



# **Public administration characteristics and performance in EU28:**

## Romania

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**Public administration  
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## 1 SIZE OF GOVERNMENT

Romania has one of the smallest public sectors in the EU-28 as regards the share of total expenditure in GDP, being ranked in 26<sup>th</sup> place within the EU countries in 2015. Historically, the total expenditure of Romanian public sector in relation to GDP has fluctuated between 34% and 41% in the last ten years, with a peak in 2009. After the economic crisis hit the country, the percentage dropped gradually to the value of 34.3% and then slowly increased again in 2015 to 35.66% of GDP. Although no final data is yet available, for 2016 the percentage fell again to less than 32%, according to estimates by the Fiscal Council.

Romania performs fairly well among the EU-28 countries as regards the public debt and the budgetary deficit. The level of public debt increased gradually but strongly between 1995 and 2001, from 6.6% to 25.7% of GDP. After that, the debt decreased until 2006, reaching 12.4% of GDP, and in 2015 it reached 37.89% of GDP, the fourth lowest value in the EU.

The budgetary deficit was the fifth lowest in the EU-28 in 2015 following a period of important efforts to diminish it due to the obligations that Romania had to satisfy following the IMF agreement and the EU requests in this area. The country's performance in 2015 has two explanations: firstly, the economic growth was significantly better than initially projected and the efficiency in collecting the fiscal revenues had improved, according to the Fiscal Council (2015); and secondly, there was a drop in public investment, also seen in the weak absorption of EU funds.

Romania is highly centralised, as the share of the central government expenditure (73.9%) is almost three times greater than the local government share (27.2%). In this way, the central government controls the local government. If one party is in charge at the central level and another party is in charge at local level, in most cases the local level does not get the amount of money it needs for full development in that local area. The Ministry of Regional Development, Public Administration and European Funds and the Reserve Fund of the Prime Minister both have a funding procedure which is highly subjective. Counties present projects for themselves or for the villages in their administration and the central government decides whether to finance them or not. In general, counties with the same political make-up as the central government receive more funds. This procedure can lead to funding amounting to 5% to 20% of the county budget coming from the central government for special projects. Examples of this are counties such as Cluj or Tulcea, which were supported by the centre-right coalitions and Teleorman and Constanta which were supported by centre-left coalitions. This is one of the reasons why some parts of Romania are more developed than others.

**Table 1: General government budget data**

ROMANIA	2010	EU 28 Rank	2015	EU 28 Rank	Δ Value	Δ Rank
<b>Total expenditures (in % GDP)</b>	39.57	27	35.66	26	-3.91	+1
<b>Central government share (%)</b>	73.88	9	73.91	9	+0.03	0
<b>State government share (%)</b>						
<b>Local government share (%)</b>	23.97		27.20			
<b>Public investment (in % GDP)</b>	5.66	1	5.15	5	-0.51	-4
<b>Debt in % GDP</b>	29.91	5	37.89	4	+7.98	+1
<b>Deficit in % GDP</b>	-6.9	17	-0.8	5	+6.1	+12

*Sources: AMECO, Eurostat*

In Romania, more than 25% of the working population is employed in the public sector, i.e. almost 1.2 million people out of a total of 4.7 million employees.

Public-sector employment in 2016 totalled 1.19 million people. This number reflects the people paid from the public budget, including not only public administration and defence, the compulsory social security sector (according to NACE\_R2, as presented in the Comparative indicators, table 1.2 General government employment), but also people employed in education and health.

Compared to the total number of employed people in the population (8 535 400 people), public employees represented 13.8% of the number of people in employment in 2015 - a percentage that has remained almost the same for the past three years after a peak of 15.4% in 2009. Due to the austerity measures in place in the public sector, the number of public employees decreased after 2010.

The number of people in employment includes not only employees but also self-employed persons, unpaid family workers, managers of private units etc. Therefore, if we compare the number of public employees to the average number of people receiving a wage (the number of employees) of 4 611 400 in 2015, we see that more than 25% of the working population is employed in the public sector. The share was even higher after the crisis (28.9% in 2009 and 2010) due to the fact that the average number of employees was lower on account of unfavourable economic conditions.

**Table 2: Public sector employment\***

ROMANIA	2016
(1) General government employment*	1 190 366
• share of central government (%)	42%
• share of state/regional government (%) <sup>1</sup>	n/a
• share of local government (%)	58%
(2) Public employment in social security roles	n/a**
(3) Public employment in the army	74 453***
(4) Public employment in the police	52,907****
(5) Public employment in employment services	n/a**
(6) Public employment in schools	287 068
(7) Public employment in universities	64 480
(8) Public employment in hospitals	
(9) Public employment in core public administration Calculation: (1) minus (2) - (8)	509 311
(10) Core public administration employment in % of general government employment (9)/(1)	42.8%

**Sources:** The Ministry of Finance – The number of occupied positions in public authorities and public institutions

\*According to the OECD, general government employment excludes public companies.

<sup>1</sup> Although Romania is divided into eight regions, this is only a territorial division and there is no regional government structure. The local government is represented by the government structures at the county and local level.

*\*\*Romania does not have a sufficiently detailed and refined definition of public employment.*

*\*\*\* This figure constitutes the number of occupied positions in the Ministry of National Defence and it could be a proxy for the size of the army; there is no data on the number of soldiers.*

*\*\*\*\* In 2014, according to Eurostat.*

## **2 SCOPE AND STRUCTURE OF GOVERNMENT**

### **2.1 State system and multi-level governance**

Romania is a national, sovereign and independent, unitary and indivisible, democratic and multi-party republic, as stated by the Constitution approved in 1991 and reformed in 2003. The indivisible principle was introduced in 1866, when, after Wallachia (Valahia) and Moldavia joined together to form Romania, the newly-created state adopted its first Constitution stating that none of the main elements constituting the country, territory, population and sovereignty can be under the administration of other state or power. This principle was also included in the first article of the 1991 Constitution due to the problems that were caused by the Hungarian minority in the counties Covasna and Harghita. After the revolution, the Hungarian minority in these parts of Romania continually asked for autonomy because they believed that their rights were not being respected. This problem still remains today.

Romania is a unitary state, with the principles of decentralisation and local autonomy mentioned in the Constitution: 'public administration in the territorial-administrative units is based on the principles of decentralisation, on local autonomy and deconcentrating public services' (Romanian Constitution, art. 120). Several steps for decentralisation were taken after 1989 (the financing of local administration, new rules for the local authorities, levying taxes at local level, etc.), but there is more to be done as regards the fiscal decentralisation and redistribution, regional development planning and so on. In fact, there is no national decentralisation strategy. This means that, in practice, there is excessive administrative-territorial fragmentation that implies high functioning costs for the local public sector, a lack of correlation between local and central strategies and policies and limited decentralisation of powers from central to local level.

In 2004, Law No. 315/2004 divided the country into eight regions without legal personality. Since then, the problem of decentralisation frequently arose, but no action was taken. The decentralisation process launched in 2014 was attacked by the majority of civil society, in particular because it was seen as granting full powers to the presidents of county councils (Mihailescu, 2014), therefore strengthening the people or bodies exercising political control at the local and regional levels. The Romanian Constitutional Court decided then that the proposed decentralisation law violated the principle of local autonomy and constitutional property and rejected it. No other attempts at decentralisation have been made since then. The 41 counties and the city of Bucharest are governed by the council president and the elected county councillors, while the central government appoints a prefect in each county. The role of the prefect is to represent the central authority (the government) at local level, with the power to oppose and block local authorities' unlawful or unconstitutional actions.

According to the Constitution, the parliament is the supreme representative body of the Romanian people and the sole legislative authority of the country. It is bicameral and formed by the Senate and Chamber of Deputies, which, following the elections held on

11 December 2016, consist of 136 senators and 329 deputies respectively. Organisations of citizens belonging to national minorities which fail to obtain the number of votes for representation in Parliament have the right to one Deputy seat each under the terms of electoral law. Citizens of a national minority are entitled to be represented by one organisation only. Law No. 208/2005 regarding the election of the Senate and the Chamber of Deputies states that 'A national minority means that ethnicity represented in the Council for National Minorities.' This Council is comprised of the following 19 organisations: the League of Albanians of Romania, the Union of Armenians of Romania, the Bulgarian Union of Banat-Romania, the Union of Croatians of Romania, the Hellenic Union of Romania, the Federation of the Jewish Communities in Romania, the Democratic Forum of Germans in Romania, the Association of Italians of Romania RO.AS.IT, the Democratic Union of Hungarians in Romania, the Union of Poles of Romania 'Dom Polski', the Roma Party Pro-Europe, the Community of the Lippovan Russians in Romania, the Union of Serbs of Romania, the Democratic Union of Slovaks and Czechs of Romania, the Democratic Union of the Turkish- Muslim Tatars of Romania, the Turkish Democratic Union of Romania, the Union of the Ukrainians of Romania, the Association of Macedonians of Romania, and the Cultural Union of Ruthenians of Romania. After the last elections, the only minority that did not gain a seat in Parliament was the Democratic Union of the Turkish-Muslim Tatars of Romania. Usually, the coalition that forms the government includes these representatives as well.

The President of Romania (who is directly elected by means of a two-round system for a five-year term) puts forward a candidate for the office of Prime Minister and appoint the Government on the basis of the vote of confidence of Parliament. The Prime Minister, his Cabinet and the President constitute the Executive Power. After each parliamentary election, the number of ministries usually changes. At present there are 26 ministries, five more than in the previous cabinet. The Government proposes Acts for approval by Parliament. An Act adopted by Parliament is submitted to the President for confirmation. The President, the Government and the Ministries may issue decrees as stipulated by law. The Government submits annual reports on governmental activities and on the measures taken in response to parliamentary decisions, as well as annual reports on state finances and adherence to the budget, to Parliament.

The judicial system acts independently of the other two branches of government and is comprised of a hierarchical system of courts culminating in the High Court of Cassation and Justice. There are also courts of appeal, county courts and local courts.

Where regional organisation is concerned, Romania is divided into 41 counties plus the Municipality of Bucharest, which has an equal status. Bucharest is administered by the General Mayor of the Municipality of Bucharest together with the Bucharest Municipal General Council. The city is divided into six sectors, each with its own local council and Sector Mayor. Where the counties are concerned, each is administered by a county council, the chairperson of which is directly elected by the people, and a prefect, who is appointed by the central government.

Municipalities, towns and counties are administrative-territorial units in which local autonomy is exercised and in which local public administration authorities are active. The administrative-territorial units are legal entities of public law, with full legal status and their own patrimony. The law states that local autonomy is only administrative and financial, being exercised on the basis of and within the limits prescribed by law. Reducing the components of autonomy only to financial and administrative aspects has the significance of excluding political autonomy from this concept (such political

autonomy being prohibited under the Constitution), which declares the Romanian state a unitary and indivisible state (Viorescu, 2006). In other words, the counties are responsible for the proper administration of a certain part of the Romanian territory. They have their own budgets, but in most cases the budget is not enough to develop the area. That is why they are dependent on the national budget which is allocated on the basis of political criteria. Local government therefore depends on central government. If a city has a mayor and a majority in the local council from the same party as the prefect and the Prime Minister, that city has a much better chance of getting funds for development than one that has one or more links in this chain from a different party (see point 1).

The prefect cannot belong to any political party, and he/she is responsible for the administration of national affairs at county level. His/her main role is to ensure that local authorities' decisions are made in accordance with Romanian laws. The prefect's role is further defined by Law No. 340/2004, modified by decrees in 2004 and 2005, by a law passed in 2006 and by its update in 2008. The responsibilities of this role include ensuring that the Constitution and laws are adhered to; helping fulfil the Government's programme; helping maintain social order; cooperating with local authorities in order to set development priorities; verifying the legality of actions of the county or local councils and mayors; ensuring that good preparations have been made for emergency situations; deciding on the equivalent institutions in Romania or abroad with which to cooperate; and ensuring that national minorities are able to communicate with government institutions in locations in which minorities make up more than 20% of the population.

The prefect is to be guided by the following principles: legality, impartiality and objectivity; transparency and free access to public information; efficiency; responsibility; professionalism; and a citizen-oriented attitude. The Ministry of Internal Affairs is the principal allocator of prefectures' budgets, while their activity is coordinated by the Prime Minister and they are subordinate to the Government [Law No. 340/2004]. Each county has agencies of the ministries, which represent those ministry (ex. Fiscal Agency of county X (Ministry of Finance), Labour Agency (Ministry of Labour) etc. these agencies are managed by a director appointed by the ministry. The agencies of the ministries within a county jointly form the prefectural college, which meets every week, is led by the prefect and flags up any problems that may arise. The prefectural college has no decision-making capacity but more a coordinating role, allowing the managers of the public agencies to help each other and be better informed regarding activities. The leadership of the prefect is symbolic; he cannot interfere in the activities of the agencies.

Each county is further subdivided into towns and communes, the former being urban and the latter being rural. There are a total of 319 towns and 2 893 communes in Romania, each with its own mayor and local council. Normally the counties form the interface between government and small municipalities and communes. The administration reforms that took place in 2003 resulted in many communes being created which are too small to be financially sustainable. They depend on the budgets of the counties in order to be able to cover their expenses. Although fusing the communes would make sense in many counties in order to make them self-sustainable, the decisions to do so have not been taken due to political pressure, as it would mean that parties would lose too many mayors. The counties manage some activities and co-finance local projects such as roads, forest development, school infrastructure (for some high schools which are too big to be managed by small cities), local airports, etc.). Normally coordination takes place with the central government, which often finances projects through the counties.

They have to apply through the ministries, and at the start of the year – after the national budget is voted on – they receive special project funding. Until 2014, the counties had discretionary power to provide funding to communes, but then the methodology changed and a formula was introduced in the procedure for financing local administration, giving money to the villages according to their population, surface area, etc. This change has diminished the political influence of the counties because now they have become just intermediaries between the central government and the communes.

Government level:	Legislation	Regulation	Funding	Provision
Central government	Defence External affairs Internal affairs Justice Finance/tax Economic affairs Environmental protection Public utilities Social welfare Health Science and research Education	Defence External affairs Internal affairs Justice Finance/tax Economic affairs Environmental protection Public utilities Social welfare Health Science and research Education	Defence External affairs Internal affairs Justice Finance/tax Economic affairs Environmental protection Public utilities Social welfare Health Science and research Education	Defence External affairs Internal affairs Justice Finance/tax Economic affairs Environmental protection Public utilities Social welfare Health Science and research Education
County government		External affairs Finance/tax Economic affairs Environmental protection Public utilities Social welfare Health Science and research Education	Internal affairs Environmental protection Public utilities Social welfare Health Science and research Education	Environmental protection Public utilities Social welfare Health Education
Local government		Finance/tax Economic affairs Environmental protection Public utilities Social welfare Health Science and research Education	Internal affairs Environmental protection Public utilities Social welfare Health Science and research Education	Environmental protection Public utilities Social welfare Health Education

The Romanian state structure is unitary and coordinated by the central government. After elections, the government party or coalition presents a governance programme which is voted on by the Parliament and it is put into practice by the Ministries. The executive government has been majoritarian in recent democratic times. Implementation is centralised. The central government proposes a governance

programme which is implemented by ministries, prefects, county presidents and the mayors. The relationships with the ministries are politicised according to the personal links between local and central leaders, especially if they belong to the same party. The implementation of important projects is centralised; some projects can also be run at county or city level but mostly with financing from the central government.

<b>State structure</b> (federal - unitary) (coordinated - fragmented)	<b>Executive government</b> (consensus - intermediate - majoritarian)	<b>Minister-mandarin relations</b> (separate - shared) (politicised - depoliticised)	<b>Implementation</b> (centralised - decentralised)
Unitary - coordinated	Majoritarian	Shared, - politicised	Centralised

## 2.2 Structure of executive government (central government level)

For the last 25 years, the Government was the most important institution in Romania. The size of the Government also varied according to the party or coalition that was in charge at that moment. In the first two years after the fall of communism, the Romanian Government was composed of the Prime Minister Petre Roman, 28 ministries and four Vice Prime Ministers. In addition, the ministers that headed the main ministries such as the ministries of Justice, National Defence, Health, Industry or Education had a special status. In 1992, the new Prime Minister Nicolae Văcăriu reduced the number of ministries to 21. In 1996, Romania had its first coalition government and the number of ministries was increased to 24. In the period 2000-2004, the number of ministries grew enormously. The Prime Minister Adrian Năstase along with 30 other ministers ruled the country. In 2005, Călin Popescu Tăriceanu reduced the number to 24 in the first instance; after the DA coalition broke down in 2007, he reduced the size of the Cabinet to 16. The Justice and Truth Alliance (*Dreptate și Adevăr* (DA) in Romanian) was a political coalition between the National Liberal Party and the Democratic Party formed in 2003, before the local, general and presidential elections of 2004. Its main purpose was to act as a counterweight to the big Social Democrat Party that ruled the country in the period 2000-2004. In 2007, the alliance broke down. After 2008, Emil Boc, Mihai Răzvan Ungureanu and Victor Ponta worked with a Cabinet that had around 20 ministries. The Ministry of European Affairs was also created in this period.

According to Law No. 90/2001 and the Constitution, the Government exercises general leadership over the public administration, elaborates strategies to implement the government programme, exercises legislative initiative, negotiates international treaties, represents the Romanian state both internally and externally, appoints prefects, and presents information and documents to the Chambers of Parliament as requested.

The Centre of Government (CoG) must take care of the final stage of assessing the interests of competing ministries, ensuring a harmonised strategy and the prioritisation of projects. In Romania, at present, the Centre of Government comprises the Office of the Government, the Ministry of Finance, the Ministry of EU Funds and the National Agency of Civil Servants (NACS) (OECD, 2016). Nevertheless, collaboration in recent years has been weak and limited, providing low policy support. This is responsible for conflicting policy mandates and weak policy implementation (World Bank, 2011).

Since January 2017, after the President rejected the first nominee for the role of Prime Minister following the most recent general elections, the newly-elected government coalition has formed the Government. In accordance with Article 103 of the Constitution, the President proposes a candidate for the role of Prime Minister after consulting with the party that has an absolute majority in the Parliament or, if there is no such majority,

the parties represented in Parliament. The candidate for the role of PM then asks for Parliament's vote of confidence on the programme and the entire list of proposed ministers. This list usually comprises important members of the parties that formed a majority in Parliament. In this case, the list comprised the Prime Minister Sorin Grindeanu, two Vice Prime Ministers (Sevil Shhaideh, who is also the Minister of Regional Development, Public Administration and European Funds, and Grațiela-Leocadia Gavrilescu, who is also the Minister of Environment and Climate Change –), 24 ministers, two minister-delegates and one Secretary-General of the Government.

- Minister of Regional Development, Public Administration and European Funds
- Minister of the Environment
- Minister of Internal Affairs
- Minister of Foreign Affairs
- Minister of National Defence
- Minister of Public Finance
- Minister of Justice
- Minister of Agriculture and Rural Development
- Minister of National Education
- Minister of Labour and Social Justice
- Minister of Economy
- Minister of Energy
- Minister of Transport
- Minister for Business Environment, Commerce and Entrepreneurship
- Minister of Health
- Minister of Culture and National Identity
- Minister of Waters and Forests
- Minister of Research and Innovation
- Minister of Communications and Information Society
- Minister of Youth and Sports
- Minister of Tourism
- Minister for Romanians Abroad
- Minister of Public Consultation and Social Dialogue
- Minister for Liaison with Parliament
- Minister-delegate for European Funds
- Minister-delegate for European Affairs

\*\*\* *Introduced in 2001 (Law No. 90/2001), the Minister-delegate role is also known as the Minister 'without portfolio'. Such a minister has the rank but does not head a ministry; he/she only has specific tasks. This is the most important difference between a Minister and a Minister-delegate. The number of Minister-delegates in a government also varies from one Prime Minister to another. For example, Victor Ponta's 2012 cabinet had*

*nine Ministries-delegate: for Budget, for Energy, for Liaison with Parliament or for Diaspora.*

The Government of Romania is organised on three levels: the Government's working apparatus, Ministries and Prefectures. Law No. 90/2001 Article 20 states that the Government's working apparatus is made up of the Prime Minister's own working apparatus (which is the cabinet, together with the advisors to the PM, or it could be the Chancellery as was the case under several Prime Ministers) the Secretariat-General of the Government, departments and other organisational structures with specific characteristics established by Government Decision. These structures can change according to the strategy of each ruling party. If the PM is also the leader of the party, a strong Chancellery is preferable in order to steer the government away from the centre ground. If the PM is not the leader of the ruling party, the secretary-general becomes stronger due to the sharing of influence within the party.

The working apparatus of the government is formed by a number of bodies.

The Secretariat-General of the Government – A public institution with a legal personality, falling under the Prime Minister, headed by a Secretary-General with the rank of Minister, assisted by a Deputy Secretary-General with the rank of Secretary of State, and, where appropriate, by one or more Secretaries of State, appointed and removed from office by the Prime Minister. The Secretary-General of the Government is the main credit authorising officer for the apparatus of Government and public institutions as well as bodies of the central public administration, supervised or coordinated by the Government, the Prime Minister and the Secretariat-General of the Government. The Secretary-General does not have any duties regarding the reforms to public administration. Previously, the Chancellery played a role in this but now all the duties are held by the Ministry for Regional Development, Public Administration and European Funds.

The Department for Liaison with Parliament – A structure with a legal personality, funded through the budget of the Secretariat-General of the Government, headed by the Minister for Liaison with Parliament, who has the role of a tertiary credit authorising officer. (With regard to the rights and obligations they have in the budget execution process, the officers are divided into three categories: main, secondary and tertiary. The tertiary credit authorising officers use the budget credits that have been allocated only for the needs of the units they manage in accordance with the provisions of the budgetary approvals and under the conditions established by the legal provisions). The department comprises one or more Secretaries of State, appointed and removed from office by the Prime Minister.

The Department for Infrastructure Projects and Foreign Investment – A structure with a legal personality, funded through the budget of the Secretariat-General of the Government, headed by the Minister for infrastructure projects of national interest and foreign investment, who has the capacity of a secondary credit authorising officer. The department comprises one or more Secretaries of State, appointed and removed from office by the Prime Minister.

The Fight Against Fraud Department– DLAF – A structure with a legal personality, in the apparatus of the Government, under Prime Minister's supervision, financed through the state budget through the budget of the Secretariat-General of the Government, headed by a Chief with the rank of Secretary of State, appointed by the Prime Minister for a period of five years, tertiary credit authorising officer; the DLAF is the contact institution

of the European Anti-Fraud Office - OLAF and provides support or coordination, as appropriate, for Romania's fulfilment of its obligations with respect to the protection of the financial interests of the European Union, in accordance with Art. 325 of the Treaty on European Union, having the power to control the acquisition, unlocking or use of EU funds and related co-financing funds.

The Control Body of the Prime Minister – A structure without a legal personality, under the Prime Minister's remit, headed by a Secretary of State who is appointed and removed from office by the Prime Minister, and funded through the budget of the Secretariat-General of the Government; it controls and monitors the activity of Ministries and their decentralised public services, public institutions under government authority, specialised bodies of the Government's central public administration, offices, departments, commissions, autonomous companies, national companies and societies, trading companies and financial/banking institutions with state majority capital or entirely owned by state. The Control Body of the Prime Minister controls the activity of public institutions under local public administration authorities while observing the legal provisions on the general regime of local autonomy and the organisation and functioning of local public administration authorities.

The Department for Interethnic Relations – A structure without a legal personality, under the Prime Minister's remit and coordinated by the Secretary-General of the Government, headed by a Secretary of State, assisted by two Secretaries of State, appointed and removed from office by the Prime Minister, and funded through the budget of the Secretariat-General of the Government. This department coordinates the strategy of the government regarding the national minorities. It ensures that the legislation is respected and promotes intercultural dialogue. Each national minority has an organisation which manages the cultural activities of the minority; these are financed by the government, according to the size of the minority population and the projects they propose.

The ministries are headed by the ministers (Law No. 90/2001, revised, Art. 46). They are assisted by one or more Secretaries of State, according to the Government Decision regarding the structure of the ministry. The Government Decision regarding the structure of the ministry states whether there is also an under-secretary of state. In the structure of the ministries, we also find professional public servants in hierarchical positions as follows: Secretary-General, Deputy Secretary-General, General Director, Deputy General Director, Director, Deputy Director, Head of Unit, Head of Office. The public servants generally follow the political direction in place and are obliged to implement the governing programme as voted on by the Parliament when the government is installed. There are some strings that the government can pull in order to put pressure on the apparatus, especially if they are reluctant to implement the programme. The most efficient is the change in the work chart of the ministry through Parliament. By changing the name of the ministry, a 'new' entity is created, which people can be transferred to or from. Although this practice has become less and less common over the past fifteen years, the government used to put pressure on high-level managers to accept a lower-ranked position. If they did not accept this, they could be transferred to positions in remote corners of Romania 400-500 km away from Bucharest.

The Prefect is the Government's representative at county level. He or she is appointed by the Government and the organisational structure is established by Government Decision. The Prefect organisational structure is usually composed of the Chancellery of the Prefect, the Control Body of the Prefect and various other Services (working as departments). A department is an organisational structure without a legal personality,

subordinated to the Prime Minister and with the role of coordination and synthesis in areas of general interest. The department is headed by a dignitary. In exercising his/her duties, the head of the department issues individual orders (Viorescu, 2006).

The autonomous administrative authorities are established only by organic law and are independent of the Government. The Supreme Council of National Defence, the People's Advocate, the Court of Accounts, the Romanian Intelligence Service, the National Bank of Romania, and the National Audiovisual Council of Romania are just a few of the autonomous Romanian administrative authorities. They perform executive activities, taking care of the organisation of the execution of the law, ensuring the proper functioning of public services and exercising certain administrative and judicial competences that fall within the category of the executive bodies of the state (ANFP Report).

The key positions in the central government apparatus are filled by people from the parties comprising the Government. Ministers, the Secretaries of State and the Directors all change when the Government changes. The most common way of doing this is to change the names of the ministries. In this way, they retain the same structure as the previous administration, but under Romanian law ministries with new names are considered to have a new structure and remit. For instance, the Emergency Ordinance 1/2017 Article 24, changed the name of the 'Ministry of Labour, Family, Social Protection and the Elderly' to the 'Ministry of Labour and Social Justice.'

### **3 KEY FEATURES OF THE CIVIL SERVICE SYSTEM**

#### **3.1 Status and categories of public employees**

The civil service comprises the central public administration (along with the duties and responsibilities it performs), local public administration and autonomous administrative authorities. A civil servant is the person appointed to a civil service position in accordance with Romanian law.

Personnel in public administration is structured over three levels, related to the institutional organisation: civil servants (who in turn are grouped into senior or high civil servants, public managers, management civil servants and executive civil servants), contractual employees, and political appointees (public dignity positions, such as ministers, according to Dinca, 2012). In 2015, there were 125 446 people employed in public administration, of which 68 033 were civil servants, 50 083 were contractual staff and 7 330 were public dignity positions<sup>2</sup> (OECD, 2016) These positions include all the cabinet staff (advisers, chief of cabinet etc.) of all the members of the Government, from the Prime Minister to State and Understate Secretaries, and all the leaders of the authorities under the Parliament (Court of Accounts, Electoral Authority, Competition Council, etc.). For example, the government has 20 ministries, 70 State Secretaries and 50 Understate Secretaries, each with three to four advisors, so the dignity positions account for several hundred people at this level alone. The civil service is regulated by Law No. 188/1999, while contractual employees are covered by the general Labour

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<sup>2</sup> Public dignitaries are considered defined as people representing the legislative, executive and judicial powers: members of Parliament (senators, deputies), members of the Government (Ministers, Deputy Ministers, State Secretaries, Undersecretaries of State and associated functions), the President of Romania and the presidential advisers and state councillors in the Presidential Administration, and the magistrates.

Code. Civil servants are appointed for life and become members of the Reserve Corps of Civil Servants.

Public employment is a hybrid model between position-based and career-based systems. Gheorghe and Common (2011) note that the EU accession had an important influence on HRM in the Romanian civil service, by imposing 'gradual Westernisation' – namely, adopting similar practices and trying to reach the same level of efficiency as in the Western EU countries.

The main rights of civil servants (as set out in Law No. 188/1999) include freedom of expression, the right of non-discrimination, the right of unionisation and the right to strike. An important right ensures their continuity and stability in their roles, guaranteeing that civil servants cannot be removed or dismissed due to political changes. In practice, the political changes frequently impose organisational transformations and department restructuring, which in turn threaten the top roles. The obligations relate to impartiality and political neutrality, professional confidentiality, and acting in line with the hierarchical principle. The contractual employees are covered by labour law like any employee in the private sector since their activities do not imply using public power prerogatives. Nevertheless, they have several specific conduct obligations in addition to those of employees in the private sector that arise from the mission and role of public administration, such as: confidentiality, the prevention of the abusive use of power stemming from the characteristics of the civil servant's role, etc. established through the Code of Conduct under Law No. 477/2004.

The National Agency of Civil Servants (NACS) is the specialised central public administration body that deals with the management of civil service and civil servants, meant to create and develop a professional, stable and impartial body of civil servants. Wages in the public sector have been a hot issue on the public agenda in recent times. The gross average wage in the public sector was 696 euros per month in 2016, as compared to 630 euros per month in the private sector. The current Government measures have increased the gross average wage to 842 euros per month in February 2017, as compared to 652 euros per month in the private sector (Dumitru, 2017). The salary of the core public administration increased from 926 euros per month in 2016 to 1116 euros per month in February 2017. Nevertheless, there are important differences between civil servants performing similar activities. The differences are mostly between local authorities and central authorities. For example, a financial director within a ministry can be paid up to 3000 euros per month, while the financial director in a major city like Cluj-Napoca could be paid a maximum of 1000 euros per month. There are also differences between ministries which have or had authorities managing European Funds and those that have/had not. (The law for the unitary wage system for civil servants had not yet been adopted in March 2017- see 3.3.5) This demotivates people in the pursuit of an ethical career.

### **3.2 Civil service regulation at central government level**

The improvement in efficiency and the focus on the citizen in the services provided by public administration were stated as the purposes of all government programmes in recent years. The main civil service regulations are Law No. 188/1999 on the Statute of civil servants and the code of conduct for civil servants from 2004; numerous amendments have been made to date in order to update the ethical standards in line with the changes in socio-professional relations in the administrative environment, to redefine some principles or to complete the definitions associated with several terms

(such as incompatibility, conflict of interests, discrimination etc., according to NACS, 2013). Reforms are mainly envisaged through national strategies, with NACS being the main institution implied in the design of civil servants' reforms.

Law No. 188/1999 on the Statute of civil servants is an important achievement in Romanian legislation, although it was seen (and criticised) as an outcome of the requirements on the modernisation of public administration under the European integration process. The act sets out the key responsibilities of civil servants, which involve the exercise of public powers, and regulates their rights and duties, their professional training and their career, including recruitment, promotion and performance appraisals. Major amendments to the law were adopted in 2003 and 2006, but following EU accession the pace of civil service reforms slowed down.

Most deficiencies in the reforms to public administration can be found in the lack of interest of the political class (Radu, 2015) in a core reform and a clear vision. The code of conduct for civil servants was adopted in 2004 to increase the quality of the public services, to ensure compliance with the public interest in governing and to eliminate the excessive bureaucracy and corruption in public administration. The National Integrity Agency was founded in 2011, with responsibilities in checking the honesty of the public officials in acquiring properties during their mandate.

The problem is that although Romania has the necessary tools for tackling corruption, there are relatively few rules encouraging ethical behaviour and these can stimulate ethical behaviour only indirectly (Matei, 2010). The main paths towards reform should envisage an increase in the NACS's authority in proposing and implementing the required changes for increasing the efficiency of the civil service, more data related to the activity of the civil servants' management and the enforcement of a competency-based model in recruiting and promotion.

### **3.3 Key characteristics of the central government HR System**

#### **3.3.1 The management of HR**

The NACS is the authority that defines and manages the HR policies for civil service at the central government level. Its activities are carried out under the Ministry of Regional Development, Public Administration and European Funds. The NACS provides specific HR policies regarding the recruitment and selection of civil servants, their training and career development and the management of civil servants' performance. It is also responsible for designing an HR strategy and preparing the reform of the civil service in Romania.

The efforts for improving the management of the civil service and civil servants implemented by the NACS are eroded by the flaws in legislation (differences in the legal framework for public servants and contractual staff, and different rules for organising institutions), the dissipation of responsibility and the lack of a unitary approach to human resource policies (Ministry of European Funds, 2014). HR powers concerning the recruitment of civil servants and contractual staff, the number of posts, working conditions, and budget allocation or performance appraisal are shared between the central authority and individual ministries (OECD, 2016), as each institution has its own regulation for such activities. Two key deficiencies put pressure on HR management in central government: the absence of a long-term integrated policy for a coherent HRM in public administration and the lack of performance management, from recruitment,

evaluation, promotion, motivation and remuneration to professional development and the acquisition of new skills (Ministry of European Funds, 2014, p.72).

The Strategy for Civil Service Development 2014-2020 establishes several deadlines until 2020 for the development of Romanian public administration; until the end of 2017, it aims at implementing a regulatory and institutional framework that will provide sustainable and predictable HR policies.

#### Internal processes of the civil service

Admittance to the civil service is possible only through a competition organised by the public authority, which has three stages: the selection of candidates based on the fulfilment of the conditions required for each public role, a written test and an interview. There is a national portal, managed by the former Chancellery of the Prime Minister, now part of the Secretariat General of the Government, which publishes the job openings in public administration at both central and territorial level. In addition, one of the recent directions to be implemented until the end of 2017 is to have a functional national electronic system regarding employment in public administration that would deal with a minimum of 80% of all roles covered by the initiative.

Promotion is based on the individual professional performance evaluation and experience spanning at least three years in the class from which the employee is being promoted. Nevertheless, the NACS states that the recruitment and selection mechanisms in public administration have a low degree of transparency and tend to focus on memory skills and bureaucratic procedures, without devoting sufficient attention to the competences needed to fulfil the mandate as a civil servant.

There is a clear distinction between the stipulations in the laws and the general practice:

Promotion is based on skills, professionalism and performance and generally takes place through an open competition, as prescribed by law. In practice, Romania is confronted with minimal focus on merit in civil service recruitment and promotion (Giosan, 2016).

Although the law encourages the development of a performance assessment-based system, in practice there is no consequence or sanction following the results of such activities (OECD, 2016).

The motivation incentives have been reduced, as the personnel can be promoted to the highest level in a maximum of nine years. At the end of 2015, 61% of the civil servants had a superior professional rank, so there are difficulties in motivating them. The incentives system is difficult to apply given the deficiencies of the payment system and the ageing of the civil servants (more than 75% of civil servants are over 40 years of age).

Since 2009, the NACS has been the institution responsible for the regulation and provision of specialised training for civil servants. Nevertheless, the current system is quite heterogeneous for two reasons:

The NACS's financial, human and technical resources are not sufficient for the optimum development of training programmes for civil servants.

There is a large number of organisations responsible for the training of civil servants.

In order to solve such problems, the 2016-2020 Strategy on Training for Public Administration was adopted at the end of 2016. The main aim of this Strategy is to align Romanian public administration with modern standards, to promote ethics and integrity

and to implement measures for reducing corruption while promoting a system of recruitment, promotion, evaluation and payment based on merit.

### **3.3.2 Senior civil service**

Senior civil servants are involved in the management of the upper levels of the central government and autonomous administrative authorities. The management civil servants are the general directors, directors and heads of services. Romania does not have special procedures for appointing personnel in these categories; frequently, appointments in these roles are influenced more by political criteria than by meritocratic selection processes (OECD, 2016). In this respect, temporary appointments began to be used more frequently, although the law prescribes an open competition for the filling of these positions.

A special type of civil servant completes the range of senior civil servants – the public managers. Public managers have a distinct status, being positioned between the senior civil servants and the management civil servants, with the role of enhancing reforms in public administration and monitoring the enforcement of EU legislation. The role was criticised and regarded as a forced implant in the public administration system, also due to the fact that it allowed quick access to the upper levels for young managers in particular, disadvantaging older civil servants. The system for the training of public managers has been discontinued due to a lack of funding.

One of the aims of the Strategy for Civil Service Development 2016-2020, launched in 2016, is to clarify the role of different types of civil servants and to ensure their integration into a coherent institutional and management system.

This also relates to a clearer delimitation between the roles related to the political and administrative layers. The main concern is the structure and management mechanisms of the senior civil servants. Additionally, another concern relates to the standardisation of skills required to occupy different categories of roles in public administration. Consequently, starting from 2018, a framework of general and specific competencies for public functions will be implemented in accordance with the needs of results-oriented public management. There have been several projects with the World Bank, developing the job descriptions for every position in the ministries, but the leadership of the ministry was unwilling to implement these job descriptions, especially because this would reduce the flexibility of the public clerks.

### **3.3.3 Social dialogue and role of trade unions**

There are several trade unions active in the sphere of public administration, representing and ensuring the rights of civil servants. These unions are involved in providing views on working conditions, the employment framework, health and safety at work and the code of conduct. The collective bargaining that takes place does not address wages and other forms of remuneration. The normative framework and organisation of social dialogue in public institutions is established by Governmental Decision 833/2007 on collective agreements. Trade unions failed to impose their requirements during the economic crisis, and the public sector was affected by austerity measures such as wage and staffing reductions.

The proposals on the future system regarding the civil servants' performance assessment and the motivation scheme (such as performance-related remuneration) will be subject to public consultations, in particular with trade union structures.

### **3.3.4 Remuneration**

The remuneration system in Romania has a unitary nature, covering all categories of personnel in the public sector. Law No. 330/2009 and Law No. 284/2010 regulating remuneration in the public sector were adopted as a result of the obligations undertaken by Romania in order to access the loan provided by the IMF following the economic crisis. Remuneration is built up based on a basic salary; the differentiation between wages is made according to the level of education, experience, diversity of activities, impact of decisions, working conditions and the level of the activities performed: central, territorial or local administration.

The big salary differences and discrepancies in the public sector led to a more recent revision of the law with the aim of standardising the wages for those with the same role and level of training but working in different public institutions. The unitary payment law is currently (March 2017) the subject of important debates in both the political and economic sectors, as the most recent proposals and amendments would include significant salary increases; there is a generalised lack of confidence that the public budget is able to support such growth.

### **3.3.5 Degree of patronage and politicisation**

The Strategy for Civil Service Development 2016-2020 recognises that the politicisation of the civil service and the lack of trust between the political and administrative layers are two of the problems that led to a reduced administrative capacity in Romania. Both Gheorghe and Common (2011) and Lee (2009) observe that HRM reform is an important objective at a declarative level for Romanian governments but agree that politicisation is the main obstacle to reform.

The new regulations, entering into effect after 2007 – especially the necessity of founding the institutions charged with managing the European Funds – favoured political appointments in the public administrations. Andrei et al. (2012) doubt the political neutrality of the civil service in Romania, as their study finds that more than 57% of the top positions in the central administration and almost 43% of employees in local administrations had a political affiliation between 2007 and 2012. Civil servants are frequently recruited via informal connections and politicisation (Gheorghe and Common, 2011), which increases distrust in Romania's public administration.

More recently, the NACS identified that each change of government implied a dramatic increase in changes to the structure of public roles or reorganisation of the activities. In recent years, there has been an increase in the number of reorganisations even in the years without elections. This increases the instability of the public role and has negative effects on the professionalism and autonomy of the civil servants. In addition, the number of appointments in temporary roles is increasing, especially for senior and management civil servants: the average number for the years 2013-2015 is twice as high as the average for the period 2006-2008. The number of management roles increased by 50% in 2006-2015 and by 80% in 2009-2006 while the total number of public roles increased by less than 30% in 2006-2015 and by 20% in 2009-2015. This number can be explained by the lack of a unitary wage system, so the government preferred to increase the number of management positions in order to increase the salaries of the public servants. Many 'chief of service' positions were created, even if the service concerned had only two or three employees. Another outcome was that of the cuts in 2010-2011, when more than 200 000 positions in the public apparatus

disappeared due to cuts to financial stabilisation. These positions were mainly non-executive ones.

<b>HR system</b> (Career vs position based)	<b>Employment status</b> (civil servant as standard; dual; employee as standard)	<b>Differences between civil servants and public employees</b> (high, medium, low)	<b>Turnover</b> (high, medium, low)
	Civil servant as standard	Low	High

<b>Coherence between different government levels</b> (high, medium, low)	<b>Remuneration level vs private sector</b> (much higher, higher, same, lower, much lower)	<b>Formal politicisation through appointments</b> (high, medium, low)	<b>Functional politicisation</b> (high, medium, low)
Medium	Higher	High	High

## **4 POLITICAL ADMINISTRATIVE SYSTEM AND POLITICAL ECONOMY**

### **4.1 Policy-making, coordination and implementation**

Romania is a semi-presidential, representative democratic republic, where the Government is directly accountable to the Parliament and the Prime Minister is appointed by the President after consultations with the majority parties. The Office of the Government is formed by the Secretariat-General of the Government and the Chancellery of the Prime Minister.

The Romanian legislative framework, established through Law No. 281/2013 on decisional transparency, Law No. 544/2001 on free access to public information and Governmental Decision 775/2005 on the procedure for policy-making, allows the participation of the non-governmental sector and media representatives in the process of public policy-making. Nevertheless, this possibility is insufficiently utilised (Gurgu and Zorzolui, 2016) due to both a lack of transparency and recourse to public consultation and overriding proposals. Government Decisions are the most common normative acts submitted for public consultations, while ordinances and ministry orders are less frequently put before the citizens (Dogaru, 2016). The usual term for receiving amendments is within 10 days from the publication, but the problem is that the publication date is not always specified, thus discouraging civil society to provide comments. In addition, public consultations can sometimes be only a formality, without any intention of actually considering civil society's objections. Without a culture of debate, the recommendations are taken into consideration mainly if they come from representative associations from the business sector, or from important unions.

There is no law regulating lobbying activity, and there is no recognition of the lobbyist profession, while think tanks are seldom used. Representatives of the trade unions and employers' associations, industry or business associations express their interest and influence as regards the decision-making process. The unions and the associations organise events to which they invite decision makers, finance studies that are presented publicly and carry out information campaigns in the press. In fact, the general conclusion of the NACS (Romanian Government, 2016 [http://www.anfp.gov.ro/R/Doc/2016/Strategii/strategia\\_functie\\_publice.pdf](http://www.anfp.gov.ro/R/Doc/2016/Strategii/strategia_functie_publice.pdf)) in its strategy is that Romania has a closed public administration system, which cooperates neither with the academic environment nor with civil society, the private sector or social partners. Nevertheless, the so-called 'local barons' have a strong position and consequently a growing influence in the process of decision-making. These 'local barons' are usually endowed with informal authority, develop strong clientelist networks and provide political patronage in return for personal benefits, as the barons are influential in the local politics (Pandelea and Mieczkowski, 2015).

#### **4.1.1 Policy advice and changes in human resources**

There is no strong tradition of policy advice in Romania and what little there is focuses on the work of the policy advisers. There are no private institutions with such responsibilities. Instead, there are some public institutions that guide the decision-making processes in several areas, especially for the budgetary and financial domains. For example, the National Prognosis Commission is a separate legal entity under the Ministry of Finance that provides the key macroeconomic projections used in the budgetary process. The Fiscal Council has the role of estimating the impact of fiscal measures at the macroeconomic level.

The consultation procedure and policy advice are fairly formal in the decision-making process. Consequently, Romania's public administration has been described as being governed through 'emergency ordinances', which have been increasingly used by the Romanian Governments since their launch in 2005 (in order to bypass formalities), but with limited policy substantiation. This was recently the case with the Emergency Government Ordinance 13/2017 on the modification of the Criminal Code and the Criminal Procedure Code, undermining the fight against corruption in Romania, adopted during an unusual government session that started very late in the evening. The public protests that followed resulted in the repeal of the ordinance. The World Bank (2011) describes the situation as a 'culture' of initiating policies without analytical foundation and impact assessment.

Furthermore, there is no motivation for an efficient administration as long as the organisational culture in public administration perpetuates changes in human resources after each election. Frequently, the strategies developed and the objectives set hold out only during an election cycle.

Distribution of powers	Coordination quality (high, medium, low)	Fragmentation (high, medium, low)
Shared	Medium	High

Political economy (liberal – coordinated)	Interest intermediation (corporatist – pluralistic)	Citizen participation (strong – weak)	Policy style
Coordinated		Weak	

Sources of policy advice (mandarins, cabinets, external experts)	Administrative autonomy (high – medium – low)	Patronage & politicisation (formal, functional) (merit – patronage) (high – medium – low)	Public service bargaining (Agency – Trustee)	Stability (high – low – no turnover after elections)
Mainly cabinets and mandarins		High level of patronage		High turnover after elections

## 4.2 Administrative tradition and culture

Romania lacks a tradition of public administration; instead, it is characterised by continuous instability in both institutions and practices (Vaduva, 2016). In recent years, the design of public administration followed the trend imposed by the EU accession and all the reforms were made for adapting to the EU administrative system and requirements.

The values of Romanian public administration indicate a rather *Rechtsstaat*-oriented approach (state based on justice and integrity, and rule of law) (Politt and Bouckaert, 2011), which endows the Government with the main role in society through its competencies of preparation, promulgation and enforcement of laws. Law enforcement in Romania has been diluted, however, to mere compliance with many bureaucratic procedures. The focus of public administration work is more on following procedures than on the needs of the citizens. This is why Romania is facing a high level of bureaucracy and red tape. Civil servants are simply citizens working for the government, without special training in the area of public administration. Administrative reform is slower because legislative changes are cautiously assessed, even if they will provide an increase in performance, while the government fails to play the role of an impartial actor that sets priorities with pragmatism and coordinates the implementation of a harmonised strategy.

Quite paradoxically, Romania tends to be a social democratic welfare state, providing a wide range of state aids for disadvantaged categories such as the unemployed, pensioners etc. The explanation is that such social categories continue to be fed from the public budget for political reasons – as a mass of manoeuvre that is easy to influence during elections. This is partially inherited from the communist regime, and takes place especially in the underdeveloped regions where the main employer is the state.

Although the declared strategies in the central public administration rely on the concepts of transparency, predictability, accountability, adaptability and effectiveness, there is a high degree of corruption that endangers any type of reform.

<b>Administrative culture</b> Rechtsstaat (state based on justice and integrity), public interest	<b>Welfare state</b> (liberal, conservative, social-democratic)	<b>Public sector openness</b> (open, medium, closed)
<i>Rechtsstaat</i>	Generally, social-democratic; is difficult for liberal political parties to impose another vision, due to a mentality imposed since the communist period.	Closed

<b>Key PA Values</b>	<b>Managerial vs Procedural</b> (Managerial, Mixed, Procedural)	<b>Red tape</b> (regulatory density) (very high to very low)	<b>Discretion/autonomy</b> (high, low, medium)
<i>Legality, equality, neutrality, transparency</i>	<i>Procedural</i>	<i>Very high</i>	<i>High</i>

Hofstede's cultural dimensions are generally suitable for describing the Romanian administrative culture. Romania has a very high score (90) for 'Power Distance', especially due to the communist legacy that perpetuates in public administration. The hierarchy is very clear and subordinates do not question the decisions of those in management. This way of seeing things allows unskilled or less well-educated people to reach the very top management level, and function within the system only by complying with the instructions of their superiors. Private institutions tend to have a less hierarchical culture, which increases their efficiency.

Romania has a very low score for the 'Individualism' dimension (30), as it is a more collectivist country than the EU average. In public administration, this has a fairly negative influence, as the practice is to take care of the members of the group, even if their efficiency is reduced. Individuals' initiatives are subordinated to the group interest, which demotivates efficient civil servants and encourages the vicious circle of routine.

The score of 42 for 'Masculinity/Femininity' highlights the fact that Romania is a fairly feminine culture in which consensus is envisaged in decision-making although the decision-making process may take longer. This score is in line with the other two dimensions expressed above, highlighting values such as equality and solidarity and care for others.

Romania scores extremely high (90) in terms of 'Uncertainty Avoidance', pointing to a need for rules regulating any type of activity. This tendency is seen in practice, as the Romanian legislation could be assessed as very elaborate. Innovation is regarded with reluctance and it takes a long time to implement new procedures; public administration reform is a good example of this cultural dimension.

For 'Long-term Orientation', Romania is almost in line with the EU average and close to the middle on the scale for this indicator. Romanian society is still anchored in the past,

with strong respect for tradition; the younger generations tend to be more inclined to change societal norms and break with the usual ways of doing things (as seen for instance in the protests after the adoption of the Emergency Ordinance 13/2017 mentioned above).

Finally, the score for 'Indulgence/Self-restraint' (20) shows that Romania is culture characterised by self-restraint, being limited by the societal norms and regulations. Deviating from the rule is not considered to be good, and it is therefore quite difficult for civil servants to be more focused on citizens' interests than on following procedures.

Hofstede national culture dimensions		
Dimension	Value	Average EU28
Power Distance	90	52
Individualism/Collectivism	30	57
Masculinity/Feminity	42	44
Uncertainty Avoidance	90	70
Long-term Orientation	52	57
Indulgence/Self-restraint	20	44

**Source:** Geert Hofstede's national culture dimensions, <https://geert-hofstede.com/national-culture.html>.<sup>3</sup>

## 5 GOVERNMENT CAPACITY AND PERFORMANCE

### 5.1 Transparency and accountability

Indicator	Value 2014	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Access to government information (1-10)	7.00	15	6.00	23	-1.00	-8
	Value 2013	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Transparency of government (0-100)	16.57	28	23.57	27	+7.00	+1
	Value 2010	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Voice and accountability (-2.5,+2.5)	0.42	28	0.43	27	+0.01	+1
Control of corruption (-2.5,+2.5)	-0.22	28	-0.05	26	+0.17	+2
TI perception of corruption (0-100)	37.00	26	46.00	25	+9.00	+1
	Value 2010	EU28 rank	Value 2014	EU28 rank	Δ Value	Δ Rank
Gallup perception of corruption (%)	90.00	25	81.00	19	-9.00	+6

**Sources:** Bertelsmann Stiftung, European Commission, World Bank Group, Transparency International, Gallup World Poll.

Law No. 544/2001 regarding free access to information of public interest and Law No. 52/2003 on decisional transparency in public administration in Romania represent the legal framework for Romania. Although historically the central and local authorities did not have a culture of communicating their decisions to the public, there has been steady progress over the last 15 years.

<sup>3</sup> Interpretation: Power Distance (high value = higher acceptance of hierarchy and unequal distribution of power); Individualism (high value = stronger individualist culture); Masculinity (high value = higher masculinity of society); Long-term Orientation (high value = stronger long-term orientation); Indulgence (high value = indulgence)

In 2015 and 2016 a survey financed by EEA and Norwegian grants was conducted by the Academy of Advocacy in Romania. The study has shown the differences between local and central government with regard to public demands for information. The conclusions of the survey were that the local and central authorities often do not respond to requests from citizens within the legal timeframe of 30 days. Some, like the Ministry of Transport, the Ministry of Education, the Ministry of Health and the Ministry of Economy, do not respond at all. The current situation is due to the lack of an internal mechanism developed within the ministries for communication with the public. There is no overarching mechanism for responding.

Another issue relates to the process of asking for the information from the citizen's side. Many citizens are not familiar with the relevant law, and if they do not receive an answer they simply stop the civic process for requesting the information.

Furthermore, 13 years after the adoption of Law No. 52/2003, many local and central authorities do not publish the proposed legislation for public debate. They refer to articles of the legislation which set out emergency or national security reasons in order to avoid the debate. This situation is also caused by the lack of thorough monitoring by the prefects.

Another strategy adopted is that of only partially publishing the documents, publishing only the draft of the legislation without the reasoning behind it, or publishing the document in non-editable formats (pdf or jpeg form) in order to prevent citizens comparing the data and make analyses.

Although some institutions have recently improved this process, most of them are still lagging behind and have not developed their own methodology for managing the public consultation process.

An analysis of the indicators explains the deterioration in the access to government information through the unwillingness of the authorities to publish exhaustive materials regarding their activities. This lack of openness is caused by the fear that this data could be interpreted by citizens and eventually lead to lawsuits. The transparency of the government has remained stable, although there are some ministries (like the Ministry of Interior) and city halls (Cluj Napoca) that improved their transparency a lot.

With regard to the voice and accountability, there has been no change in the perception of citizens regarding their capacity for making the decision-makers accountable. According to Hofstede's national culture dimensions, Romania scores 90 for Power Distance, so the citizens perceive that there is a hierarchical order in which everybody has their place, and this requires no further justification.

With regard to the control of corruption, there has been an improvement in the process in recent years, mainly due to the activity of the National Anticorruption Directorate (DNA), but also thanks to changes in the legislation on public acquisitions. A report from the Romanian Academic Society (editor: Pippidi) from 2016, shows that one of the indicators of corruption is the number of participants in public tenders in the construction sector. The data shows that between 2011, when the anticorruption fight began in earnest, and 2013, single-competitor tenders fell from 22.4% to 8.4%. The penal code, dating from 2009, states that if a person confesses to an act of corruption their punishment can be considerably reduced. For example, if a person who was involved in an act of corruption reports their action to the authorities before the investigation starts, that person can be absolved of guilt. Even during the legal proceedings, if the culprit confesses to other acts of corruption in other cases, they can also get a reduced

sentence. This gave rise to an increase in the number of matters reported to the DNA: 13 999 (complaints, communications, statistics etc.) in 2016. Another sign of improvements is the budgetary execution for local governments in 2016. Cities like Brasov, Constanta, Sector 1 in Bucharest etc. were unable to spend their money on investments because of the new legislation and a fear of the DNA, and they no longer incurred unnecessary expenses in December as they had done in previous years. Sector 1 had 30 million euros of unspent funds that were used to repay loans sooner, while Constanta and Brasov also had between 20 and 30 million euros left, which were included in the budget for investments in 2017.

The public perception is now that there is less corruption. The strong fight against corruption and the communication campaigns encouraging people to no longer offer bribes have increased the confidence of the population in the judicial system. The massive support of the population was demonstrated in January 2017 when more than 600 000 people took to the streets to support the anticorruption process. According to the president of the Romanian Chamber of Commerce, Mihai Daraban, more than 65% of businessmen support anticorruption measures, because in recent years they have felt that public tenders were being conducted more correctly and that the economy was becoming stronger.

## 5.2 Civil service system and HRM

Indicator	Value 2012	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Impartiality (1-7)	4.02	26	3.66	22	-0.36	+4
	Value 2012	EU26 rank	Value 2015	EU26 rank	Δ Value	Δ Rank
Professionalism (1-7)	3.52	24	3.88	18	+0.36	+6
Closedness (1-7)	5.41	11	5.45	10	+0.04	+1

**Sources:** *Quality of Government Institute (Gothenburg).*

The civil service system in Romania is improving at a slow pace. The numerous changes in government and the fact that some ministries have seen at least 15 changes in the past 10 years (Ministry of Interior, Ministry of Finance etc.) have resulted in the increased importance of public servants. Since 2000, the ruling parties have always tried to politicise the ministries by employing numerous party affiliates. This situation has started to change over recent years, mainly for the following reasons:

- There is a growing demand for highly-skilled personnel within the private sector, which drains talents from the public sector since the private-sector jobs are better paid.
- The economic development of Romania has led to an increase in the funds available to the ministries; the fight against corruption has stopped illegal and purposeless spending, and now political leaders are trying to recruit highly-skilled personnel in order to be able to implement their governing programme.
- In many ministries, the senior civil servants switched parties immediately after a new party won the elections, for instance in 2007 (when the DA coalition broke down), 2008 (when PDL won) and 2012 (when PSD won). This led to a situation in which many skilled managers within the ministries were members of all the governing parties and the parties and ministries needed these skilled managers in order to be able to govern. During recent years, the parties have reduced the pressure to politicise the public sector, mainly due to a shortage of personnel.

This situation led to an improvement in impartiality throughout the government, as high-ranking civil servants were no longer overly dependent on political support.

Since 2009, some ministries have changed their wage systems, especially if they had units in charge of European funds. Public servants who worked with EU money received a 75% bonus. These positions became attractive for the skilled personnel from the private sector and became elite units within the government. After 2013, the government tried to spread these practices to other units in order to improve them as well. Today, there are many departments in the Secretariat General of the Government, in the Ministry for Regional Development, Administration and European Funds and in the Ministry of Finance that have proficient personnel. These changes explain the six-position improvement of Romania among EU Member States in terms of professionalism in the civil servant system between 2012 and 2015.

Regarding the closed nature of the system, there are many ministries in which the top managers have been there for the past 15 years, despite the many changes of government during that period. This situation often results in the perpetuation of unskilled leadership, mostly because of their capacity to use personal networks in order to remain in office. The opening of new units, like the ones for managing EU funds and the research unit at the Ministry of Finance, has started to reshape the government and has created the possibility of bringing 'new blood' into the system. There is a certain reluctance to change but there is more and more awareness that change is needed.

The weaknesses of the system are as follows:

- A lack of a unitary salary table, which means that people with similar skills are treated differently in different ministries
- A lack of a national training programme for the development of the skills of the personnel
- The low digital competencies of the senior management
- A lack of performance management regarding recruitment, evaluation, promotion, motivation and remuneration

The strengths of the systems are:

- The highly-skilled personnel in many units across the government
- The growing importance attributed by the parties to highly-skilled civil servants
- A strong National Agency of Civil Servants
- A salary table in some departments is becoming attractive for professionals from the private sector

### 5.3 Service delivery and digitisation

Indicator	Value 2013	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
E-government users (%)	1.89	28	4.91	28	+3.02	0
Pre-filled forms (%)	8.25	26	5.50	28	-2.75	-2
Online service completion (%)	48.86	25	53.57	28	+4.71	-3
	Value 2010	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Online services (0-1)	0.42	17	0.46	27	+0.04	-10
	Value 2013	EU27 rank				
Barriers to public sector innovation (%)	31.75	12				
			Value 2015	EU28 rank		
Services to businesses (%)			35.00	20		
	Value 2011	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Ease of Doing business (0-100)	63.81	25	74.26	19	+10.45	+6

**Sources:** European Commission Digital Economy and Society Index UN e-government Index, EU Scoreboard Public innovation, Eurobarometer no. 417, World Bank Group ease of doing business.

Romania faces a paradox regarding the digitisation of public administration. Although the ICT Industry is growing at a very fast pace, and more and more ICT specialists are available, it seems that the central and local governments are obstructed in the process of delivering e-governance services to the population. Some explanations regarding this obstruction are rooted in the cultural background of the political elite, in the legislation for ICT engineers and in the strategy of the state regarding the size of the government and the number of employees in the public sector:

The political elite, especially those over 50 years of age, are afraid of using cloud systems and of far-reaching digitisation. They believe that other countries could hack into the system and steal the data, and that too much transparency can become a liability. The fact that half of the rural population and a third of the urban population (SAR Report 2016, Pippidi) does not have access to the internet supports their decision. There is a generation gap but not yet the critical mass required to impose rapid digitisation.

Due to the huge loss of jobs in the 1990s and the first few years of the new millennium, Romania lost four million people through emigration – the highest percentage in the EU. Decision makers therefore support a big state apparatus, especially in the regions where the former communist factories closed, in order to keep the population within the country. The state jobs were seen as a means to keep the population in employment. Two years ago, thanks to economic growth, the situation started to change, and some regions in Romania began to have workforce deficits. One reason for not implementing e-services was the fear of the job losses within the state sector.

Most of the companies that won the public tenders in the ICT sector (Teamnet, UTI, Siveco etc.) were controlled by unscrupulous businessmen. This led to reluctance on the part of local authorities to implement projects with them, preferring to delay the process of digitisation.

Legislation passed in 2004 gave ICT engineers big tax breaks, and that led to a strong ICT industry – it has become very difficult for the state to employ IT specialists because the current legislation does not allow the state to pay good salaries, and also because

the state is not perceived as an attractive employer. That is why many initiatives to implement ICT services were halted, because central and local authorities did not have the personnel able to manage the services, or even manage the relationship with a subcontractor.

In the past two years, the western part of Romania has experienced huge workforce deficits. Cities like Cluj, Oradea and Timisoara have an unemployment rate of 1%, which makes it very difficult for the local authorities to find specialised personnel. This situation has started to mark a move away from big state administration, and the City of Cluj has announced recently that many of its services will be available online.

The aforementioned situation led to Romania falling far behind other countries in the EU where digitisation and service delivery are concerned. The severity of this problem is analysed in the Digital Economy and Society Index 2017, a report by the European Commission, in which Romania occupies last place (28) within the EU scoring very low in terms of human capital, the integration of digital technology, the use of the internet and digital public services. Although some progress was made in 2016, it is still not sufficient.

During the last five years, progresses have been made, especially because of the reforms made by the National Fiscal Agency, who developed systems which allowed the firms to pay their taxes online. In the last year, because of the simplification of the procedures, the number of users from ghiseul.ro (the platform used to pay taxes online), rose from 80 000 to 224 000. That raised the awareness of the population which has become more and more willing to pay the taxes online.

In 2014, the Strategy for the Consolidation of the Public Administration 2014-2020 was adopted by the government. One of its objectives is to offer online all the available public services.

The Ease of Doing Business indicator has improved, putting Romania on place 19 in the EU. The decrease in the number of the taxes that had to be paid from 39 to 14 and the decrease in the number of hours per year needed to pay taxes from 200 to 159 led to these improvements. At the beginning of 2017, a new simplification was done. Due to campaign promises, 102 non-fiscal taxes and tariffs (from which 20 taxes of the Registry of Commerce) were cancelled by law. There is no data yet on the impact in time gains, but this will probably be positive.

#### 5.4 Organisation and management of government

Indicator	Value 2014	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
<b>Strategic planning capacity</b> (1-10)	3.00	24	3.00	24	0.00	0
<b>Interministerial coordination</b> (1-10)	5.33	22	5.33	22	0.00	0
<b>SGI Implementation capacity</b> (1-10)	4.43	26	4.29	25	-0.14	+1
	Value 2012	EU26 rank	Value 2015	EU27 rank	Δ Value	Δ Rank
<b>QOG Implementation capacity</b> (1-7)	4.06	24	5.22	13	+1.16	+11

**Sources:** Bertelsmann Stiftung, Quality of Government Institute (Gothenburg).

The Chancellery of the Prime Minister, which gained the rank of ministry in 2016, was merged with the Secretariat-General of the Government in January 2017 (the first decision of the government). There was also another initiative in 2016 that enhanced the central government: GovITHub with 20 researchers and 300 volunteers aiming to

implement IT solutions in the governance process (though they all quit by the end of January). On the other hand, more powers are delegated to the Ministry for Regional Development, Public Administration and European Funds. This Ministry is the result of the fusion of three Ministries (Regional Development, Public Administration and European Funds) and it has become the most important in the decision-making process of the government, being very strongly supported by the ruling party. The Ministry of Labour recently announced that the new law on the unitary salary table proposed at the beginning of April was prepared at the ruling party's headquarters rather than within the government. There has been a decline in the influence of the central government on the legislative process and increased political influence from the governing party's internal committees. Although changes have taken place, there are other ministries that have enhanced their roles in controlling the initiatives, especially the Ministry of Finance, where the State Secretaries are not party members but high-profile specialists with no political affiliations. The Ministry has become stronger in analysing all the initiatives and their impact.

With regard to the sustainable governance indicators, no structural reforms have been made except for the fiscal reform of the Ponta government. In 2015, a new Law for the Fiscal Code was adopted, replacing the old Fiscal Code from 2004. Due to the changes that took place in Romania between 2004 and 2014, more than 100 legislative changes were made to the Fiscal Code, which had to be formalised by means of new legislation. The government at the time announced several initiatives such as the law on a unitary salary table, a new education law and a new administrative code. These had the potential to drastically change public administration in Romania. With the exception of the salary table law, in which the government presented a draft table, the other initiatives are still only in their initial phase.

The quality of government indicator figure has risen, mainly due to the positive image of the governments resulting from the strong economic performance over the last five years. Although not many reforms were implemented, the low deficits, the low national debt, the increase in salaries in the public sector (particularly in the law and order and health sectors) and other measures made possible by the increase in resources available led to a better perception of the government in the eyes of the population.

## 5.5 Policy-making, coordination and regulation

Indicator	Value 2014	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
<b>Societal consultation (1-10)</b>	3.00	26	4.00	23	+1.00	+3
<b>Use of evidence based instruments (1-10)</b>	4.67	13	4.67	14	0.00	-1
	Value 2010	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
<b>Regulatory quality (-2.5,+2.5)</b>	0.64	26	0.59	25	-0.05	+1
<b>Rule of law (-2.5,+2.5)</b>	0.04	27	0.15	27	+0.11	0

**Sources:** Bertelsmann Stiftung, World Bank Group.

Romania has improved its procedures regarding societal consultation. Although some ministries publish the draft legislation in hidden folders on their websites, all public institutions respect the procedure and post the proposals online. There are of course the cases of emergency ordinance issued by the central government (on which although there is a consultation process, this is much shorter than usual) or decisions taken on emergency grounds by local and county councils (on which there is no public debate). These cases sparked widespread debate in Romanian society. The government issued 99 emergency ordinances in 2016, and of the 252 laws passed by the Romanian Parliament,

101 were laws adopting emergency ordinances from 2016 or previous years. That means almost 40% of Romanian legislation is passed by means of a fast-track procedure each year.

With regard to the use of evidence-based instruments there has also been a change of perception within society. Normally, all legislation has to undergo an impact study in order to be put to the public for debate. Due to political pressure and a lack of skills within the ministries and the parliament, these studies are not always performed very thoroughly and they are based on optimistic scenarios (higher growth rate, higher exports etc.). In order to enhance the analytical capacity of the government, the general direction for policies, analysis and research in the field of public finances was determined at the Ministry of Finance in June 2016. Led by a chief economist, the purpose of this unit is data collection and analysis for all the legislation which could have an impact on the welfare of different groups within the society. This is a new trend in Romanian public administration, and other ministries are considering implementing this new structure.

The regulatory quality of Romania is fairly low; there was a great deal of tax inconsistency. During the last five years, more than 50 changes were made in the tax system, and in 2015 a new fiscal code was adopted, which is already being amended. Another problem is that of the state-owned companies, most of them subsidised, which affect competition in many economic sectors.

The strengthening of judicial system has improved the rule of law in Romania. Setbacks still take place, caused primarily by the courts being overburdened with cases, and logistical problems due to a lack of time within the organisations. Another issue is that of the unification of the jurisprudence, to ensure that two courts do not issue different sentences. A new trend in the justice systems is the request for more and more data-based analysis by judges in commercial proceedings. In Bucharest, more than a hundred economic experts provide the courts with independent analysis and this has led to a better quality juridical process. The government also developed a specialised unit in 2016, the Romanian Asset Recovery Office, the purpose of which is the recovery and sale of the goods that the courts declare to be illegal income.

## 5.6 Overall government performance

Indicator	Value 2010	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
<b>Trust in government (%)</b>	12.00	28	24.00	19	+12.00	+9
	Value 2011	EU27 rank				
<b>Improvement of PA over last 5 years (%)</b>	3.00	25				
	Value 2010	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
<b>Public sector performance (1-7)</b>	3.55	25	3.47	25	-0.08	0
<b>Government effectiveness (-2.5,+2.5)</b>	-0.25	28	-0.04	28	+0.21	0

**Sources:** Eurobarometer 85, Eurobarometer 370, World Bank Group, World Economic Forum.

Trust in the government has increased substantially since 2010, mainly due to economic growth in Romania. In 2010, the government had to make serious cuts within the public sector that led to huge unpopularity. The strong growth since 2012, aided by the support of the fight against corruption, has been felt by the population and was mainly connected with the government's activity. On the other hand, no serious structural reforms have taken place within public administration. The economic growth did not

prompt the government to improve the performance of the public sector. Although some cuts were made and some ministries were professionalised, mainly due to the increase in the salaries in the salary table of the people working with EU funds (being able to attract professionals), the overall performance did not change.

The government's effectiveness has remained stable, with a great deal of public investment without any impact according to the Fiscal Council. In the reports for 2014 and 2015, the Fiscal Council states that the government is not measuring the multiplying effect of the public investments and the added value they create in their communities. The trend in recent years to steadily decrease the taxation level so that more revenues remain with companies and the population. This led to a situation in which Romanian public expenditure reaches only 27% of the GDP, the joint lowest share in the EU together with Ireland.

Political uncertainty means it is difficult to assess the future development of the indicators below. Nevertheless, the current situation is not a good one, with no signs that the government will be accelerating the digitisation process, the transparency and accountability or the policy-making capacity. There is a political drive today to push for strong reforms, the government being supported by a strong majority in the parliament. It is unclear whether the ruling coalition will make far-reaching reforms.

Some improvements have been made in recent years, but the overall performance is still low. The civil service system and HRM together with the organisation and management of the government have improved, thanks to the support of good legislation. Some parts of the public sector exhibit a high degree of transparency and several parts of the government have a strongly- developed capacity for policy-making and coordination, although this seems to be the exception rather than the rule. Service delivery and digitisation are still at a fairly low level, especially within local administration.

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