic Institute – Romania, Institutul pentru Politici Publice (IPP), Smart City Association – ASC

Start date: September 2016   **End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
3. Promote Open Parliament Principles		✔				✔				✔			No	✔			

Context and Objectives

According to the fall Standard Eurobarometer of the European Commission, only 18 percent of Romanians have trust in the Chamber of Deputies.[1] Moreover, Romania is still ranked in the category of partly free democracies, according to The Economist Intelligence Unit's Democracy Index 2017. This new commitment aims to improve citizens' trust in Parliament. It proposes to have three public debates about open parliament, after which a draft proposal will be developed, outlining an agreement between the Executive and Parliament to focus on transparency in the public consultation and decision-making process. The proposal will be modeled on the "Better Regulation Agenda" used in the European Union between the European Commission and European Parliament. While the topic is relevant to civic participation, the expected potential impact of this commitment is minor because the steps outlined do not have clear objectives or target outcomes. The commitment does not explain how public debates will be used to effect change in government practice, nor what specifically the Romanian government will implement to model the EU's "Better Regulation Agenda."

Completion

None of the milestones have been started. The Government cited the December 2016 parliamentary elections as the reason for the delay.

Early Results (if any)

There are no early results as this commitment has not been started.

Next Steps

This commitment should be carried forward and altered to include more clear, measurable objectives that follow the Parliamentary Engagement Policy Guidance (2017) of OGP.[2] To ensure the debates are an effective tool they should include a broad range of civil society voices, be broadcasted live, and require official follow-up so that questions and proposals are addressed.

While activities in this commitment are not very ambitious, holding debates about Open Parliament is a step in the right direction toward building trust in government. During an OGP Club meeting in September 2017[3] this commitment was discussed, and CSOs recommended that an official letter requesting parliament to adopt the principles should be sent to decision makers in the Standing Bureaus.[4] In addition, opposition parties could be more integrated into the discussion of open parliament principles to bring more diversity to the debate.

---

[1] The report can be consulted at,
http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2016/yearTo/2017/surveyKy/2143
[2] Parliamentary Engagement Policy Guidance, https://www.opengovpartnership.org/resources/parliamentary-engagement-policy-guidance-2017
[3] OGP Club, http://ogp.gov.ro/wp-content/uploads/2015/01/Rezumat-Club-OGP-14-sept-2017.pdf
[4] Structural breakdown of standing bureau membership, http://www.cdep.ro/pls/parlam/structura.bp?poz=1 and https://www.senat.ro/ComponentaComisii.aspx?Zi=&ComisieID=d116fa54-aa63-42fc-a172-dbecc0988b64

4. Improved management of the applications submitted for granting citizenship

Commitment Text:

The commitment regards the development of a computerised system that will give applicants access to information about the status of their application file, as well as the dates set for the oath of loyalty.

The information system ROCRIS, dedicated to the Romanian criminal records and launched in 2013, will be used by the ANC to check the situation of the applicants.
In addition, statistics regarding the number of accepted citizenship applicants will be uploaded on the open data portal data.gov.ro.

Main Objective:

Increase transparency and institutional efficiency. The commitment regards the development of a computerised system that will give applicants access to information about the status of their application file, as well as the dates set for the oath of loyalty. The information system ROCRIS, dedicated to the Romanian criminal records and launched in 2013, will be used by the ANC to check the situation of the applicants. In addition, statistics regarding the number of accepted citizenship applicants will be uploaded on the open data portal data.gov.ro.

Milestones:

4.1 Consultations between the government institutions involved (ANC, IGPR, IGI, MAE) and NGOs to understand and assess the needs of public servants working on this matter and the needs of citizenship applicants
4.2 Online programming for the submission of files at each regional office and at the central office in Bucharest
4.3 Use of the ROCRIS information system, dedicated to the criminal records, to check the status of the applicants
4.4 Implementation of the application "Stadiu dosar" (File Status), that will inform the applicants on the status of their file, the phases and the periods allowed for solving the submissions.
4.5 Development, within the technical specifications of the online platform, of a module that will allow the collection, anonymisation and upload of data to the open data portal.

Responsible Institution: Ministry of Justice (MJ) – National Citizenship Agency (ANC)

Supporting Institution(s): Ministry of Internal Affairs (MAI) – Police General Inspectorate (IGPR) and Immigration General Inspectorate (IGI) Ministry for Foreign Affairs (MAE) – diplomatic missions

Start date: September 2016   **End date:** December 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
✪ 4. Improve Citizenship Application Process				✔	✔	✔		✔				✔	Yes				✔

Context and Objectives

This commitment seeks to address problems in Government service delivery for citizenship applicants. In March 2016, a report of the Control Body of the Prime Minister found extended delays in processing and solving citizenship applications in a large number of cases. While the legal period should not be more than five months, during 2013-2015, the average was between 10 and 18 months.[1] One of the biggest problems this commitment seeks to remedy is citizens' limited ability to track the progress of their citizenship application file. This issue finds its roots in applicants not being provided a file registration number, especially those submitting the application at diplomatic missions or consular posts abroad. In such cases, service delivery is disrupted because applicants receive a foreign registration number which is different from the one that will eventually be assigned at the domestic agency's office.

This commitment's implementation has relevance in access to information, as citizenship application data will be periodically published on data.gov.ro, and civic participation, as the commitment includes steps to develop solutions through public consultation with stakeholders. This commitment intends to use digital tools to improve the process of granting citizenship. It has a transformative potential impact, because it would address a government service delivery gap through identifying the issues and proposed solutions with those affected, and would open new data about citizenship application statistics, transforming this sector. This represents an increase in transparency and participation, through installing new digital tools that directly address the problem identified.

Completion

This commitment has been completed on time.

4.1 Consultations between the government institutions involved (ANC, IGPR, IGI, MAE) and NGOs to assess the needs of public servants and citizenship applicants
The first step, to hold consultations between the government institutions involved (ANC, IGPR, IGI, MAE) and NGOs to assess the changes needed, was due in September 2016, and it was completed during the design phase of the action plan. Ovidiu Voicu, from the Centre for Public Innovation, considers that the consultation process for the first milestone (which took place before the action plan was finalized) led to a good understanding of the importance of the commitment, and the proper implementation by the National Citizenship Agency.

4.2 Online programming for the submission files at regional offices and the central Bucharest office, and *4.3 Use of the ROCRIS information system, dedicated to criminal records, to check the status of the applicants*
The second activity focused on developing online programming to allow citizens to submit application files at each regional office and at the central office in Bucharest. The third milestone was related, and specified that the ROCRIS information system, dedicated to searching criminal records, would be integrated with the new online citizenship application system to verify the status of applicants. Both steps were completed on time. The online programming and the "Stadiu Dosar" (file status) service are functional, and all citizenship applicants have access to them.[2]

The ANC can access The Romanian Criminal Records Information System (ROCRIS) database as of late 2016, and citizenship applicants no longer need to separately obtain and bring their criminal record to apply for citizenship.

4.4 Implementation of the application "Stadiu dosar" (File Status), that will inform the applicants on the status of their file, the phases and the periods allowed for solving the submissions
The fourth milestone is also complete and citizenship applicants are able to check the real-time status of their file[3] on the ANC website. Under the File Status menu, a submenu was

introduced that contains the lists for all diplomatic missions of Romania, with the registration numbers and submission dates for the citizenship files submitted, as well as the ANC registration number for each file.

4.5 Development of a module that will allow the collection, anonymization and upload of data to the open data portal

The fifth milestone, to develop technical specifications of the online platform, including a module that will allow the collection, anonymization, and upload of data to the open data portal, was completed on time. The data is collected and should be updated every three months. The most recent dataset (in December 2017) was from July 2017. The data is uploaded manually on the open data portal by the representatives of the ANC.

Early Results (if any)

According to the 2016 annual report of the ANC[4], a series of actions were taken to improve ANC's efficiency and transparency, among which are: Online programming for the submission of files (E-ticketing system), the online programming "Stadiu Dosar" service is functional, and the ANC can access the ROCRIS database. As a result, from late 2016, citizenship solicitors are not required to bring in criminal records. Moreover, the consultations held in 2016 with relevant stakeholders, were a key instrument for understanding the problem and finding proper solutions.

Next Steps

This commitment is complete and has achieved its objectives. Stakeholders interviewed had no further recommendations. To ensure the positive changes stay in place, the portal should be maintained by ANC and they should continue to collect, anonymize and upload data to the open data portal at regular intervals.

---

[1] Media Fax, http://www.mediafax.ro/social/ministerul-justitiei-nereguli-de-legalitate-la-autoritatea-nationala-pentru-cetatenie-15096241

[2] ANC's website, http://cetatenie.just.ro/

[3] ANC, http://cetatenie.just.ro/index.php/ro/centru-de-presa-2/nr-dosar-consulat-anc

[4] The report can be consulted at http://cetatenie.just.ro/images/BILANT_2016.pdf

5. Standardization of transparency practices in the decision-making procedures

Commitment Text:
Transparency of the decision-making process in public administration is regulated by Law no.52/2003, one of the most modern laws in the field. However, the act is not put to the best use for the potential to implement democratic, participatory, sustainable, efficient and representative decision-making processes.

As current practices still reveal lacks in the activity of public authorities to ensure a representative / participatory decision-making process, following an extensive research on the implementation of legal provisions, the Ministry has developed a Guide for the experts in the public system that, through their work, create a link between citizens and government. In this respect, MCPDC has set up an inter-ministerial working group with representatives of central authorities. Its sessions led to the conclusion that an amendment of the law is not needed. However, it is necessary that:
- there is a uniform interpretation of the law in public consultation processes;
- the practice should be extended to the good practices recommendations.
MCPDC will first identify all the deficiencies existing in the implementation of Law no.52/2003, drafting instruments to standardize practices in this field and increase the importance of civil society engagement in the decision-making process.

Main Objective:
Public integrity; Legislative and normative coherence; Accountability of public authorities

Milestones:
5.1 Identify deficiencies in public consultation processes at public authorities level
5.2 Drafting support documents for the standardization of practices in the implementation of legislation on the public consultation process
5.3 Organise training sessions, based on the support documents, with the public servants in charge with the public consultation process
5.4 Provide technical assistance to central institutions in public consultation practices

Editorial Note: The commitment text has been abridged. To see incremental milestones for this commitment, please see full text in the 2016–18 National Action Plan.

Responsible Institution(s): Ministry for Public Consultation and Civic Dialogue (MCPDC)

Supporting Institution(s): Ministry of Regional Development and Public Administration; Ministry of Justice; Academia de Advocacy; NGOs: Asociația Impreun pentru Dezvoltarea, Comunitii – AIDC, CMPP - Centrul pentru Monitorizarea Politicilor Publice , Federatia Organizatiilor Neguvernamentale pentru Servicii Sociale (FONSS), Fundatia pentru Dezvoltarea Sociatii Civile, Romanian Youth Movement for Democracy, Associations of public servants

Start date: August 2016   **End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
5. Standardize transparency in the decision-making process			✔			✔				✔			No			✔	

Context and Objectives

This commitment aims to improve the implementation of Law no.52/2003[1] which governs disclosure requirements and civic consultation activities in the government decision-making process. This law requires all government institutions initiating a normative act to publish a draft law proposal for public comment at least 30 days before adoption. In addition, public institutions must organize a public debate if one is formally requested by a legally established organization. Although the law was enacted, it has seen uneven or limited implementation to effectively improve efficient and representative decision-making procedures as envisioned in the spirit of the law.

In 2016, the Ministry of Public Consultation and Civic Dialogue conducted research on the implementation of the legal provisions, and created an inter-ministerial working group with representatives of central authorities. The working group concluded that it is necessary to have a standardized interpretation of the law in public consultation processes and developed recommendations for good practices. These were published in a guide for public administrators on how to create a link between citizens and government.[2] These steps were carried out prior to publishing the OGP action plan and established the context for this commitment, though they are also included as the first two milestone activities.
If fully implemented, this commitment could have a minor potential impact, as it is limited in scope, offering guidelines and training to public servants to better implement public participation requirements. In addition, neither a monitoring and evaluation process, nor an enforcement mechanism to ensure authorities are complying with transparency standards, are part of this commitment.

Completion
Substantial
This commitment is substantially complete, though the first two milestone activities were carried out prior to the publication of the national action plan.

5.1 Identify deficiencies in public consultation processes at public authorities' level
The first milestone to identify issues in current public consultation processes and develop supporting materials was completed in 2016. Civil society was only consulted in a limited way during the implementation of this activity. In an online survey from December 2017, Iulia Tutuianu from the Civil Society Development Foundation mentioned that "after the consultations regarding the transparency process improvement, follow-up was non-existent, and the only output was a report of the meeting." The Practical Guidelines for the implementation of Law no.52/2003 on the transparency of the decision-making process in public administration was published on 2 June 2016[3]. The document offers standard formats and recommendations for all public administrators on how to follow each step included in

the provisions of Law no.52/2003, with the purpose of establishing efficiency standards in the public system for the adoption of legislation. The guidelines are available online.

5.2 Drafting support documents for the standardization of practices in the implementation of legislation on the public consultation process
The second milestone has been implemented. The guide *Efficient Public Consultation in the Central and Local Administration – for the implementation of Law no.52/2003* was created with the help of the Ministry for Regional Development, Public Administration and European Funds, and disseminated to the local public authorities by the same ministry. However, this guide was published two months before[4] the OGP action plan was adopted.

5.3 Organize training sessions, based on the support documents, with the public servants in charge of the public consultation process
In November 2017, the MCPDC organized a first training session specifically for representatives of all ministries charged with enforcing law no. 52/2003.

The participants expressed a desire for regular trainings in 2018. Also, the MCPDC administered questionnaires to draw current statistical information (i.e., the total number of regulation projects initiated, the total number of public consultation procedures, the number of participants/received recommendations and comments, the percentage of accepted changes to the projects, the number of judicial actions for lack of conformity). The overall conclusion was that training meetings and exchange of good practices are needed, as the representatives of civil society (citizens and/organizations) increasingly use this legal instrument, follow the decision-making processes, and use their rights to evaluate/interact in these processes.

5.4 Provide technical assistance to central institutions in public consultation practices
The fourth activity is ongoing but has seen limited completion. As of December 2017, technical assistance has only been carried out in the Ministry of Tourism for its regional public consultations on the Tourism Law.[5]

Next Steps
Transparency in the decision-making process is an important issue for Romania and should be carried forward. As written though, this commitment did not propose highly ambitious reforms to improve government transparency in the policy process. Improvement could better be achieved in the next action plan by involving and consulting civil society in developing the new commitment, to ensure current gaps and challenges in monitoring the legislative process are addressed.

During the stakeholder focus group[6], several CSO actors stated that there is a gap between what is "in law" and what happens "in practice", as documents that are in public consultation are published very late on websites, are often difficult to find online, and sometimes misapply the definition of "consultation" to activities that do not constitute actual citizen participation. In addition, the Executive Office's expanded use of emergency ordinances to bypass the traditional participatory law-making procedure is a concerning trend.[7] The researcher recommends hosting public debates and developing specific standards to address this issue through narrowing or restricting the acceptable conditions in which EOs may be issued. Such changes would need adequate enforcement from a non-partisan body.

---

[1] http://legislatie.just.ro/Public/DetaliiDocument/153210
[2] Guidelines for Public Administrators on establishing standards in the system for adopting legislation, https://goo.gl/TzggDP
[3] Ibid.

4 Juridice Flux, https://www.juridice.ro/447374/premiera-ghid-practic-privind-transparenta-decizionala.html
5 Ministry of Public Consultations and Social Dialogue, http://dialogsocial.gov.ro/2017/09/legea-turismului-in-dezbatere-publica-regionala/
6 Civil Society focus group discussion, hosted by IRM researcher and IRM Staff in Bucharest, 7 December 2017.
7 117 Emergency Ordinances were issued in 2017, with 99 in 2016.

6. Centralised publication of legislative projects on the single gateway consultare.gov.ro

Commitment Text:
By developing the online platform consultare.gov.ro, legislative projects of public institutions will be collected on a single gateway, according to the phases of the process: public consultation, institutional opinion, approval and publication of the official form.

Such a gateway would allow citizens to send comments directly to the ministry or agency that is in charge with a particular public consultation.

The portal will also be used for consultation on other matters of public interest and, depending on the result of this process, new legislative documents may be initiated.

Main Objective:
Increasing the transparency of the decision-making process by streamlining access to the legislative projects on debate. Publishing on a single government portal: consultare.gov.ro all legislative projects that are subject to Law no. 52/2003 on the transparency of the decision-making process in public administration.

The portal will allow citizens to send feedback to the ministry or agency that is monitoring the public consultation.

Milestones:
6.1 Establish the platform's functionalities with the methodological assistance of the MCPDC and based on interactions with public authorities and NGOs
6.2 Development of the portal consultare.gov.ro
- needs analysis and development of technical specifications;
- development, configuration and implementation phase
6.3 Launch of the platform and public promotion actions
6.4 Pilot testing on a representative sample of central and local public institutions and authorities
6.5 Drafting and publishing a User Guide for the portal
6.6 Development of a mobile app for the consultation process in central administration

Editorial Note: The commitment text has been abridged. To see incremental milestones for this commitment, please see full text in the 2016–18 National Action Plan.

Responsible Institution: Chancellery of the Prime-Minister, later assumed by the Ministry for Public Consultation and Civic Dialogue (MCPDC)

Supporting Institution(s): Secretariat General of the Government
NGOs with relevant experience and work in this field

Start date: 2016   **End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
6. Publish legislative projects on a single gateway			✔		✔	✔					✔		Yes			✔	

Context and Objectives

This commitment was proposed by the Ministry of Public Consultation and Civic Dialogue (MCPSD) as a result of an assessment they conducted on shortcomings in the implementation of rules governing transparency in the law-making process.[1] It is closely related to the previous commitment (5) on standardizing participation procedures in the law-making process. The MCPSD findings revealed shortcomings in public authorities' practice towards ensuring a participative/representative decision-making process.[2] If fully implemented, this commitment will result in publishing legislative projects and draft laws in a single online platform where citizens can monitor and track progress. The portal will also allow citizens to provide feedback on draft laws. Steps included in this commitment aim to design the platform and install uniform guidelines, implement standards for communicating with the public throughout the consultation process, and establish a means to collect citizen feedback through the portal. Prior to this commitment, citizens could not find legislative information easily in one consolidated web platform. These steps could have a moderate impact on opening the legislative process and helping citizens better track legislation and engage with decision makers.

Completion
Substantial

6.1 Establish the platform's functionalities with the methodological assistance of the MCPDC
The first milestone has been completed. A list of the platform's functionalities is available in the "About" section of the government's "e-consultare" website.[3]

6.2 Development of the portal consultare.gov.ro
The second step is substantially complete and the website is online and functional. The legislation from all ministries' websites is centralized on the platform and updated once a week. According to the Ministry of Public Consultation and Social Dialogue, more than 1,000 legislative projects have been centralized from 1 January to the end of September 2017, around 95 percent of the total amount.

6.3 Launch of the platform and public promotion actions
The third milestone has been substantially completed. More than 2,000 people have subscribed to a weekly newsletter that shares and promotes information about legislation added to the platform. The newsletter is a weekly digest that aggregates all of the laws and decisions that are under public consultation.[4]

The IRM researcher is a subscriber and confirms the regular receipt of information via the newsletter. Currently, the platform does not include the institutional approval, adoption and official publication phases of legislation and the only search filter is by institution, and not by

domain, which can make it difficult for users to locate information. The platform is also promoted on social media and the MCPDS webpage.

6.4 Pilot testing on a representative sample of central and local public institutions and authorities
This activity has been completed, and the platform includes 47 public institutions. These are national institutions, as local authorities have not begun publishing information on the platform. While 47 represents a small fraction of all ministries and local public institutions in Romania, the sample was diverse and included key decision makers from six agencies and 12 key authorities. For example, the institutions included are the Ministry of Labor, the General Secretariat of the Government (GSG), and the National Authority for Consumer Protection. All 47 institutions have started making information available on the platform.[5]

6.5 Drafting and publishing a User Guide for the portal
This step is also complete—a user's guide for the portal is available online through the government's "e-consultare" web portal.[6]

6.6 Development of a mobile app for the consultation process in central administration
The "Development of a mobile app for the consultation process in central administration" is very limited in its completion, and is not on time as this was due to be completed in the second year of implementation.

Early Results (if any)
This platform, developed by the MCPDC, the Chancellery of the Prime Minister, and the GovtIT Hub as a project to bring together IT professionals to develop digital platforms for public administration, has a clear impact regarding transparency of decision making. It is, however, difficult to assess how many people were involved in the public consultation process as a result of accessing the website. More than 2,000 people subscribed to the newsletter with only a limited number of actions taken to promote it.

Next Steps
The implementation of the platform could be improved by making technical updates to include more information on the legislative process, such as the institutional approval, adoption and official publication phases of laws. In addition, more sophisticated search and filter functions would improve the usability. It is very important to ensure reliable, weekly updates continue, and a monitoring and evaluation process could help ensure consistent quality and reveal findings for how to improve the new platform over time.

Involving civil society partners in evaluating and improving the platform could ensure it becomes well established and widely used.

---

[1] Law no.52/2003.
[2] As described in the 2016–2018 action plan.
[3] GovHub, http://consultare.gov.ro/p/despre
[4] Users can subscribe through the Ministry of Public Consultation and Social Dialogue webpage, or through the platform, http://consultare.gov.ro/
[5] GovHub, http://consultare.gov.ro/p/despre
[6] Ibid.

7. Citizens Budgets

Commitment Text:
The commitment aims to promote Citizens' Budgets – public budgets presented in a manner that is understandable to the public, in both central and local administration, to ensure fiscal and budgetary transparency. The commitment is introducing an efficient tool to facilitate citizen engagement in one of the most important decision-making processes: the adoption of public budgets.

Main Objective:
Initiate the use of Citizens Budgets as a compulsory mechanism of fiscal budgetary transparency in the adoption of public budgets.

Milestones:
7.1 Draft a model for the Citizens Budget based on the 2016 national budget
7.2 Gather citizens and civil society feedback on the proposed Citizens Budget model and develop a Guide for drafting CBs
7.3 Pilot CB in at least 15 municipalities (varied types)
7.4 Drafting and presenting the CB for the 2018 national budget
7.5 Public awareness actions to promote the CB
7.6 Drafting and adoption of norms introducing CB for all public authorities
7.7 Develop, start and implement a training / assistance program for public authorities regarding CB

Editorial Note: The commitment text has been abridged. To see incremental milestones for this commitment, please see full text in the 2016–18 National Action Plan.

Responsible Institution: Ministry of Public Finance

Supporting Institution(s): Chancellery of the Prime-Minister (CPM)/Secretariat General of the Government (SGG), Ministry of Regional Development and Public Administration (MDRAP), Ministry for Public Consultations and Civic Dialogue (MCPDC), Funky Citizens, Centre for Public Innovation

Start date: 2016   **End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
7. Citizen Budgets			✔		✔	✔					✔		No	✔			

Context and Objectives

The purpose of this commitment is to create more opportunities for citizens to participate in the budgeting process. This is to be achieved by providing plain language budget information in a narrative format and publishing it alongside the official annual budget. Although this commitment was proposed by civil society organizations (CSOs)[1] and was included in the action plan following agreement by Codru Vrabie from Funky Citizens and the Ministry of Finance that the CSOs will provide additional resources and support

implementation, in an interview in November 2017, Mr. Vrabie indicated that the necessary institutional partnership between CSOs and government is lacking, and the objective of the commitment could be more specific. However, if fully implemented as written, this commitment could have a moderate impact on opening access to information about the budget in a way that is easier for citizens to understand and engage in the budgeting process, as it would not impact existing legislation. According to the Open Budget Survey, Romania provides few opportunities for the public to engage in the budget process.[2] A similar initiative, that explains the national budget through graphics and charts, was developed by a non-governmental organization (NGO).[3]

Completion
The government self-assessment report states that this commitment is not started, although a preliminary meeting on drafting the Citizen's Budget was held on 21 March 2017. According to the government self-assessment, 10 government representatives from supporting institutions, and nine NGO representatives participated in the meeting.[4] According to civil society stakeholders in attendance, there were no concrete plans or decisions made during the meeting regarding next steps.[5] According to CSOs, they requested more information during the meeting on the communication objectives of this project and asked that these be extended to include greater access to data both at the central and local level, as well as the developing the consultation platform before the approval of the Law on the National Budget. The 2018 National Budget was published in the usual format, without a citizen's budget supplement.[6]

Early Results (if any)
There are no early results as this commitment has not started.

Next Steps
The next steps for this commitment should focus on collaborating with CSOs to determine what information needs to be included in Citizen's Budgets and how to present the data in an easy-to-understand way. While open budgetary commitments have been included in previous action plans, this is the first time a Citizens' Budget has been proposed. One civil society member from Funky Citizens pointed out that the issue seems to be internal government inertia and that this commitment should be dropped from future action plans, though the IRM researcher recommends reformulating the commitment with a focus on more achievable reforms. Therefore, the government should only carry this commitment forward if they are able to take the following steps:
1. The Ministry of Finance should appoint a steering committee of officials tasked with designing a citizen's budget model in partnership with CSOs.
2. The model should be piloted in one municipality to test its effectiveness and adjustments made to the model based on findings.
3. Ensure thorough monitoring and evaluation is conducted throughout the trial period so that findings can inform scale up.
4. The Ministry of Finance should work in consultation with CSOs to scale up the model developed through the pilot project, with the aim of publishing national level citizen's budgets.

---

[1] A description of the idea, http://www.inovarepublica.ro/cum-sa-faci-consultare-publica-fara-bugetul-pentru-cetateni/
[2] Open Budget Survey 2017, https://www.internationalbudget.org/wp-content/uploads/romania-open-budget-survey-2017-summary.pdf
[3] Project Budget 2016, https://openbudget.ro/project/2016/
[4] The Government Self-Assessment report states the meeting took place at the Ministry of Public Finance on 21 March 2017.
[5] Codru Vrabie and Ovidiu Voicu, interview by IRM staff, November 2017.

---

[6] National Budget 2018, http://www.mfinante.ro/pagina.html?pagina=buletin&categoriebunuri=executie-bugetara,rapoarte-trimestriale,rapoarte-semestriale,rapoarte-anuale,arieratele-unitatiilor-administrativ-teritoriale

8. Improve youth consultation and public participation

Commitment Text:
The commitment aims to implement a series of actions that will strengthen collaboration between public authorities, young people and organizations working with youth, to produce specifically targeted action plans, through dialogue and use of new technologies.
The implemented actions and tools will lead to development of skills in both young people and public servants working in this field, contributing to an open, diverse, intercultural and connected society.

Main Objective:
Achieve an open decision-making process in developing youth public policies at national level.

Milestones:
8.1 Hold public consultations initiated by the National Working Group and youth workers
8.2 Setting up 83 local consultative councils for young people
8.3 Selection of at least 1000 beneficiaries of MTS youth projects, on objective criteria and transparent methodologies, using online apps.

Editorial Note: The commitment text has been abridged. To see incremental milestones for this commitment, please see full text in the 2016-18 National Action Plan.

Responsible Institution: Ministry of Youth and Sport (MTS)

Supporting Institution(s): Ministry for Public Consultations and Civic Dialogue (MCPDC); Non-government: Consiliul Tineretului din Romania, Asociatia Impact Bistrita, Asociatia Tinerilor Bucuresteni, Asociatia Altium, Asociatia Viitorul Tinerilor

Start date: 2016   **End date:** December 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
8. Youth consultation and participation		✔				✔				✔			No			✔	

Context and Objectives

This is a new commitment that aims to improve government engagement with youth through holding consultations and increasing participation opportunities at the local and regional level. Representation of youth in local government is mandatory through Law 350/2006, but this regulation has been weakly implemented, because of a lack of secondary norms that might enforce its implementation. This commitment includes activities to host youth consultations through the National Working Group on youth issues. It proposes setting up 83 youth councils in local regions and selecting 1,000 beneficiaries of youth projects carried out through the Ministry of Youth and Sports (MTS). In 2012, 843 youth workers were trained during a project funded by the European Union.[1] However, this

commitment does not specify what kinds of legislation or decision-making youth will be consulted on, or how their input will be taken up. The commitment provides specific activities, such as setting up consultative councils, but the make-up of councils and explanation for how the councils will be used is not clear. Therefore, this commitment is considered to lack specificity and the impact on better including youth is assessed as minor.

According to Mihai Dragos, President of the Romanian Youth Council[2], this commitment could strengthen collaboration between public authorities, young people and organizations working with youth, by organizing engagement opportunities in diverse localities. However, the proposed steps will only be effective if they are followed by quantitative and qualitative performance indicators, concrete action plans, clear feedback from the government on how input was used and expected results, none of which are indicated by the commitment text.

Completion
Substantial

8.1 Hold public consultations initiated by the National Working Group and youth workers
The first milestone was completed. As part of the project "Structured Dialogue," financed by MTS and Erasmus+, as well as the project Youth Worker, 121 consultation and training events were organized across the country in 2016, according to MTS.[3] However, many of these events took place before the OGP action plan was adopted. They were largely informational events carried out in public places, such as cafes and did not constitute genuine participation or youth engagement. A network (tineRETEA) dedicated to young people was also created, and two youth workers in each county were selected following a call for applicants that was published on the MTS website.[4] As a result, 332 applications were received, and every county in Romania then selected two youth workers as volunteers.

8.2 Setting up 83 local consultative councils for young people
The second milestone started but has seen limited completion. Under the current Law for Youth,[5] the establishment of local consultative councils is not mandatory. However, this commitment seeks to establish two councils (one at the county and one at the municipal level) in each of Romania's 41 counties and in Bucharest. As of December 2017, there are 10 consultative councils for young people that are functioning at the local level. Five were set up at county level: Arges, Bistrita Nasaud, Covasna, Neamt, Suceava, and the other five are at the municipal level: Constanta, Targoviste, Deva, Ploiesti, Timisoara. MTS indicates an additional three councils will be founded at the county level in Hunedoara, Sibiu, Tulcea, and two at the municipality level in Baia Mare and Sibiu.

8.3 Selection of at least 1,000 beneficiaries of MTS youth projects
The third milestone is complete, although most of the 22 projects implemented so far, involving 1,488 participants, happened in 2016, immediately after the current action plan adoption, while the preparations started earlier.[6] The methodology for the selection of the participants was available online,[7] as well as the whole submission and selection process; the main selection criteria being the experience as a member/volunteer in an organization, experience in working with youth, personal expectation and motivation. According to Mihai Dragos from the Romanian Youth Council, the small number of participants reflects the lack of funding dedicated to youth projects, which has limited the overall impact of the projects.

Next Steps
A representative of one of the CSO partners working on this commitment[8] recommends creating a consultation process at the rural level, an aspect discussed in the youth law proposal. Moreover, the researcher recommends clarifying the exact role of the consultative councils, their modus/procedures, and expected outcomes and uses of youth input. Such clarification is needed to ensure their participative role is properly anchored. The activities

of these councils and the outcome of consultative meetings (minutes, agendas, next steps) should be made public and should allow public input.

[1] Agerpress, https://www1.agrepres.ro/social/2012/10/25/lucrator-de-tineret-o-nua-meserie-in-romania-14-50-53

[2] Mihai Dragos, President of the Romanian Youth Council, phone interview by IRM researcher, March 2018.

[3] MTS, http://mts.ro/noutati/apel-pentru-extinderea-tineretea-reteaua-de-comunicatori-ai-dialogului-structurat/

[4] MTS, http://mts.ro/noutati/apel-pentru-constituirea-reteleinationale-de-lucratori-de-tineret-voluntari-tineretea

[5] Law for Youth no. 350/2006.

[6] MTS 2016, http://mts.ro/noutati/apel-de-selectie-participanti-pentru-laboratorul-de-educatie-nonformala-editia-2016/
http://mts.ro/noutati/apel-de-inscriere-la-connector-2016/
http://mts.ro/noutati/consultare-online-in-cadrul-dialogului-structurat-2016/
http://mts.ro/noutati/apel-pentru-constituirea-retelei-nationale-de-lucratori-de-tineret-voluntari-tineretea/
http://mts.ro/noutati/apel-inscriere-participanti-scoala-de-vara-2016/
http://mts.ro/noutati/apel-inscriere-participanti-universitatea-de-vara-2016/
http://mts.ro/noutati/intalnirea-consiliului-consultativ-pe-probleme-de-tineret-25-aprilie-2016/
http://mts.ro/uncategorized/lansare-gala-tineretului-din-romania/

[7] Ibid.

[8] Mihai Dragos, President of the Romanian Youth Council, phone interview by IRM researcher, March 2018.

9. Subnational open government

Commitment Text:
A set of recommendations regarding open local government will be drafted based on the OGP principles, and a pilot program modelled on the OGP Subnational Pilot will be initiated for 8 local governments.

Main Objective:
Increase citizen engagement in the decision-making process of local authorities and increase the involvement of local authorities in the OGP process.

Milestones:
9.1 Co-creation of set of recommendations on OGP principles for local public administration
9.2 Dissemination of information regarding these recommendations to local authorities
9.3 Organise regional information sessions with public authorities, NGOs, academia and other stakeholders to promote the OGP subnational principles (8 sessions)
9.4 Based on the model of the OGP Subnational Program process, launch an application session followed by the selection of 8 local public authorities that will be assisted in the development and implementation of local action plans
9.5 Implementation of local action plans developed by the local governments, with the support of NGOs and the OGP Coordination Unit:
- hold local public debates and consultations;
- identify local specific problems and priorities with the participation of all stakeholders;
- set up local mixed action teams to draft and propose projects / solutions and implement them.
9.6 Select and award the best practices in OGP Subnational
9.7 Based on gained experience, develop an OGP action plan for local authorities for 2018-2020
9.8 Analysis of the opportunity and necessity, as well as identification of funding sources, for:
- the development of a set of standardized, open-source tools to facilitate the online presence of local public authorities (website based on the provisions of the Memorandum on transparency; user interface allowing the update of the page even without having technical expertise; widgets that automatically retrieve particular information from centralised databases; instruments for participatory democracy.
- the development of a cloud service, managed by the MDRAP, including maintenance, that will host free of charge the local public authorities' websites that use the standardised solution

Responsible Institution: Ministry of Regional Development and Public Administration (MDRAP)

Supporting Institution(s): Chancellery of the Prime-Minister (CPM), Ministry for Public Consultation and Civic Dialogue (MCPDC), County Councils, Open Data Coalition, Smart City and other NGOs with relevant experience

Start date: September 2016   **End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
9. Subnational Open Government			✔		✔	✔					✔		No		✔		

Context and Objectives

The principles of open governance, in general, and Open Government Partnership, in particular, are not well known at the level of local institutions. Interviewed stakeholders[1] shared the consensus that much more work can and should be done to integrate national level open government initiatives outside the capital. Areas to improve at the local government level include making open data available, disclosing public information and responding to FOI requests, digitizing records, and improving participation opportunities for citizens. There are some cities in Romania that can offer examples of best practices, such as Cluj-Napoca, Brasov, Oradea, Alba Iulia, Radauti, and Iasi. In most of these cities, local non-governmental organizations (NGOs) played an important role in advancing OGP principles at local level, which could be studied and adapted.[2]

This commitment aims to improve the rate of adoption of OGP principles at local level, starting with a pilot of eight local authorities (to be selected). If fully implemented, it might have a moderate impact on establishing pilot initiatives that could provide useful case studies and trial grounds for driving forward local open government. This is the first government commitment to expand open government practices at the local level, and its potential impact would be moderate for better coordinating local civil society organizations' (CSOs) engagement with county government and opening access to locally held information and data. Once implemented, the commitment outcomes could produce important insight into innovative ways for government to rebuild trust and deliver services, while adapting OGP successes from the national level to local administrations.

Completion

While most of the activities have been postponed, the first milestone activity was completed, and the Guide for Open Government Partnership at the Subnational level was published in June 2017.[3] An OGP Club meeting was held in Timisoara on this subject. 111 local authorities showed interest in adopting OGP at local level, for which MDRAP will offer methodological assistance, but the eight local public authorities that will be assisted in the development and implementation of local action plans have not been selected yet. However, to see real results, the rest of the activities must be advanced.

An important partner for this commitment is the Smart City Association from Timisoara, which was a member of the first OGP National Steering Committee. Dan Bugariu, president of the association, mentioned that it was not clear from the beginning what role his association would play in implementing this commitment, as CSOs do not have the resources to implement commitments and the expectations for collaboration were not clearly defined. In an online interview from December 2017, he identified the organizational culture, the slow rate of responses from government communication, and lack of progress monitoring this commitment as the main obstacles in implementing open government

principles at local level, in general.

All remaining steps under this commitment have been postponed until the second year of implementation and beyond. Many of the activities proposed under this commitment will be funded through European Union (EU) grants, and therefore are subject to procurement processes that have delayed implementation. For example, the eight regional information sessions will be carried out using EU funding and have been scheduled for March 2018. Other activities of this commitment, such as developing and implementing local action plans with the support of NGOs and the OGP Coordination Unit, will be financed through the larger EU project, "Strengthening integrity systems—best strategy to prevent corruption in public administration." Since all of the activities are interdependent, this commitment is delayed and has seen very limited progress in the first year.

Next Steps

In order to advance open government at the local level, the researcher recommends focusing on involving local stakeholders from sectors such as academia, county government, community organizations, journalists, and the local business sector in order to identify priority areas for greater open government improvement. This would help ensure relevant commitments are included in the action plan, and that locally driven implementation of national open government priorities occurs. Another vital step is to ensure funds for implementing national open government policies such as FOIA, open budgeting, and digitization of public records and open data publishing can be implemented at the local level. The current commitment depends on EU funds for implementation, but due to the more restrictive nature and longer timeframe of using and applying EU grants, reform projects can be stalled or delayed. To better implement local open government reforms, a budget line drawing from a mix of national and local funds (as a more stable funding supplement to EU financing) must exist to keep commitments moving forward.

---

[1] Lina Vdovii, an independent journalist with Casa Journalistului, interviewed by IRM staff, 6 December 2017, and a representative from SmartCities, interviewed by IRM staff, 7 December 2017.
[2] For example, http://nereprezinta.ro/ (CIVICA association) in Iasi, or Radautiul Civic Initiative Group, http://www.radautiulcivic.ro/
[3] The Guide for Open Government Partnership, http://ogp.gov.ro/wp-content/uploads/2017/06/Recomandari-Parteneriatul-pentru-Guvernare-Deschisa-la-nivel-local_iunie-2017.pdf

10. Promoting transparency in the decision-making process by setting up a Transparency Register (RUTI)

Commitment Text:
Presently, there is not sufficient transparency in the interactions between public institutions and interested parties from the private sector that promote their interests in relation to various legislative initiatives. Equally, the central public administration has limited resources to proactively identify interested parties from the private sector with which to maintain transparent communications and consultations in the various phases of initiating and developing public policies initiatives.

Main Objective:
Improve the transparency of the public decision-making process by disclosing interactions between high public officials and interested parties from the private sector that promote their interests in relation to various legislative initiatives.
RUTI is a register of interest representatives from the private sector that willingly provide data about the entity they represent. The RUTI also includes information about the registrants' interactions with decision-makers from the public sector.
In this respect, dignitaries, high-level public servants and general directors of state companies will also publish on this platform information about their meetings with groups from the private sector, the subject of the meeting and brief conclusions.
This aspect is a continuation of MCPDC's efforts to publish the agendas of high-level officials from the central government, a requirement that was included in the Memorandum for on improving transparency and standardizing public interest information. The register will managed by the MCPDC, in partnership with the MJ and CPM.

Editorial Note: The commitment text has been abridged. To see incremental milestones for this commitment, please see full text in the 2016–18 National Action Plan.

Milestones:
10.1 Develop the concept of the Transparency Register (RUTI)
10.2 Development of the ruti.gov.ro platform
10.3 Public consultation with the civil society and private sector on the proposed mechanism
10.4 Launch and testing of the platform
10.5 Assessment of the results

Responsible Institution: Ministry for Public Consultation and Civic Dialogue (MCPDC)

Supporting Institution(s): Ministry of Justice, Chancellery of the Prime-Minister

Start date: 2016   **End date:** February 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
10. Set up Decision-making Transparency Register (RUTI)			✔		✔						✔		Yes				✔

Context and Objectives

This commitment aims to increase transparency of meetings between public officials and groups or individuals seeking to influence political decision makers. This will be achieved by publishing meetings between public officials and private sector members that promote their interests in relation to various legislative initiatives. In 2016, there were 700,000 companies, more than 78,000 associations, and more than 18,000 foundations[1] operating in Romania. However, their advocacy efforts, meetings and interactions with the government are not tracked and there is no system in place to monitor their government engagement. This commitment would develop a platform in which companies could register and publish information about their meetings with legislators. The government could also publish agendas, attendance lists and information on private sector meetings with government. Dragos Atanasiu, head of the AHK Romania (the Romanian-German Chamber of Commerce and Industry), explained that the lack of a transparent system can discourage businesses from meeting with government officials to discuss legitimate interests or concerns, for fear that rumors of undue influence or corruption may result.[2] The lack of transparency can also enable corruption and conflict of interest issues between government and the private sector.

Violeta Alexandru, former Minister of Public Consultation and Civic Dialogue (MCPDC), explained that this platform was developed based on a review of similar models used by the European Union (EU) and United States (US). To understand the Commission's Transparency Register, the MCPDC conducted a working visit to Brussels on 30 June 2016. The visit included meetings with Commission and Parliament representatives directly involved in the management of the Transparency Register.

This commitment has medium specificity but could better define the parameters and type of information that will be required and displayed on the platform. As written, it is assessed to have a moderate potential impact on increasing transparency in government interactions with the private sector. Prior to this commitment, there was no official system for reporting meetings or private sector advocacy activities, and such information was not available to the public. The MCPDC creates an account for each decision-maker in central public authorities and subordinated public institutions (e.g., the prime minister, ministries, state secretaries) for them to publish their daily agenda and meetings with specialized groups. The development of the RUTI system is directly related to Romania's intention to join the OECD, its evaluation within the Council of Europe's Group of States Against Corruption (GRECO), and the commitments made during the 2016 Anti-Corruption Summit in London.

Completion
Complete

The first milestone was completed prior to the publication of the OGP action plan in September 2016.

10.1 Develop the concept of the Transparency Register (RUTI)
This step is complete. Operationalization of the RUTI system was achieved with the approval of the Memorandum on the creation of the Transparency Register, an 18-page document that detailed the concept of RUTI.[3]

10.2 Development of the ruti.gov.ro platform
The second milestone was completed by 14 October 2016 when the platform was launched.

10.3 Public consultation with civil society and private sector on the proposed mechanism
The third milestone is complete. The consultation process took place online on the MCPDC website and offline in working group meetings, where both CSOs and governmental stakeholders were involved. In total, 31 recommendations out of 44 received were included in the text of the Memorandum on the creation of the Transparency Register.[4]

10.4 Launch and testing of the platform
The RUTI platform was launched in October 2016. During the first year of implementation, more than 11,000 users have visited the platform, and more than 140 decision makers and 170 specialized groups registered their information on the platform.[5] Approximately 1,000 meetings between government officials and external stakeholders have been reported, according to the RUTI portal. While this represents positive progress in advancing use of the platform, most stakeholders interviewed found that the quality of the data published is not sufficient. The MCPDC maintains that the ministry constantly monitored the quality of registrations, providing concrete feedback to account managers via email with inquiries on how to ensure compliance with Memorandum provisions. Some interviewed stakeholders[6] regarding this commitment fear that irrelevant meetings are reported (like TV appearances or regular meetings), while relevant meetings of high public interest remain underreported.

10.5 Assessment of the results
This step is not started. While activities are ongoing, an assessment of the results was not published in 2017.

Early Results (if any)
The platform had more than 11,000 site visits in 2017, and approximately 1,000 meetings have been registered. However, there is no evidence of uptake by end users such as a watchdog or anti-corruption NGOs. An investigative journalist interviewed about the results of this platform's creation[7] mentioned that she accessed the platform several times but found it to be insufficient in terms of both the quantitative and qualitative information it provided.

Next Steps
This commitment should be carried forward and built upon in the next action plan. The following steps could strengthen and further institutionalize use of the RUTI portal for lobbying transparency:
1. Determine ownership and maintenance for the platform given that MCPDS was dissolved. Ensure working level staff are trained and involved in managing the platform to retain institutional knowledge and avoid interruption of reporting.
2. Improve the quality of data available on the portal—it should be in open format and include a sufficient level of detail to be searchable and useable. Moreover, more relevant meetings should be added to the platform. Most beneficiaries that were interviewed for this commitment feel that the meetings that are mentioned in the platform lack a sufficient level of detail and are not uploaded regularly.

3. The Parliament should also adopt and publish information on the platform. To achieve this outcome, Parliament should continue discussions with the permanent Judicial committee to create a work plan for institutionalizing the platform.
4. Government officials should be required by law to publish meetings held with private sector representatives in the RUTI register, subject only to a narrow set of clearly defined exemptions. In addition, the private sector should be required to register in RUTI and disclose meeting details. To demonstrate why this could be in a private entity's interest, the government should develop a guide for private sector stakeholders on the value of registering in the RUTI platform, and provide detailed instructions on how to record information in the system.

---

[1] Companies operating in Romania, http://ruti.gov.ro/wp-content/uploads/2016/10/Memorandum-privind-instituirea-RUTI.pdf

[2] Dragos Anastasiu, interview by IRM staff, December 2017, Bucharest.

[3] from the Transparency Register (RUTI), http://ruti.gov.ro/wp-content/uploads/2016/10/Memorandum-privind-instituirea-RUTI.pdf

[4] Ibid.

[5] Information registered on the RUTI platform, http://ruti.gov.ro/grupuri-specializate/

[6] Codru Vrabie from Funky Citizens, interview by IRM researcher, November 2017. Violeta Alexandru, former Minister of Public Consultation and Civic Dialogue, interview by IRM researcher, December 2017.

[7] Ana Poenariu, Rise Project, interview by IRM researcher, March 2018.

11. Access to performance indicators monitored in the implementation of the National Anti-corruption Strategy (SNA)

Commitment Text:
Ensuring access to information regarding the implementation of anti-corruption preventive measures and the SNA indicators.

Main Objective:
Institutional transparency.

Editorial Note: The commitment text has been abridged. To see incremental milestones for this commitment, please see full text in the 2016-18 National Action Plan.

Milestones:
11.1 Develop the new SNA platform to ensure the centralized collection of open data
11.2 Develop a guide for the upload of data
11.3 Publish data in an open format on sna.just.ro and data.gov.ro
11.4 Develop IT applications to facilitate the implementation of the SNA
11.5 Revision of the monitoring indicators (once every 2 years), in collaboration with civil society

Responsible Institution: Ministry of Justice (MJ)

Supporting Institution(s): Open Data Coalition

Start date: September 2016   **End date:** December 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
11. National Anti-Corruption Strategy Indicators			✔		✔						✔		No			✔	

Context and Objectives

As part of Romania's National Anti-Corruption Strategy (SNA), more than 4,000 national and local public institutions are required to conduct mandatory self-assessments of their progress implementing anti-corruption measures mentioned in the SNA[1], the main aim of which is to promote integrity, through enforcing anti-corruption laws. This reporting will result in 488,000 datasets tracking various ministries', departments' and agencies' self-reported implementation progress, among which are indicators related to conflict of interests, incompatibilities, ethical code and random distribution of service tasks. This commitment's objective is to ensure public access to this information by creating a central open data platform. This is a moderate step forward in monitoring and evaluation, as from 2012 to 2015 the Technical Secretariat of the National Anti-Corruption Strategy was the only entity that tracked the implementation of anti-corruption preventive measures and evaluation indicators. Through this commitment, citizens will gain access to SNA monitoring data in a user-friendly format. The potential impact is considered moderate, because while new datasets will become available, the quality, completeness and veracity of the self-reported information disclosed will not be verified through an auditing authority or external evaluator.

Completion

11.1 Develop the new SNA platform to ensure the centralized collection of open data
This step is substantially complete. The new sna.just.ro platform was developed in 2016 and became available online in early 2017. There is a section for uploaded SNA datasets, though the published datasets available during the first year of implementation remains limited.[2] The Government Self-Assessment Report states that this activity is complete and cites that the SNA platform is online and functional, with data being uploaded from various ministries and agencies.

11.2 Develop a guide for the upload of data
This activity cannot be verified as started. According to the Ministry of Justice[3] the guidelines for public institutions are included in the National Anti-Corruption Strategy's methodology.[4] The Ministry of Justice did update the approach to this milestone, informing OGP that the portal sections do not allow for incorrect filing of forms, and therefore, a set of guidelines for the uploading of information is not required. Furthermore, the methodology for monitoring the implementation of the National Anti-Corruption Strategy includes guidelines for public institutions on how to complete the online forms.

11.4 Develop IT applications to facilitate the implementation of the SNA
This step is substantially complete. According to the government self-assessment report, the Ministry of Justice and Code for Romania signed a three-year partnership agreement in December 2016. Together, they will develop digital products that increase the transparency of public interest data and the activity of the Ministry, facilitate public consultation and communication with civil society, and improve the services provided by the Ministry. The primary aim is to present data collected through the National Anticorruption Strategy (SNA) in a user-friendly way. After the first year of implementation, the partnership developed a pilot application, released in August 2017, to meet these goals (http://sna.code4.ro/).

Implementation has not yet started for milestones 11.3 ("Publish data in an open format on sna.just.ro and data.gov.ro") and 11.5 ("Revision of the monitoring indicators (once every 2 years), in collaboration with civil society") during the assessment period.

Next Steps

The researcher recommends carrying forward this topic in the following action plan, with several adjustments to raise its ambition. The proper implementation of the anti-corruption strategy, combined with evaluation of how well institutions are taking up anti-corruption

requirements, presents a challenge. In order to better implement the SNA, the next action plan should add a budget allocation for monitoring SNA datasets, and should include an auditing function to assess the quality, accuracy and completeness of the information agencies are required to self-report. The method for collecting and disclosing data should be standardized across all institutions and should be published in an open format. Verification for the information government institutions self-report should have clearly defined and rigorous parameters developed in partnership with CSOs, to ensure the most valuable data and information related to anti-corruption work is monitored for accuracy and regularly made available.

---

[1] Romania's National Anti-Corruption Strategy,
https://sna.just.ro/Obiective+generale+%C8%99i+specifice%2C+ac%C8%9Biuni+principale
[2] Published SNA datasets, https://sna.just.ro/Seturi+de+date+SNA
[3] As written in the PNA self-assessment.
[4] The Methodology for the monitoring of the 2016-2020 SNA was approved by Order of the Minister in 2017.

12. Improve transparency in the management of seized assets

Commitment Text:
According to art. 40 of Law no.318/2015 for the setting up and operation of the National Agency for the Management of Seized Assets, (1) ANABI publishes in an open format and on a quarterly basis data and public interest information generated from the national integrated information system for recording proceeds of crime. (2) Until the information system is operating, the Agency publishes, on a quarterly basis, data and public interest information regarding its activities. In addition, to ensure transparency in the process of reuse of immovable property, according to art.31, (3) "the Agency publishes on its website updated information about each immovable property seized from criminal proceedings, including its legal situation, position, photographs, the date when it became private state property, as well as other relevant data."

Main Objective:
ANABI will develop a platform that will ensure access to information regarding the management of proceeds of crime.

- *Ensuring access to information by publishing open data regarding seized immovable assets and their social reuse and public interest information about the Agency's work. Uploading the data on the open data portal data.gov.ro.*

Milestones:
12.1 Develop the ANABI website, including publishing open data and public interest information.
12.2 Develop the national integrated system for the registration of proceeds of crime.

Responsible Institution: Ministry of Justice (MJ) through the National Agency for the Management of Seized Assets (ANABI)

Supporting Institution(s): National Agency for Fiscal Administration

Start date: 2016   **End date:** June 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
12. Improve Transparency in the Management of Seized Assets			✔		✔						✔		No			✔	

Context and Objectives
Romania's National Anti-Corruption Directorate (DNA) reported that assets valuing 226 million euros were seized in 2016, though actual amounts are thought to be higher.[1] Corruption is a profit-driven crime, and the recovery of proceeds of corruption is essential in effectively punishing and deterring it.[2] It is an important issue for legally fighting corruption, as prosecution and sentencing may be ineffective if individuals indicted for corruption are left to secure or hide their profits. Therefore, a priority for a prosecutor investigating corruption is to seize or freeze the criminal assets so that the confiscation

order, once issued, is swiftly enforced. In Romania, this is relevant for deterring defendants from exercising influence over the courts through buying out their verdict or undertaking other criminal activities.[3]

Seized assets are to be auctioned through an enforcement procedure governed by the Romanian Code of Civil Procedure, as well as through Law no. 318/2015 and Order of Minister of Justice and Minister of Public Finance no. 4.344/C/2.843/2016 regarding the approval of the work methodology in the matter of evaluating and selling of seized assets.[4] The National Agency for the Management of Seized Assets (ANABI) was established through Law no.318/2015. One role it fulfills is to disclose information about how the state is managing seized assets and the proceeds of crime. The law requires that ANABI publish information on seized assets and properties in an open format on a quarterly basis. The data and information will be recorded and managed within the National Integrated Information System. Until the Integrated Information System is fully implemented, the information will be disclosed on the ANABI website.

This commitment aims to fully establish ANABI by ensuring public interest data and information is disclosed in accordance with the law. The commitment is therefore relevant to access to information. This in turn maximizes the income to the state budget.[5]

The potential impact of the commitment is therefore assessed as moderate because it represents a major step forward in addressing a priority anti-corruption measure, though it remains limited in scope.

Completion
12.1 Develop the ANABI website including publishing open data and public interest information
This milestone is completed. The ANABI website[6] is operational, and data and public interest information has been published on a regular basis since July 2016. The ANABI portal is functional, both in Romanian and English, and data is broad and uploaded regularly. Its 2016 annual report is available[7], with updated information on seized assets that is published every three months.

12.2 Develop the national integrated system for the registration of proceeds of crime
This activity is limited in its completion. It is part of an ongoing project, implemented in collaboration with Swiss partners from the Basel Institute. The project helps to achieve the national anti-corruption strategy goals by improving the state's ability to seize and officially recover the value of the proceeds of crime.[8] The project is in the first phase of implementation. According to the action plan self-assessment, until the system is fully developed, ANABI is keeping records of data from the Prosecutor's Offices and 150 courts of law.

Early Results (if any)
The National Anti-Corruption Directorate stated in its annual report that 159.9 million euro were seized through final court decisions.[9] Although the success of recouping the proceeds of crime cannot be attributed to increased transparency or ANABI, the new portal offers reliable information to the general public about the amount of seized assets and the amounts the state was able to sell and recover as public money. Therefore, while it is still too early to determine how uptake of this platform will increase anti-corruption efforts or impact end users, the increased transparency and disclosure is a positive step forward.

Next Steps
The deadline for developing the national integrated system for registering the proceeds of crime should be reevaluated and extended. These activities should be monitored and the necessary resources provided as part of the national framework "Support for achieving the National Anti-Corruption Strategy objectives by increasing the efficiency of the asset recovery and management" project implementation.

[1] National Anti-Corruption Directorate, http://www.pna.ro/object2.jsp?id+285

[2] Corruption, Confiscation and Asset Recovery policy in Romania - the assessment of an ongoing process - draft report 2013, http://www.crj.ro/userfiles/editor/files/Raport%20CRJ%20-%20Recuperarea%20produselor%20infractiunilor%20de%20coruptie.pdf

[3] Ibid.

[4] European Justice, Romania Code of Civil Procedure, https://e-justice.europa.eu/content_judicial_auctions-473-ro-en.do?member=1

[5] The mission and tasks of the agency, https://anabi.just.ro/en/The+mission+and+the-tasks+of+the+Agency

[6] ANABI, https://anabi.just.ro/

[7] ANABI annual report, https://anabi.just.ro/docs/pagini/52/Raport%20anual%20ANABI.pdf

[8] Registration of proceeds of crime, https://anabi.just.ro/Project%3A+Sprijin+pentru+%C3AEndeplinirea+obiectivelor+Strategiei+Na%C5%A3ionale+Anticorup%C5%A3+prin+cre%C5%9Fterea+gradului+de+recuperare+a+produselor+infrac%C5%A3iunilor

[9] http://www.pna.ro/obiect2.jsp?id=328

13. Annual mandatory training of civil servants on integrity matters

Commitment Text:
The Ministry of Justice will provide the e-learning platform and will develop the supporting materials for the online training courses on integrity. These interactive modules will improve the knowledge the users already have and will provide new information on the topics of ethics and integrity. Participants will take a test upon finishing the courses.

Main Objective:
Improve the level of anti-corruption knowledge among public servants.

Milestones:
13.1 Develop partnerships with institutions competent in professional training
13.2 Develop the training program
13.3 Develop guidance for the public servants that will take the mandatory courses
13.4 Develop the courses
13.5 Ensure participation of at least 50% of central and local public institutions and authorities' staff to online training provided through this platform.

Responsible Institution: Ministry of Justice (MJ)

Supporting Institution(s): Ministry for Regional Development and Public Administration (MDRAP) – The National Agency of Civil Servants, National Institute of Magistracy, Al. I. Cuza Police Academy, University of Bucharest – Faculty of Philosophy

Start date: September 2016   **End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
13. Annual integrity training for civil servants		✔			Unclear					✔			No	✔			

Context and Objectives

Romania ranks 59 of 180 in the most recent Corruption Perceptions Index[1], while fraud, corruption and conflicts of interests are major concerns in public procurement.[2] Implementation of the National Anti-Corruption Strategy (SNA) 2012–2015 revealed that the level of anti-corruption knowledge among public servants is low. This commitment aims to address this problem. It is also related to one of the 2016–2020 SNA objectives—to improve the level of anti-corruption knowledge among public servants.

The commitment to provide civil servants with online training is an inward-facing reform and does not include a public-facing element relevant to opening government. While training civil servants in integrity and raising internal awareness of corruption issues can be useful for

developing a culture of integrity, this commitment does not have any external monitoring or accountability mechanism to ensure officials are complying with public integrity standards. Therefore, the potential impact is considered minor. As written, the commitment does not specify what the content of the training will contain, so it is unclear whether it will have any impact on moving government practices beyond their current baseline. It is also unclear how a knowledge campaign and trainings will improve government or hold public officials accountable for breaches of ethics or corrupt practices.

Completion

Implementation of this commitment has not started. It was included as part of a request for EU funds that was submitted for approval in March 2017. The project is planned to last 22 months after the contract is signed.

Next Steps

This commitment should not be carried forward in the next action plan, because ethics training for public officials is an internal government program that is not related to OGP values.

---

[1] Transparency International, Romania, https://www.transparency.org/country/ROU
[2] Public procurement, http://ec/europa.eu/regional_policy/sources/policy/how/improving-investment/public-procurement/study/country_profile/ro.pdf

14. Improving access to cultural heritage

Commitment Text:
The massive digitisation of cultural resources (particularly the movable heritage) that will be done within the eCultura project will focus on:
- development of a single online platform that will host a catalogue and a digital library and will be available to all cultural institutions in Romania and open to the public;
- digitisation and publishing online (until 2020) in the Digital Library of Romania and the European Digital Library (europeana.eu) of over 750.000 digital objects.
Drafting the analysis regarding the publication of public resources in an open format and under an open license, followed by the actual publication, will result in boost of the access to knowledge, creativity and innovation.

Main Objective:
Improve accessibility and re-use of cultural heritage through digitisation.

Milestones:
14.1 Development of a single online platform that will host a catalogue and a digital library and will be available to all cultural institutions in Romania and open to the public
14.2 Digitisation and publishing online (until 2020) in the Digital Library of Romania and the European Digital Library (europeana.eu) of over 750.000 digital objects.
14.3 Analysis and drafting of an action plan for the development of a collaborative tool regarding the publication of cultural digitised resources of public cultural institutions as open works

Editorial Note: The commitment text has been abridged. To see incremental milestones for this commitment, please see full text in the 2016-18 National Action Plan.

Responsible Institution: Ministry of Culture

Supporting Institution(s): Public cultural institutions under the subordination of the Ministry of Culture, Devolved departments of the Ministry of Culture, National Archives Open Data Coalition, Initiativa Romania

Start date: September 2016　　　　　**End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
14. Improve Access to Cultural Heritage		✔			✔					✔			No		✔		

Context and Objectives

This commitment aims to increase the amount of cultural resources that have been digitized for preservation and use by the public. Romania had submitted only 7.66 percent of the digital material that should be published on europeana.eu, the Digital European Library, as

pledged in the National Strategy for the Digital Agenda for Romania (2014), in comparison with the 750,000 items that should have been submitted by 2015.

If implemented, this commitment could result in a digital library (culturalia.ro), with more than 550,000 items published on culturalia.ro, and more than 200,000 resources submitted to europeana.eu. This could lead to better access, understanding and usage of public cultural resources. However, as written, this commitment does not define what kind of information is going to be made public, and if it is going to be in an open data format. It is unclear whether new cultural resources will be opened to the public, or whether this commitment will represent any significant change in how cultural heritage is preserved and made accessible to citizens. For this reason, the potential impact is considered minor, as it is clear only that new information will be added to the digital library.

Completion

14.1 Development of a single online platform that will host a catalogue and a digital library and will be available to all cultural institutions in Romania and open to the public
This milestone is limited in its completion. This action is part of the E-Culture: Digital Library of Romania project, funded by the European Union (EU). According to the Ministry of Culture, it is currently under implementation—scoping has begun for a feasibility study, technical project and technical specifications phases. As of July 2017, the domain www.culturalia.ro was reserved, but the website has not been developed.

Milestones 14.2 and 14.3 are not started yet. The Ministry of Culture, at the proposal of the Centre for Public Innovation, proposed to extend the implementation period from 2016–2017 to 2017–2018.[1]

Next Steps

This commitment should only be carried forward if it is made more specific to accessing cultural goods, opening data and digitizing information should be extended to all cultural aspects, including state financing for churches, libraries, and monuments and statues. A journalist from Casa Jurnalistului[2] drew attention to the fact that, regarding monuments and statues funded by the Ministry of Culture, it is very hard to find out who the artists were, how they were requisitioned, and how the state decided to fund their creation and installation. It is difficult to find and obtain records or information on cultural spending, especially at the local level. If this commitment is carried forward, it should clearly specify the type of cultural information that will be disclosed, with clearly defined parameters (budget documents, commissioner, publishers, artists, procurement activities), regardless if this is beyond the scope of the EU project. Such determinations should involve consultation with relevant CSO groups.

---

[1] According to the Government's self-assessment.
[2] Lina Vdovii, an independent journalist from Casa Journalistului, interview by IRM staff, 6 December 2017, Bucharest.

15. Open data and transparency in education

Commitment Text:
The objective of the commitment is the publishing in an open format of the education data and indicators owned by the MENCS and subordinate institutions.

Main Objective:
Improving transparency in the public education system.

Milestones:
15.1 Identification of all computer systems and databases of the MENCS and subordinate institutions that are either already in use, being implemented or being prepared.
15.2 Determine, following public consultation, which are the essential datasets from the education system that are to be published on the national open data portal.
15.3 Establishing the internal procedures and publishing the datasets.
15.4 Regulation of an internal policy of the MENCS to establish that any new computer system to be introduced will have a compulsory component that will allow export of data to the open data portal

Responsible Institution: Ministry of National Education and Scientific Research[1]

Supporting Institution(s): Subordinate agencies of the ministry (ARACIS, ARACIP, UEFISCDI, UTIE), school inspectorates, Open Educational Resources Coalition Romania

Start date: September 2016   **End date:** June 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
15. Open data and transparency in education			✔		✔			✔			✔		No		✔		

Context and Objectives

This commitment aims to improve the open data available in education, strengthen educational policies by offering more data-based evidence, and improve the perception of citizens about the public education system by publishing certified information about the system.

In past years, certain data has been introduced or improved in the public education system, but there still is a great need in this area, as both Codrin Nisioiu, from Open Data Coalition and University Professor at the Academy of Economic Studies, and Ovidiu Voicu from Open Educational Resources Coalition Romania mention. Another education-related civil society organization (CSO) member stated, "There is a great need to have access to the datasets used to conduct analysis at a systemic level, for example, the number of enrolled students and programs."[2]

Publishing open, reliable data in education is also one of the main recommendations put forward by the representatives of the public sector that were interviewed for this research, as it has implications in the workforce area, including the technical and dual education areas. In order to create effective public policies and cross-sector collaboration on specific projects (as in the case of dual education) there should be up-to-date, reliable indicators on the number of enrolled students, schools, performance indicators and quality control. Certain data is now available through different channels and provided by different institutions, but important information, mostly from SIIIR (the Informatic Integrated System of the Romanian Educational System) and RMU (the similar registry for University level) is not public.

If implemented, this commitment could have a moderate impact on improving the transparency and usability of education sector data. Publishing concrete, reliable datasets related to the education sector are needed to develop informed new public policies in this area.

Completion

The progress of this commitment remains limited. Milestone 15.2, to hold public consultations to identify essential datasets from the education system for disclosure on the data portal, has started. In 2017, two public consultations took place that resulted in the identification of the essential datasets from the education system, and some were published.[3]

Certain steps were taken to ensure education data was published. Ovidiu Voicu from the NGO partner Open Educational Resources Coalition Romania, mentions that progress has been made with a list of datasets, and an analysis of which ones can be published and which are legally unpublishable. A few datasets are constantly updated, such as the school's network, with results of certain exams. However, Codrin Nisioiu,[4] a university professor, recalls that in September 2017, the datasets containing results of the baccalaureate exams were not published in time for the second row of university admission, and therefore university administrators were unable to review applicants' scores and make admissions decisions. The documents submitted by students could have been easily falsified.

Milestones 15.1, 15.3, and 15.4 are not yet started, or have no public-facing evidence of implementation.

Next Steps

This commitment should be carried forward, ensuring the following issues are clearly addressed:

1. Ensure a sufficient range of education data and information is published. During an OGP Club meeting in March 2017, CSOs point out that within educational resources there is a need for better data in order to support research on education issues. More transparency and data availability is needed to verify students' learning evolution (an idea that would involve collecting students' anonymized personal identification numbers) and to include geospatial data (to include, for example, the distance from home to school), or data from the Electronic National Register. Integrating and making data from various sources compatible with education data could help inform more holistic policymaking.
2. Moreover, stakeholders recommend that new education data should be published automatically on the data.gov.ro platform.
3. The government should ensure additional IT measures/resources are available to better capture and record education data. The problem of the maintenance and source code ownership of the SIIIR platform must be clarified, and dedicated human resources must be allocated.
4. Finally, publish (in open format) the education data and indicators owned by the Ministry of Education and subordinate institutions. This remains a relevant and important issue for continued improvement.

[1] As from 2017, the Ministry was split into the Ministry of Education, and the Ministry of Research and Innovation.
[2] Codrin Nisioiu, interview by IRM staff, November 2017.
[3] One consultation took place during a OGP Club meeting with notes (in Romanian), http://ogp.gov.ro/wp-content/uploads/2015/01/Rezumat-Club-OGP-29-martie-2017.pdf
[4] Codrin Nisioiu, from Open Data Coalition and University professor at the Academy of Economic Studies, interview by IRM staff, November 2017.

16. Virtual School Library and Open Educational Resources

Commitment Text:

By creating the Virtual School Library and defining a national policy regarding open educational resources, the commitment aims to increase access to quality education and foster innovation. The sources for these materials will be:

- documents produced by the MENCS and subordinate agencies, particularly curricula and textbooks that the ministry buys directly;

- resources produced in EU funded programs, regardless of the beneficiary. The financing contracts will include clauses stating that the produces resources will be published under an open license and will be uploaded on the national portal;

- new resources created by teaches and used for teaching activities, including school inspections. It is well known that teachers are permanently creating a host of teaching materials, and these materials can also be uploaded to the portal;

- resources that are already developed by teachers and are distributed to other communities. The users of these communities will be encouraged to to transfer the most valuable resources to the national portal;

- educational resources that resulted from the implementation of EU funded projects will be part of this library;

- starting a public consultation process regarding the acquisition of textbooks, so that the content of the textbooks is also bought and becomes the property of MENCS;

The implementation terms will be discussed and agreed within the MENCS.

Main Objective:

Creation of the Virtual School Library and its population with open educational resources.

Milestones:

16.1 Create the technical support for the Virtual School Library

16.2 Collect, from public and private sources, and publish the initial repository for the Library

16.3 Select an open licence for the Library

16.4 Introduction in all operational programs funded from the EU of a contractual clause stating that any educational resource that is created will be published under an open license and uploaded to the Library

16.5 Regulation of the way in which educational resources will be entered in the Library, a mandatory clause for projects developed with public funds and on demand for private projects

16.6 Review, following public debates, of the procedures for buying school textbooks, so that they are available to the public under an open licence

16.7 Draft and adopt a national strategy for the development of the Virtual School Library and the use of OER in the public education system

Responsible institution: Ministry of National Education and Scientific Research (MENCS)

Supporting institution(s): National Centre for Assessment and Examination Education Sciences Institute, Open Educational Resources Coalition Romania

Start date: 2016   **End date:** September 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
16. Virtual School Library and open education resources			✔		✔						✔		No		✔		

Context and Objectives

According to the last report of the European Commissions' Education and Training Monitor 2017, Romania is well above the European Union (EU) average for students leaving education and training early, with dropout rates highest in rural areas and among minorities.[1] Public expenditure on education as a percentage of GDP was 3.1 percent in 2016, falling below the EU average of 4.9 percent. Through the Law on national education No. 1/2011, Romania has created the legal framework for the use of open educational resources (OER) to better enable access and reuse of educational materials and tools. This commitment envisions developing a "virtual school library" that houses open access educational resources for students and citizens. As defined in this commitment, open educational resources refer to freely accessible, openly licensed documents and media that are useful for teaching, learning, assessing and for research purposes. These will reside in the public domain or have been released under an open license that permits no-cost access, use, adaptation, and redistribution by others with no or limited restrictions. These activities are being advanced by the Open Educational Resources Coalition Romania and are also included in the National Strategy on the Digital Agenda for Romania 2020.

If fully implemented, this commitment could have a moderate impact on addressing issues of easy access to educational resources in Romania. The commitment envisions making all resources produced through EU-funded programs available through the virtual library, as well as resources created by teachers, national curricula and textbooks.

Completion

Milestones 16.1, 16.3, 16.4, 16.5, and 16.7 have not yet started.

Milestone 16.2, to publish the initial repository for the Virtual Library, has started. The repository has been set up and populated with data gathered at the level of the School Inspectorates.[2] The Consultative Council analyzes the data monthly, and it is published on the twenty-fifth of every month. Some materials were published in December 2017[3] and are all available in a public Google Drive folder.

Milestone 16.6, to hold public debates and review the procedures for buying school textbooks to make them publicly available under an open license, has also made some progress. A law proposal regarding school textbooks has been submitted to the Parliament by the Government, following public consultations. This law[4], if adopted, would regulate the status of basic school manuals as public goods, making them available on the Ministry of National Education's website, and when complete, on the Virtual School Library portal.

Milestone 16.4, to publish all EU-funded educational resources under an open license, was not started during the first year of implementation. It will be carried out under an EU project "Relevant Curriculum, open education for all" (CRED) launched in November 2017.[5]

Early Results (if any)

Implementation of this commitment is not sufficiently complete to determine early results. However, a number of resources have appeared on ISJ pages.[6] However, according to Ovidiu Voicu, a representative of Open Educational Resources Coalition Romania, even though the implementation of this commitment remains limited, inclusion in the OGP action plan has increased awareness of the need for open educational resources and has advanced open education issues. The preparatory regulations to make educational resources developed with public money accessible in the public domain or reusable under open licenses is a new initiative in Romania and is a positive step forward.

Next Steps

If carried forward, this commitment should build on the positive strategy of making more educational resources and tools available. To further implement and improve accessibility of educational resources, two important aspects must be addressed. First, it is important to facilitate access to computers connected to the internet in schools, as only 66 percent of schools have at least one computer connected to the internet, according to the Ministry of Education.[7]

Second, while developing the platform, it is important to take into consideration accessibility for people with disabilities, to ensure broad and equal access to learning tools and materials. The existing guide, published by the Ministry of Public Consultation and Social Dialogue[8] can be consulted during implementation.

---

[1] The rate for 2016 was 18.5 percent, compared with 10.7 percent, the EU average, according to the last report of the European Commissions' Education and Training Monitor 2017, https://ec.europa.eu/education/sites/education/files/monitor2017-ro_en.pdf

[2] The official RED website is http://nelpae.ro/red/

[3] For example, https://drive.google.com/drive/folders/1p7Emumimm2iG23DbEPBEVPf0rOzOIoAZ or https://drive.google.com/drive/folders/13OhCb9r3X7ii7oCPuAAcOp6ZPFrNJE6g

[4] School text books law proposal, http://sgg.gov.ro/new/wp-content/uploads/2017/12/LG-1.pdf

[5] CRED EU-funded project, https://www.edu.ro/55000-de-profesori-vor-fi-abilita%C8%9Bi-curricular-%C3%AEn-urm%C4%83torii-patru-ani-%C3%AEn-cel-mai-mare-%C8%99i-important

[6] Here about the December situation: http://www.inovarepublica.ro/red-isj/

[7] Business Magazin, http://www.businessmagazin.ro/actualitate/ministrul-educatiei-avem-internet-doar-in-66-din-scolile-din-tara-investim-in-digitizare-16861550

[8] Ministry of Public Consultation and Social Dialogue, http://dialogsocial.gov.ro/2017/07/consultare-publica-accesibilizare/

17. Open Contracting

Commitment Text:
The commitment is a continuation of one of the priorities of the 2014-2016 NAP and its objective is to increase the transparency and efficiency of public spending by opening data collected through the electronic procurement system in the OCD standard, as well as by engaging citizens in the process.

Data will cover planning, award, implementation, performance, and completion of public contracts.

OCDS data will be directly accessible in the eLicitatie platform, even for users unskilled in automatic data collection / processing, by applying search filters on criteria such as contracting authority, economic operator, procurement name etc.

Main Objective:
Increase the transparency and efficiency of public spending.

Milestones:
17.1 Informing and training the public procurement staff in local and central public institutions
17.2 Implementation of the OCDS in the e-licitatie.ro portal (public procurement portal). Following the JSON standard, a webservice will serve API calls according to the OCDS, covering: Buyer Information, Tender/Initiation, Award, Contract, Implementation, Planning, Document, Budget, Item, Amendment, Classification, Contact Point, Value, Period.
17.3 Publishing the datasets resulted from the OCDS implementation, on the data.gov.ro portal
17.4 Selection of one or more public institutions for the implementation of a pilot on applying the OC principles (for all phases of the contracting process)
17.5 Piloting the implementation of OC principles in one public institution, in collaboration with civil society, in all phases: development/planning, awarding, execution, implementation/monitoring, completion, assessment

Responsible institution: National Agency for Public Procurement (ANAP)
Digital Agenda Agency (AADR)

Supporting institution(s): Chancellery of the Prime-Minister, Funky Citizens; Open Society Foundation

Start date: September 2016   **End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
17. Open Contracting			✔		✔	✔						✔	No	✔			

Context and Objectives
Public procurement is still one of the main issues related to corruption in the public sector, even though Romania was among the first European countries to adopt an electronic system for public procurement. The main legal framework applicable to public procurement

contracts is related to Law No. 98/2016 on public procurements.[1] The Government of Romania is in the process of implementing the Open Contracting Data Standard, as a tool to increase the transparency of public acquisitions. The Digital Agenda Agency of Romania (AADR), the government agency in charge of the public acquisitions online portal, pledged in 2016 to adopt Open Contracting Data Standards (OCDS) for publishing its information on the e-licitatie.ro portal.

If implemented, this commitment would have a transformative impact. While procurement and contracting data is available online, interviewed stakeholders the focus group remarked that it is not fully standardized in line with the OCDS, sometimes datasets are incomplete, and it is often published in non-open formats. However, the government states that procurement data from the e-licitatie.ro portal is regularly published on the national open data portal in an open format and under an open license. Users find the current platform non-user-friendly. A journalist who specializes in researching procurement explained that the E-Licitatie platform (for public auctions and contracts) requires the user to know the exact search terms to find accurate results when using the database.[2] The platform design is not intuitive, and the lack of metadata requires a searcher to already have specific knowledge of a contract to locate the relevant records, many of which are in PDF format that is not reusable. Fully implementing the OCDS[3] would impose data standards and practices that would eliminate these issues and dramatically increase access to information by improving its quality, usability, and presentation.

Completion
According to the government self-assessment report, this commitment was not started in the first year of implementation, the assessment period for this report.

Next Steps
The commitment to adopt OCDS is a positive step, but civil society members argue that adoption alone is not sufficient. Implementing a new standard without ensuring a realistic process for overcoming the existing challenges and realities of Romanian institutions could diminish the potential for achieving progress in the field of open contracting.

The researcher recommends that AADR first publish all concluded government tenders as open data in OCDS format. Civil society activists also recommend a better standardization of the data across government platforms, not just the E-Licitatie portal. This could ensure more uniform improvements across all forms of government data, in particular the datasets provided on the Open Data Portal (data.gov.ro).

---

[1] In Romanian, https://www.e-licitatie.ro/Public/Static/ro/Legislatie/L98_2016.pdf Additional laws apply to public procurement and contracting as well, these include: Government Decision No. 395/2016 (on the approval of application rules to the legal provisions regarding the award of the public procurement contract/framework agreement regulated by Law No. 98/2016) and Law No. 101/2016 on remedies and appeals regarding the award of public procurement contracts, sectorial contracts and works and services concession contracts. Such laws also govern the National Council for Solving Complaints (the NCSC).
[2] Ana Poenariu, a journalist with RISE Project, interview by IRM staff, 5 December 2017, Bucharest.
[3] OCDS requirements and technical standards, http://standard.open-contracting.org/latest/en/

18. Increasing the quality and quantity of published open data

Commitment Text:
The commitment is part of the project" Improving the quality and number of datasets published by public institutions" that will be funded through the European Social Fund 2020 and aims to:
A) improve the open data publishing methodology;
B) provide a series of training sessions and support documents for open data management for the staff in public central and local institutions;
C) improve the quality of data published on data.gov.ro;
D) Encourage the re-use of data;
E) increase the number of datasets published on data.gov.ro

Main Objective:
The main objective of this commitment is to promote and increase transparency in public administration and improve citizen dialogue by improving the means and procedures to publish open data from the public institutions and authorities.

Milestones:
18.1 Improve the open data publishing methodology by updating and improving the 2015 Guide and assessing the framework for a public policy proposal that would ensure implementation of procedures in all public institutions, publication of datasets on a regular basis and correlation with the linked governmental strategies.
18.2 Organise 13 training session for staff in local and central public administration (200 persons)
18.3 Pilot the automatic publishing on the data.gov.ro portal of open data from public procurement (open contracting), tax registers and air quality (through APIs)
18.4 Encourage and assist public institutions in organising competitions (hackathons) using open data, to develop solutions for specific issues. At least 4 hackathons will be organised, in sectors where institutions already showed interest in promoting the re-use of data, and civil society representatives agreed on the utility of such competitions (culture, education, local government, anti-corruption, citizens budgets etc.)
18.5 Centralised publishing on the national open data portal of priority, high value datasets (budget, education, culture, health, labour, environment and others). Monitoring of regular updates of datasets that are already published. Identify and publish new datasets, in collaboration with civil society.

Responsible institution: Chancellery of the Prime-Minister/Secretariat general of the Government

Supporting institution(s): Ministries; Local public authorities, Coalition for Open Data

Start date: September 2016   **End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
18. Increase the quality and quantity of Open Data			✔		✔	✔					✔		No		✔		

Context and Objectives

This commitment was proposed by governmental actors to address gaps in the implementation of the Law[1] on the re-use of public information. Per the aims listed in the action plan, this commitment regulates the open data framework in Romania and is part of a project to improve the quality and number of datasets published by public institutions that will be funded through the European Social Fund 2020. The commitment envisions piloting automatic publishing of data on procurement, tax registers, and air quality (through application programming interfaces [APIs]), while centralizing and improving access to high value datasets as determined through consultation with civil society. While the topical areas for which data will be published are specified, the specific types of information and data that will be improved are not clearly delineated, nor are targets or indicators for how much data will be published by default or automatically disclosed. The aim of this commitment is to improve the methodology, train national and local government staff, and improve the quality and quantity of data published on data.gov.ro.

This commitment as written could have a moderate impact on creating a better operating environment within the government for proactively disclosing quality datasets, and better applying the current laws governing data disclosure. While all of the steps proposed in this commitment would improve government practice beyond the status quo, the activities do not have a high enough degree of specificity to accurately determine the scope and scale of the expected reforms.

Completion

The government self-assessment report indicates that the first three milestones have not started implementation yet. This is due to delays in the procurement of consulting services in the project funded by the European Union (EU).

The fourth milestone, to "Encourage public institutions in organizing competitions (hackathons) to develop solutions for specific issues," is substantially complete. Three hackathons were organized in September 2016,[2] March 2017,[3] and January 2017,[4] aiming to create apps on the following topics: health, social policies, environment, smart cities, culture, policies/strategies, and education and culture.

The fifth milestone, to "Centralize publishing on the national open data portal of priority, high value datasets" is limited in its implementation. The amount of data that was published increased, but the quality is uneven. With regards to quantity, in 2017, the number of datasets published on the data.gov.ro portal has increased (more than 1,000 in 2017 versus 633 in 2016), and the published datasets belong to priority sectors such as: procurement, budget, education, health and environment. According to the annex to the self-assessment report (in the Romanian language version only), out of the 259 datasets the institutions

committed to publish for the 2016–2018 action plan, 208 have been published as planned, of which 16 are not updated, 12 are PDFs, and 30 have been published only on the institutions' websites and not on data.gov.ro. Civil society stakeholders expressed the concern that although significant progress has been made regarding quantity, the quality of data is still very low, as most of the data from the Ministries has not been uploaded to the data.gov.ro portal. At the end of 2017, 1,100 datasets were available on the data.gov.ro platform, from 83 institutions.[5]

Early Results (if any)
In 2016 there were some positive steps regarding publishing information on how EU funds were spent. In October 2016, the Ministry of European Funds published all data available on spending EU funds.[6] However, these early signs of positive progress stalled in 2017.

Next Steps
During this research, publishing reliable, open data that is regularly updated came out as a strong stakeholder priority across sectors. One particular problem identified is the inaccuracy, misreporting, and non-standardized methodology of government data collection and production methods. This limits CSOs and the private sector from accessing accurate, quality government statistics on which to base decision making and research. The IRM researcher recommends carrying this commitment forward, but altering it to clearly specify:

1. How government data collection methods and reporting will be standardized and harmonized and across institutions to enable end users (the public) to better rely on government reported data and statistics for research and development.
2. How work with CSOs will address already-identified areas where better data disclosure and quality improvement is most needed.
3. How to standardize data collection and reporting processes and formats so that all government institutions' databases are interoperable or can "talk to each other" to allow cross-sectoral studies and comparison of data in different sectors (for example, high school completion rates and public funding for schools by county). This could address the problem of non-reusable, non-open formats that prevent effective data use.
4. How to establish a monitoring mechanism in partnership with data-focused CSOs to create a process for identifying and addressing shortcomings in available data. This could create a feedback loop in which direct beneficiaries from all sectors could be involved in the process of monitoring and evaluation, and on the design of the standard for publishing open data.

---

[1] The Law on the re-use of public information, http://ogp.gov.ro/wp-content/uploads/2013/08/LEGE-109.pdf
[2] Diplohack, 9 September 2016, http://ogp.gov.ro/noutati/diplohack-9-septembrie-2016/
[3] The second hackathon, http://ogp.gov.ro/noutati/ziua-datelor-deschise-bucuresti-4-martie-2017/
[4] Culture-hack, https://www.facebook.com/events/146996179392902/, hosted by the Centre for Public Innovation
[5] Datasets available at the end of 2017, http://data.gov.ro/organization
[6] Idem. Ana Poenariu, Rise Project, interview by IRM staff, 5 December 2017, Bucharest.

V. General Recommendations

Romania has made commitments in critical areas of governance, such as anti-corruption reform and improving transparency. However, many commitments could go further to introduce highly ambitious, measurable and achievable reforms with clear expected outcomes. Stakeholders stress the need to focus on feasible changes, and on expanding and protecting space for civil society to operate.

This section aims to inform development of the next action plan and guide completion of the current action plan. It is divided into two sections: 1) those civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

5.1 Stakeholder Priorities

During interviews with civil society stakeholders, several key priorities emerged. These centered around two main categories: how the OGP consultation process could be improved, and what key issue areas the next action plan should address.

Improve OGP process:

Members from civil society noted that the frequent upheavals and rapid changes introduced through Emergency Ordinances throughout 2017 have made government predictability and stability a key focus for re-building trust. CSO priorities include following through on commitments in the current action plan that would reassure them that government partners have both the real intention of opening government, and the ability to carry out reforms.

Civil society representatives interviewed for this report view the Club meetings as a useful forum for the exchange of information, planning and reporting. To make the OGP Club more effective, CSOs recommend scheduling monthly Club meetings and circulating an agenda beforehand to better enable a more diverse group of CSOs to propose discussion topics and plan regular attendance. CSOs note that they are not clear about the role of the permanent dialogue mechanism (OGP Steering Committee) created in 2017 and how it is different or complementary to the existing OGP Club.

During the IRM focus group interview with CSOs, many expressed that their reticence about joining the new OGP Steering Committee has been due to ambiguity about what its purpose will be. CSOs recommend the next OGP Club meeting be used to decide the role and purpose of the new Steering Committee. In their view, the next steps should be bringing government and civil society members together to identify the current shortcomings in the OGP process that need to be addressed, and then deciding on a feasible solution. If forming a Steering Committee council of seven permanent CSO and government members would provide the best solution, CSOs posit that only then could they choose their best permanent representatives.

Content of the action plan:

Stakeholders note the limited progress on local level commitments in the existing action plan, such as citizens' budgets and improving FOI processes. As interest grows for involving local level entities in OGP, the Smart City Association recommends having designated public officials at the local level throughout the country who organize and coordinate local level OGP discussions. Respectively, local governments need to set expectations for the involvement of local CSOs as they would benefit from guidance on how to provide consultation and advisory support, or how to leverage their networks to identify needs and partnerships.

Stakeholders identified several priority areas to be addressed in the content of the next action plan. These include improving data disclosure at the local level, standardizing the way government data and statistics are collected (which could also benefit local private sector development), and improving transparency for the use of EU structural funds. In particular, CSOs emphasized that the next action plan could build trust in government by committing to enhancing and enforcing anti-corruption rules and mechanisms that empower citizens to hold public officials accountable. In addition, journalists have cited a greater need to standardize and strengthen asset declaration reporting for officials, including making information about public officials' land ownership and property holdings more transparent.

To ensure a high-quality action plan, CSOs involved in the focus group recommended only including commitments in the next plan that are achievable, have precisely articulated goals and propose ambitious reforms. They recommend using stricter selection criteria for such commitments.

5.2 IRM Recommendations

1. Regularize OGP Club meetings and clarify the role of the new Steering Committee

The Club should decide on a regular calendar with monthly meetings held at set times to enable regular participation and planning.[1] In addition, CSOs have recommended circulating an agenda prior to the meeting, allowing both government and civil society to decide the topics for more focused discussion. Further, CSOs suggest more outreach and engagement with universities, local organizations and private sector representatives to expand the representation of stakeholders at Club meetings. Live broadcasts of meetings should be available on the OGP Club Facebook page to promote transparency of decision making. In addition, the Club should meet to discuss and clarify the role and membership of the new permanent OGP Steering Committee.

2. Institutionalize OGP across government ministries and establish a budget line to improve implementation

In order to ensure OGP's principles are understood and adopted at the level of each relevant ministry, there should be a State Secretary in each Ministry with formal responsibilities regarding OGP and the implementation of the commitments that involve the respective institution or subordinated agencies. Moreover, a public servant[2] from each Ministry should second the state secretary, also ensuring the institutional memory[33] and a system to motivate them. In order to ensure communication between those involved, a secure, open-source tool such as Trello or Basecamp can be used for discussion, and best practice sharing.[4] OGP activities would also benefit from having an established budgetary line. Currently, there is no budgetary allocation for OGP, which has resulted in most of the commitments being developed with existing EU funding. Any delay in securing or accessing these funds leads to delays in commitment implementation. To improve the uptake of tools and initiatives developed through commitments, a team of Open Data navigators responsible for helping citizens and public institutions understand and implement the aims of OGP could be established. This team would share knowledge, best practices, and be a "translator" for authorities at the national and local level, as well as for citizens that want to use the open data tools and platforms established through OGP commitments.

3. Increase transparency of public spending

According to investigative journalists interviewed,[5] Romania made some positive progress during 2016 in publishing more public spending information on the open data portal and other transparency platforms, such as the E-Licitatie platform for public auctions. However, there are several areas where greater transparency is required relating to use of public

funds. Three key areas to improve include publishing more comprehensive information on contracting; enacting beneficial ownership regulations to end secret shareholders; and releasing data on state funding for religious institutions.

Open Contracting

First, the Open Contracting Data Standards (OCDS)[6] should be implemented as stated under Commitment 17. In addition, all contractors should be identified on the open data portal (on data.gov.ro) alongside each publicly funded project. At present, EU-funded projects are listed on the open data portal and information on the implementing agency and activities are provided. However, information on all bidders and contract winners charged with implementation should also be required for public disclosure to prevent conflicts of interest and identify misuse of funds. In October 2016, the Ministry of European Funds had published all data on EU-funded projects online in an open format (Excel), but from 2017 the information was no longer automatically disclosed and required submitting a FOI request. The previous practice of automatic disclosure, with the addition of publishing all contract bidders and awardees, should be taken up in the future.

Beneficial Ownership for public procurement

To reduce corruption risks in public procurement, Romania should enact legislation or regulations requiring identification of beneficial owners for all publicly funded contracts and projects. In 2016, companies with secret shareholders won public contracts totaling 106,570,043 euros.[7] In addition to publishing more comprehensive information about all contractors, beneficial ownership disclosure should be required and made available in open data format for contracts awarded with public money.

Transparency of state funding for Religious Institutions

The Romanian state recognizes 18 religious institutions and 30 associations, which are eligible to receive state funding and tax incentives under existing laws. According to journalistic investigations, religious organizations in Romania have received more than 300 million euros between 2014–2017.[8] Information on spending for religious institutions is opaque and limited. To improve transparency in this area, all public fund allocations should be published, including at the local level, ideally on the open data portal, alongside information about the projects being funded. This will require stricter standards and regulations for accountability on public grants provided to religious organizations, to ensure information can be obtained at minimum through the FOI request process, and ideally, through automatic online disclosure.

4. Improve FOI implementation, including at the local level

The government has developed several platforms and web portals to provide more data and information to the public. While a positive step, there is still room for improving the information request process and for ensuring that county and municipal governments are also compliant with laws. Improvement could focus on three key areas: increase the quality of data provided on existing platforms, improve and standardize records management practices at all levels of government, and train press officers in each government MDA to respond to information requests.

To improve the quality and usability of existing data
- Provide metadata and improve the search and filter functions of existing web platforms like the Open Data Portal, the E-Licitatie (auction and procurement) Platform, and Integritate (asset disclosure) Platform. At present, certain portals such as E-Licitatie provide valuable data but are difficult to navigate, requiring a researcher to know the specific search terms and technical identifiers to locate a

particular record. Better tagging, the inclusion of metadata and a more user-friendly platform design would make the information more accessible.

- Provide all data on public contracts, statistics, public official's asset ownership, budgets, etc. in open formats. Many records are published in PDF form, which limits re-use. Government data collection and statistical reporting methods should be standardized and harmonized across all institutions and reviewed with civil society stakeholders.

To Improve and standardize records management practices at all levels of government

- Prioritize digitizing records and data collected by county and municipal level government. Access to local data and records remains limited, and FOI requests often go unanswered due to poor record-keeping practices and a lack of trained information officers. To improve this, a national set of standards and training should be implemented in all 41 counties to begin transitioning to a digital record-keeping system.
- Create a central portal where all data and information that is mandatory for public disclosure (local and national datasets) should be organized and published regularly. Each ministry or agency should be provided with clear data standards and training on how to regularly update information on the central portal. In addition, the portal should be a "one-stop-shop" with links to other transparency platforms and pages.

5. Take measures to protect and expand civic space

Signs of shrinking civic space are a worrying trend for national and international organizations operating in Romania. In order to protect, maintain and expand space for civil society to operate, the following steps would need to be taken. Changes to the Justice Laws and proposed legislation to require all CSOs and donors to charitable organizations to publish donations received in the Official Journal (absorbing all associated costs and fees) would need to be halted and reversed. Third, citizens' right to organize and protest should be upheld and protected by ensuring that citizens are able to legally and easily obtain permits for peaceful assembly. The law proposal of the Ministry of Interior[9] to make verbal misconduct towards police a criminal offense subject to arrest or heavy fines is ambiguous and overly broad, which could lead to abuses and curtailing of citizens' rights to demonstrate and publicly organize. This legislation should be rescinded.

6. Strengthen asset disclosure for public officials

Improve information available on asset declaration platform

Strengthen asset declaration requirements for public officials and make the data available to citizens in open formats. The existing Integritate asset disclosure web portal is difficult to use and officials are only required to report wealth and assets accumulated in the previous year. There is no requirement to report, record or track public officials' assets over time, which limits overall monitoring and prevents watchdog CSOs from determining an accurate assessment of official's real estate, land holdings and assets. One civil society organization based in Cluj-Napoca has developed a public Tgov.eu platform, that converts PDF data on the Integritate Platform into open format excel sheets. They monitor and make yearly comparisons of asset information, enabling users to track assets over time for individual politicians to give a more accurate picture of wealth. Moving forward, the government should adopt this format and work with civil society to determine best practices for improving the transparency and use of information provided on the official government platform. In the meantime, Geeks for Democracy have recommended the Integritate Platform link to the civil society Tgov.eu platform with a disclaimer that the information contained therein is managed and updated by civil society. This would enable wider uptake and use of government data.

Table 5.1: Five Key Recommendations

1	**Regularize OGP Club meetings and clarify the role of the new Steering Committee**
2	**Institutionalize OGP across government ministries and establish a budget line to improve implementation**
3	**Increase transparency of public spending**
4	**Improve FOI implementation, including at the local level**
5	**Take measures to protect and expand civic space**

---

[1] During OGP Club meeting on June 20, 2017. See more at http://ogp.gov.ro/wp-content/uploads/2015/01/Rezumat-Club-OGP-20-iunie-2017.pdf

[2] The public managers can be a very good resource.

[3] As the public servant is not affected directly by political changes - he/she is not appointed or dismissed politically, according to the Law 188/1999 of the Public Servants. The model of "institution manager" as described in the Anti-Corruption Strategy.

[4] Some examples of such tools include Slack (free tool), Basecamp (a fixed $100/month cost), Trello, and Asana.

[5] Ana Poenariu, Rise Project, interview by IRM staff, 5 December 2017, and Lina Vdovii, interview by IRM staff, 6 December 2017, Bucharest.

[6] The Open Contracting Data Standard is a core product of the Open Contracting Partnership (OCP), http://standard.open-contracting.org/latest/en/.

[7] This data was compiled by FUNKY Citizens from data available on the Open Data Platform data.gov.ro

[8] Spending on religious institutions, https://safielumina.ro/

[9] http://81.181.207.101/frontend/documente_transparenta/87_1509610798_PR_Lege%20OSP_26102017_NG.pdf

VI. Methodology and Sources

The IRM progress report is written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.

2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole. (See below for IEP membership.)

3. Prepublication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report.

4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.

Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Researchers should make a genuine effort to invite stakeholders outside of the "usual suspects" list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than is provided in the self-assessment or is accessible online.

Romania's information-gathering process relied mostly on individual and group interviews, involving stakeholders from all sectors of activity. As the current researcher took over this report at the end of October, most interviews took place during November and December 2017.

A focus group was held on 7 December, in Bucharest, with the participation of Margaret Kavaras, IRM Officer based in Washington, D.C. All CSO partners mentioned in the action plan were invited, along with some stakeholders that have a reputation for using data, like Geeks for Democracy. Seven individuals participated in the meeting. The discussion lasted approximately three hours, with:

- Codru Vrabie, from Funky Citizens. He was also interviewed face-to-face in November 2017.
- Florin Pop from Geeks for Democracy, who was also interviewed online during November 2017.
- Simona Calapodescu, from Asociatia Salvati Bucurestiul.
- Dan Bugariu, from Smart City Association, who was also interviewed via email during December 2017.
- Tutuianu Iulia, from FDSC – Civil Society Development Foundation, who also responded to some general questions regarding the OGP process in an online form, from December 2017.
- Luca Ciubotaru, former Councillor of the Ministry of Public Consultation and Civic Dialogue during 2015-2016, and founder of the Radauti Civic Group, was also interviewed online during November and December 2017.
- Onufreiciuc Raluca, from Asociatia CIVICA.
- *Two CSO partners were sent online interview forms but have not responded.

Other CSO stakeholders were interviewed, as follows:
- Andra Bucur, former Secretary of the Open Data Coalition, former Open Society Foundation, was interviewed online during November and December 2017.
- Ovidiu Voicu, from the Centre for Public Innovation and Open Educational Resources Coalition Romania, former Open Society Foundation, was interviewed online during November and December 2017.
- Alexandrina Dringa, from CIVICA Association, was interviewed online in November 2017.
- Mihai Dragos, from the Romanian Youth Council, was interviewed online in March 2018.

Representatives of the Academic sectors:
- Codrin Nisioiu, from Open Data Coalition and University professor at the Academy of Economic Studies, face-to-face interview in November 2017.
- Claudiu Tufis, professor at the University of Bucharest and former IRM local researcher, was interviewed face-to-face in October 2017 and online during November 2017.

Representatives of the business sector:
- Dragos Atanasiu, president of AKH Romania, founder of Eurolines, face-to-face interview in December 2017.
- Radu Burnete, from the Foreign Investors Council, online interview in December 2017.

Investigative Journalists
- Ana Poenariu, from Rise Project, online interview with Megan Kavaras, December 2017.
- Lina Vdovii from Casa Jurnalistului, online interview with Megan Kavaras, December 2017.

Actual and former Governmental actors
- Angela Benga and Larisa Panait, from the Secretariat-General of the Government OGP points of contact, face-to-face interview in November 2017.
- Florin Vodita, former State Secretary in charge with OGP coordination, face-to-face interview in November 2017.

- Radu Puchiu, former State Secretary in charge with OGP coordination, face-to-face interview in November 2017.
- Daniel Mindruț (Cabinet Director) and Madalina Mitroi (Head of Open Government Department), Ministry of Public Consultation and Social Dialogue, face-to-face interview in December 2017.
- Violeta Alexandru, former Minister of Public Consultation and Civic Dialogue in the Ciolos Government, face-to-face interview in December 2017.
- Mihai Lisetchi, former State Secretary of Public Consultation and Civic Dialogue in the Ciolos Government, online interview in December 2017.
- Adrian Baboi-Stroe, former state secretary, Ministry of Justice, online interview in December and January 2017.
- Cornel-Virgiliu Calinescu, General Director, National Agency for the Management of Seized Assets (ANABI), phone interview in March 2018

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on an annual basis. The design of research and quality control of such reports is carried out by the International Experts Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Hazel Feigenblatt
- Mary Francoli
- Brendan Halloran
- Hille Hinsberg
- Anuradha Joshi
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Ernesto Velasco

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org

VII. Eligibility Requirements Annex

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.[1] When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

Table 7.1: Eligibility Annex for Romania

Criteria	2011	Current	Change	Explanation
Budget Transparency[2]	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information[3]	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration[4]	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (8.24)[5]	4 (8.24)[6]	No change	*EIU Citizen Engagement Index* raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	16/16 (100%)	16/16 (100%)	No change	75% of possible points to be eligible

---

[1] For more information, see http://www.opengovpartnership.org/how-it-works/eligibility-criteria.

[2] For more information, see Table 1 in http://internationalbudget.org/what-we-do/open-budget-survey/. For up-to-date assessments, see http://www.obstracker.org/.

[3] The two databases used are Constitutional Provisions at http://www.right2info.org/constitutional-protections and Laws and draft laws at http://www.right2info.org/access-to-information-laws.

[4] Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), http://bit.ly/19nDEfK; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in Government at a Glance 2009, (OECD, 2009), http://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), http://bit.ly/1clokyf. For more recent information, see http://publicofficialsfinancialdisclosure.worldbank.org. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at http://bit.ly/1EjLJ4Y.

[5] "Democracy Index 2010: Democracy in Retreat," The Economist Intelligence Unit (London: Economist, 2010), http://bit.ly/eLC1rE.

[6] "Democracy Index 2014: Democracy and its Discontents," The Economist Intelligence Unit (London: Economist, 2014), http://bit.ly/18kEzCt.