Independent Reporting Mechanism

Results Report:
Romania 2020–2022

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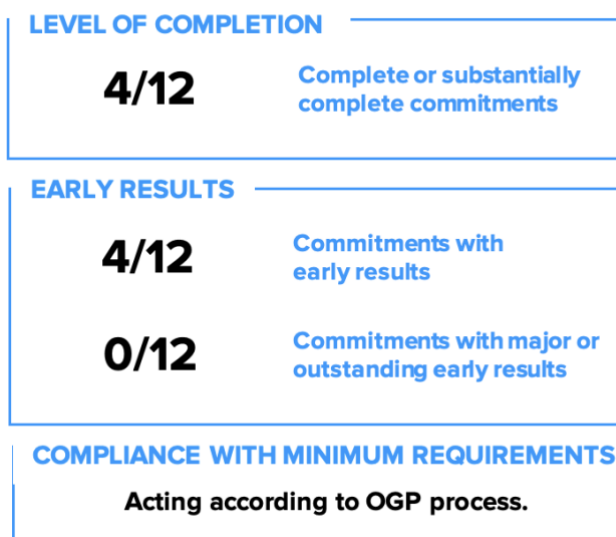Partnership

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Executive Summary

Romania's fifth action plan improved the country's legislative framework for open data and established a new Open Government Partnership (OGP) multi-stakeholder forum. However, its implementation rate declined with the onset of COVID-19 and institutional changes in government.

Early Results:

Four of the action plan's twelve commitments marginally opened government. Commitment 12 made a long-awaited improvement to Romania's legislative framework for open data by transposing a relevant EU directive to national law. Commitments 1, 5, and 8 also made progress on sharing public participation recommendations with local governments, improving transparency of government nonrefundable financing contracts, and supporting national minorities' linguistic rights. Although in terms of design, Commitments 7 and 11 also planned for promising reforms, limited implementation meant they did not produce results in opening government during the action plan cycle. The same was the case for the action plan's other commitments.

IMPLEMENTATION AT A GLANCE

LEVEL OF COMPLETION

4/12 — Complete or substantially complete commitments

EARLY RESULTS

4/12 — Commitments with early results

0/12 — Commitments with major or outstanding early results

COMPLIANCE WITH MINIMUM REQUIREMENTS

Acting according to OGP process.

Completion:

Four of the action plan's twelve commitments were substantially or completely implemented (Commitments 1, 5, 8, and 12), a lower implementation rate than that of the previous action plan. These commitments benefited from targeted efforts by the General Secretariat of the Government, Romania's OGP point of contact (POC), which was the lead implementer for Commitments 1 and 12, as well as the Department for Interethnic Relations, which was the lead for Commitment 8. These commitments were also focal points for civil society investment in the action plan, as civil society suggestions were the initial basis for Commitments 5 and 12. Among the action plan's most promising commitments, Commitment 12 was substantially completed, but Commitments 7 and 11 saw limited implementation. Overall, stakeholders reported that the onset of the COVID-19 pandemic was a major obstacle to implementation, shifting agencies' priorities and resources away from commitments. Civil society stakeholders did not fill gaps in implementation for most commitments, which were based on government workplans rather than civil society priorities.

Participation and Co-Creation:

Romania's OGP process was led by the General Secretariat of the Government and the National Coordination Committee (Comitetul National de Coordonare, or CNC), its newly formed multi-stakeholder forum. The CNC was seen as an improvement on Romania's former multi-stakeholder forum in terms of civil society representation, regularity of meetings, and

operational framework. Romania's OGP Club also began meeting again, hosting dialogue between government and civil society actors on broader open government topics. However, direct civil society engagement in implementation of most commitments was limited, stemming from narrow involvement in the co-creation process. During the design phase, civil society stakeholders submitted six commitment proposals, and government stakeholders submitted fifty-three. In the final action plan, three commitments were adapted from the civil society proposals (Commitments 5, 6, and 12), and the other nine were based on government proposals. Implementation of the commitments that emerged from civil society proposals benefited from a stronger level of collaboration.

Implementation in Context:
Implementation of the action plan was slowed by the onset of the COVID-19 pandemic, with a national lockdown between March and May 2020. Public gatherings were suspended, though some of those restrictions were loosened in September. Romania faced one of the highest COVID-19 death rates in the European Union.[1] It also dealt with rising energy costs combined with the fourth-highest rate of inflation among EU countries as of October 2021.[2] Following a no-confidence motion, the coalition government elected in late 2020 was replaced by an interim government and then reformed in late 2021. Political instability shifted distribution of government positions and ministries,[3] with turnover impacting institutional commitment to the action plan's initiatives.

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[1] Cristian Gherasim, "Romania Reaches Historic High in Covid Deaths," *EUobserver*, November 5, 2021, https://euobserver.com/coronavirus/153428.

[2] Eurostat, *Annual Inflation Up to 4.1% in the Euro Area*, November 17, 2021, https://ec.europa.eu/eurostat/documents/2995521/11563383/2-17112021-AP-EN.pdf/b67f7d33-43d7-d111-b3ed-5cbc499304b2.

[3] "Nations in Transit 2022: Romania," Freedom House, https://freedomhouse.org/country/romania/nations-transit/2022.

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Section I. Key Observations

Observation 1: A balanced and strong multi-stakeholder forum is key to informing and monitoring commitment implementation.

Romania's fifth action plan was overseen by a stronger, more balanced multi-stakeholder forum than was its fourth action plan. The new National Coordination Committee (CNC) provided equal representation of government and civil society stakeholders, met regularly, and benefited from the General Secretariat of the Government's political support. Although this did not boost the action plan's implementation rate, the CNC provided a platform for stakeholders to discuss relevant issues, to closely monitor the implementation of commitments, and to further involve civil society in the overall OGP process. Against the backdrop of wider contextual difficulties with Romanian civil society organization (CSO) participation in government policy-making and governance decisions, as well as the comparatively small number of active CSOs in Romania,[1] civil society stakeholders saw the CNC as a platform to improve collaboration with government. To achieve better results, the CNC's role in governing the OGP process could be expanded to hold implementing agencies accountable for commitments' results, to encourage the necessary adjustments should ministerial priorities or circumstances change during implementation, and to support collective problem solving and greater coordination to address implementation obstacles.

Observation 2: Aligning commitments with civil society priorities could help achieve better results.

Most commitments in this cycle were initiated by public institutions to carry on existing government strategies, leading to limited civil society investment in their implementation. During implementation, many government commitment holders shifted priorities away from commitments. However, two of the three commitments that emerged from civil society proposals achieved strong implementation (Commitments 5 and 12). Commitment 12 on open data was also amplified by connecting its milestones to implementation of EU directives and the Organisation for Economic Co-operation and Development (OECD) accension process, which government authorities prioritized. Therefore, for higher levels of ambition and innovation in future commitments, civil society could play a more central role in action plan development and implementation and could be well positioned to identify opportunities to link commitments to relevant external efforts. In tandem with expanding the CNC's role, achieving greater balance between civil society and government priorities during the co-creation process could, in time, produce more ambitious commitments and achieve better open government results.

Observation 3: Securing the necessary resources could enhance commitment implementation.

At least three commitments' implementations stalled due to gaps in human and financial resources. Across the action plan, COVID-19 and turnover in government positions and ministries impeded resource distribution for the action plan's initiatives. In the future, co-creation and initial planning for commitments can consider ways for agencies to secure necessary resources, taking contingencies into consideration, in case of reassignment of resources or changes in political priorities. For example, where commitments overlap with the aims and policies of EU or international agency programs, some commitments can be linked to external funding sources.

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[1] BTI Transformation Index, *Romania Country Report 2022*, https://bti-project.org/en/reports/country-report/ROU#pos16; United States Agency for International Development, *2021 Civil Society Organization Sustainability Index*, https://www.fhi360.org/sites/default/files/media/documents/csosi-europe-eurasia-2021-report.pdf.

Section II. Implementation and Early Results

The following section looks at the commitment that the IRM identified as having the strongest results from implementation. To assess early results, the IRM referred to commitments identified as promising in the Action Plan Review as a starting point. After verification of completion evidence, the IRM also took into account commitments that were not determined as promising but that, as implemented, yielded significant results.

Commitment 12: Open Data
(General Secretariat of the Government – Directorate for Information Technology and Digitization, Authority for the Digitization of Romania)

Context and Objectives:
This commitment's open data reforms carry forward an effort that has spanned Romania's OGP action plans.[1] Since the launch of data.gov.ro in 2013, the government's open data portal, OGP commitments have widened access to government datasets. The previous action plan published 700 new datasets to the portal and created functions for users to rate the quality of data and request new datasets.[2] There is a vibrant and enthusiastic community in Romania—formed by civic tech NGOs, investigative journalists, and think tanks—that engages with open public data.[3] This interest, and the role played by the data.gov.ro team in facilitating assistance and collaboration between public institutions and data re-users,[4] provided an opportunity to improve Romania's data publication practices and further enhance collaboration between the government and civil society in this matter.

Under this commitment, the General Secretariat of the Government (SGG) and the Authority for the Digitization of Romania (ADR) aimed to create a mechanism on the open data portal for publishing derived datasets created by portal users. The SGG and ADR would identify and centralize the datasets published on public institutions' websites and make them accessible from the national portal to ensure interoperability at a European level. The commitment also entailed organizing bimonthly working groups with community and public institutions to identify high-value datasets for publication. Interested stakeholders would also participate in annual open data reuse competitions ("RO Datathons"). Finally, the commitment involved transposing the EU's 2019 Open Data Directive into national law. The directive obliged EU member states to publish all suitable data and documents as open data, subject to exceptions set out in the directive. SGG, ADR, and CSOs would analyze current legislation to standardize data collection, publication, and updates.

Did It Open Government? Marginal
The publication of new datasets in the data.gov.ro portal was partially accomplished. From an initial list of 535 datasets, 160 (close to 30 percent) were fully published, while 38 were partially published (i.e., missing information), and the remaining 337 were not.[5] Each government institution was in charge of prioritizing which datasets to publish, based on institutional needs, settings, and resources.[6] The agencies that published the biggest portion of the new datasets were the Ministry of Internal Affairs, the Ministry of National Defense, and the Ministry of Regional Development and Public Administration. According to the SGG, the main limitations to publishing planned information were a lack of dedicated resources at the institutional level,

changes in the organization of the government institutions, the absence of a normative framework, and the fact that data publication was not a priority for institutions (neither at the political nor technical level). Beyond the datasets published under the commitment, the data portal grew considerably in terms of overall published datasets and publishing institutions. In July 2021, the portal had over 2,300 datasets from 108 institutions, and by November 2022, the number of published datasets reached 3,079 from 116 institutions.[7]

To improve Romania's legislative framework for open data, this commitment also transposed EU Directive 2019/1024 to national law.[8] Although the transposition was motivated by factors beyond the OGP action plan, inclusion in the plan was meant to foster further participation and engagement, as well as to contribute to better future implementation of the law (regulatory and practical).[9] A public consultation to discuss the draft transposition law took place from December 2020 to February 2021,[10] including an online public debate.[11] In January 2022, the project was signed by the government and sent to Parliament, where it was adopted in June 2022 as Law no. 179/2022 on open data and reuse of public sector information.[12] Before Law 179, open data publication was regulated through Emergency Ordinance no. 41/2016,[13] which only established the obligation for public institutions and specialized bodies of the central public administration to publish datasets of public interest on the portal, without further details regarding how this public interest was to be established or sanctions for non-compliance. In practice, according to Romania's OGP POC, only some government agencies created two-year publication action plans according to their own institutional criteria and data needs. Law 179 provides a formal mechanism of working groups and bimonthly meetings for establishing this minimum, binding list of high-value datasets for publication. As noted by representatives of the Center for Public Innovation and the Smart Cities Project, this legislation went a step further in establishing open data standards and making it mandatory for governmental agencies to publish their data, taking into account binding lists and formal procedures. However, in practice, the working groups and the involvement of civil society are still in progress. In addition, the OGP repository noted that Romania is currently undergoing a digital government review by the OECD, which will identify the necessary rules of application and practical measures for implementing Law 179, as part of Romania's accession to the OECD.[14] This could represent an external incentive for the Romanian government to fulfill its obligations regarding the implementation of this law.

As for the intended bimonthly working groups, the data.gov.ro team organized four meetings in 2021 with representatives of the institutions and data re-users, and two others at the parliamentary level supporting the Ministry of Research, Innovation and Digitalization, according to Romania's OGP repository.[15] In April 2022, a working group took place with the designated institutional managers and a joint working group to inform the inclusion of another commitment dedicated to open data in the 2022–2024 action plan.[16] In July, another working group (formed by representatives of the public administration at the central and local levels, civil society, academia, experts, and re-users) was created and had its first meeting for the elaboration of the rules for the application of Law no. 179/2022.[17] As noted by a civil society representative, these joint activities also provided a space for civil society input in identifying high-value datasets for publication.[18]

According to the government, the commitment's other milestones were not started because of a lack of human and technical resources.[19] These milestones included creation of a national open data portal mechanism for publishing derived datasets processed by re-users; organization of

an annual RO Datathon; and identification and centralization of datasets published on institutions' portals, which were meant to be accessible from the national portal to ensure interoperability at the European level.

While this commitment fell short on delivering all its milestones, it brought advancements in publication of datasets, the involvement of government and civil society institutions in the process, and the long-awaited transposition of the EU Directive on Open Data into Romanian law. Although this legislation represents a notable normative change for Romania, implementation of its requirements was in early stages during the action plan period. Overall, progress under this commitment made positive incremental steps forward for government data openness.

Looking Ahead:
This commitment built on a long trajectory of commitments focused on developing Romania's open data landscape. However, there remains room for improvement. In the European Data Portal's 2022 Open Data Maturity Report, Romania continued to be classified as a "follower" on open data and was ranked as the 26th most data mature country among the 35 EU+ countries (it was ranked 22nd in 2022).[20] Given the continued need to develop access to open data in Romania, this policy area is carried forward in the 2022–2024 action plan. The sixth action plan includes a promising commitment to increase the impact of open data publication and reuse through ambitious and participative implementation of Law 179. This commitment foresees enhanced collaboration between the SGG, ADR, and data users. It plans for working groups with CSOs on implementation of the law and identification of new high-value datasets, as well as training on open data reuse. It also entails ensuring an "open by design and by default" principle for public agencies.[21] Strong examples of data reuse in the field of health and procurement, as well as public expenditure and election funding, could inform strategies to maximize uptake moving forward.[22]

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[1] OGP, *Making an Inventory of Available (High-Value) Data-Sets (RO0003)*, https://www.opengovpartnership.org/members/romania/commitments/RO0003; OGP, *Increasing the Quality and Quantity of Published Open Data (RO00027)*, https://www.opengovpartnership.org/members/romania/commitments/RO0027; OGP, *Increasing the Quality and Quantity of Published Open Data (RO00047)*, https://www.opengovpartnership.org/members/romania/commitments/RO0047; OGP, *Open Data (RO00065)*, https://www.opengovpartnership.org/members/romania/commitments/RO0065; OGP, *Increase Amount of Open Data (RO0077)*, https://www.opengovpartnership.org/members/romania/commitments/RO0077.
[2] Ioana S. Deleanu, *Independent Reporting Mechanism (IRM): Romania Transitional Results Report 2018–2020* (OGP, 2021), 5, https://www.opengovpartnership.org/wp-content/uploads/2021/08/Romania_TransitionalResults_Report_2018-2020_EN.pdf.
[3] Ovidiu Voicu (CSO Center for Public Innovation), email interview with IRM researcher, June 25, 2021.
[4] "Open Data in Europe 2021," European Commission, https://data.europa.eu/en/dashboard/2021.
[5] "Site PNA 2020-2022 - Stadiu implementare final sept2022," https://docs.google.com/spreadsheets/d/1VsGu0EgQjkddsW2idnZAkyDSCpaOEqOW/edit#gid=181007708.
[6] Larisa Panait (Secretariat General of the Government), IRM email exchange, March 15, 2023.
[7] https://data.gov.ro.
[8] "Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information," EUR-Lex, https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1561563110433&uri=CELEX:32019L1024.

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[9] Panait, IRM email exchange, March 15, 2023.

[10] "Consultare publică: Proiectul de Lege privind datele deschise," Data.gov.ro, https://data.gov.ro/blog/consultare-publica-proiectul-de-lege-privind-datele-deschise.

[11] "Dezbatere online: Proiectul de Lege privind datele deschise - 8 ian 2021," Data.gov.ro, https://data.gov.ro/blog/dezbatere-online-proiectul-de-lege-privind-datele-deschise-8-ian-2021.

[12] "Lege nr. 179 din 9 iunie 2022 privind datele deschise și reutilizarea informațiilor din sectorul public," Portal Legislativ, https://legislatie.just.ro/Public/DetaliiDocument/256414.

[13] "Ordonanță de urgență nr. 41 din 28 iunie 2016 privind stabilirea unor măsuri de simplificare la nivelul administrației publice centrale și pentru modificarea și completarea unor acte normative," Portal Legislativ, https://legislatie.just.ro/Public/DetaliiDocument/179586.

[14] "Site PNA 2020-2022 - Stadiu implementare final sept2022," https://docs.google.com/spreadsheets/d/1VsGu0EgQjkddsW2idnZAkyDSCpaOEqOW/edit#gid=352870061.

[15] Data.gov.ro blog, https://data.gov.ro/blog/.

[16] "Sesiune de informare Date Deschise," Data.gov.ro, https://data.gov.ro/blog/sesiune-de-informare-date-deschise.

[17] "Grup de lucru norme date deschise," Data.gov.ro, https://data.gov.ro/blog/grup-de-lucru-norme-date-deschise.

[18] Dan Bugariu (Smart Cities Project), IRM email exchange, January 2023.

[19] "Site PNA 2020-2022 - Stadiu implementare final sept2022," https://docs.google.com/spreadsheets/d/1VsGu0EgQjkddsW2idnZAkyDSCpaOEqOW/edit#gid=352870061.

[20] "Open Data Maturity," European Comission, https://data.europa.eu/en/publications/open-data-maturity.

[21] OGP, *Romania Action Plan 2022–2024 (June)*, https://www.opengovpartnership.org/documents/romania-action-plan-2022-2024.

[22] Please check: https://data.gov.ro/organization/ms, https://data.gov.ro/organization/casa-nationala-de-asigurari-de-sanatate, https://www.graphs.ro, and https://covid19.geo-spatial.org/ for health and procurement. For public expenditure and elections: https://www.banipartide.ro, https://expertforum.ro/apps/pndl, among others.

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Section III. Participation and Co-Creation

The National Coordination Committee played a key role in improving civil society engagement during co-creation and implementation of this action plan. To strengthen exchange of ideas, future cycles could benefit from diversifying civil society participants and strengthening trust between civil society and government representatives.

The National Coordination Committee (Comitetul National de Coordonare, or CNC) oversees the OGP process in Romania.[1] According to the CNC's bylaws, this entails co-creating action plans, coordinating implementation, and monitoring and evaluating implementation. The CNC is composed of six representatives of public administration authorities and six of CSOs. For the 2020–2022 period, the nongovernmental members of the CNC were appointed through a selection process organized by the General Secretariat of the Government.[2]

The co-creation process began in February 2020, with an in-person stakeholder meeting to launch the calendar and the consultations.[3] Because of the outbreak of the COVID-19 pandemic, meetings moved to a virtual format. The shift to online communication brought advantages, as it became easier for participants to form, organize, and attend working groups on new commitments.[4] Constraints to collaboration included low levels of civil society engagement and weak exchange of ideas, rather than a lack of human or financial resources.[5] A civil society stakeholder also mentioned that the CNC could benefit from improved trust between civil society members and government representatives.[6]

Despite these limitations, civil society engagement during implementation improved compared to civil society engagement during the previous action plan. For the 2018–2020 period, the OGP National Steering Committee, which served as Romania's multi-stakeholder forum, met only twice during implementation and was largely considered nonfunctional.[7] In comparison, for the fifth action plan's implementation period, the CNC held six documented meetings between June 2021 and June 2022, which were equally attended by government and civil society representatives in their capacity as CNC members.[8] Participants discussed relevant topics, such as establishing the formal framework for the organization and operation of the CNC[9] and possible courses of action to circumvent blockages regarding implementation.[10] According to a civil society source that took part in the CNC, while participation could still have been more open to the general public, the CNC was the right framework to generate better involvement between government and civil society, and feedback by stakeholders on implementation of the commitments was welcome throughout the process.[11]

In addition to the CNC, the OGP Club began meeting during implementation. The OGP Club is an informal mechanism created in 2014 by the OGP Romania government team to foster direct and constant dialogue between government and civil society stakeholders on the topic of open government. It did not hold meetings during the previous action plan cycle. During the fifth action plan cycle, the OGP Club held four online debates to support co-creation of the next action plan, focusing on the topics of civil society involvement,[12] digitalization of the public sector,[13] anti-corruption policies,[14] and the organizational culture of open government.[15]

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As for challenges to civil society engagement and decision-making, the Romanian government struggled to include new voices beyond the CSOs that had taken part in previous cycles. For this action plan, consultations were mainly circumscribed to Bucharest-based, previously participating organizations. They did not address issues like social inclusion and gender equality,[16] which emerged in the 2022–2024 cycle because of more diverse CSO participation. The Romanian OGP process could benefit from greater dialogue with civil society on which topics to prioritize in its action plans and on the overall direction of OGP in the country.

Compliance with the Minimum Requirements

The IRM assesses whether member countries met the minimum requirements under OGP's Participation and Co-Creation Standards for the purposes of procedural review.[17] During co-creation, Romania acted according to the OGP process. The two minimum requirements listed below must achieve at least the level of 'in progress' for a country to have acted according to OGP process.

Key:
Green= Meets standard
Yellow= In progress (steps have been taken to meet this standard, but standard is not met)
Red= No evidence of action

Acted according to OGP process during the implementation period?	
The government maintained an OGP repository that was online, updated at least once during the action plan cycle, and contained evidence of development and implementation of the action plan. The repository was stored in a Google drive, and civil society stakeholders reported that the information it provided was complete and frequently updated.[18] It was replaced by a repository on Romania's sixth action plan following the end of the implementation period.	Green
The government provided the public with information on the action plan during the implementation period. This information was provided to the public through Romania's OGP official website[19] and to civil society members of the National Coordination Committee at six meetings during the implementation period. [20] The public could also use the OGP Club to comment on the commitments.	Green

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[1] "Comitetul Național de Coordonare," OGP, https://ogp.gov.ro/nou/comitetul-national-de-coordonare.

[2] "Memorandumul privind constituirea Comitetului Național de Coordonare a Parteneriatului pentru Guvernare Deschisă în România," OGP, https://ogp.gov.ro/nou/wp-content/uploads/2021/03/CNC_2020.pdf.

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[3] "Club OGP: Calendar 2020 și lansarea procesului de consultare pentru PNA 2020–2022," OGP, https://ogp.gov.ro/nou/2020/02/07/club-ogp-calendar-2020-si-lansarea-procesului-de-consultare-pentru-pna-2020-2022.

[4] OGP, *Romania Transitional Results Report 2018–2020*, https://www.opengovpartnership.org/documents/romania-transitional-results-report-2018-2020.

[5] OGP, *Romania Action Plan Review 2020–2022*, https://www.opengovpartnership.org/documents/romania-action-plan-review-2020-2022.

[6] Bugariu, IRM email exchange, January 2023.

[7] Bugariu, IRM email exchange, January 2023.

[8] "Componență Comitet Național de Coordonare 2021–2022," OGP, https://ogp.gov.ro/nou/cnc-2021-2022.

[9] "Minută Întâlnirea Comitetului Național de Coordonare a implementării Planului Național de Acțiune al Parteneriatului pentru Guvernare Deschisă în România 2020–2022, 22 iulie 2021," OGP, https://ogp.gov.ro/nou/wp-content/uploads/2021/08/Minuta-Reuniune-CNC-22.07.2021.pdf.

[10] "Minută Întâlnirea Comitetului Național de Coordonare a implementării Planului Național de Acțiune al Parteneriatului pentru Guvernare Deschisă în România 2020–2022, 15 septembrie 2021," OGP, https://ogp.gov.ro/nou/wp-content/uploads/2021/09/Minuta-Reuniune-CNC-15.09.2021.pdf.

[11] Bugariu, IRM email exchange, January 2023.

[12] "OGP Club – Factori favorizanți pentru implicarea spațiului civic în România," OGP, https://ogp.gov.ro/nou/2021/09/30/ogp-club-factori-favorizanti-pentru-implicarea-spatiului-civic-in-romania-2.

[13] "OGP Club – Digitalizarea administrației publice, 3 noiembrie 2021," OGP, https://ogp.gov.ro/nou/2021/11/08/ogp-club-digitalizarea-administratiei-publice-3-noiembrie-2021.

[14] "OGP Club – Integritate și transparență: continuarea eforturilor anticorupție în România," OGP, https://ogp.gov.ro/nou/2021/12/13/ogp-club-integritate-si-transparenta-continuarea-eforturilor-anticoruptie-in-romania.

[15] "OGP Club – Cultura organizațională a guvernării deschise, 27 ianuarie 2022," OGP, https://ogp.gov.ro/nou/2022/01/28/ogp-club-cultura-organizationala-a-guvernarii-deschise-27-ianuarie-2022.

[16] OGP, *Romania Action Plan Review 2020–2022*, https://www.opengovpartnership.org/documents/romania-action-plan-review-2020-2022.

[17] Please note that future IRM assessment will focus on compliance with the updated OGP Co-Creation and Participation Standards that came into effect on January 1, 2022: https://www.opengovpartnership.org/ogp-participation-co-creation-standards.

[18] Civil society stakeholders from Expert Forum and the Smart Cities Project, IRM email exchanges, September 2022.

[19] "Consultation 2020," OGP, https://ogp-gov-ro.translate.goog/nou/pna-2020-2022/?_x_tr_sl=ro&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=wapp.

[20] "Componență Comitet Național de Coordonare 2021–2022," OGP, https://ogp.gov.ro/nou/cnc-2021-2022.

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Section IV. Methodology and IRM Indicators

This report supports members' accountability and learning through assessment of (i) the level of completion for commitments' implementation, (ii) early results for commitments with a high level of completion identified as promising or that yielded significant results through implementation, and (iii) participation and co-creation practices throughout the action plan cycle. The IRM commenced the research process after the first year of implementation of the action plan with the development of a research plan, preliminary desk research, and verification of evidence provided in the country's OGP repository.[1]

In 2022, OGP launched a consultation process to co-create a new strategy for 2023–2028.[2] The IRM will revisit its products, process, and indicators once the strategy co-creation is complete. Until then, Results Reports continue to assess the same indicators as previous IRM reports:

Completion

The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.[3] The level of completion for all commitments is assessed as one of the following:

- *No evidence available*
- *Not started*
- *Limited*
- *Substantial*
- *Complete*

Did It Open Government?

The IRM assesses changes to government practices that are relevant to OGP values, as defined in the OGP Articles of Governance, under the "Did it open government?" indicator.[4] To assess evidence of early results, the IRM refers to commitments or clusters identified as promising in the Action Plan Review as a starting point. The IRM also takes into account commitments or clusters with a high level of completion that may not have been determined as "promising" but that, as implemented, yielded significant results. For commitments that are clustered, the assessment of "Did it open government?" is conducted at the cluster level, rather than the individual commitment level. Commitments or clusters without sufficient evidence of early results at the time of assessment are designated as "no early results to report yet." For commitments or clusters with evidence of early results, the IRM assesses "Did it open government?" as one of the following:

- *Marginal:* Some change, but minor in terms of its effect on level of openness
- *Major:* A step forward for government openness in the relevant policy area but remains limited in scope or scale
- *Outstanding:* A reform that has transformed "business as usual" in the relevant policy area by opening government

This report was prepared by the IRM in collaboration with Soledad Gattoni and was reviewed by Brendan Halloran, IRM external expert. The IRM methodology, quality of IRM products and

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review process is overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

- Snjezana Bokulic
- Cesar Cruz-Rubio
- Mary Francoli
- Maha Jweied
- Rocio Moreno Lopez

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual[5] and in Romania's 2020-2022 Action Plan Review. For more information, refer to the "IRM Overview" section of the OGP website.[6] A glossary on IRM and OGP terms is available on the OGP website.[7]

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[1] "Romania OGP Repository," OGP, accessed November 2022, https://ogp.gov.ro/nou.

[2] See "Creating OGP's Future Together: Strategic Planning 2023–2028," OGP, https://www.opengovpartnership.org/creating-ogps-future-together.

[3] The IRM clusters commitments that share a common policy objective during the action plan review process. In these instances, the IRM assesses "potential for results" and "Did it open government?" at the cluster level. The level of completion is assessed at the commitment level. For more information on how the IRM clusters commitments, see Section IV on Methodology and IRM Indicators of the Action Plan Review.

[4] See OGP, *Open Government Partnership Articles of Governance*, published June 17, 2019, https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf.

[5] Independent Reporting Mechanism, *IRM Procedures Manual, V.3*, September 16, 2017, https://www.opengovpartnership.org/documents/irm-procedures-manual.

[6] OGP, *IRM Overview* https://www.opengovpartnership.org/irm-guidance-overview.

[7] OGP, *OGP Glossary*, https://www.opengovpartnership.org/glossary.

Annex I. Commitment Data[1]

Commitment 1: Streamline participation in public administration decisions

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Modest

- **Completion:** Complete
- **Did it open government?** Marginal

The General Secretariat of the Government (SGG) conducted a survey and several exchange meetings to gather experiences from civil society and public institutions on innovative public participation. The SGG published and disseminated a report on the survey's findings[2] and a guide for institutions on how to adopt innovative approaches to citizen involvement in decision-making processes.[3] In addition to this, a regional map hosted by the Ministry's CONECT platform on the distribution of nongovernmental organizations was created and published.[4] Due to its low level of ambition, however, the commitment limited itself to informing and sharing recommendations with local governments on the issue of public participation, thus delivering marginal early results.

Commitment 2: Youth participation

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Modest

- **Completion:** Limited
- **Did it open government?** No early results to report yet

Some of this commitment's activities were implemented, such as conducting public consultations on youth policy strategies and engaging young people in targeted activities and projects. However, after an institutional reshuffle in January 2022, youth policy was passed from the Ministry of Youth and Sports to the newly created Ministry of Family, Youth and Equal Opportunities, which blocked the funds necessary to continue with this commitment.[5] Meanwhile, Parliament passed the Youth Law in June 2022, which was partially informed by the activities in this commitment. However, it was sent to the Constitutional Court, due to a claim filed by the People's Advocate.[6]

Commitment 3: Open government at the local level

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Unclear

- **Completion:** Limited
- **Did it open government?** No early results yet

This commitment continued the Ministry of Public Works, Development and Administration (MPWDA)'s efforts to increase the involvement of local governments in the OGP process. The MPWDA organized a survey of representatives of local public administrations to assess their existing knowledge on open government and inquire about their interest in taking part in this commitment and receiving related documentation.[7] However, according to civil society representatives, despite the good will of the General Secretariat and some CSOs in helping move this commitment forward,[8] implementation of the other activities stalled after 2021 because funding from the Management Authority for the Program of Operational Administrative Capacity did not materialize.[9]

Commitment 4: Access to integrated community services

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Modest

- **Completion:** Limited
- **Did it open government?** No early results to report yet

The Ministry of Labor and Social Protection developed a common methodology for establishing and accrediting community services[10] and delivered a work manual[11] and training for personnel. According to Romania's OGP repository and self-assessment report, it also set up 124 inter-disciplinary community service teams throughout Romania.[12] However, the commitment's main deliverable, an interactive online map of integrated community services, was not implemented. Therefore, there are not yet early results to report in opening government.

Commitment 5: Transparency in granting nonrefundable financing from public funds

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Modest

- **Completion:** Complete
- **Did it open government?** Marginal

This commitment delivered on all its foreseen milestones. First, through a survey, the SGG gathered input from 38 public agencies and 24 civil society actors regarding transparency in the allocation of nonrefundable financing contracts under Law 350/2005.[13] This survey led to drafting a public policy paper on the matter that was subjected to public consultation and later published.[14] A new section for publishing financing opportunities was added to the SGG's CONECT[15] platform, while a guide for transparency on granting non-reimbursable financing from public funds[16] was developed and disseminated among relevant public and private sector stakeholders. The commitment marginally improved transparency in allocation of funds but did not widely raise awareness nor publish information on the topic, which, according to the CSO Expert Forum, would have been key in generating concrete change.[17]

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

- **Completion:** Limited
- **Did it open government?** No early results to report yet

This commitment focused on increasing the volume and relevance of available data on projects funded by the National Local Development Plan (PNDL), as well as intensifying the dialogue between the MPWDA and the public on the PNDL. Romania's OGP repository documents a meeting in April 2021 between the MPWDA and the partner CSO Expert Forum, which received the requested data held by the ministry.[18] The other activities were not implemented, so there are no early results to report yet regarding the commitment's implementation.

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

- **Completion:** Limited
- **Did it open government?** No early results to report yet

Under this commitment, the General Secretariat of the Government's Department for Relations with the Republic of Moldova (DRRM) aimed to compile and publish a database on Romanian-funded cross-border infrastructural, media, cultural, and academic projects in Moldova. The DRRM collected some of the intended data and populated the database.[19] However, it provides information on only a small number of projects, while key data fields originally targeted in the action plan (e.g., data on official documents backing and justifying the allocation of funds, financing date, and degree of completion of the investment) are lacking. The IRM did not find evidence of uptake of this information by the public. Meanwhile, the commitment's main deliverable was an interactive map, fed by this database, to visualize the data and allow for following up on past and current projects. This map was created by the DRRM but was not available online at the time of this Results Report's production.[20] Given continued gaps in information on financed projects in the Republic of Moldova, this commitment did not produce early results on improving the transparency of these projects nor on assisting in combating disinformation.

Commitment 8: Access to information on linguistic rights of national minorities

Open Government Partnership

Independent Reporting Mechanism

• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Modest	• **Completion:** Substantial • **Did it open government?** Marginal

Under this commitment, the SGG's Department for Interethnic Relations aimed to implement the legal framework governing linguistic rights for national minorities, in particular through Emergency Ordinance 57/2019.[21] According to Article 195 of this regulation, linguistic minorities have certain rights regarding use of their first language when interacting with public administrations. The Department of Inter-Ethnical Relations carried out awareness-raising activities on national minorities' linguistic rights,[22] collected data among public administrations on the level of application of these legal provisions, disseminated a document reflecting the results,[23] and continued publishing relevant information on its website.[24] The commitment consisted mostly of information and dissemination activities, which had a marginal effect on government openness.

Commitment 9: COVID-19 pandemic measures

• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Modest	• **Completion:** Limited • **Did it open government?** No early results to report yet

Under this commitment, the National Authority for Quality Management in Health (ANMCS) aimed to strengthen the readiness of health institutions to address future health crises in Romania. The only component of the commitment implemented was the publication of open data on COVID-19 infections on the national portal.[25] This data was already being published by the government before the adoption of the action plan.[26]

Commitment 10: Risk factors that affect patient safety

• **Verifiable:** Yes • **Does it have an open government lens?** No • **Potential for results:** Unclear	• **Completion:** Not started • **Did it open government?** No early results to report yet

Under this commitment, the ANMCS sought to enhance transparency in assessing the quality of medical services to improve patient safety. According to Romania's OGP repository, the ANMCS did not provide further information regarding the pursuit of the foreseen activities.[27]

Commitment 11: De-bureaucratization for the central public administration

Open Government Partnership

Independent Reporting Mechanism

• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Substantial	• **Completion:** Limited • **Did it open government?** No early results to report yet

This commitment intended to examine the current framework of administrative procedures and establish a cost-efficiency analysis to flag cumbersome, unnecessary, or redundant bureaucratic procedures. As a second step, it foresaw building a joint collaborative group, formed by the government and a consortium of CSOs, that would deliver a methodology to evaluate and monitor the levels of bureaucracy in the central administration and eventually publish its results. In May 2021, Governmental Decision 331 created the Committee for E-governance and De-Bureaucratization,[28] which took over the core of the activities foreseen in this commitment, although with different responsible persons and a different approach, as it considered the first half of the commitment redundant.[29] This committee includes civil society actors and is expected to take the place of the government-civil society joint collaborative group foreseen in the commitment. However, civil society's role in its proceedings has not yet been defined, so it has not yet produced results in terms of strengthening civic participation. Overall, this commitment saw limited implementation, and none of its foreseen activities generated relevant open government results during the implementation period.

Commitment 12: Open Data

• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Substantial	• **Completion:** Substantial • **Did it open government?** Marginal

This commitment was assessed in Section II.

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[1] Editorial notes:
    1. Commitments' titles may have been edited for brevity. For the complete text of commitments, see *Romania Action Plan Review 2020–2022*: https://www.opengovpartnership.org/documents/romania-action-plan-2020-2022.
    2. For more information on the assessment of the commitments' design, see *Romania Action Plan Review 2020–2022*: https://www.opengovpartnership.org/documents/romania-action-plan-review-2020-2022.

[2] OGP, *Analiză privind evaluarea practicilor administrației publice centrale și locale în procesul de luare a deciziei și asigurării accesului la informații de interes public*, https://ogp.gov.ro/nou/panorama/coordonarea-gestionarii-proceselor-inovative-pentru-eficientizarea-participarii-la-deciziile-administratiei-publice/?psp_download=1.

[3] OGP, *Ghid pentru abordarea inovativă a implicării cetățenilor în procesul decizional*, https://ogp.gov.ro/nou/wp-content/uploads/2021/11/Ghid-inovare.pdf.

[4] https://conect.gov.ro/1/harta-interactiva.

[5] "Hotărâre nr. 22 din 5 ianuarie 2022 privind organizarea și funcționarea Ministerului Familiei, Tineretului și Egalității de Șanse," Portal Legislativ, https://legislatie.just.ro/Public/DetaliiDocumentAfis/250249.

[6] "PL-x nr. 716/2018 Proiectul Legii 'Legea tineretului'," Camera Deputatilor, http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=17546.

[7] Self-assessment report available at:
https://docs.google.com/spreadsheets/d/1VsGu0EgQjkddsW2idnZAkyDSCpaOEqOW/edit#gid=352870061.

8 Bugariu, IRM email exchange, September 14, 2022.
9 Panait, IRM email exchange, October 31, 2022.
10 "Documente necesare acreditarii si licentierii serviciului de asistenta comunitara," https://serviciicomunitare.ro/metodologii/acreditarea.
11 "Pachet de proceduri, metodologii și instrumente de lucru adresat profesioniștilor din echipa comunitară integrată pentru combaterea sărăciei și excluziunii sociale și unităților județene de incluziune sociala," https://serviciicomunitare.ro/metodologii/Manual%20ECI.doc.
12 The community service teams consist of social workers, school counselors, school mediators, community medical assistants, and health mediators.
13 "Lege nr. 350 din 2 decembrie 2005 privind regimul finanțărilor nerambursabile din fonduri publice alocate pentru activități nonprofit de interes general," Portal Legislativ, https://legislatie.just.ro/Public/DetaliiDocument/66812.
14 "Propunere de politică publică privind uniformizarea și eficientizarea mecanismului de finanțare în baza Legii nr. 350/2005," https://sgg.gov.ro/1/wp-content/uploads/2022/05/Propunere-de -politica-publica.pdf.
15 "Finanțare," Conect.gov.ro, https://conect.gov.ro/1/concurs-proiecte.
16 "Ghidul privind transparentizarea acordării finanțărilor nerambursabile din fonduri publice conform Legii nr. 350 privind regimul finanțărilor nerambursabile din fonduri publice alocate pentru activități nonprofit de interes general," OGP, https://ogp.gov.ro/nou/2021/12/21/ghid-privind-transparentizarea-acordarii-finantarilor-nerambursabile-din-fonduri-publice.
17 Self-assessment report available at: https://docs.google.com/spreadsheets/d/1VsGu0EgQjkddsW2idnZAkyDSCpaOEqOW/edit#gid=352870061. It is also important to state that this commitment was carried forward to the next action plan led by the work of the Expert Forum (IRM email exchange with Septimius Parvu, Representative of Asociația Expert Forum, September 8–9, 2022).
18 "Creșterea transparenței cu privire la alocări și achiziții din fonduri naționale pentru investiții," OGP, https://ogp.gov.ro/nou/cresterea-transparentei-cu-privire-la-alocari-si-achizitii-din-fonduri-nationale-pentru-investitii-2/#documents.
19 https://drrm.gov.ro/w/wp-content/uploads/2021/09/ROMDB3.7z.
20 https://drrm.gov.ro/w/harta.
21 "Ordonanță de urgență nr. 57 din 3 iulie 2019 privind codul administrativ," Portal Legislativ, https://legislatie.just.ro/Public/DetaliiDocument/215925.
22 "Drepturile mele! Drepturile tale!" OGP, https://dri.gov.ro/w/drepturile-mele-drepturile-tale.
23 OGP, Monitoring the Application of Legal Provisions Governing the Right of Citizens Belonging to National Minorities to Use Their Mother Tongue in Local Public Administration, https://dri.gov.ro/w/wp-content/uploads/2022/06/analiza_dr_lingv_aut_loc_EN.pdf.
24 Departamentul pentru Relații Interetnice, https://dri.gov.ro/w.
25 "Transparenta COVID-19", Data.gov.ro, https://data.gov.ro/dataset/transparenta-covid.
26 OGP, Romania Action Plan Review 2020–2022, https://www.opengovpartnership.org/documents/romania-action-plan-review-2020-2022.
27 "Factori de risc care afectează siguranța pacientului," OGP, https://ogp.gov.ro/nou/factori-de-risc-care-afecteaza-siguranta-pacientului/#documents.
28 "Decizie nr. 331 din 24 mai 2021 privind constituirea și atribuțiile Comitetului pentru e-guvernare și reducerea birocrației," Portal Legislativ, https://legislatie.just.ro/Public/DetaliiDocument/242776.
29 Panait, IRM email exchange, October 31, 2022.