

TOWARDS AN EFFICIENT MANAGEMENT IN THE CONTEXT OF MODERNIZING THE ROMANIAN PUBLIC ADMINISTRATION

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Abstract: *The implementation of an efficient management in the Romanian public administration is one of the most important objectives of the Strengthening Public Administration Strategy (SCAP) for 2014-2020, a strategic document that represents an ex-ante conditionality for absorption of European funds related to the Multiannual Financial Framework for the years 2014-2020. Despite the financial support provided by the European Union to increase Romania's administrative capacity, the positive results obtained from the implementation of two successive strategies on Public Administration reform initiated by the Romanian Government during the pre-accession period to the EU, as well as its subsequent reforms in key areas, sustained efforts are still needed by Romanian decision-makers to optimize decision-making processes, as well as to develop public services and their quality. In this context, the paper highlights the progress made and the obstacles known by the Romanian central administration on improving its performance in the context of the implementation of SCAP2014-2020. The methodology used is mainly qualitative and is based on the analysis of official documents.*

Keywords: *administrative modernization, SCAP 2014-2020, Public Administration, strategic management, performance*

1. INTRODUCTION

The subject of modernizing Public Administration and improving state interventions in society continues to be the focus of the public decision-makers in Romania, a proof being the existence of structural deficiencies in the functioning of Public Administration identified including within the specific country recommendations formulated by the European Commission for 2013 and 2014 and whose remediation is the priority objective of the Strengthening Public Administration Strategy (SCAP) for 2014-2020.¹

The fundamental actions necessary for modernization of the public administration needs to reflect a manner that is faithful to the Romanian administrative reality, achieving a set of goals, known as decalogue for modernization, and that it is the way to an administration of the XXI century: one close to the citizens, sustainable, with a citizen-oriented administrative culture, a center of excellence and quality, responsible, professional, inclusive, competitive and performance (Manda, 2012:309).

The implementation of a high performance management in public administration is one of the general objectives included in Pillar I "Public Policies and Regulations" related

to the Strengthening Public Administration Strategy (SCAP) for 2014-2020. In the framework of this pillar, we find two of its secondary objectives, namely, "Increasing consistency, efficiency, predictability and transparency in the decision-making process in public administration", and "IT Solutions for a more efficient public administration", achieving these objectives relying on a total of 10 steps. The implementation of the measures is significantly supported by European funds, through the implementation of projects carried out or ongoing, mostly financed from POCA.

The secondary objective "Increasing consistency, efficiency, predictability and transparency in the decision-making process in the public administration" summarizes a series of 6 steps, namely: a) Operationalization of a Priority Implementation System - Delivery Unit; b) Operationalization, at the Government Center, of a structure - Strategy Unit; c) Strengthening of strategic planning and introduction of budgeting programs at the central level; d) Improvement of the preliminary assessment of the impact and the public consultation; e) Enhancing the transparency of the decision-making process; c) Developing the capacity of civil society, academia and other relevant social partners (unions, employers, etc.) to support and promote public administration reform.

In turn, the secondary objective "IT Solutions for a more efficient public administration" summarizes a series of 4 steps, namely: a) Analysis of the identification of common issues raised by the public/the business environment (life events); b) Determining the unitary treatment procedures of the events in question, taking into account all the situations in which the law provides for the granting of certain approvals from third-party institutions; c) Establishment of the operational requirements arising from the handling of life events, of such a nature as to lead to the identification of the permissible limits as well as at the technical performance level of the ICT domain; d) Identification and implementation of ICT solutions approved by the competent authorities according to the law, such as to meet the operational identified requirements.

In the following sections of this paper we detail the progress achieved in the context of implementing the two secondary objectives with the identification of the implementation barriers.

2. IMPLEMENTATION OF FOLLOW-UP MEASURES OF THE SECONDARY OBJECTIVE "INCREASING COHERENCE, EFFICIENCY, PREDICTABILITY AND TRANSPARENCY IN DECISION-MAKING PROCESS IN PUBLIC ADMINISTRATION"

"Operationalization of a Priority Implementation System - Delivery Unit" measure benefited from the technical assistance of the World Bank, currently being carried out in its entirety and has also worked on developing the institutional capacity to monitor and communicate the progress made; establishment of a monitoring system and indicators for monitoring progress on the implementation of selected priorities and subsequent pro-active monitoring of country-specific recommendations implementation; establishing the institutional framework for improving the implementation of policies and implementation of Government priorities; development and regular monitoring of the mechanism for implementing the Prime Minister's priorities.²

The technical assistance provided by the World Bank was carried out in the context of implementing the project "Information and Advice Services provided by the World Bank to support the establishment of Priority Implementation System (Delivery System)- the SMIS Code 49976, whose main objective is aimed at improving the performance of the Government of Romania on the implementation of the public policies and the fields of provision of the key services, by supporting the development of a Priority Implementation System (Delivery System) and a Implementation Unit (Delivery Unit). Among the main results of the project we mention the establishment and operationalization at SGG level of a Priority Implementation System, as well as the elaboration of its operative manual, elaboration of a set of reports on the objectives and options corresponding to the selected priority areas (energy, public procurement, youth employment, tax collection systems), as well as developing a communication strategy for the external and internal audiences.

In order to achieve the results of the project, a number of normative acts (SGG, 2018:26) were adopted, such as GD no.901/2015 on the approval of the National Public Procurement Strategy; GEO no.13/2015 on the establishment, organization and functioning of the National Agency for Public Procurement; GD no.634/2015 on the organization and functioning of the National Agency for Public Procurement; Law no.184/2016 on the establishment of a mechanism to prevent conflict of interest in the procedure for awarding public procurement contracts and the PREVENT³ computer system was developed, a system that is designed to prevent conflicts of interest in public procurement procedures by establishing an ex-ante verification mechanism that allows the contracting authorities to remedy these situations before awarding the contract.

The results pursued by the measure "Operationalization, at the Government Center, of a Strategy Unit structure" were mainly aimed at operationalization of a coordination system of strategies implementation, as well as the implementation and regular monitoring of action plans related to government strategies. In this respect, the project "Development of strategic management capacity through operationalization, at the level of the Government Center, of a Strategy Unit structure (SU)" – SIPOCA Code 23, which aimed at improving the Government's performance in developing strategic documents, increasing the capacity for strategic programming (budgeting programs) and developing an integrated strategic management system, by operationalizing a Strategy Unit structure.

The implementation of the measure "Strengthening of strategic planning and introduction of budgeting on programs at the central level" aims to develop two important managerial tools, namely, strategic planning and budgeting programs. The measure amounts to six other sub-measures⁴ (part of them with permanent status), and at present it is partially realized, as the public administration has not achieved the transition from the cash flow budget to the budgeting programs – a method of budgetary rationalization that allows tracking the allocation of money by public policy areas, by correlating based on performance indicators the objectives set with the results obtained and the resources used. The methodology for developing budgetary programs was piloted in 2015-2016 at the level of the Ministry of Education and National Research and the Ministry of Health, within the project "Strengthening Financial Responsibility in the public sector" conducted on the basis of a grant from the World Bank.⁵

According to the SGG Report on the impact assessment of the measures implemented under SCAP 2014-2020: Pillar I- Public and regulatory policies (p.36), in order to implement the measure, the Strategic Institutional Plans of the Ministries were elaborated and developed, as well as an IT instrument for integrated monitoring by SGG of the implementation of these plans (based on a system of impact, program, result and process indicators)⁶. Also, a mechanism (methodology and implementation guide) was developed for the operationalization of the Annual Work Plan of the Government (PALG)⁷ and a support IT tool for operationalizing the PALG methodology⁸.

The implementation of the measure "Improving the preliminary assessment process of the impact and the public consultation" aims to improve, in particular, the capacity of the Government in the field of regulations impact assessment and, at the same time, to strengthen the public consultation process in setting government priorities and in developing Government strategic documents. The breakdown of this measure (results, deadlines and responsible institutions) is contained in the Strategy on Better Regulation 2014-2020⁹.

Currently, the measure is fully implemented, being operationalized with the help of several projects carried out, the results obtained leading mainly to the development of ¹⁰ the competences of the staff of the Central Public Administration in the field of preliminary impact assessment, to the elaboration of the regulatory impact analysis methodology (RIA), as well as 8 impact analyses, which allows the development of impact analyses at the level of the central public institutions¹¹. At the same time, the regulatory framework for the areas analyzed by the impact studies has been improved, and being adopted in this respect the Law no.164/2017 for amending the Law no.279/2005 on apprenticeship at work and Law no.335/2013 on the completion of the internship for higher education graduates, with an impact on the increase in the labour market insertion of the young workforce (SGG, 2018:35).

In terms of the measure "Enhancing the transparency of the decision-making process", it pursues through the two sub-measures it comprises, strengthening the legal and institutional framework incident to the decision-making transparency procedures, as well as strengthening the capacity of the local public administration to implement the principle of decision-making transparency.

Within the measure was realized the IT system Unique Transparency of Interests Register (RUTI) approved by Memorandum by the Government of Romania. The purpose of RUTI is to increase the quality of public policies initiated by Public Administration authorities, but also those that can be taken over by civil society. Thus, RUTI provides a framework in which, on the one hand, the specialized groups of the civil society to register when trying to convince the decision-makers: to take an initiative of public policy or to modify an existing public policy and, on the other hand, the decision-makers to confirm the direct meetings with them, ensuring transparency and minimum rules of ethics in the policy-making process at Government level¹². The Memorandum on Unique Transparency of Interests Register (RUTI) continues the government's efforts to increase the transparency of the policy-making process at the Government level, reflected by the adoption by the Romanian Government of the Memorandum on increasing transparency and standardization of information of public interest" (March, 2016), as well as of the GD

no. 478/2016 for amending and supplementing the methodological Norms for applying the Law no.544/2001 on free access to information of public interest, approved by GD no. 123/2002.

The RUTI online platform does not replace the consultation mechanisms, as regulated by Law no.52/2003 on decision-making transparency in public administration, but is a platform for storing information (in their vast majority accessible to the general public, and others only for Public Administration).

Still, in carrying out this action, was carried out and the project of "Transparent, Open and Participatory Governance– standardization, harmonization, improved dialogue" SIPOCA code 35, what is the increase in the degree of the governance transparency at central and local levels, by enhancing the capacity of institutions to provide interested parties with a high level of access to information of public interest, to improve the level of public participation and harmonization of the consultation process to ensure the decision-making transparency.

SGG monitoring report for 2017 on the implementation of Law No.544/2001 on free access to information of public interest and Law no.52/2003 on decision-making transparency in public administration in 2017 within the SIPOCA 35 project "Transparent, Open and Participatory Governance – standardization, harmonization, improved dialogue"¹³, which was based on the assessment of a number of 211 institutions and public authorities at local and central level, it confirms the positive performance registered by these entities, in the effort to implement the provisions of the Law no.544/2001 and no.52/2003, as well as the Memorandum "Increasing transparency and standardization of public interest information".

The measure "Developing the capacity of civil society, academia and other relevant social partners (unions, employers, etc.) to support and promote public administration reform" contains four sub-measures¹⁴ whose implementation is aimed at strengthening the role and capacity of civil society, academia and other relevant actors to contribute to the process of developing and implementing government policies by carrying out studies, assessments, alternative policies.

The measure is now fully implemented, but has permanent status and led to the launch, in March 2017, of the IT system CONECT - Catalogue of Non-Governmental Organizations for Evidence, Consultation and Transparency¹⁵ for the purpose of consulting non-governmental organizations on a series of public and social policies but also for informing these entities about the current activities of the Government (SGG, 2018:44).

In 2017, AM POCA launched the Application for projects 2/2017 "Increasing the capacity of NGOs and social partners to formulate alternative public policies, within the Operational Programme Administrative Capacity 2014-2020". From the 240 projects submitted within the appeal (carried out in partnership by public institutions, academia and other stakeholders), a percentage of approximately 30% was admitted (71 requests for projects).

3. IMPLEMENTATION OF FOLLOW-UP MEASURES OF THE SECONDARY OBJECTIVE "IT SOLUTIONS TO IMPROVE PUBLIC ADMINISTRATION"

The implementation of this objective is in progress and contains four sub-measures whose results aim to improve the relationship between the administration and the citizens/business environment by implementing information and communication technology, mainly by carrying out unitary procedures for treating life events and ITC solutions for dealing with incident requests to life events.

In order to carry out the measure, the project "Establishing the framework for developing the tools of e-government (EGOV)", SIPOCA code 20, is currently in progress, the project being implemented by the Ministry of Communications and Information Society in partnership with the General Secretariat of the Government. The project aims to develop the institutional capacity of public authorities, in view of the development of e-government tools for citizens and business environment, reducing fragmentation and grouping electronic public services in the concept form of "life events", as well as to ensure the legislative, institutional, procedural and operational framework for the use of e-governance tools¹⁶.

According to the SGG Report on the impact assessment of the measures implemented in the framework of SCAP 2014-2020: Pillar I- Public and regulatory policies (2018: 52), one of the main barriers to the implementation of the four measures derives from the difficulty of establishing the unitary procedures for the treatment of life events, as well as the operational requirements.

4. CONCLUSIONS

Highlighting the implementation stage of the measures circumscribed to the two objectives for analysis, "Increasing coherence, efficiency, predictability and transparency in the decision-making process in public administration", and respectively "IT Solutions for a more efficient public administration", shows a positive evolution towards strengthening strategic planning function at the central administration level, with an impact on increasing the predictability and prioritization degree of the governance process.

The implementation of the measures has generated a number of positive influences on the institutional, macroeconomic and fiscal level, on the business, social environment, of which we should mention the operationalization of the system for the implementation of the priorities (Delivery Unit), the improvement of the mechanism of coordination and inter institutional cooperation at the central administration level, increasing decision-making transparency, increasing capacity for budget planning of ministries and also the capacity for systematic monitoring of the performance, to obtain tangible savings, improving public investment management and the EU structural funds' absorption, increasing the capacity of civil society to formulate alternative policies to government initiatives, increasing public confidence in the services provided by the public administration, etc.

At the same time, the process of implementing the efficient management in the Romanian public administration should be continued, by increasing the efforts made in the

direction of correlating the public policies with the budget, by institutionalizing the method of budgeting programs, extending the Delivery Unit System and to other priority areas of activity, development and integration of e-governance services, consolidation of the measures aimed at the decision-making transparency and access to public interest information, and not least increasing involvement of the social partners in the decision-making process at all administrative levels.

¹ The SPAS 2014-2020 is developed in the context of programming process of the European funds for the period 2014-2020 and represents an ex-ante conditionality, as set out in EU Regulation No. 1303/2013, as well as in the document Position of the Commission Services on the Development of Partnership Agreement and Programmes in Romania for the Period 2014-2020.

² See in this respect the *Action plan for implementation of the Strengthening Public Administration Strategy 2014-2020*.

³ The PREVENT system is the result of the collaboration between the National Integrity Agency, the National Agency for Public Procurement and the Agency for the Digital Agenda of Romania.

⁴ 1) The update and the merge of the two methodologies for the strategic planning and budget programming with the budget programming rules developed by the Ministry of Public Finance; 2) The coordination and the annual monitoring of the process of developing and updating the institutional strategic plans (PSI), in conjunction with the fiscal and budgetary Strategy (SFB) (permanent term);3) Monitoring the implementation of the institutional strategic plans (PSI) and the Annual Work Plan of the Government (PALG) (permanent term); 4) The development of institutional capacity for the implementation of budgeting programs; 5) Piloting of programs budgeting; 6) Extension of budgeting programs.

⁵ Grant No. TF018442, from the World Bank, approved by Order of the Minister of Public Finance no. 227 of February 16, 2016, *to approve the publication of the Letter of Agreement, signed in Brussels on the 14th of September 2015 and in Bucharest, on the 16th of March, 2015, between the International Bank for Reconstruction and Development and Romania relating the non-reimbursable financial assistance in the amount of 488.100 US dollars to Romania in the form of a grant that is intended to enhance financial responsibility in the public sector.*

⁶ Through the project "Extension of the strategic planning system at the level of line ministries" (2016-2019) - Project code SIPOCA 28.

⁷ *The Annual Work Plan of the Government* is a planning and coordination tool, with the role of centralising and programming legislative initiatives that the Government is expected to submit to approval during the current year.

⁸ The project "The operationalization of a management system for implementing the *Annual Work Plan of the Government*(PALG)", SIPOCA code 26, was aimed at improving the performance of the Government and the optimization of decision-making process at the governmental level by creating a management system of the legislative priorities that would allow for the clear ranking and the pursuit of their achievement.

⁹ GD no.1076/2014 *on the approval of the Strategy on Better Regulation 2014-2020*.

¹⁰ For example, the project carried out by the Government of Romania, with the support of the World Bank, "Strengthening the Framework for the Preliminary Assessment of the Impact (EPI) in Romania" (February 2014 - December 2015), a pilot project on the "Development of the ministries capacity to elaborate economic and financial analysis, in order to support the process of formulating the relevant public policies for programming and implementation of the structural instruments", SMIS code 44000, implemented by the Prime Minister's Chancellery together with World Bank experts, as well as the project "Developing the capacity of the Central Public Administration to carry out impact studies" (2016-2018) – SIPOCA Code 25.

¹¹ The 8 impact analyzes aim at smart metering, emergency medicine residency, social housing situation at national level, food integrity, apprenticeship system, potential risk of fruits and vegetables produced by semi-subsistence farms on human health, content and implementation of a National Program "School after School", as well as improving the employment system at the level of Central Public Administration. The analyzes

were carried out in 2014-2018 and are available online at <https://sgg.gov.ro/new/politici-publice-si-programme/documente/analize-de-impact/>.

¹² See more on the RUTI platform website, available online at <http://ruti.gov.ro/ce-este-registrul/>.

¹³ Available online at <https://sgg.gov.ro/new/wp-content/uploads/2018/09/RAPORT-DE-MONITORIZARE.pdf>.

¹⁴ 1) Analyzing and improving the legal framework necessary for the functioning of NGO and streamlining communication between them and the public administration; 2) Development of networks and partnerships between civil society, academia and other stakeholders to carry out advocacy activities; 3) Development of formulation actions and promotion of alternative proposals to the public policies initiated by the Government; 4) Development of tools and mechanisms for monitoring and evaluating the progress and impact of public policies and other public authorities reform efforts.

¹⁵ Available online at <http://dialogsocial.gov.ro/conect/>.

¹⁶ See more, the section dedicated to the SIPOCA 20 project, which can be found on the institutional website of the Ministry of Communications and Information Society, available online at <https://www.comunicatii.gov.ro/proiecte-in-implementare/proiect-egov/>.

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