1. Basic Information

1.1 Désirée Number: RO-0106.04

1.2 Title: Design and Implement Mechanisms for the Full Application of the Civil Servants Statute

1.3 Sector: Public Administration

1.4 Twinning Component: N/A

1.5 Location: Romania

2. Objectives

2.1 Overall Objective

To underpin the building up of the Romanian Civil Service system created by the Civil Servants Statute Law no.188/1999, in order to improve the professional performance of the public administration.

2.2 Project Purpose

To ensure the full implementation and enforcement of the Civil Servants Statute Law by further developing a legal framework and managerial instruments for career development and professionalism of civil servants.

2.3 Accession Partnership and NPAR Priority

With respect to the reinforcement of institutional and administrative capacity, the Accession Partnership sets as its:

- Short-term objectives: the progress in public administration reform
- Medium-term objectives: the implementation of a comprehensive public administration reform programme.

The National Programme for Accessing to the European Union (PNAA) identifies as its short-term priority the creation of a professional, apolitical, career Civil Service. This includes, the creation and the development of a mechanism for manpower planning, staffing and appraising, as well as increasing flexibility in the performance-linked remuneration system, promotion based on harmonised standards for technical or professional qualifications, and implementing a code of ethics.
2.4 Contribution to National Development Plan

N/A

2.5 Cross Border Impact

N/A

3. Description

3.1 Background and Justification

The Romanian Government has expressed its determination to embark upon an ambitious programme of public administration reform overhaul, including the far-reaching reform of its civil service.

In May 2000, Romania presented a revised National Programme for the Adoption of the Aquis (NPAA) in which it stressed the necessity of continuing the legislative and institutional reform process in public administration, so that the adoption of the acquis is sped up.

The new policy to reform the public administration is intended to be coherent and closely connected to the process of integration into the EU structures. Its basic goal is to create a new legal framework, to provide professional, efficient and politically neutral public services, to modernize the institutional structures, to increase the efficiency as well as the effectiveness of the civil servants’ activity, to change mentalities and behaviour and, last but not least, to create a natural relationship between the administration and the citizens.

The Parliament adopted in December 1999, the Civil Servants’ Statute Law (no. 188/1999). This marked an important step forward in the public administration reform drive. The Law defines the rights and duties of civil servants, provides a competitive, open and equal opportunity recruitment system in public administration, and ensures stability for civil servants. This project will focus on designing a mechanism to transform the weaknesses of human resource management in administration into specific strengths based on a strategic scheme. The scheme will support the activities of the National Agency of Civil Servants as specialised body of the Romanian Government, under the Ministry of Public Administration subordination, focused on:

1. Determining, designing and implementing strategies and programs to increase civil servants ability and performance;
2. Designing and suggesting opportunities for managing careers in public administration.

The Government programme establishes as priorities concerning the civil service the following:

- enforcing the provisions of the Law of Public Services and implementing the principle according to which public servants must be hired exclusively according to their competence;
• promoting public servants solely according to their competence and morality, in the spirit and according to the Law;
• managing the career of the public servants coherently and correctly by paying adequate wages, ensuring appropriate working conditions towards respecting the principle of stability and continuity;
• creating a competitive national and regional system for training public servants

3.2 Linked Activities

The EC Phare has been active in the field of public administration reform. A previous Phare programme from 1992 has helped to train 30 trainers for the planned Regional Training Centres. This programme also financed micro projects of interest for the local public administration and seminars were held regarding the decentralisation of local public services.

A further Phare programme on Central Public Administration Reform commenced in May 1996, and ended in June 1998, with the main elements being:

• the development of human resource management and training capacity
• institutional development including the operation of a number of pilot activities
• civil service ethics aimed at helping to develop an user-oriented approach.

The results of this programme were limited. However, they did lay down the Principles for Public Administration Reform that provided the basis for actions in this area within the plan for Accession.

Another programme, RO 9804.05.01, was started on the 15th of January 2001, purporting to strengthen the capacity of the National Agency for Civil Servants (NACS). The first component of this programme deals with strengthening the National Agency of Civil Servants and is focused mainly on organisational analysis, the human resource analysis of the NACS, the ‘on the job’ training, operational co-ordination mechanisms, and a Civil Servants’ Database being designed and built. The second component of this project deals with the elaboration of a regulatory framework. Its objectives are: to elaborate the strategic documents designed to provide a complete and reliable overview of the actual situation of the civil service, to elaborate the secondary legislation and regulations falling into the mandate of the NACS, and to elaborate the draft decisions regarding the harmonisation of special institutional statutes with the mainstream Civil Servants Statute Law. The third component objectives are: the analysis of the existing training providers (aggregate analysis); the analysis of the training needs for different sectors of public administration; a feasibility study on creation of a dedicated training institution for top civil servants; the elaboration of pilot training strategies for a number of specific bodies that are key to the accession process.

The proposed programme is building upon the previous programmes findings and the activities and results expected from the project will make use of the previous work and will not replicate it.

Other Donors:

At central government level the British Know How Fund has been operational with a resident advisor until the end of 1999 (SMART programs). The work has been directed towards (i) the machinery of government and (ii) the development of a central Human
Resource Management capability. A new bridging contract was agreed in 1999, for a limited period of time, to assist with the implementation of the new Civil Servants Law in particular, with the setting up of the Civil Servants' National Agency, programme that is currently in the process of implementation (the SPAR Programme).

The SIGMA programme, mainly financed by the EU, has continuously provided advice on both the Civil Service law and, upon request, to the Government and the Parliament on the reform of the civil service and the central Government.

The World Bank has provided some targeted technical assistance on the development of a Civil Service law and its passage through Parliament.

3.3 Results

The results of the project, as described in the attached log-frame matrix, are the following:

1. Designed and implemented scheme, based on merit and competition, for recruitment and promotion of civil servants
2. A new salary system adopted for civil servants.
3. A system for performance appraisal adopted for civil servants
4. A mechanism for human resources planning in civil service designed and implemented

3.4 Activities

The programme consists of four components. The details of each component and the subsequent activities are set out in the remainder of this section.

Component 1 - Scheme for Recruitment and Promotion of Civil Servants
1.1. Designing and testing a scheme based on merit and open competition, for recruiting and selection the civil servants based on the Civil Service Statute Law and the secondary legislation;
1.2. Designing procedures, examinations and tests based on civil servants recruitment techniques used in EU Member States, including the composition of selection committees;
1.3. Designing criteria and procedures for promotion and horizontal mobility of civil servants;
1.4. Draft a guide or administrative instruction for selection, including recruitment and promotion.

Component 2 – Salary System for Civil Servants and Improving Performance
2.1. Propose a new salary scheme for civil servants based on the principles of fairness, transparency, predictability and affordability. The scheme should allow for widening the ratio between higher and lower salaries by relying on objective pre-established indicators;
2.2. Propose a performance appraisal scheme for civil servants aimed at enhancing professionalism and commitment and explore the feasibility of a performance related pay component of the take-home pay;
2.3. Design a strategy and relevant actions for improving motivation and performance of civil servants;
2.4. Draft a guide for specific practical actions destined to improve performance;
2.5. Organize public events for dissemination of the proposed reforms of the civil service among target groups of civil servants and interested public.

**Component 3 - Mechanism for Human Resources Planning in the Civil Service**

3.1. Design a mechanism for forecasting and assess human resources needs and demands in the civil service
3.2. Create a methodology for human resources planning in the civil service area
3.3. Elaborating policy options and regulations based on planning of human resources in the public administration
3.4. Designing career development schemes within the civil service

The three components will be included in a classical Technical Assistance contract amounting to 1.0 MEURO as follows:

- Component 1 – MEURO 0.30
- Component 2 – MEURO 0.40
- Component 3 – MEURO 0.30

A twinning project for the Ministry of Public Administration will be developed in parallel with this project and the pre-accession adviser of the twinning will be responsible for maintaining an overview and co-ordination on the functioning of this project as well in order to ensure consistency among the respective activities.

4. **Institutional Framework**

With a view to achieving Romania’s objectives to accede to the European Union, it is paramount to continue the public administration’s legislative and institutional reform process. Also, it is necessary to introduce modern approaches for changing civil servants’ mentalities.

The last report of the European Commission underlined the small progress made by Romania in the area of public administration reform. In these conditions, the Ministry of Public Administration and its specialised body, the National Agency for Civil Servants (NACS), are committed to enforcing the public administration and the civil service reform. In this context, NACS has to design specific mechanisms for supporting Civil Service reform, focusing on Human Resource management.

The direct beneficiary of this programme will be NACS. Indirectly, all civil servants are expected to benefit from the activities performed under the programme. The Parliament adopted in December 1999, the Civil Servants Statute Law no. 188/1999. This law states what the rights and duties of civil servants are and provides a competitive, open, equal opportunity recruitment system of staff in public administration, as well as it ensures stability for civil servants.

The adoption of the Civil Servants Statute Law marked an important step forward in the public administration’s reform drive. This piece of legislation provides a framework for reforming the management of the Civil Service and empowers the newly created Civil Service National Agency (CSNA) to serve as an adequate vehicle for the elaboration and the implementation of the related secondary legislation and regulations.
The cogent rationale behind the creation of the Agency was the pressing need to introduce consistency and coordination in the management of the civil servants, which remains extremely fragmented.

Through this project, the ability of the National Agency for Civil Servants and the Ministry of Public Administration to fulfil their role regarding the civil service reform will be considerably improved.

5. Detailed Budget

(in MEURO)

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<th></th>
<th>Phare Support</th>
<th>Total Phare (=I+IB)</th>
<th>National Co-financing*</th>
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6. Implementation Arrangements

6.1 Implementing Agency

The National Agency for Civil Servants, who is coordinated by the Ministry of Public Administration, is the Implementing Authority (IA). The IA’s representative is the person appointed as Senior Programme Officer (SPO) who will also chair the Steering Committee, and a Deputy Senior Project Officer (DSPO). The SPO is in charge of the technical implementation of the Project in accordance with the Phare rules, regulations and procedures. A Programme Implementation Unit (PIU) will be formed to assist the PO in the technical implementation of those relevant sections of the programme, in accordance with the Phare rules, regulations and procedures. The Programme Implementation Unit will provide technical support and expert analysis for the Programme’s implementation.

The Central Finance and Contracts Unit (CFCU) will be responsible for tendering, contracting, administering, accounting, paying and financial reporting, and acting as the Implementing Agency.

**Contact details for the Implementing Authority:**
National Agency for Civil Servants
Attn. Mr. Paul Mitroi, General Secretary
Magheru Blvd. No. 6-8, 5th floor, room 15
Tel: + (401) 212.29.91 ext. 103
Fax: + (401) 212.29.98

**Contact details for the Implementing Agency:**
Central Finance and Contracts Unit (CFCU)
Attn. Mrs. Ruxandra Radulescu, Director
Ministry of Finance
6.2 Non-standard Aspects

The DIS Manual provisions will strictly be followed for the technical assistance components.

6.3 Contracts

The project will be implemented through a contract consisting of technical assistance amounting 1,0 MEURO.

7. Implementation Schedule

7.1 Start of Tendering/Calls for Proposals
Under the assumption that the Financial Memorandum is signed until August 2001, the TORs for the contracts will be ready by October 2001.

7.2 Start of Project Activity
The actual implementation of the project is expected to start in March 2002.

7.3 Project Completion
The last payment for the project will be before December 31st, 2003.

8. Equal Opportunity

The selection of the participants will be made on non-discriminatory criteria.

9. Environment

N/A

10. Rates of Return

N/A

11. Investment Criteria

N/A
12. Conditionality and Sequencing

The most important milestones of the project are:

- The drafting of a Manual for recruitment and selection procedures, six months from the start of the project;
- The appraisal scheme for civil servants designed in nine months from the start of the project;
- The guide for specific practical actions due to improve performance drafted in 13 months from the start of the project;
- The career development scheme focused on civil service designed in 15 months from the start of the project.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix
2. Detailed implementation chart
3. Contracting and disbursement schedule by quarter
## LOGFRAME PLANNING MATRIX FOR PROJECT

### Design and implement mechanisms for the full application of the Civil Servants Statute

- **Contracting period expires**: 30.11.2003
- **Disbursement period expires**: 30.11.2004
- **Total budget**: 1.06 MEUR
- **Phare budget**: 1.0 MEUR

<table>
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<tr>
<th>Overall Objective</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
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</table>
| To underpin the building up of the Romanian Civil Service system created by the Civil Servants Statute Law no.188/1999, in order to improve the professional performance of the public administration. | Performance increased in the civil service system | • Official Government reports  
• International Institutions reports, especially European Commission reports  
• National and local mass media  
• Population surveys |  |

<table>
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<tr>
<th>Project purpose</th>
<th>Objectively Verifiable Indicators</th>
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</table>
| To ensure the full implementation and enforcement of the Civil Servants Statute Law by further developing a legal framework and managerial instruments for career development and professionalism of civil servants. | • Civil service legal framework elaborated and implementing mechanisms in place till the end of the project | • Government documents  
• European Commission reports  
• Project progress reports | • Resistance from political appointees on dignitary position to the professionalisation of civil service and reluctance of line ministries to accept need for new HRM policies. |

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<tr>
<th>Results</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
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</table>
| Designed and drafted scheme, based on merit and competition, for recruitment and promotion of civil servants | procedures, criteria and instructions for recruiting, promotion and horizontal mobility of civil servants elaborated during the project period | procedures for recruitment and promotion | • Political will to address the de-politicization of the civil service and public administration reform needs.  
• Sufficient degree of cooperation between the CSNA and the other administrative entities to ensure the fulfilment of the CSNA mandate, notably in terms of HRM policy |
| New salary system for civil servants and system for performance appraisal for civil servants proposed | • the new salary scheme drafted and proposed to the Ministry of Public Administration  
• performance appraisal scheme approved by the Ministry of Public Administration and the Government.  
• existence of the list with criteria and promotion and horizontal mobility procedures applied  
• the salary difference between public and private sector reduced by the end of the project  
• practical guide drafted and implemented  
• 3 public events run | • practical guide  
• statistical reports  
• list with criteria for promotion  
• regulations  
• project reports | • the state budget of the year 2002 allow the increase of the level of the civil servants salaries  
• the restructuring process continues in the ministries and other central public agencies |
Annex 1: Logframe Matrix for project: RO0106.04

| Mechanism designed for human resources planning in civil service | • a forecasting mechanism designed and presented into a strategical document  
| • methodology drafted and tested into 3 central administration organisations  
| • policy and regulations proposed and approved  
| • scheme for career development designed and approved by the Ministry of Public Administration | • strategical document  
| • regulations  
| • project reports | • the 3 central administration organisations are willing to test the methodology for planning the human resources  
| • The law making process as a whole will function adequately to enable the adoption within reasonable delays of the secondary legislation drafted |

<table>
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<tr>
<th>Activities</th>
<th>Means</th>
<th>Assumptions</th>
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<tbody>
<tr>
<td>1.1. designing and testing a scheme based on merit and open competition, for recruiting and selection the civil servants based on the Civil Service Statute Law and the secondary legislation.</td>
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### Annex 1: Logframe Matrix for project: RO0106.04

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<tr>
<th>Objective</th>
<th>Technical assistance contract</th>
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<tr>
<td>4.1. design a mechanism for forecasting and assess human resources needs and demands in the civil service</td>
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<td>4.2. create a methodology for human resources planning in the civil service area</td>
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<td>4.3. elaborating policy options and regulations based on planning of human resources in the public administration</td>
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<td>4.4. designing career development schemes within the civil service</td>
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#### Preconditions

- The CSNA is maintained, with the sufficient budget, with office space and staff allocation
**Design and implement mechanisms for the full application of the Civil Servants Statute**

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D = Design/Tender preparation  
C = Contracting  
I = Implementation/works  
R = Review/evaluation
Design and implement mechanisms for the full application of the Civil Servants Statute

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<th>Components</th>
<th>Cumulative contracting schedule by quarter in Meuro (planned)</th>
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