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Action Plan Review:
Romania 2020–2022

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Introduction

Starting in January 2021, the IRM began rolling out the new products that resulted from the IRM Refresh process.[1] The new approach builds on the lessons from more than 350 independent, evidence-based, and robust assessments conducted by the IRM and input from the OGP community. The IRM seeks to put forth simple, timely, fit-for-purpose and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The new IRM products are:

1. **Co-creation brief**: brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design. This product is scheduled to roll out in late 2021, beginning with countries co-creating 2022–2024 action plans.
2. **Action plan review**: an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This product is scheduled to roll out in early 2021 beginning with 2020–2022 action plans. Action plan reviews are delivered 3–4 months after the action plan is submitted.
3. **Results report**: an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product is scheduled to roll out in a transition phase in early 2022, beginning with 2019–2021 action plans ending implementation by 31 August 2021. Results reports are delivered up to four months after the end of the implementation cycle.

This product is an IRM review of Romania's 2020–2022 action plan. The action plan is made up of 12 commitments. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this action plan review, see Section III: Methodology and IRM Indicators.

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[1] For details regarding the IRM Refresh, visit https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/.

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Section I: Overview of the 2020–2022 Action Plan

Romania's fifth action plan largely continues existing government initiatives and includes promising commitments on reducing bureaucracy and opening data. The IRM recommends ensuring stakeholder engagement during implementation, particularly on commitments related to open data, de-bureaucratization, and transparency of public investments. Future action plans could benefit from greater dialogue with civil society during co-creation on which topics to prioritize and on the overall direction of OGP in Romania.

Romania's fifth action plan consists of 12 commitments. The action plan continues or expands several policy areas from the previous plan, including open government at the local level, access to community services, youth participation, integrated community services, transparency of national investment funds, and open data.[1] New initiatives include improving access to information on government-funded projects in the Republic of Moldova, improving information on the rights of linguistic minorities, and decreasing the bureaucratic burden in the central public administration. The action plan also aims to strengthen the healthcare system in response to the COVID-19 pandemic.

Several commitments entail institutional changes and could potentially lead to long-lasting results. These include Commitment 11, where the government and civil society jointly assess Romania's entire public administration in order to reduce bureaucracy, and Commitment 12, where Romania will transpose the EU's 2019 Open Data Directive into national legislation. Other commitments offer positive but incremental changes, such as Commitment 5 to centralize information on nonrefundable grants from public funds, Commitment 6 to publish data on national investment funds, and Commitment 7 to publish information on projects financed by the Romanian government in the Republic of Moldova. The action plan does not directly address the previous IRM recommendations to include commitments on furthering the independence and effectiveness of the judiciary or publishing information on all concluded government contracts as open data.[2]

The commitments in the action plan were mainly initiated by public institutions and were taken from pre-existing government strategies; there is limited civil society investment in their implementation. The co-creation of the action plan, which lasted from February to August 2020, provided opportunity for both public institutions and nongovernmental stakeholders to submit proposals online. However, most proposals (51 out of 57) came from public institutions.[3] The

AT A GLANCE

Participating since: 2011
Action plan under review: 2020–2022
IRM product: Action plan review
Number of commitments: 12

Overview of commitments:
- Commitments with an open gov. lens: 11
- Commitments with substantial potential for results: 2
- Promising commitments: 3

Policy areas carried over from previous action plans:
- Public participation in decision making
- Youth participation
- Open government at local levels
- Integrated community services
- Transparency of investments
- Open data

Emerging policy areas:
- Rights of linguistic minorities
- Health and social responsibility
- De-bureaucratization

Compliance with OGP minimum requirements for co-creation:
- Acted in accordance to OGP process: Yes

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OGP Technical Secretariat then filtered the proposals that were in line with OGP principles and organized consultations between the institutions and interested nongovernment stakeholders in order to improve the existing proposals.[4] Following these consultations, the institutions sent the updated commitments (with civil society proposals integrated) back to the OGP Technical Secretariat, which then finalized the action plan. The final action plan was not formally approved until February 2021.

Although the co-creation process was open, several limitations that the IRM noted during the previous plan persisted, including low levels of civil society involvement and a weak exchange of ideas.[5] According to the point of contact at the General Secretariat of the Government (SGG), some civil society proposals were not included in the action plan because they are being discussed in other contexts, such as beneficial ownership and the National Anticorruption Strategy.[6] A civil society stakeholder on the multistakeholder forum suggested that future action plans could include commitments to increase transparency of political parties financing, public procurement, and activities of state-owned enterprises.[7]

For successful implementation, SGG and lead agencies should ensure higher levels of stakeholder engagement for individual commitments. This is important to not only complete commitments that require consultations with relevant experts and civil society, but also to raise overall interest in the plan, given that most commitments reflect the existing work of public institutions. This action plan review offers specific recommendations on ensuring stakeholder engagement for three commitments, but engagement is needed generally throughout the plan (i.e., for commitments on marginalized communities and linguistic minorities).

For future action plans, the IRM recommends providing greater opportunities for civil society to shape the priorities, beyond submitting proposals online. More dialogue in the early stages of co-creation could help stakeholders set the agendas for future action plans. In May 2021, after adopting this action plan, Romania revived its multistakeholder forum (the National Coordination Committee) to oversee the implementation of the current action plan and the co-creation of the next plan.[8] This could ensure greater stakeholder engagement in the process and allow the forum greater influence in shaping Romania's priorities in OGP.

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[1] Government of Romania, *Open Government Partnership: Romania National Action Plan 2020-2022* (OGP, Feb. 2021), https://www.opengovpartnership.org/wp-content/uploads/2021/02/Romania_Action-Plan_2020-2022_EN.pdf.
[2] I. S. Deleanu, *Independent Reporting Mechanism (IRM): Romania Design Report 2018–2020* (OGP, 28 May 2020), 60–62, https://www.opengovpartnership.org/wp-content/uploads/2020/05/Romania_Design_Report_2018-2020_EN.pdf.
[3] The list of proposals is available at http://ogp.gov.ro/nou/consultare-propuneri-primite/. The nongovernment stakeholders that sent proposals were the Center for Public Innovation, Expert Forum, SmartCity Association Timisoara, and the Association for Information and Communication Technology in Romania.
[4] Government of Romania, *Open Government Partnership: Romania National Action Plan 2020-2022* at 5.
[5] Deleanu, *Independent Reporting Mechanism (IRM): Romania Design Report 2018–2020* at 11–12.
[6] Larisa Panait (OGP point of contact, Sec. Gen. Secretary of Government), online interview by IRM researcher, 16 Jun. 2021.
[7] Septimius Parvu (Expert Forum), email to IRM researcher, 11 Aug. 2021.
[8] Gen. Secretariat of the Government, "Selecţie Comitetul Naţional de Coordonare OGP 2021" [Selection of the National Steering Committee OGP 2021] (21 May 2021), http://ogp.gov.ro/nou/2021/05/21/rezultate-selectie-comitetul-national-de-coordonare-ogp-2021/.

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Section II: Promising Commitments in Romania's 2020–2022 Action Plan

The following review looks at three commitments that the IRM identified as having the greatest potential to realize the most promising results. This review will inform the IRM's implementation assessment in the results report. The results report will use this early identification of potential results to contrast with the outcomes at the end of the implementation period. This review also analyzes challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

The IRM selected these three commitments based on their aim to offer institutionalized or comprehensive reforms within their policy areas. Commitment 11 calls for government and civil society to jointly assess all of Romania's central public institutions for bureaucracy reduction. Under Commitment 12, Romania will transpose the EU's Open Data Directive into national legislation, to be the country's first binding regulation for open data publication. Both commitments foresee the involvement of civil society in their implementation: the joint government-civil society collaboration in Commitment 11's bureaucracy assessments and working groups for identifying high-value datasets in Commitment 12. The IRM also reviewed Commitment 7 on creating a database for information on all projects financed by Romania in the Republic of Moldova. Although this commitment lacks certain details, the potential scope of the information and its possible significance to civil society and journalists in both countries make it a promising endeavor.

Several commitments carry forward unfinished activities from the previous action plan, and so are not analyzed in detail in this action plan review. For example, the CSO Expert Forum proposed carrying forward an unfulfilled commitment on increasing the transparency of national investment funds (Commitment 6 in the current plan).[1] This commitment could deliver strong results, given the size and scope of investment funds, their importance for the sustainable development of local communities, and past controversies over their allocation. Therefore, the IRM reiterates its recommendations from the 2018–2020 design report to publish the reasons why certain datasets can or cannot be opened, use public consultations to understand what data citizens would like to have opened, and publish the official justification notes that local public administrations put forward in order to receive funding.[2]

In addition, Commitment 2 continues the Ministry of Youth and Sports' efforts to increase youth participation in its work, while Commitment 3 carries forward the Ministry of Regional Development and Public Administration's improvements of open government at the local level. Commitment 4 continues the creation of interactive maps of integrated community services, while also aiming to provide at least 100 community assistance services for marginalized communities. Although these commitments include new activities beyond the previous action plan, they do not go beyond modest activities, so the IRM has not reviewed them further.

The action plan contains several new initiatives, but as they also are modest changes to the status quo, the IRM has not assessed them further in this review. Commitment 8, for example, aims to improve the availability of information on the rights of linguistic minorities in dealing with local public administration. However, it mainly consists of online video campaigns and smartphones apps, and it is unclear if these activities will reach their targeted population and what engagement the information will receive. Commitment 9 addresses the COVID-19 pandemic, but mostly focuses on strengthening the internal readiness of health institutions to

address future crises rather than opening government. It also calls for publishing open data on COVID-19 infections, but does not explain how this data will exceed what Romania has been already publishing on COVID-19 prior to the action plan's adoption in February 2021.[3] Finally, while Commitment 1 aims to streamline participation in public administration decisions, it does not clarify what kind of participation it will enable. This commitment appears to focus on consulting civil society expertise rather than facilitating their involvement in decision-making.

Table 1. Promising commitments

7. **Information on projects financed by the Romanian Government in the Republic of Moldova.** This commitment launches a database with information on all projects financed by the Romanian government in the Republic of Moldova. Given the potential volume of projects and information to be published, this commitment could improve transparency of these projects.
11. **De-bureaucratization for the central public administration.** This commitment will use a joint government-civil society committee to assess all institutions in Romania's central public administration for unnecessary bureaucracy. Its implementation could institutionalize collaboration in the assessment of bureaucracy in the public administration and could help reduce red tape.
12. **Open data.** This commitment will transpose the EU Open Data Directive into national legislation, use working groups to identify high-value datasets to open, and continue publishing open data. This transposition of the EU directive would create binding rules for public institutions around which datasets they must publish, the regularity of publication, and the interoperability of data.

Commitment 7: Information on projects financed by the Romanian Government in the Republic of Moldova

Lead institution: Department for Relations with the Republic of Moldova of the General Secretariat of the Government

For a complete description of the commitment, see Commitment 7 in Romania's 2020–2022 action plan here.

Context and objectives

Under this commitment, the Department of Relations with the Republic of Moldova (DRRM) under the General Secretariat of the Government aims to create a central database with information on all projects carried out by the Government of Romania in the Republic of Moldova. DRRM will develop the database into an interactive map using internal data provided by ministries, agencies, universities, and local public administrations.

DRRM proposed this initiative to aggregate projects financed from central and local governments.[4] National legislation in Romania allows financing of local development projects in the Republic of Moldova by Romania's local public administration per twin agreements between cities, communes, and counties. The Government of Romania finances many projects in the Republic of Moldova directly through DRRM. Moreover, the two states largely share a common language and culture, and the integration of the Republic of Moldova into the EU is a long-term goal of Romania's foreign policy (the Republic of Moldova signed an Association Agreement with the EU in 2014). However, the total financial amount of the projects will only be known after DRRM has fully populated the database.

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According to the action plan, the database would contain data on the official documents used to make financing decisions, the amounts invested, beneficiaries in the Republic of Moldova, (local and central level) financiers from Romania, financing dates, and the degree of completion of the investment. Therefore, the commitment has a clear relevance to the OGP value of access to information.

Potential for results: **Modest**
The database will provide citizens, civil society, journalists, and decisionmakers in both countries with facts and figures on the extent, quality, and history of development and financial assistance from Romania to the Republic of Moldova. This is important as the online and media landscapes in the Republic of Moldova are often subject to disinformation campaigns targeting public perceptions of bilateral relations between the Republic of Moldova and Romania.[5] As such, the database can result in better fact-checking and more accurate media reporting on projects financed by Romania in the Republic of Moldova. The database could also inspire local public administrations to engage in common projects and offer examples of best practices. Finally, this database could be an important accountability and transparency tool by providing civil society with the necessary investment information to assess and provide recommendations to improve public spending.[6]

The total amount of Romania's investment projects in the Republic of Moldova will be known only after DRRM has centralized all the data. While it is difficult to estimate the scale of financing and projects, Romania has a long track record of public investments in the Republic of Moldova, and the total financial amount is likely high. Funding has also been provided through a bilateral agreement of a 100-million-euro infrastructure modernization for education, transport, energy connection, environment, and emergency situations. In 2015, Romania awarded DRRM a five-year, 150-million-euro loan for development projects in the Republic of Moldova on media, education, and culture.[7] Other investments include official development assistance, trainings, exchanges of good practices, ministry investments, and local public administration projects. Given the importance that Romania places on the human development of the Republic of Moldova (tied to goal of the latter's eventual integration into the EU), the database could be a useful tool for tracking projects that account for a significant amount of money.

The IRM considers the potential for results as modest. The results will largely depend on the level of comprehension of the database in terms of the number of projects covered, the volume of relevant documents uploaded, and the usability of the information. The action plan does not specify where this information was published prior to the action plan, but it notes that there was previously no unified database with comprehensive information on all the investments that the government has made in the Republic of Moldova.[8] As noted by a civil society member of the multi-stakeholder forum, this commitment aims to consolidate in one place data that was already available in different locations and formats, as opposed to publishing previously unavailable data.[9] Furthermore, the stakeholder noted that DRRM manages only a small part of the financial aid from Romania to the Republic of Moldova and most of the funds are administrated by the Romanian Agency for International Development Cooperation under the Ministry of Foreign Affairs and it is not certain that DRRM will manage to obtain this information and update it regularly.[10]

Opportunities, challenges, and recommendations during implementation
Providing centralized information on all financed projects in the Republic of Moldova could improve transparency on the nature of these projects and assist journalists and others in combating false information. The preliminary version of the interactive map of projects is

already available on DRRM's webpage.[11] DRRM is currently working to improve the user experience and expand map functions. To fully realize the commitment's potential, DRRM must ensure that the information is comprehensive and presented in a user-friendly way. It may be challenging to effectively integrate the information systems and work processes of the executive government and parliament due to their institutional differences and distinct routines.

The pro-European Party of Action and Solidarity won a majority of seats in parliament in the July 2021 snap parliamentary elections.[12] This could place further importance on Republic of Moldova-EU relations in the coming years and create additional opportunities for Romania to invest in the Republic of Moldova.[13] The ongoing maintenance and sustainability of DRRM's database may prove important if the number of projects funded by Romania increases.

Ultimately, this commitment's success depends on how much the intended beneficiaries of the database (citizens, civil society, and journalists) actually use its information. However, civil society from the two countries are not directly involved in the implementation and were not involved in its inclusion in the action plan.[14]

For this commitment to achieve results, the IRM recommends DRRM devote attention to the following:

- **Raise awareness about the existence of the database among stakeholders in Romania and in the Republic of Moldova**. The database will only be useful if beneficiaries in both countries are aware of its existence. As DRRM completes the database, it could raise awareness in both countries and train stakeholders on how to integrate the information into their advocacy and accountability work. The action plan notes that the communication of this information to the citizens of the Republic of Moldova has previously lacked a systemic approach.[15]

- **Ensure that all relevant documents and information for each project are uploaded to the database, including granular data on procurements made from the funds**. As of July 2021, the database does not appear to provide the relevant information for each project as stipulated in the action plan. This project information is important for users to better understand the goals, scope, and results. Furthermore, according to a civil society stakeholder form the multi-stakeholder forum, this commitment currently does not address the need for greater transparency, for example by publishing granular data about the procurements made with the money. For an investigative journalist or civic activist, this data is highly important.[16]

- **Make the information on the database available in open data format**. The current version of the database does not allow for data to be downloaded in bulk and the data is not in open format. Providing the information in open and reusable format can help users understand broader trends in Romania's projects in the Republic of Moldova.

- **Integrate the information on the database into Romania's national open data portal.** In conjunction with Commitment 12 in this action plan, DRRM could consider linking the information from this database into the data.gov.ro portal, particularly in the section on Romania's foreign relations.

- **Include information on COVID-19 vaccine donations.** The government of Romania has pledged to donate 200,000 doses of COVID-19 vaccines to the Republic of Moldova.[17] While it is unclear if COVID-19 relief will fall under the scope of the

information for this commitment, it could be useful to researchers and journalists to include data on the uptake of Romania's vaccine donations in the Republic of Moldova.

Commitment 11: De-bureaucratization for the central public administration

Lead Institutions: General Secretariat of the Government through the Directorate for Information Technology and Digitization, the General Directorate for Open Government, Public Relations and Cooperation — Open Government Service and the General Directorate for Public Policies, Strategies, and Internal Managerial Control Chancellery of the Prime Minister through the Secretary of State for de-bureaucratization

For a complete description of the commitment, see Commitment 11 in Romania's 2020–2022 action plan here.

Context and objectives

According to the General Secretariat of the Government, this commitment was proposed by the Chancellery of the Prime Minister.[18] It aims to identify and eliminate cumbersome or redundant bureaucratic procedures in the central public administration. To do so, the commitment entails continuously evaluating administrative procedures within the central public administration by a joint government-civil society group. The group will evaluate the costs and benefits of procedures and publish a dashboard with the performed evaluations. The group will also ensure sustainability of these new measures.

According to the action plan, problems related to cumbersome bureaucracy in Romania are mainly felt at the central level of administration.[19] The Bertelsmann Foundation's 2020 Transformation Index notes that for companies operating in Romania there can be a "maze of frustrating procedures required by the state bureaucracy in areas such as tax payments or inspections."[20]

The action plan does not detail the composition of the joint collaborative mechanism. However, according to the technical coordinator for this project, it will merge two committees (one on de-bureaucratization and one on e-government) that existed before the action plan.[21] The technical coordinator informed the IRM that he was not involved in consultations for this commitment and was not familiar with the concrete content of the OGP action plan.[22]

Reducing bureaucracy in public administration is not directly relevant to open government. However, as this commitment will evaluate public institutions in collaboration with civil society, the commitment contributes to the OGP value of civic participation. Furthermore, the commitment calls for publishing the evaluations on a dashboard, which contributes to the OGP value of access to information.

Potential for results: Substantial

Implementing this commitment will result in the institutionalization of bureaucracy evaluations across Romania's entire central-level public administration. The joint committee will evaluate all central-level public institutions using a single methodology, which can help better identify which public institutions and sectors are more prone to excessive bureaucracy. This, in turn, could help these institutions to more efficiently locate, reduce, or eliminate their own excessive bureaucratic procedures. If acted upon, these evaluations could save citizens, businesses, and the government time and money by removing overlapping rules and regulations and improving internal and external communication between public institutions. Lastly, the commitment will create an evaluation dashboard, which can improve transparency in how Romania addresses bureaucracy going forward, depending on the level of detail provided in the evaluations.

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Two key elements of this commitment—the joint collaborative group and the evaluation methodology—existed before the action plan. An e-government committee was created in 2016 and the de-bureaucratization committee was set up in 2020. As noted above, this commitment merges these two committees. During implementation, this new committee plans to invite CSO input on the evaluation methodology and standards.[23] The aim is to create an institutional partnership so that the committee's work on de-bureaucratization receives civil society feedback.[24] The existing mechanism does not include CSOs, but by the end of 2021, the e-government committee will select expert CSOs who have thematic experience and create a calendar for meetings and deliverables. The General Directorate for Open Government mentioned that the joint committee will be an important tool, as it would be chaired directly by the Prime Minister.[25]

In addition, according to the technical coordinator for the de-bureaucratization and e-government project, there is already a methodology in place that was developed several years before the action plan.[26] The joint committee will use this existing methodology for the evaluations but will possibly revisit specific parameters and criteria, such as affected populations, frequency of reporting, and processing.[27]

Overall, this commitment could fundamentally improve how the public administration in Romania operates. Given the comprehensive scope of this commitment (covering all central-level public institutions in the country), the IRM considers its potential for results substantial. Although the mechanism and methodology existed before the action plan, there are plans to expand and revisit these foundations by inviting civil society stakeholders to join the committee. Therefore, this commitment could also be a game changer in how civil society collaborates in the de-bureaucratization process.

Opportunities, challenges, and recommendations during implementation
Although the commitment anticipates that this initiative would be sustained long-term, its potential for results may ultimately depend on how the central government acts upon evaluation findings. The action plan does not detail how this commitment may actually reduce unnecessary bureaucracy or obligate the government to make changes based on the evaluations. Therefore, the most important challenge during implementation will likely be ensuring that the evaluations translate into actions to reduce bureaucracy. To do so, the IRM recommends the committee:

- **Include specific recommendations for each public institution to reduce bureaucracy**. The committee should accompany its evaluations with a series of steps for each public institution in order to assist them in reducing the identified unnecessary bureaucracy. Public institutions should have a clear path forward on how to utilize the findings, including a financial estimate for the reforms and the specific expertise that may be required.

- **Ensure that the evaluations published to the dashboard are easy to understand**. Given that excessive bureaucracy can impact the average citizen, as well as civil society and businesses, it is important that the committee's findings are presented in a manner that is clear to a layperson and avoids excessive jargon. They should explicitly state how the evaluation findings can benefit citizens and the government (i.e., by saving both groups time and money) if acted upon by institutions. This will also encourage greater transparency in how the central government operates and reforms itself.

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While much of the groundwork for this commitment was laid before the action plan, there is still opportunity to expand the scope of the joint committee's perspectives and participation. As the joint committee merges two existing government-led committees, there is a risk that civil society may play a marginal role in the decision making. Therefore, during implementation, the IRM recommends the committee:

- **Ensure a robust role for the joint committee in de-bureaucratization**. The commitment does not explicitly describe the influence of the committee in Romania's ongoing de-bureaucratization. Depending on the scope of its influence, the committee could directly impact how Romania reduces bureaucracy or it could be relegated to an advisory role. Ideally, the committee should be afforded the greatest possible influence on de-bureaucratization, and its role should at least be clearly defined in its remit.

- **Ensure a robust role for civil society in the joint committee**. For this commitment to effectively institutionalize civil society's involvement in de-bureaucratization, their influence in the joint committee must be clearly defined. Preferably, the committee should establish its own rules and procedures on how it functions and who is involved, where all members (government and civil society) have an equal voice on how public institutions are evaluated. The role of civil society should go beyond advisory; they should be actively involved in the committee's decision making.

- **Ensure that civil society participation in the committee is representative**. As noted above, by the end of 2021, the two existing committees will select expert CSOs to join the committee for de-bureaucratization. The selection process for civil society participation should be transparent and open to any interested organization. For this commitment to fundamentally change how civil society collaborates in de-bureaucratization, particular attention should be paid so that CSOs selected for the committee are as representative of the country's civil society as possible. This will help ensure that a wide variety of civil society opinions and priorities on de-bureaucratization are considered as the committee conducts evaluations.

- **Invite business-sector representatives to join the committee and actively solicit their ideas on bureaucratic reduction.** Businesses bring valuable perspectives in their interactions with the public administration and may have ideas on where and how bureaucracy can be reduced. Therefore, the joint committee should expand to include business representatives to ensure that their perspectives are considered in the evaluation methodology. The committee could also actively seek ideas from the business sector when carrying out the evaluations. As an example, Estonia's third action plan (2016–2018) included a commitment to crowdsource proposals on reducing bureaucracy from the country's business sector, many of which were implemented in collaboration with the relevant institutions.[28]

- **Collect feedback and ideas on bureaucratic reduction from citizens as part of the evaluations**. In addition to businesses, effort could made to understand what the priorities are for average citizens regarding bureaucracy reduction. For example, Latvia conducted surveys on how to reduce unnecessary bureaucracy as part of its third action plan (2017–2019). The Latvian government used the results to resolve situations where government institutions asked for citizen information despite already possessing it.[29]

Finally, the IRM recommends addressing specific civil society priorities for bureaucracy reduction during implementation. For example, the Center for Public Innovation (a CSO on the multistakeholder forum)[30] recommends simplifying fiscal and legal procedures for small

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organizations, improving the functionality and open access to data from the National Registry of Associations and Foundations, decreasing administrative burdens derived from various legislation (for example, anti-money laundering), and simplifying procedures for registering and updating the legal status of associations.

Commitment 12: Open data

Lead institution: General Secretariat of the Government (SGG)—Directorate for Information Technology and Digitization, Authority for the Digitization of Romania

For a complete description of the commitment, see Commitment 12 in Romania's 2020–2022 action plan here.

Context and objectives

Open data has been a reoccurring topic across Romania's OGP action plans. During the previous action plan (2018–2020), Romania published 700 new datasets to its open data portal, data.gov.ro, and created functions that allow users to more easily rate the quality of data and to request new datasets.[31] However, there remains room for improvement. In the European Data Portal's 2020 Open Data Maturity Report, Romania ranked as the 22nd most data mature country among the EU+ countries and continued to be classified as a "follower" on open data.[32] In addition, an evaluation of the portal from April 2021 by SGG's Directorate of Information Technology and Digitization and the Romanian Association for Quantitative Studies found several factors limiting the impact of the available data on the portal, despite the portal's growing usage by citizens. Namely, some datasets are not updated with an acceptable frequency and predictability, some essential datasets are not complete, and public institutions holding important datasets do not publish on the data portal.[33] These issues have limited the utility of the portal for Romania's open data community.

This new commitment will further advance open data in Romania. According to the action plan's annex, public institutions will publish approximately 400 new datasets.[34] The SGG and the Authority for the Digitization of Romania (ADR) will create a mechanism on the portal for publishing derived datasets created by portal users. SGG and ADR will also identify and centralize the datasets published on public institutions' websites which will also be accessible from the national portal in order to ensure interoperability at a European level. The commitment entails consulting Romania's open data community in order to support the reusability of the portal. This involves a bimonthly working group with community and public institutions to identify high value datasets for publication. There will also be annual open data reuse competitions ("RO Datathons"), an unfulfilled activity from the previous action plan. As such, in addition to the emphasis on transparency, this commitment is relevant to the OGP value of civic participation.

Finally, the commitment involves transposing the EU's 2019 Open Data Directive into national law.[35] The directive obliges EU member states to publish all suitable data and documents as open data, subject to exceptions set out in the directive. SGG, ADR, and civil society organizations will analyze current legislation to standardize the coordination and procedures for data collection, publication, and updating.

According to Romania's OGP public repository, Expert Forum (one of the main CSOs in Romania working on open data) proposed a commitment analyzing the legislative framework of public allocations and procurement, and increasing this data's availability on the national portal and the website of the Ministry of Public Works, Development and Administration (MLPDA).[36] In their proposal, they stated they would like to "increase the degree of interaction between the

MLPDA and the public." According to SGG, this proposal was taken into consideration while drafting this commitment.[37]

Potential for results: **Substantial**
Transposing the Open Data Directive into national legislation and related regulations give this commitment substantial potential for changing Romania's open data practices. Romania has lacked compulsory rules around open data publication for public institutions, and irregular, non-standardized publication hinders open data re-use.[38] For the first time, Romanian public institutions will have binding rules on which high-value datasets they must publish, publication regularity, and data interoperability. The directive calls for making high-value datasets available free of charge, machine readable, available via application programming interfaces and, where relevant, available via a bulk download.[39] If the transposition exceeds the anticipated provisions in the EU directive, this commitment could result in the publication of a larger number of high-value datasets compared to what was available before the action plan. This could also help fill existing gaps in the data.gov.ro portal, where many key datasets are missing or incomplete, and many of those published are not updated regularly.

According to the point of contact at SGG, Romania's transposition will go beyond the provisions of the directive by providing a larger number of high-value datasets beyond the categories identified in the EU directive[40] and by instituting sanctions for noncompliance. The government will implement the norms of this law, and the point of contact at SGG will develop a complementary national strategy. The exact details of these provisions and sanctions are unknown, but these could be important steps for ensuring greater ambition of the commitment as well as ensuring compliance across public institutions.

According to two major Romanian CSOs working on open data, implementing the new EU directive is of particular interest; it could change the status quo as it is binding and embeds EU monitoring.[41] The other activities in the commitment are either ongoing initiatives or will likely be more modest changes. As of July 2021, the data.gov.ro portal has over 2,300 datasets from 108 institutions; this commitment will add 400 datasets and the previous action plan exceeded its anticipated number of new datasets published.[42] The bimonthly working group could be valuable in gathering Romania's open data community to strengthen open data practices. However, interviewed civil society representatives were unsure of which civil society actors the government plans to target for inclusion or the potential influence the working group will have on the process.[43] In addition, centralizing data from public institutions' portals could positively impact accessibility, but there is little information in the action plan on the steps in this process.

Opportunities, challenges, and recommendations during implementation
According to a civil society representative on the multi-stakeholder forum, Romania possesses a vibrant open data community, including civic tech NGOs, investigative journalists, think tanks, and data enthusiasts.[44] While previous OGP commitments have improved open data, harnessing the opportunities of this community remains a challenge. This current commitment includes several initiatives that, if successfully implemented, could improve Romania's publication practices as well as how the government collaborates with civil society in this process. However, its long-term results will largely depend on the level of buy-in by civil society stakeholders into the open data process.

The deadline for Romania and EU member states to transpose the Open Data Directive was 16 July 2021.[45] Although Romania held public consultations and a workshop on the draft law,[46] OGP civil society stakeholders expressed to the IRM that they were only marginally involved in the debate around Romania's draft law.[47] Therefore, it is particularly important to ensure that

stakeholders are actively engaged in implementing the directive and in the other activities of this commitment so that their priorities are heard and pursued. To this end, the IRM recommends the following:

- **Provide opportunities for regular consultations with civil society and open data experts to oversee implementation of the open data directive in Romania.** Data users should be afforded opportunities to participate in and provide feedback on implementation of the open data directive. For example, while developing the national strategy for implementing the directive, SGG can consult with data users to better identify gaps in high-value datasets and which public institutions are not fulfilling their open data requirements. Preferably, the bimonthly working group could serve this purpose, depending on its mandate and influence.

- **Ensure that the bimonthly working group has robust and representative participation and clearly articulate its rules and procedures**. The working group under this commitment should include as wide a range of stakeholders as possible. It may be helpful for SGG to actively target and invite open data users to join the groups, including those who have not been involved in past OGP initiatives. In addition, the mandate and rules of this group should be clearly articulated, and it should be afforded the highest level of influence over Romania's open data policies.

- **Provide clarity for the hackathons ("RO Datathons")**. The IRM reiterates its recommendation from the 2018–2020 design report with respect to the hackathons (the first being planned for 2022).[48] Specifically, SGG could identify public administration partners who have voiced needs for which they lacked the technical resources and assess whether a problem suited for a hackathon can be formulated around this need.

- **Publish more data on COVID-19 and healthcare procurement to the national portal**. According to a representative from Expert Forum, additional data on procurement, particularly in healthcare, would be useful for their work. Commitment 9 in the current action plan already aims to publish data on COVID-19 infections, but Commitment 12 could go further by adding healthcare procurement directly into the data.gov.ro portal, in line with OGP guidance.[49] Expert Forum has already produced several reports and materials on this topic[50] and in September 2021, the Ministry of Health begun publishing data on public procurement for healthcare to the portal.[51]

- **Include data from municipality portals in the national portal**. The commitment calls for centralizing the data published on the portals of public institutions, but it may also be important to centralize data from municipalities as well. For example, Timisoara City Hall launched the city's first open data portal in May 2020 which will contain data on environmental quality, the impact of COVID-19 and vaccinations, demographic data, and data on education, culture, and health.[52]

[1] Parteneriatule Pentru Guvenare Deschisa, "Consultare – propuneri primite" [Consultation – proposals received] (accessed 15 Sep. 2021), http://ogp.gov.ro/nou/consultare-propuneri-primite/.
[2] I. S. Deleanu, *Independent Reporting Mechanism (IRM): Romania Design Report 2018–2020* (OGP, 28 May 2020), 40–42, https://www.opengovpartnership.org/wp-content/uploads/2020/05/Romania_Design_Report_2018-2020_EN.pdf.
[3] Code for Romania, "Informații din surse sigure" [Information from reliable sources] (15 Sep. 2021), https://stirioficiale-ro.translate.goog/informatii?_x_tr_sl=auto&_x_tr_tl=en&_x_tr_hl=es&_x_tr_pto=ajax,se.
[4] Daniel Luță-Dumitrascu (Dept. for Relations with the Republic of Moldova), email exchange with IRM researcher, 23 June 2021.
[5] *Id*.

[6] *Id*.

[7] Cristi Vlas, "Last €40 million from Romania's €150 million loan arrive in Moldova" (Moldova.org, 26 Sep. 2017), https://www.moldova.org/en/last-e40-million-romanias-e150-million-loan-arrive-moldova/.

[8] Government of Romania, *Open Government Partnership: Romania National Action Plan 2020-2022* (OGP, Feb. 2021), 25, https://www.opengovpartnership.org/wp-content/uploads/2021/02/Romania_Action-Plan_2020-2022_EN.pdf.

[9] Information provided to the IRM during the pre-publication review of this report by Ovidiu Voicu, Center for Public Innovation, 24 September 2021.

[10] Ibid.

[11] Departamentul pentru Relația cu Republica Moldova, "Harta" [Map] (accessed 15 Sep. 2021), http://drrm.gov.ro/w/harta/.

[12] Alexander Tanas, "Pro-Western party wins Moldova election, preliminary data shows" (Reuters, 19 Jul. 2021), https://www.reuters.com/world/moldovans-elect-new-parliament-amid-concerns-over-graft-stalled-reforms-2021-07-11/.

[13] Ana Pisonero-Hernandez and Adam Kaznowski, "European Commission announces an Economic Recovery Plan for the Republic of Moldova" (European Commission, 2 Jun. 2021), https://ec.europa.eu/commission/presscorner/detail/en/IP_21_2712.

[14] Ovidiu Voicu (Center for Public Innovation), email to IRM researcher, 25 Jun. 2021.

[15] Government of Romania, *Open Government Partnership: Romania National Action Plan 2020-2022*, at 25.

[16] Information provided to the IRM during the pre-publication review of this report by Ovidiu Voicu, Center for Public Innovation, 24 September 2021.

[17] Radio Free Europe Radio Liberty, "Moldova Receives First COVID-19 Shots From Romania" (28 Feb. 2021), https://www.rferl.org/a/moldova-covid-vaccines-romania-/31125668.html.

[18] Constantin Cernega (General Directorate for Open Government), online interview by IRM researcher, 16 Jun. 2021.

[19] Government of Romania, *Open Government Partnership: Romania National Action Plan 2020-2022*, at 34.

[20] Bertelsmann Stiftung, "BTI Transformation Index" (accessed 15 Sep. 2021), https://www.bti-project.org/en/reports/country-report-ROU-2020.html.

[21] Cernega et al., interview.

[22] Ionut Pavel (technical coordinator for the de-bureaucratization and e-government project), online interview by IRM researcher, 16 Jun. 2021.

[23] *Id*.

[24] *Id*.

[25] Cernega et al., interview.

[26] Pavel, interview.

[27] As of July 2021, the IRM researcher did not receive a document on this methodology from the technical coordinator for the de-bureaucratization and e-government project.

[28] Maarja Toots, *Independent Reporting Mechanism (IRM): Estonia End-of-Term Report 2016-2018* (OGP, 24 May 2019), 14–15, https://www.opengovpartnership.org/wp-content/uploads/2019/05/Estonia_End-of-Term_Report_2016-2018_EN.pdf.

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[30] Voicu, email.

[31] Ioana S. Deleanu, *Independent Reporting Mechanism (IRM): Romania Transitional Results Report 2018– 2020* (OGP, 3 Aug. 2021), 5, https://www.opengovpartnership.org/wp-content/uploads/2021/08/Romania_Transitional-Results_Report_2018-2020_EN.pdf.

[32] European Data Portal, "Open data maturity 2020 Romania" (Dec. 2020), https://data.europa.eu/sites/default/files/country-factsheet_romania_2020.pdf

[33] Evaluation of the portal, p 33, https://data.gov.ro/uploads/page_images/2021-04-15-084014.114635Evaluareimpact-data.gov.ro.pdf

[34] The annex is available for download here http://ogp.gov.ro/nou/pna2020/.

[35] Council Directive 2019/1024, Open Data and the Re-use of public sector information, 2019 O.J. (L172/56), https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1561563110433&uri=CELEX:32019L1024.

[36] Proposal available for download here: http://ogp.gov.ro/nou/consultare-propuneri-primite/.

[37] Larisa Panait (OGP point of contact, Sec. Gen. Secretary of Government), online interview by IRM researcher, 16 Jun. 2021.

[38] European Data Portal, "Open data maturity 2020 Romania."

[39] Council Directive 2019/1024, Open Data and the Re-use of public sector information.

[40] This includes geospatial, earth observation and environment, meteorological, statistics, companies and company ownership, and mobility.

[41] Septimus Parvu (Expert Forum), online interview by IRM researcher 28 Jun. 2021; Voicu, email.

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[42] Deleanu, *Independent Reporting Mechanism (IRM): Romania Transitional Results Report 2018– 2020* at 5.
[43] Parvu, interview; Voicu, email.
[44] Voicu, email
[45] European Commission, "Open data" (24 Jun. 2021), https://digital-strategy.ec.europa.eu/en/policies/open-data.
[46] Dezbatere online: Proiectul de Lege privind datele deschise - 8 ian 2021 [Online debate: Draft law on open data - January 8, 2021], https://data.gov.ro/blog/dezbatere-online-proiectul-de-lege-privind-datele-deschise-8-ian-2021.
[47] Parvu, interview; Voicu, email.
[48] Deleanu, *Independent Reporting Mechanism (IRM): Romania Design Report 2018–2020* at 59.
[49] *See* OGP, "A Guide to Open Government and the Coronavirus: Public Procurement" (28 Apr. 2020), https://www.opengovpartnership.org/documents/a-guide-to-open-government-and-the-coronavirus-public-procurement/.
[50] *See* their annual report (https://expertforum.ro/en/annual-report-2021/), open data and public investments (Expert Forum, "Raport: Cum reparăm PNDL?" [Report: How do we fix PNDL?] (2021), https://expertforum.ro/raport-cum-reparam-pndl/), and local investments and political clientelism (Expert Forum, "Map of Clientelism in Romania (2004-2021)" (2021), https://expertforum.ro/en/clientelism-map/).
[51] See https://data.gov.ro/dataset/achizitii-publice-sanatate.
[52] Primăria Timișoara [Timisoara City Hall], "Caută date" [Search for data] (accessed 16 Sep. 2021), https://data.primariatm.ro/.

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Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation as former IRM reports. It is intended as an independent, quick, technical review of the characteristics of the action plan and identifies strengths and challenges to inform a stronger implementation process. This approach allows the IRM to highlight the strongest and most promising commitments in the action plan based on an assessment of the commitment per the key IRM indicators, particularly commitments with the highest potential for results, the priority of the commitment for country stakeholders, and the priorities in the national open government context.

To determine which reforms or commitments the IRM identifies as promising the IRM follows a filtering and clustering process:

> **Step 1:** Determine what is reviewable and what is not based on the <u>verifiability</u> of the commitment as written in the action plan.
> **Step 2:** Determine if the commitment has an <u>open government lens</u>. Is it relevant to OGP values?
> **Step 3:** Commitments that are verifiable and have an open government lens are reviewed to identify if certain commitments need to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered and its "potential for results" should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:
> > a. Determine overarching themes. They may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may refer to the thematic tagging done by OGP.
> > b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
> > c. Organize commitments by clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms or may be standalone and therefore not clustered.
> **Step 4:** Assess the <u>potential for results</u> of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, and sign-off by the IRM's International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on **three key indicators** for this review:

I. Verifiability
- **Yes/No:** Is the commitment specific enough to review? As written in the action plan, are the stated objectives and proposed actions sufficiently clear and include objectively verifiable activities to assess implementation?

Commitments that are not verifiable will be considered "not reviewable," and further assessment will not be carried out.

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II. Is it relevant? (Does it have an open government lens?)

This indicator determines if the commitment relates to open government values of transparency, civic participation, or public accountability as defined by the *Open Government Declaration*, the OGP *Articles of Governance*, and by responding to the guiding questions below. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP values as defined in the *Articles of Governance*. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic participation**: Will the government create or improve opportunities, processes or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public accountability**: Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable a legal, policy, or institutional framework to foster accountability of public officials?

III. Potential for results

Formerly known as the "potential impact" indicator, it was adjusted taking into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, this indicator was modified so that in this first review it laid out the expected results and potential that would later be verified in the IRM results report, after implementation. Given the purpose of this action plan review, the assessment of "potential for results" is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** the commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach.
- **Modest:** a positive but standalone initiative or changes to process, practice, or policies. These commitments do not generate binding or institutionalized changes across government or institutions that govern a policy area (e.g., tools like websites, or data release, training, pilot projects).
- **Substantial:** a possible game changer in the practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government

This review was prepared by the IRM in collaboration with Maria Soledad Gattoni and overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

- César Cruz-Rubio

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- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

For more information about the IRM, refer to the "About IRM" section of the OGP website available [here](#).

Annex I. Commitment-by-Commitment Data

Commitment 1: Streamline participation in public administration decisions
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 2: Youth participation
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 3: Open government at the local level
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 4: Access go integrated community services
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 5: Transparency in granting nonrefundable financing from public funds
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 6: Transparency in allocations and acquisitions from national investment funds
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 7: Information on projects financed by the Romanian Government in the Republic of Moldova
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 8: Access to information on linguistic rights of national minorities
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

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Commitment 9: COVID-19 pandemic measures
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 10: Risk factors that affect patient safety
- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Unclear

Commitment 11: De-bureaucratization for the central public administration
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 12: Open data
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

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Annex 2: Minimum Requirements for Acting According to OGP Process

According to OGP's procedural review policy, during an action plan's development, OGP participating countries must meet the "involve" level of public influence per IRM's assessment of the co-creation process.

To determine whether a country falls within the category of "involve" on the spectrum, the IRM assesses different elements from the *OGP Participation and Co-Creation Standards*. The IRM will assess whether the country complied with the following standards during the action plan's development, which constitutes the minimum threshold:

1. **A forum exists:** there is a forum to oversee the OGP process;
2. **The forum is multistakeholder:** both government and civil society participate; and
3. **Reasoned response:** The government or multistakeholder forum documents or can demonstrate how they provided feedback during the co-creation process. This may include a summary of major categories and/or themes proposed for inclusion, amendment, or rejection.

The table below summarizes the IRM assessment of the three standards for procedural review. The purpose of this summary is to verify compliance with procedural review minimum requirements and is not a full assessment of performance under *OGP Participation and Co-Creation Standards*. A full assessment of co-creation and participation will be provided in the results report.

Table 2. Summary of minimum requirements to act according to OGP Process
Key:
Green= Meets standard
Yellow= In progress (steps have been taken, but standard is not met)
Red= No evidence of action

OGP Standard	*Was the standard met?*
A forum exists. During the co-creation period of the fifth action plan (February to August 2020), Romania did not maintain an active multistakeholder forum. In March 2021, after the adoption of the fifth action plan, the General Secretariat of the Government (SGG) began the selection process to revitalize the forum and formalized the new forum in May 2021 (the National Coordination Committee).[1] The National Coordination Committee has a mandate until August 2022.	Yellow
The forum is multistakeholder. The	Yellow

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revitalized National Coordination Committee includes six representatives from government and six representatives from civil society. The forum did not function during the co-creation period in 2020, but nongovernment stakeholders could submit proposals online and they could discuss the proposed commitments with government stakeholders.	
The government provided a reasoned response on how the public's feedback was used to shape the action plan. SGG published on Romania's OGP webpage all the original proposals received along with the updated versions of commitments and the feedback from stakeholders during the consultations.[2] This allowed stakeholders to track how the commitments evolved during the co-creation period based on the consultations. It also posted the draft version of the action plan in August 2020, following the consultations. According to the action plan, during the initial submission of proposals, Romania's OGP Technical Secretariat "selected the commitments that were in line with the principles and visions of the OGP."[3] The OGP Technical Secretariat did not, however, share on the OGP webpage what general policy proposals it omitted for further discussion or the reasons for their omission.	Yellow

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[1] Gen. Secretariat of the Government, "Selecție Comitetul Național de Coordonare OGP 2021" [Selection of the National Steering Committee OGP 2021] (21 May 2021), http://ogp.gov.ro/nou/2021/05/21/rezultate-selectie-comitetul-national-de-coordonare-ogp-2021/.

[2] Gen. Secretariat of the Government, "Consultare – propuneri primate" [Consultation – proposals received] (accessed 16 Sep. 2021), http://ogp.gov.ro/nou/consultare-propuneri-primite/.

[3] Government of Romania, *Open Government Partnership: Romania National Action Plan 2020-2022* (OGP, Feb. 2021), 5, https://www.opengovpartnership.org/wp-content/uploads/2021/02/Romania_Action-Plan_2020-2022_EN.pdf.

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